Planning Assessment Officer Report

PA2604344 – 290 Park Street, Fitzroy North



Planning Assessment Officer Report
Development Assessment

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VICTORIA State Government | Department of Transport and Planning

Executive Summary

Key Information	Details		
Application No:	PA2604344		
Received:	17 April 2026		
Applicant:	Antipodean Land Developments Pty Ltd C-/ DHP Urban Consultants		
Planning Scheme:	Yarra		
Land Address:	290 Park Street, Fitzroy North		
Proposal:	Construction of a mixed use 7 storey building containing 20 apartments, 57sqm ground floor retail tenancy (shop/café) over single basement and 18 car spaces.		
Development Value:	$ 11,300,000.00		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to use or development to which clause 53.25 (Great Design Fast Track) applies.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 32.01	Commercial 1 Zone (**C1Z**)	Clause 34.01-1: Use of the land for dwellings Clause 34.01-4: Construct a building or carry out works
Overlays:	Clause 43.01	Heritage Overlay – Schedule 327 (HO327 – North Fitzroy Precinct)	Clause 43.01-1: Demolish or remove a building; and construct a building or carry out works
	Clause 45.06	Development Contributions Plan Overlay – Schedule 1 (DCPO1)	Applies to this development
Particular Provisions:	Clause 52.06	Car Parking	Not applicable - Land is located within Category 3 of the car parking requirements map.
	Clause 52.34	Bicycle Parking	Clause 52.34-6: Design of bicycle spaces
General Requirements and Performance Standards:	Clause 53.06	Live Music Entertainment Venues	Applies to this development
	Clause 53.18	Stormwater Management in Urban Development	Applies to this development
	Clause 53.25	Great Design Fast Track	Applies to this development
	Clause 58	Apartment Developments	Applies to this development
Cultural Heritage:	The subject site is not located within an area of cultural heritage sensitivity.		
Total Site Area:	Approximately 598 m²		
External Advice	Yarra City Council – **s52 notice** – Does not support.		
Public Notice:	Notice of the application was undertaken and a total of 26 submissions were received, 1 related to VicTrack comments, 2 in support and 23 objections.		
Delegates List:	Approval to determine under delegation received on **5 December 2025**		

Recommendation:	Grant planning permit PA2604344, subject to conditions.

Proposal

Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
OVGA Review	11 February 2026
Clause 53.25 Eligibility Confirmation	12 March 2026
Application lodgement	2 September 2025
Further information requested	15 May 2026
Further information received	3 June 2025
Decision Plans	• Architectural Plans, prepared by Architecture architecture A0.02, A0.03, A1.01 Rev A - 01/06/26, A1.02 Rev A - 01/06/26, A1.03 - 31/03/26, A1.04 - 31/03/26, A1.05 - 31/03/26, A1.06 - 31/03/26, A1.07 Rev A - 01/06/26, A1.08 Rev A - 01/06/26, A1.09 - 31/03/26, A2.01 Rev A - 01/06/26, A3.01 - 31/03/26, A4.01 - 31/03/26, A4.02 - 31/03/26, A4.03 - 31/03/26, A4.04 - 31/03/26, A4.05 - 31/03/26, A4.06 - 31/03/26, A4.07 - 31/03/26, A4.08 - 31/03/26, A4.09 - 31/03/26, A8.01 - 31/03/26, A8.02 - 31/03/26, A8.03 - 31/03/26, A8.04 - 31/03/26, A8.05 - 31/03/26, A8.06 - 31/03/26, A8.07 - 31/03/26, A8.08 - 31/03/26, A8.09 - 31/03/26, A8.10 - 31/03/26, A8.11 - 31/03/26, A8.12 - 31/03/26, A8.13 - 31/03/26, A8.14 - 31/03/26, A8.15 Rev A – 01/06/26, A10.01 - 31/03/26, A10.02 - 31/03/26, A10.03 Rev A – 01/06/26, A10.04 Rev A – 01/06/26, A11.01 – 13/03/26, • Landscape Plans, prepared by Openwork, Revision 3 dated 10 April 2026
Assessment Documents	• Acoustic Report, prepared by Enfield Acoustics, Revision 0, dated 8 April 2026 • Green Travel Plan, prepared by One Mile Grid, 220156GTP002B-F.docx, dated 16 April 2026 • GDFT Design Principles Report, prepared by Architecture architecture • Heritage Impact Assessment, prepared by Bryce Raworth, dated 14 April 2026 • Sustainability Management Plan, prepared by GIW Environmental Solutions, Revision E, dated 13 April 2026 • Traffic Impact Assessment, prepared by One Mile Grid, 220156TIA003D-F.docx, dated 2 June 2026 • Waste Management Plan, 220156WMP003B-F.docx, prepared by One Mile Grid, dated 14 April 2026 • Wind Assessment Report, prepared by MEL consultants, 25130A-DE-EWA03, dated 1 June 2026

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The proposal is for a 7-storey residential building reaching an overall height of approximately 21.5m AHD (measured to the top of the roof parapet).

4. Specifically, the application includes:

   - 20 dwellings consisting of 10 x two-bedroom apartments and 17 x three-bedroom apartments.
   - Shop/café at ground floor level with a leasable floor area of 57sqm.
   - A total of 18 on-site car parking spaces (16 spaces provided in car stackers) are provide at ground floor level.
   - A basement containing 30 resident and 2 shop/café bicycle parking spaces which is accessed via the lift along Park Street. The provision of storage space is also provided at basement level.
   - An overall provision of a communal open space (approximately 218m^2) with associated landscaping. There is an elevated central landscaped communal outdoor open space on first floor; communal rooftop with communal laundry, B.B.Q and productive garden on level 4.

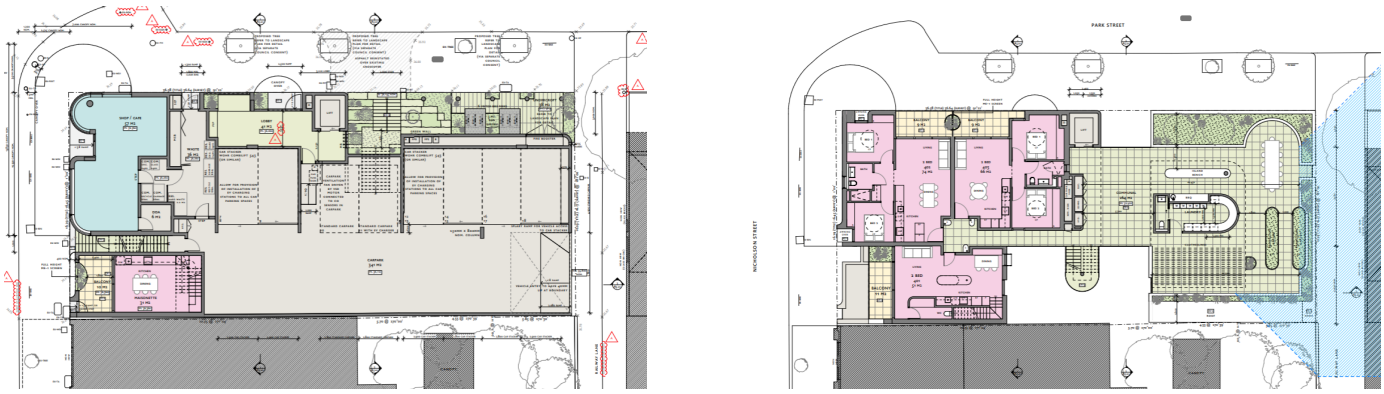

Figure 1 - Extract of the ground floor plan (left) and Level 04 plan (right).



Figure 2 – Render of proposed building when viewed from Nicholson Street.

Subject Site and Surrounds

Site Description

5. The subject site is located on the south-east corner of Park and Nicholson Streets and comprises an overall site area of approximately 598m^2.
6. The site currently contains an existing two-storey red brick building with bullnose verandah, formerly containing shops and office space, is regular in shape, has a frontage to Park Street (north) and Nicholson Street (west) and access to a rear laneway.
7. The land is not affected by any easements or covenants.



Figure 3 - Aerial of the subject site (source: Google Maps)

8. The subject site is located within the North Fitzroy Heritage Precinct under HO327.
9. The subject site at 290 Park Street is identified as a contributory graded place in the *City of Yarra Database of Heritage Significant Areas,* while 806-810 Nicholson Street is graded not contributory.
10. The statement of significance identifies that this precinct is significant for:

> *…its late 19th century buildings that represent rapid growth and change in the character of the relatively remote suburb to an established residential and business area with a range of commercial and institutional buildings serving the wider population of North Fitzroy…Its low rise streetscapes of intact Victorian and Edwardian buildings one and two-storey terrace and villa housing. Contributory elements also include Victorian and Edwardian-era shops, and residences over, with:*
>
> - *Façade parapets and pitched roofs behind,*
> - *Two storey wall heights*
> - *Post-supported street verandahs as shown on the MMBW Detail Plans,*
> - *No front or side setbacks; also*
> - *Timber framed display windows and entry recesses.*

Site Surrounds

11. The subject site is located within and towards the edge of the Nicholson Street Neighbourhood Activity Centre.

12. The immediate abuttals generally include:

    a. To the **north** is Park Street, which is a local council road – directly opposite Park Street is a small public car park and linear reserve and Capital City Trail.

    b. To the **east** is Railway Lane, and a single storey dwelling at 288 Park Street (zoned within Neighbourhood Residential Zone – Schedule 1 (**NRZ1**). Beyond this, the area generally comprises of one or two storey cottages and villas of single of double frontage width, facing Park Street with laneway access to the rear.

    c. To the **west** is Nicholson Street, designated as part of the principal road network, zoned Transport Zone 2. Directly opposite Nicholson Street is a row of shops within the North Fitzroy Village, generally of one or two storeys with parapet walls built to the street alignment and most with verandahs over the footpath.

    d. To the **south** is a 299 Rae Street, which is a single storey building containing an office and a dwelling, zoned within the MUZ and included within HO327. abutting the subject site is the Railway Hotel, identified as a 'contributory' heritage place within the Heritage Overlay with two storey decorative parapet and cantilevered flat roofed verandah to Nicholson Street. To the rear is a beer garden, sheds and informal car parking. Further south are two storey shops fronting Nicholson Street identified as contributory heritage places in HO327. Beyond those is a former car wash site at the corner of Liverpool Street and backing onto Railway Lane, which is currently being developed/under construction for a 6-storey mixed use/apartment development. All of these properties are within the Commercial 1 Zone.

13. The subject site also benefits good access to public transport infrastructure including:

    a. Various tram routes along including route 96 on Nicholson Street (nearest tram stop, approximately 50m north-west).

    b. Rushall Railway Station (approximately 1.2km east).

    c. Bus route 504 which provides a connection to the broader parts of the Yarra municipality, along Brunswick Road (approximately 130m north of the site).

14. In addition to the above, the site is also proximate to range of other community services including:

    a. A range of supermarkets within a 1km catchment including Foodworks, Princes Hill IGA, Piedimonte's Supermarket and Grocer, and Coles Brunswick East.

    b. A range of primary and secondary schools within a 1.5km catchment of the subject site including Brunswick South Primary School, Fitzroy North Primary and Secondary School, Carlton North Primary School, Princes Hill Secondary College and various private and early learning centres.

    c. Tertiary hospitals including the Royal Melbourne Hospital, Peter MacCallum, and Royal Childrens Hospital generally within a 3km catchment.

15. In summary, the subject site is well serviced by a range of amenities and services to service the everyday needs of residents, expected of any established urban area and reflection of the site's inclusion within the Commercial 1 Zone and Nicholson Street neighbourhood activity centre.

Planning Provisions

Planning Policy Framework

16. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:

- Clause 2 – Municipal Planning Strategy
  - Clause 2.01 Context
  - Clause 2.02 Vision
  - Clause 2.03 Strategic Directions
  - Clause 2.04 Strategic Framework Plan
- Clause 11 – Settlement
  - Clause 11.03 – Planning for Places
  - Clause 11.04-1S – Live Music
- Clause 12 – Environmental and Landscape Values
  - Clause 12.01 – Biodiversity
- Clause 13 – Environmental Risks and Amenity
  - Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15 – Built environment and Heritage
  - Clause 15.01 – Built Environment
  - Clause 15.01-1L - Urban Design
  - Clause 15.01-2S - Building Design
  - Clause 15.03 – Heritage
- Clause 16 – Housing
  - Clause 16.01 – Residential Development
  - Clause 16.01-1L - Location of residential development
  - Clause 16.01-1S - Housing Supply
- Clause 18 – Transport
  - Clause 18.01 – Land Use and Transport

Zoning and Overlays

Zoning

Commercial 1 Zone

17. The subject site is located within the Commercial 1 Zone (C1Z). The purpose of the C1Z is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed used commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

18. Under clause 34.01-1, no planning permit is required for the use of the commercial tenancy on ground floor for shop/café (food and drink premises). A food and drink premises is nested under the broader definition of retail premises and a shop are both as of right "Section 1 – Permit not required" uses under Clause 34.01-1 of the C1Z.

19. Under clause 34.01-1, a planning permit is required for the use of land for dwellings (nested under the broader "accommodation" land use). This is a "Section 1 – no permit required" on the condition that any frontage at ground floor level does not exceed 2 metres. Use of the land for dwellings requires a planning permit since the entry to the apartments and the maisonette at ground floor frontage exceeds 2 metres.

20. Under clause 34.01-4, a planning permit is required to construct a building or carry out works in the C1Z.

Overlays

21. The subject site is affected by a range of overlays including a Heritage Overlay – Schedule 327 (HO327), and Development Contributions Plan Overlay – Schedule 1 (DCPO1).

Heritage Overlay – Schedule 327 (North Fitzroy Precinct)

22. As noted above, the subject site is located within HO327, which applies to the North Fitzroy Precinct.

23. The purposes of the heritage overlay include:

    - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    - *To conserve and enhance heritage places of natural or cultural significance.*
    - *To conserve and enhance those elements which contribute to the significance of heritage places.*
    - *To ensure that development does not adversely affect the significance of heritage places.*
    - *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

24. Under clause 43.01-1, a planning permit required to construct a building or carry out works.

25. The heritage overlay includes the *2007 City of Yarra Review of Heritage Overlay Areas* as a reference document.

26. The review identifies that this is a precinct that:

    Is recognised for its development that is of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well-preserved inter-war buildings and individually significant places of all eras…Contributory elements also include attached Victorian and Edwardian-era shops, and residences over, with:

    - *Façade parapets and pitched roofs behind,*
    - *Two storey wall heights*
    - *Post-supported street verandahs as shown on the MMBW Detail Plans,*
    - *No front or side setbacks; also*
    - *Timber framed display windows and entry recesses.*

27. The subject site at 290 Park Street is identified as a contributory graded place in the City of Yarra Database of Heritage Significant Areas, while 806-810 Nicholson Street is graded not contributory.

Development Contributions Plan Overlay – Schedule 1 (DCPO1)

28. As a Development Contributions Plan has been prepared by Yarra City Council, a planning permit can be granted. There are not formal planning permit triggers under the DCPO1.

29. The subject site is located within the Area 2 under the *Yarra Development Contributions Plan.*

30. The overlay includes monetary contributions for development infrastructure.

Particular Provisions

Clause 52.06 (Car Parking)

31. Clause 52.06-2 specifies that before a new use commences, the number of car parking spaces required by Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.

32. The proposal involves the introduction of the use of land for dwellings.

33. Under the car parking requirement maps, the subject site is located within 'Category 3.'

34. The table at clause 52.06-5 specifies that for the use of land for Dwelling, and Food and Drink premises, the following rates are:

    a. Minimum requirement of 0 spaces per dwelling.

    b. Maximum requirements of 2 spaces per dwelling.

35. The application involves 20 dwellings. However, the minimum statutory requirement for this proposal is zero spaces.

36. The development provides zero car parking spaces for the shop/café, and a total 18 resident car spaces, which exceeds the minimum requirement. It is noted that were the maximum requirements of 2 spaces per dwelling, triggering a maximum car parking requirement of 40 spaces, the development would still comply.

37. Accordingly, a planning permit is not triggered under clause 52.06-3.

Clause 52.34 (Bicycle Facilities)

38. Clause 52.34-1 specifies that a new use must not commence until the required bicycle facilities have been provided on the land.

39. For the dwellings, the proposal generates a statutory provision of 6 spaces (4 spaces for residents and 2 for visitors). The proposal involves the provision of 38 bicycle spaces (30 spaces for residents and 2 allocated for the café use at basement level, and 6 visitor spaces at ground floor level).

40. Accordingly, no planning permit is triggered under this clause for the rate.

41. The Design of Bicycle spaces for bicycle compounds must provide an internal access path of at lease 1.5m in width.

42. The internal access path width of the bicycle compound is proposed to be reduced to 900mm for the lift door only. The remainder of the access path, including all doors are provided are at least 1.5 in accordance with the standard.

43. Accordingly, a planning permit is trigged to vary the design of bicycle spaces requirement.

General Requirements and Performance Standards

Clause 53.03 – Residential Reticulated Gas Connection

44. The purpose of Clause 53.06 is to prohibit residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.

Clause 53.06 – Live Music Entertainment Venues

45. The purpose of Clause 53.06 is to:
    - *To recognise that live music is an important part of the State's culture and economy.*

- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable live music noise from live music venues.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

46. This clause applies to noise-sensitive development within 50-metres of an existing live music entertainment venue. The clause requires residential development to incorporate appropriate acoustic attenuation measures to reduce noise from indoor live music venues below the applicable noise limits under Environment Protection Regulations and EPA Publication 1826.5 (September 2025).

47. The application requirements and decision guidelines of Clause 53.06 have been considered, particularly in relation to the adjoining Railway Hotel. The submitted acoustic assessment, peer review acoustic assessment, potential noise impacts and proposed mitigation measures are discussed in Noise Impacts sections of this report. Appropriate permit conditions.

48. Amendment VC305 was gazetted on 26 October 2026 during the assessment of this application. The amendment updated Clause 53.06, including the requirements to be met such as noise limits relating to indoor live music venues. The application has been assessed against the amended provisions, with regard to both the submitted acoustic assessment and independent peer review acoustic assessment. The reports demonstrate that, subject to permit conditions, the development can achieve an acceptable acoustic outcome consistent with the requirements of Clause 53.06.

Clause 53.18 (Stormwater Management in Urban Development)

49. Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 53.25 (Great Design Fast Track)

50. The purposes of the GDFT is to:

- *To facilitate innovative dwelling, apartment and mixed-use residential development.*
- *To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth.*
- *To facilitate the development of dwellings with convenient access to public transport, and community, retail and other services.*
- *To facilitate development that is of a high quality in its design, liveability and sustainability.*

51. The provisions of clause 53.25 apply to this development given that all of the application requirements under clause 53.25-1 have been met as summarised within the table below.

Application requirement	DTP assessment
The applicant submits written confirmation that the application is an application to which this clause applies.	The applicant has provided a comprehensive planning report which confirms that the application is an application to which this clause applies. **Complies – requirement met.**
The application includes the construction of at least eight dwellings.	The application involves 20 dwellings. **Complies – requirement met.**
Any proposed building contains at least two storeys and not more	The application is for a 7-storey building.

than eight storeys.	**Complies – requirement met.**
The proposed development achieves a minimum NatHERS rating of: • *8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments.*	The submitted SMP confirms that the apartments will achieve an average of 8.0 stars, and no individual apartments will achieve less than 6.5 stars. **Complies – requirement met.**
Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.	The submitted SMP confirms that 100% of the apartments are effectively naturally ventilated. **Complies – requirement met.**
The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to: • *The purpose of clause 53.25.* • *Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of clause 53.25 ('the design principles').* • *The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities.*	By way of DTP eligibility letter issued on 19 August 2025, the letter confirms that: • The proposed development is consistent with the purpose of Clause 53.25 – Great Design Fast Track. • The proposed development has convenient access to jobs, services, infrastructure and community facilities. • The quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning, as advised by the Office of the Victorian Government Architect (OVGA) on 11 February 2026. • Invest Victoria, under delegation, has provided written advice indicating that the project is financially feasible on 9 February 2026. • The OVGA has provided a detailed memo assessing the application against the GDFT principles (addressed to the Minister) during the pre-application phases. This is memo is satisfactory. **Complies – requirements met.**
Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.	
Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria (Department of Jobs, Skills, Industry and Regions) to the satisfaction of the Minister for Planning.	

52. On this basis, the provisions of clause 53.25 are applicable to this application.

Clause 58 (Apartment Developments)

53. Clause 58 applies to an application for an apartment development if it is 5 or more storeys (excluding a basement) and is in the Commercial 1 Zone.

54. A detailed assessment against clause 58 has been undertaken in Appendix 1.

Referrals and Notice

Referrals

55. There are no statutory referrals for this application.

Notice

56. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) the Planning and Environment Act 1987 pursuant to the following provisions:

    - Clause 34.01-7 of the Commercial 1 Zone
    - Clause 43.01-4 of the Heritage Overlay

57. The applicant was directed to give notice under Section 52(1)(a) and (d) of the Act by way of erecting three signs on the site and notifying adjoining and nearby owners and occupiers.

58. At the time of writing, a total of 26 submissions have been received. Of those, 1 is from Victrack, 2 are in support and 23 are in objection.

59. The objections raised concerns regarding building height and scale, neighbourhood character, heritage impacts, overshadowing, overlooking, traffic and parking, pedestrian safety, acoustic impacts and the Great Design Fast Track assessment process.

60. These matters have been considered within the body of this report and at **Appendix C** of this report.

61. It is noted the response received from VicTrack confirmed no objection to the grant of a permit.

Municipal Council comments

62. Yarra City Council (the council) was notified of the application under section 52(1)(b) of the *Planning and Environment Act 1987*.

63. The council considered the application at their Planning Decisions Committee on 25 August 2026, and the council determined to not support the proposal based on the height and massing, upper-level setbacks do not provide a recessive built form, articulation does not respond to the traditional subdivision pattern and heritage streetscape, and does not have an adequate public realm response.

64. A response to council's formal recommendations has been included within the body of this report and in detail at **Appendix B.**

Strategic Direction

65. The planning policy framework seeks to encourage new housing development that is site responsive to the physical and heritage context, complementary to the strategic location, enhances the public realm and achieves a high degree of sustainability (refer to clauses 2.04, 11.03, 15.01, 15.03, 16.01 and 18.01).

66. The subject site is located within the Nicholson Street neighbourhood activity centre (refer to clause 2.04) and nominated within an incremental change area within the strategic housing framework plan (refer to clause 16.01-1L). Where within incremental change areas, planning policy seeks to ensure that housing growth in incremental changes within activity centres maintain the role and function of the centres as locations for economic activity.

67. This also needs to be considered along the purposes of the Commercial 1 Zone, which supports residential development at densities that complement the role and scale of the commercial centre.

68. Based on the underlying planning policies, the relevant purposes of the underlying zone and strategic location of the site, it is considered that the redevelopment of the site for a higher density (compared to that which currently exists) is acceptable.

69. In this context, the development is considered to align with the strategic direction is out within the planning policy framework in this part of Fitzroy North for the following reasons:

    a. The proposal is located within the boundaries of the Nicholson Street neighbourhood activity centre, which is area where growth is sought to be directed (refer to clause 2.04 and 16.01-1L). Under Clause 16.01-1L, the site is identified in an 'incremental change area' as shown below:



In line with the policy, the proposal will deliver a mixed-use medium-density residential development that supports additional housing and local commercial activity within the activity centre, while responding respectfully to the preferred neighbourhood character and surrounding built form, for the reasons outlined in the later sections of this assessment.

b. The development incorporates one-, two-, three-and four-bedroom dwellings, which are well designed, achieves a high degree of internal amenity, and will diversify housing stock within the local area consistent with planning policies at clauses 16.01-1S and 16.01-1L-01.

c. While the development will be taller compared to any other dwelling within the immediate local area, it has been optimised having regard to the site's strategic context and the size of the land. In particular, its takes advantage of the frontage towards the linear park/Capital City Trail, and the overall built form and massing has been appropriately designed to be site-responsive and avoid unreasonable off-site amenity impacts and enhance the public realm responding appropriately to clauses 15.01-1S and 15.01-2L). This is discussed below.

d. The overall massing of the development provides an appropriate response to the prevailing heritage streetscape in that it introduces a new massing that is contextually responsive that comprises of a split and layered building forms. This is consistent with the objectives at clause 15.01-1L that seeks to ensure that new development responds to the scale and massing of the existing heritage streetscape, while supporting urban development within strategic locations as sought by clause 18.01-1S.

e. The proposal incorporates a high degree of sustainability initiatives throughout the development adopting a range of appropriate strategies relating to energy performance, indoor environment quality, integrated water management and urban ecology, consistent with that which is sought under clause 15.01-2L-1. This is discussed further below.

70. Overall, the proposed development responds appropriately to the strategic direction that has been established for this part of Fitzroy North.

Land use

26. The residential dwellings require planning permission because the entry to the dwellings at ground level is more than 2 metres wide, which is the threshold trigger for whether accommodation requires permission under Clause 34.01-1 (C1Z).

27. There is strong strategic basis for the proposed to residential use at this site, including dwellings at increased densities, as described under the strategic direction assessment contained above in this report. The proposed use is acceptable having regard to the purpose of the C1Z which seeks to provide for residential uses at densities complementary to the role and scale of the commercial centre. In this regard, the positioning of the residential dwellings generally above commercial tenancies, will positively contribute to the vibrancy of commercial area. The residential entries are strategically positioned for ease of access and will not dominate or detract from the degree of activation proposed to be provided along the ground level tenancy frontages. Additionally, the recommended permit conditions will further improve the streetscape through the recommended changes to the ground floor maisonette dwelling.

28. With regard to the decision guidelines of the C1Z relevant to land uses, the proposed residential use is considered appropriate within the established commercial context of Nicholson Street. The proposal supports residential development at a density complementary to the role of this commercial area. While the site adjoins the Railway Hotel, potential noise impacts on future residents have been considered through the submitted acoustic assessment (see below section on Noise Impacts). Appropriate acoustic treatments and mitigation measures will be required through permit conditions to minimise potential amenity impacts and ensure the ongoing operation of the adjoining Railway Hotel is not unreasonably impacts.

29. The proposal includes a ground floor commercial retail tenancy (cafe) fronting Nicholson Street, which will contribute to the existing commercial activity and provide an active retail frontage. The proposed commercial and residential uses are considered compatible with the surrounding area and consistent with the purpose of the C1Z.

Buildings and Works

71. Clauses 15.01-2S (Building Design) encourages new building design outcomes that positively contributes to its strategic and cultural context, and to ensure that a comprehensive site analysis forms the starting point of consideration of height and scale.

72. Additionally, clauses 15.01-1L (Urban Design) and 15.03-1L (Heritage) collectively seeks to promote development that is high quality, respectful in its design response, sympathetic to, and provides a transition to any individual significant or contributory heritage grading.

Site Layout

73. The proposed development adopts a site layout and built form that responds to its prominent corner location at Nicholson Street and Park Street, with a strong orientation towards the adjoining linear park/Capital City Trail. The arrangement of the building seeks to establish a distinct sense of address and identity at the northern entrance along Park Street, while taking advantage of the site's outlook towards the adjoining linear public open space.

74. At ground level, the development provides a Food and Drink premise tenancy addressing Nicholson Street, as well as a separate residential entrance. The building generally maintains a built form to the street boundaries, reflecting the established pattern of commercial development along Nicholson Street, where buildings typically have minimal or no front and side setbacks. Towards Railway Lane, a landscaped ground-floor setback provides a transition to the adjoining lower-scale residential neighbourhood, where landscaped front gardens are a characteristic feature.

75. The building incorporates a central landscaped communal courtyard at first-floor level, which provides separation between the building forms and opportunities for daylight, outlook and communal amenity. Additional communal open space and landscaping are provided at rooftop level. The orientation of apartments, including windows and balconies overlooking Park Street and the linear park, takes advantage of the site's northern aspect while contributing to passive surveillance of the surrounding public realm.

76. The proposal also provides car parking at basement level which will be accessed via the Railway Lane which will be appropriately hidden from the public realm, maximising opportunities for passive surveillance along the streetscapes.

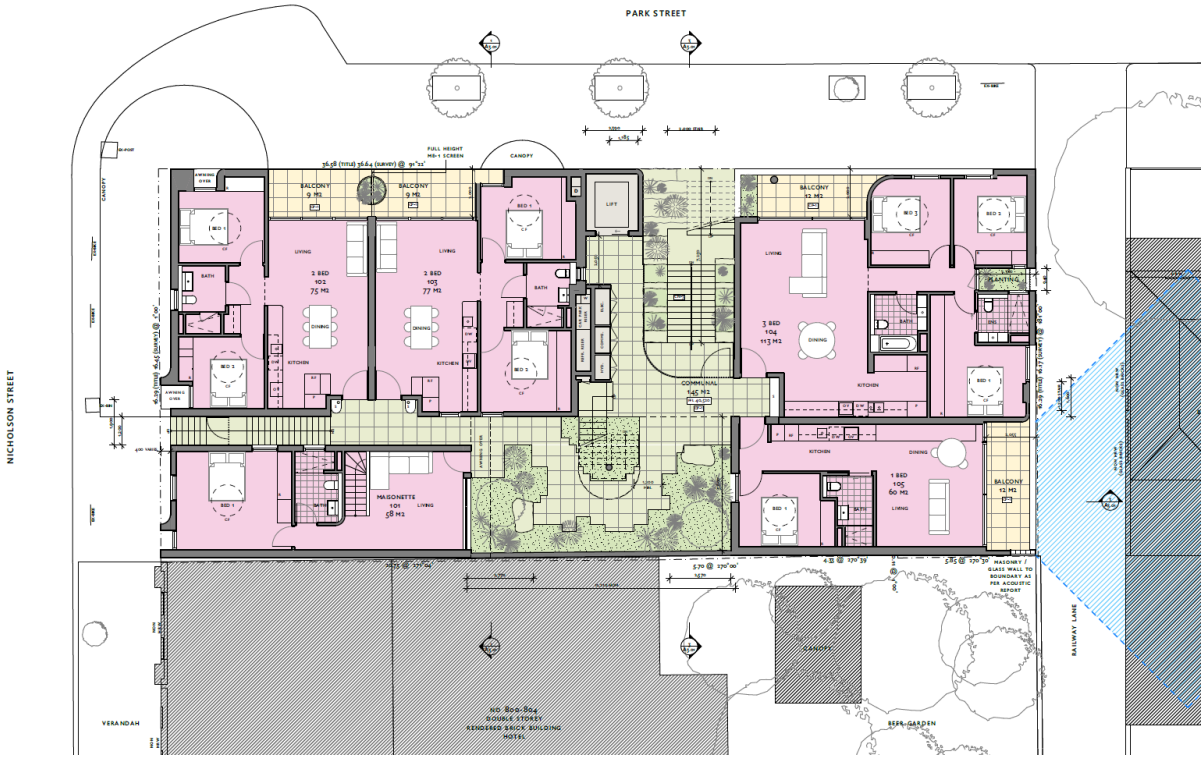

Figure 4 - Extract of Level 01 showing apartments being oriented towards the street or inwards towards communal open space

Building Height, Setbacks & Massing

77. The planning controls and policy applicable to the site/proposal do not prescribe any mandatory or preferred maximum building height requirements in quantitative terms.

78. Clause 15.01-2S (Building Design) encourages new building design outcomes that positively contributes to its strategic and cultural context, and to ensure that a comprehensive site analysis forms the starting point of consideration of height and scale. This is also considered alongside the purposes of the Commercial 1 Zone, which supports residential development at densities complementary to the role and scale of the Nicholson Street commercial row of shops.

79. The proposed development reaches a maximum height of seven storeys (approximately 26.5m), representing an increase in height compared with the prevailing low-rise heritage streetscape.

80. Despite a greater building height compared with surrounding built form, the proposal is considered to provide an acceptable built form response for the following reasons:

    a. The site is located within the Nicholson Street Activity Centre, where opportunities for residential growth are supported. The proposed height is also considered in the context of emerging higher-density development along Nicholson Street, including the approved six-storey development at 786–794 Nicholson Street, which reaches approximately 20 metres.

    b. The seven-storey element is concentrated at the Nicholson Street and Park Street intersection, establishing a prominent built form feature at the northern entrance to the activity centre. The adjoining linear park provides an open setting to the north, allowing the taller form to be accommodated without creating the same sense of enclosure associated with a more confined streetscape.

    c. The seven-storey element is setback approximately 5–6 metres from the southern boundary and 16.4 metres from the eastern boundary. These setbacks provide variation in the upper-level building form, assisting in reducing the perceived visual bulk and providing an appropriate transition to the surrounding built form.

    d. The development incorporates a varied height profile, comprising two-storey and recessed five-storey elements along Nicholson Street and a four-storey element towards the adjoining Park Street residences. This arrangement contains the perceived scale of the development and provides a transition between the established low-rise streetscape and the taller corner form, rather than presenting a continuous seven-storey mass.

    e. The distribution of building height enables the provision of generous landscaped communal open spaces, including a central courtyard and rooftop garden, while allowing the majority of apartments to benefit from a northern orientation and outlook towards the linear park. These design outcomes contribute to the overall residential amenity and quality of the development, supporting the proposed built form within its activity centre setting.

81. The eastern building incorporates a landscaped ground-floor setback and architectural elements referencing the adjoining residential streetscape, including brickwork, vertical window proportions and expressed structural elements. These features provide a more human scale and character at the eastern end of the development, notwithstanding its greater overall height than the adjoining dwellings.

82. In terms of overall massing, the development comprises a series of articulated building forms ranging from four to seven storeys, with the greatest height concentrated towards the prominent Nicholson Street corner. The building steps down in scale towards Railway Lane, providing a transition between the commercial activity centre and the adjoining low-rise residential neighbourhood. The central separation along Park Street, together with the variation in

building heights and forms, assists in breaking down the overall building mass and responding to the finer-grain pattern of development characteristic of Fitzroy North.

83. While the proposed height represents an increase over the prevailing two-storey heritage streetscape, the arrangement of the building seeks to accommodate a greater scale of development within the activity centre while recognising the different built form characteristics of its surrounding historical context. The overall composition provides a basis for considering the appropriateness of the building's height, setbacks, avoidance of a car dominated frontage and passivate surveillance towards the street and linear park.

84. On balance, while the proposed development exceeds the prevailing height of surrounding heritage buildings, the prominent corner location, open linear park interface, varied building form and associated residential amenity benefits provide a reasonable basis for supporting the overall height. The detailed relationship with adjoining heritage buildings and residential properties, including setbacks and amenity impacts, is considered further below.

Street Wall Height and Design Details

85. The planning control and policy applicable to the site/proposal do not prescribe any mandatory or preferred street wall height requirements in quantitative terms

86. The proposed development adopts a varied built form response to Nicholson Street and Park Street, recognising the differing commercial and residential character of the surrounding streetscapes. Although it does not establish a continuous street wall, the lower building elements respond to the scale, proportions and architectural character of adjoining development, while taller built form is concentrated at the prominent Nicholson Street and Park Street corner.

87. Along Nicholson Street, a two-storey building element adjoins the Railway Hotel, reflecting the prevailing commercial streetscape of masonry façades, parapets and verandas. This element incorporates the maisonette dwelling and references the adjoining hotel and traditional shopfronts through its proportions and architectural detailing. A recessed five-storey element transitions between the lower form and the seven-storey corner building, moderating the change in scale along Nicholson Street. The proposed canopy and ground-floor shop frontage further reinforce the established retail-strip character.

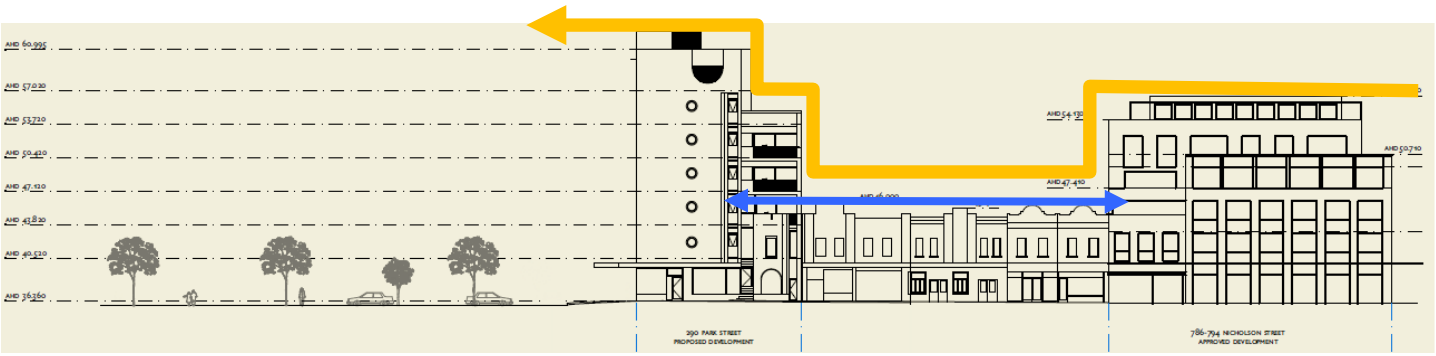

Figure 5 - Extract of the west elevation (Nicholson Street) annotated showing a transition in height, and the two-storey building element continuation adjoining the Railway Hotel.

88. The height transition is also informed by the approved development at 786–794 Nicholson Street, which has an overall height of approximately 20 metres. The proposed development maintains a lower built form further along Nicholson Street, with the two-storey commercial frontage reaching approximately 8.6 metres, stepping up to the five-storey element at approximately 18.7 metres and then to the seven-storey corner element at approximately 26.5 metres. This sequence provides a legible transition from the lower-scale Victorian commercial frontage, through the approved development at 786–794 Nicholson Street and 5-storey transition element, to the taller corner element. The varied heights moderate the visual change in scale and respond appropriately to the established and approved built form context along Nicholson Street.

89. The seven-storey corner element is also considered appropriate in the context of the linear park extending along Park Street. The openness and width of the park provide substantial spatial relief around the concentrated taller form, allowing it to be read as a prominent corner and gateway element without creating a sense of enclosure. The linear sequence of built form, stepping from the taller buildings to the lower two-storey form, then rising through the five-storey element to the seven-storey corner, is reinforced by the width of the park and its open-space setting. In this context, the height of the corner element provides an appropriate marker to the intersection and entry to the area, while the adjoining park maintains a spacious and visually open setting.

90. Along Park Street, the built form responds to the transition from the Nicolson Street commercial area to the lower-scale residential neighbourhood east of Railway Lane. The four-storey eastern building provides an intermediate scale between the adjoining single-storey dwellings and the taller seven-storey corner element. A separation of approximately 3.8 metres between the building forms, incorporating the residential entrance and circulation space, breaks up the building's presentation to Park Street and reflects the finer-grain subdivision pattern of the surrounding neighbourhood.

91. Overall, the varied building heights, separation between building elements and architectural articulation respond to the contrasting commercial and residential streetscapes. Although the proposed development is at a building height that is higher than the prevailing heritage buildings, the lower forms establish a relationship with adjoining development and moderate the visual transition to the taller corner element.



Figure 6 - Extract of the north elevation (Park Street) showing a transition between the street wall and future 2-storey dwelling at 22 Alfred Street

Heritage

92. Clause 15.03-1S and clause 15.03-1L collectively seeks to promote high-quality development that is respectful in its design response to the significance of the area, as well as ensuring that new development is not visually dominating within heritage streetscapes.

93. The application is supported by a Heritage Impact Statement prepared by Bryce Raworth, dated 14 April 2026, which has been considered as part of the assessment. The site is located within the North Fitzroy Heritage Precinct (HO327).

94. The proposed demolition and redevelopment are acceptable from a heritage perspective for the following reasons:

    a. The demolition of the existing buildings is supported, notwithstanding the contributory grading of 290 Park Street, given the substantial alterations to its original interwar form and its limited contribution to the heritage precinct. The demolition was also previously supported by Council under planning permit PLN22/0915. The adjoining building at 806–810 Nicholson Street is graded non-contributory.

    b. While the proposed development is substantially taller than the prevailing one- and two-storey heritage buildings, its location at the edge of the heritage precinct, prominent corner position and relationship with the adjoining linear park provide an opportunity for greater building height. The emerging built form context, including the approved six-storey development at 786–794 Nicholson Street, is also acknowledged.

    c. The development incorporates a range of design measures to respond to the surrounding heritage character. These include the two-storey brick frontage along Nicholson Street, a recessed upper-level form, a lower four-storey element towards Park Street, and materials and architectural detailing that reference the surrounding heritage buildings.

    d. The proposed canopy along Nicholson Street reflects the height and proportions of the adjoining Railway Hotel verandah, while the use of warm-toned brickwork and contemporary masonry finishes complements the established character of the surrounding commercial and residential streetscapes.

95. Overall, the proposal is considered to provide an acceptable response to the heritage significance and character of the North Fitzroy Heritage Precinct, consistent with the objectives of Clause 43.01 and the relevant heritage policies at Clause 15.03-1L of the Yarra Planning Scheme.

Landscaping

96. Clause 15.01-1S (Urban Design) seeks to ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

97. The application includes a landscape concept plan which provides a considered landscaping response, incorporating a central landscaped communal courtyard at first-floor level, rooftop communal open space and landscaping along the eastern corner interface with Railway Lane. These landscaped areas contribute to the amenity of future residents and assist in softening the overall built form.

98. The proposal has been assessed against Standard D10 (Landscaping) of Clause 58.03-5 and provides five Type A canopy trees, achieving approximately 62.85 square metres of canopy cover, exceeding the minimum requirement of 29.9 square metres. While a variation is required for the planter dimensions and soil volume of the two rooftop trees, this is considered acceptable given the overall landscaping outcome and supporting landscape architect's assessment.

99. The proposed landscaping is generally supported, subject to conditions requiring further details of the rain gardens, tree planting and soil depths, and landscape treatments along the eastern garden and Railway Lane interface.

100. Subject to these requirements, the proposed landscaping is considered to provide an acceptable response to the site and surrounding public realm.

Amenity and Microclimate

Internal Amenity

101. Clause 16.01-1S (Housing Supply) seeks to facilitate development that adopts best practice through a combination of methods and provides a high level of internal amenity.

102. A detailed assessment of the proposed development against Clause (Better Apartment Design Standards) has been undertaken and is contained at **Appendix A**. The proposed development is considered to provide a high standard of internal amenity for future residents, noting the following:

    a. The development provides 10 accessible apartments (50% of the total), satisfying Clause 58.05-1 (Standard D18 – Accessibility).

    b. All apartments are provided with private open space in the form of balconies. A minor variation to Standard D20 (Private Open Space) is proposed for Apartment 401, which has a balcony depth of 1.8 metres rather than 2 metres. This is considered acceptable given the apartment has two balconies with a combined area of 16 square metres.

    c. The proposed bedroom and living room dimensions generally satisfy Standard D26 (Functional Layout). Minor variations to the minimum bedroom dimensions are proposed for Apartments 104, 204, 303 and 601 due to curved walls. These variations are considered acceptable as the bedrooms retain functional layouts capable of accommodating furniture and circulation.

    d. All apartments are designed to achieve natural cross-ventilation, exceeding the minimum 40% requirement under Standard D29 (Natural Ventilation).

    e. The orientation of apartments maximises opportunities for northern solar access and outlook towards the adjoining linear park, with no south-facing apartments proposed. The submitted Sustainability Management Plan also identifies an average NatHERS rating of 8 stars.

    f. The development provides generous communal open space, including a central landscaped courtyard and a 195-square-metre rooftop communal area, providing additional recreational opportunities for residents.

    g. The submitted Clause 58 assessment demonstrates that the development generally complies with the relevant apartment design standards. The minor variations to Standards D20 and D26 are considered acceptable, having regard to the functional design and amenity of the affected apartments

103. Overall, the proposal is considered to provide a high level of internal amenity for future residents.

Overshadowing

104. Clause 15.01-2S, which seeks to ensure that new development minimises any impacts on neighbouring properties and the public realm. A decision guideline of the C1Z is to consider overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

105. The application includes shadow diagrams for 22 September, which have been considered in assessing the potential overshadowing impacts on adjoining properties and the surrounding public realm.

<u>Adjoining residential properties (East)</u>

106. Objections have been received raising concerns regarding the proposed building height and associated overshadowing impacts on adjoining residential properties.

107. The applicant's Clause 58 assessment identifies that the building heights and setbacks have been designed to minimise overshadowing of adjoining residential private open space. However, a review of the submitted shadow

diagrams, including a comparison with the previously approved four-storey development under planning permit PLN22/0915, identifies the following:

a. 288 Park Street: The dwelling includes secluded private open space to its east and an elevated terrace above the garage (288R). The elevated terrace associated with 288R is already subject to some existing overshadowing, with no appreciable additional overshadowing attributable to the proposal until 3 pm on 22 September. The proposal is therefore not considered to result in unreasonable overshadowing of this area.

b. 286 Park Street: The rear private open space is already partially overshadowed by existing fencing and adjoining buildings at 1 pm and substantially overshadowed by 2 pm. While limited additional overshadowing may occur at 3 pm, the area is already largely affected by existing shadows. Accordingly, the additional impact attributable to the proposal is considered minimal.

108. The overshadowing provisions at Clause 55.04-3 (Standard B4-3), while not directly applicable, provide a useful benchmark for assessing impacts on adjoining residential properties. Having regard to the existing overshadowing conditions, retained sunlight access and the site's location within the Nicholson Street Activity Centre, the additional overshadowing is considered acceptable on balance.

Railway Hotel (immediately south)

109. The proposal will also result in some additional overshadowing of the adjoining Railway Hotel beer garden. However, the previously approved development would already have resulted in substantial overshadowing of this area, with the proposed building wall height adjoining the beer garden being substantially similar to the previous approval.

110. Given the commercial nature of the adjoining use and the previously approved built form, the additional overshadowing is considered acceptable.

Nicholson Street (west)

111. The submitted shadow diagrams demonstrate that the proposal maintains direct sunlight to the opposite Nicholson Street footpath between 10 am and 2 pm on 22 September, consistent with the relevant policy guidance at Clause 11.03-1L. While limited overshadowing occurs at 9 am, this is not considered to result in an unreasonable impact on the pedestrian environment.

Linear Park (North)

112. The linear park to the north will not be affected by overshadowing, given its location relative to the development.

113. Overall, the proposed development is considered to result in acceptable overshadowing impacts on adjoining properties and the surrounding public realm, having regard to the retained sunlight access, previously approved development and surrounding activity centre context.

Overlooking

114. Clause 58.04-1 (Standard D14 – Building setback) seeks to ensure that the setbacks of buildings limit views into habitable room windows and private open space of new and existing dwellings. In particular, it encourages development be setback to avoid direct views into habitable room windows and private open space of new and existing dwellings.

115. An objection has been received from 286 Park Street raising concerns regarding overlooking and loss of privacy from the proposed development.

116. The submitted overlooking diagrams demonstrate that adjoining residential properties to the east, including 286 Park Street, are located beyond the 9-metre overlooking arc. Areas within the 9-metre arc predominantly comprise the roof of the adjoining dwelling at 288 Park Street, rather than sensitive habitable room windows or secluded private open space.

117. Furthermore, the existing windows facing Railway Lane at 288 Park Street comprise glass blocks associated with a bathroom, rather than habitable room windows, reducing the potential for overlooking impacts.

118. While the upper levels of the development provide opportunities for elevated views towards surrounding properties, the design incorporates measures to minimise direct overlooking. In particular, the fourth-floor communal open space includes approximately 1.2-metre-wide landscaping along its eastern edge, providing separation from the building perimeter, together with a 1.3-metre-high brick balustrade to further restrict overlooking towards adjoining residential properties.

119. Having regard to the separation distances, orientation of adjoining dwellings, submitted overlooking diagrams and proposed screening and landscaping treatments, the development is not considered to result in unreasonable overlooking or loss of privacy to adjoining residential properties.

Noise Impacts

120. Clause 13.07-1L-01 (Interfaces and Amenity), Clause 53.06 (Live Music Entertainment Venues) and Clause 58.04-3 (Standard D16 – Noise Impacts) seek to manage potential noise impacts and protect the amenity of future residents, while recognising and protecting existing surrounding uses such as live music venues.

121. The subject site is located within the Nicholson Street Activity Centre and adjoins the Railway Hotel, an established hospitality and live music venue. The site is also exposed to traffic and tram noise along Nicholson Street and noise associated with surrounding commercial activities.

122. An acoustic assessment has been submitted with the application, which considers noise from the adjoining Railway Hotel, surrounding commercial uses, traffic, and trams. The assessment identifies acoustic attenuation measures to achieve acceptable internal noise levels for future residents.

123. Objections have been received raising concerns regarding potential noise conflicts between the proposed residential development and existing hospitality and live music activities. This includes a separate acoustic consultant's peer review report submitted on behalf of the Railway Hotel, which has been considered as part of the assessment.

124. As part of its submission, the Railway Hotel engaged Marshall Day Acoustics (MDA) to undertake a peer review of the Acoustic Report prepared by Enfield Acoustics Pty Ltd, dated 8 April 2026. The peer review was submitted on 21 July 2026.

125. In response, Enfield Acoustics provided a further report dated 30 July 2026 addressing the matters raised in the MDA peer review. MDA subsequently provided a final response dated 2 September 2026, including updated recommendations.

126. The MDA peer review did not oppose the granting of a planning permit, subject to appropriate acoustic conditions being included in any permit issued.

127. The recommended conditions have been considered as part of this assessment and are generally supported, with some modifications considered appropriate. A response to the recommendations is provided in the table below:

Conditions sought	Response
Condition 1(a) Music noise from all areas operating simultaneously *assess music noise from all relevant live music performance and amplified music areas of the Hotel, including the beer garden, downstairs internal areas and the first-floor performance venue, including a scenario in which relevant live music performance areas operate simultaneously, and demonstrate that the building envelope (for the development permitted under this planning permit) is designed to achieve compliance with the applicable music noise limits under the*	Condition accepted in part. A noise assessment is supported. However, a cumulative noise assessment is not warranted, as it is not expected to influence the acoustic outcome of the development or alter the recommended mitigation measures.

Environment Protection Regulations 2021 and EPA Publication 1826, adopting the base noise limits where appropriate;	
Condition 1(b) Patron noise from the Nicholson Street footpath trading area *assess patron noise from the Hotel's Nicholson Street footpath trading area, in addition to patron noise from the beer garden;*	Condition accepted.
Condition 1(c) Compliance with the Leq and Lmax criteria *demonstrate predicted compliance with the relevant patron noise criteria in the City of Yarra Guidelines – Managing noise impacts in urban development (March 2022), including both Leq and Lmax criteria, at all affected habitable rooms, bedrooms and balconies;*	Condition accepted.
Condition 1(d) General Environmental Duty and unreasonable noise provisions Removed from final submission response.	N/A
Condition 1(e) Identification of glazing, façade treatments and other attenuation measures *identify all glazing systems, façade treatments, screening, acoustic seals, ventilation requirements and other acoustic attenuation measures required to achieve the above outcomes;*	Condition accepted in part. Removal of ventilation requirements
Condition 1(f) Treatments shown on the endorsed plans	Condition accepted. This can be confirmed through a permit condition with a DTP equivalent condition.
Condition 2 Alternative ventilation to all habitable rooms *All affected habitable rooms must be provided with ~~mechanical ventilation or air conditioning that allows windows and external doors to remain closed while maintaining a suitable level of internal amenity~~ alternative ventilation provided to all habitable rooms to enable windows and doors to be closed for noise, to the satisfaction of the Responsible Authority.*	Not required A condition of the permit requiring amended endorsed plans for the redesign of the maisonette will address concerns related to the acoustic environment, removing the need for alternative ventilation to habitable rooms.
Condition 3 Implementation of acoustic measures prior to occupation *Prior to the occupation of any dwelling, all acoustic attenuation measures and mechanical ventilation systems required by the endorsed plans and the revised acoustic assessment must be installed and operational to the satisfaction of the Responsible Authority.*	Condition accepted in part. Reference to mechanical ventilation has not been included.
Condition 4 Post-construction acoustic verification *Prior to the occupation of any dwelling, the owner must engage a suitably qualified acoustic engineer to conduct post-construction noise measurements at the development. The verification must confirm whether noise levels in affected habitable rooms comply with the applicable noise limits and criteria relied on in the revised acoustic assessment, including in relation to:*	Condition accepted in part. A DTP equivalent permit condition referencing the Noise Protocol can be applied to ensure music noise is assessed against a defined limit.

(a) music noise from the Hotel's relevant performance areas; (b) patron noise from the beer garden; (c) patron noise from the Nicholson Street footpath trading area; and (d) any other relevant Hotel noise source assessed in the revised acoustic assessment. *The results of the post-construction assessment must be submitted to the satisfaction of the Responsible Authority.*	
Condition 5 Maintenance of acoustic treatments *The owner of each affected dwelling must maintain all glazing, acoustic seals, acoustic treatments and mechanical ventilation systems shown on the endorsed plans in good working order for the life of the development, to the satisfaction of the Responsible Authority.* *Any future amendment to the endorsed plans must have regard to the acoustic impact of such amendments.*	Condition not required Acoustic treatments are secured through the endorsed plans and ongoing maintenance is the responsibility of the owner and owners corporation.
Condition 6 Section 173 agreement *Prior to the commencement of any works authorised by the permit, the owner must enter into a section 173 agreement with the Responsible Authority. The agreement must be registered on title and run with the land, and must provide, to the satisfaction of the Responsible Authority, that:* *(a) the development is located adjacent to the Railway Hotel, an established hotel and live music venue;* *(b) future owners and occupiers may experience noise from the Hotel, including music noise from internal and external performance areas, patron noise from the beer garden, and patron noise from the Nicholson Street footpath trading area;* *(c) the development has been designed on the basis that internal acoustic amenity is maintained with windows and external doors closed;* *(d) the owner must ensure that all future owners are notified of the potential noise impacts from the Hotel and of the acoustic design assumptions underpinning the development;* *(e) owners must ensure that prospective occupiers are notified of the existence and effect of the agreement; and* *(f) owners must maintain the acoustic treatments and ventilation systems shown on the endorsed plans.*	Condition not supported. A Section 173 Agreement would duplicate requirements that can be readily implemented and enforced through permit conditions and is therefore not warranted.

128. The potential for noise impacts is acknowledged, particularly having regard to the introduction of residential accommodation at ground-floor level adjoining Nicholson Street, where outdoor dining, and associated patron activity occur.

129. In response to these concerns, and having regard to the agent of change principle, additional permit conditions are proposed to further mitigate potential noise impacts and minimise conflicts with existing commercial activities.

130. In particular, conditions will require modifications to the proposed maisonette dwelling, including:

    a. Relocation or removal of the individual dwelling entry from Nicholson Street, with access to be provided from the northern side of the dwelling frontage.
    b. Removal of the ground-floor private open space adjoining Nicholson Street.
    c. Modification of the ground floor to provide an adaptable live-work layout, which may include kitchen, bathroom and laundry facilities, but no bedrooms or primary living room.

d. Provision of private open space at first-floor level, accessible from the main living area and generally in accordance with Standard D20.
e. Appropriate privacy treatments between the maisonette's relocated private open space, habitable living areas and adjoining communal spaces.

131. These modifications are intended to reduce the exposure of noise-sensitive residential areas to existing street-level activities, while maintaining a functional residential layout and appropriate internal amenity.

132. The proposed conditions will operate alongside the acoustic attenuation measures recommended in the submitted acoustic assessment and any further acoustic requirements imposed through the permit. A condition on the permit is included to ensure that the residential use is designed and complies with the noise limits of the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.5, Environment Protection Authority, May 2021).

133. On balance, while the introduction of residential uses within an established commercial and entertainment area presents potential amenity challenges, the proposed design modifications and acoustic mitigation measures are considered to provide an appropriate response to the surrounding noise environment, and adopts the agent of change principle in ensuring the primary responsibility rests with the incoming residential use.

134. Subject to the proposed permit conditions, the development is considered capable of achieving an acceptable level of residential amenity, while recognising and protecting the continued operation of the established surrounding commercial area.

Wind

135. Clause 58.04-4 (Standard D17 – Wind Impacts) seeks to ensure that the built form, design and layout of development do not generate unacceptable wind impacts within the site or on surrounding land.

136. An Environmental Wind Assessment prepared by MEL Consultants has been submitted in support of the application. The assessment comprises a desktop review of the proposed development and surrounding built form, rather than physical wind tunnel testing.

137. The assessment concludes that the development is expected to achieve acceptable pedestrian wind safety and comfort conditions, including:

a. Walking comfort or better along surrounding streets.
b. The standing comfort at the building entrances along Park and Nicholson Streets and the commercial tenancy.
c. Acceptable standing wind conditions within private balconies and terraces, as they include 1.0 to 1.3m high balustrades.
d. Compliance with the relevant pedestrian wind safety criterion

138. While some increase in wind conditions is anticipated around the Nicholson Street and Park Street intersection, these conditions are expected to remain within acceptable comfort levels. The assessment also identifies that the proposed building setbacks will assist in minimising wind impacts on Railway Lane and the adjoining Railway Hotel beer garden.

139. No additional wind mitigation measures or design modifications have been recommended by the consultant.

140. Having regard to the findings of the desktop wind assessment, the proposed development is considered to provide an acceptable response to the wind impact objectives of Clause 58.04-4 (Standard D17).

Car Parking, Bicycle Parking, Vehicle Access, Loading and Waste

Car Parking

141. The proposal provides 18 car parking spaces within a basement car park, comprising 16 spaces within two mechanical car stacker systems and two conventional parking spaces. All spaces are allocated to residents, with no parking proposed for the commercial tenancy

142. Pursuant to Clause 52.06, Category 3 car parking rates apply to the subject stie because the area has been identified to have moderate to high public transport accessibility. For dwellings in Category 3 areas, a 0 minimum and 2 car parking space maximum applies. Accordingly, the provision of car parking exceeds the zero minimum spaces requirement as required by clause 52.06-5. The proposed provision satisfies the applicable car parking requirements under Clause 52.06 and is considered acceptable, having regard to the site's location within the Nicholson Street Activity Centre and proximity to public transport.

Car parking layout

143. The internal car parking layout has been assessed against the design requirements of Clause 52.06-9, with the following noted:

    a. The two conventional car parking spaces are dimensioned at 2.8 metres wide and 4.9 metres long, with a 5.8-metre access aisle, satisfying the relevant design requirements.
    b. The proposed accessway is 3.5 metres wide, with a minimum overhead clearance of 3.49 metres.
    c. A 1:8 access ramp is proposed, consistent with the relevant gradient requirements.
    d. The mechanical car stacker systems have been assessed against Design Standard 4, with appropriate vehicle clearances and dedicated resident allocation.
    e. Swept path diagrams demonstrate satisfactory vehicle manoeuvring within the car park, including access to the mechanical stackers.

144. The Transport Impact Assessment concludes that the internal car parking layout is generally consistent with the relevant design standards and is considered acceptable.

Vehicle Access and Traffic

145. Vehicle access is proposed from Railway Lane, which is approximately 3.6 metres wide and accommodates both pedestrian and vehicle movements.

146. Objections have been received raising concerns regarding pedestrian safety, restricted visibility, additional traffic movements and the cumulative impacts of nearby developments, including the Liverpool Street development. Particular concerns have been raised by residents who rely on Railway Lane for pedestrian access to their properties.

147. The submitted Transport Impact Assessment prepared by One Mile Grid estimates approximately 72 vehicle movements per day, including seven movements during peak hours. The assessment concludes that the anticipated traffic generation is relatively modest and that the proposed access arrangements are acceptable.

148. While the constrained width of Railway Lane and the absence of dedicated pedestrian facilities are acknowledged, the relatively low anticipated traffic volumes and vehicle speeds are considered to limit the potential for unreasonable impacts.

149. Furthermore, to address concerns regarding pedestrian safety and restricted visibility, permit conditions will require amended architectural plans demonstrating:

    a. A convex mirror located within the site to improve visibility between exiting drivers and laneway users.
    b. A vehicle hold line within the car parking area.
    c. A flashing warning light to alert laneway users when a vehicle is exiting the site.
    d. Appropriate associated signage and line marking.

150. These measures will assist in improving driver awareness and reducing potential conflicts between vehicles and pedestrians using Railway Lane.

151. Having regard to the findings of the Transport Impact Assessment, the anticipated traffic generation and the additional safety measures required through permit conditions, the proposed vehicle access arrangements are considered acceptable on balance.

Bicycle Facilities

152. Clause 52.34 requires 6 bicycle parking spaces for the proposed development, comprising 4 resident spaces and 2 visitor spaces.

153. The proposal provides a total of 38 bicycle parking spaces, comprising 30 resident spaces and two commercial spaces within the basement, together with six visitor spaces at ground floor level. The provision exceeds the statutory requirements and is considered appropriate.

154. Overall the provision of bicycle provision is appropriate noting the following:

    a. Resident bicycle parking is conveniently located within a dedicated basement area, accessible via a bicycle lift from the ground floor lobby.
    b. The facilities comprise a combination of horizontal, vertical and double-stacked bicycle racks, with dimensions generally satisfying the requirements of Clause 52.34-6.
    c. Six visitor bicycle parking spaces are conveniently located at ground floor level along Park Street.
    d. A bicycle repair station is provided within the basement bicycle parking area.
    e. While a dedicated change room is not provided, this is considered acceptable given the predominantly residential nature of the development and the availability of facilities within individual dwellings.

155. A variation to Clause 52.34-6 is sought to accommodate a reduced bicycle lift door opening of 900 mm. The submitted Transport Impact Assessment confirms that the opening provides sufficient clearance for bicycle access, noting that it represents a localised pinch point and provides approximately 400 mm additional clearance beyond a standard bicycle handlebar width. The lift carriage also has a depth of 1.9 metres, suitable for accommodating bicycles.

156. The applicant has provided a draft amended ground floor plan (Bicycle Access) prepared by Architecture Architecture, demonstrating that the remainder of the bicycle access route can maintain a minimum clear width of 1.5 metres.

157. Overall, the bicycle parking provision and associated facilities are considered appropriate, subject to the required permit condition requiring revised ground floor lobby and lift, as per the Draft Amended Ground Floor Plan (Bicycle Access).

Waste

158. The application is supported by a Waste Management Plan (WMP), which outlines the proposed waste storage and collection arrangements for the residential and commercial components of the development.

159. It identifies waste collection will be undertaken by a private contractor, and the plans have clearly highlighted the bin storage and collection areas to accord with that plan.

160. The WMP identifies that:

- Dedicated waste storage facilities are provided at ground floor level, accommodating waste generated by the residential dwellings and café tenancy.
- The waste storage arrangements provide for four waste streams, together with a dedicated area for hard waste storage.
- Waste collection will be undertaken by a private contractor, with bins transferred to the Park Street and Nicholson Street frontages for collection.

- The proposed arrangements provide for the separation, storage and collection of waste and recycling, consistent with the objectives of Clause 58.06-3 and Clause 19.03-5L.
- Waste collection will occur on-site, and out of peak times/hours to minimise traffic conflict with exiting vehicles.

161. As such, the proposed waste collection arrangements are acceptable, subject to conditions.

Sustainability

Environmentally Sustainable Development (ESD)

162. The application is supported by a Sustainability Management Plan (SMP) prepared by GIW Environmental Solutions, which demonstrates a range of environmentally sustainable design initiatives, including:

- An average 8-star NatHERS rating, with no individual dwelling achieving less than 6.5 stars.
- A BESS score of 70%, demonstrating sustainable design excellence.
- An all-electric development incorporating rooftop solar photovoltaic panels.
- Building design measures to maximise natural daylight and ventilation, together with energy-efficient building materials and glazing.

163. The proposed ESD initiatives have generally been incorporated into the architectural plans. Overall, the proposal is considered to achieve an acceptable ESD outcome, consistent with Clause 15.01-2L-01.

Stormwater Management

164. The submitted SMP also identifies a range of water-sensitive urban design and stormwater management initiatives, including:

- A 5,000-litre rainwater tank collecting roof runoff for reuse in toilet flushing within the commercial tenancy and landscape irrigation.
- A Blue Factor score of 100%, achieving best-practice stormwater management.
- Integration of landscaping and water-sensitive urban design measures throughout the development.

165. It is noted that the council has not raised concerns regarding stormwater management.

166. Overall, the proposed stormwater management arrangements are considered acceptable, consistent with the objectives of Clause 58.03-8.

Recommendation

168. The proposal is consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of high quality housing within the Fitzroy North area.

169. Yarra City Council was notified of the application under section 52(1)(b) of the Act, who were not supportive and sought reduced building height, and key concerns with its massing and setbacks. These matters have been addressed within the body of the report.

170. It is **recommended** that:

    a. Planning permit PA2604344 be issued subject to conditions.

    b. the applicant, the council and submitters be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Senior Planner, Development Assessment

Signed: [redacted]

Phone: [redacted]

Dated: 27 October 2026

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

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☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Acting Manager, Development Assessment

Signed: [redacted]

Phone: [redacted]

Dated: 27 October 2026

Appendix A: Clause 58 Assessment (Better Apartments Design Standards)

Application requirements

Clause 58.01-1	Assessment

• *An application must be accompanied by:*
  ○ *An urban context report.*
  ○ *A design response.*
	Complies
	An urban context report and design response have been provided as part of the submitted Planning Report and architectural drawings.

Urban context report

Clause 58.01-2	Assessment

• *The urban context report may use a site plan, photographs or other techniques and must include:*
• *An accurate description of:*
  ○ *Site shape, size, orientation and easements.*
  ○ *Levels and contours of the site and the difference in levels between the site and surrounding properties.*
  ○ *The location and height of existing buildings on the site and surrounding properties.*
  ○ *The use of surrounding buildings.*
  ○ *The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.*
  ○ *Solar access to the site and to surrounding properties.*
  ○ *Views to and from the site.*
  ○ *Street frontage features such as poles, street trees and kerb crossovers.*
  ○ *The location of local shops, public transport services and public open spaces within walking distance.*
  ○ *Movement systems through and around the site.*
  ○ *Any other notable feature or characteristic of the site.*
• *An assessment of the characteristics of the area including:*
  ○ *Any environmental features such as vegetation, topography and significant views.*
  ○ *The pattern of subdivision.*
  ○ *Street design and landscape.*
  ○ *The pattern of development.*
  ○ *Building form, scale and rhythm.*
  ○ *Connection to the public realm.*
  ○ *Architectural style, building details and materials.*
  ○ *Off-site noise sources.*
  ○ *The relevant NatHERS climate zones (as identified in Clause 58.03-1).*
  ○ *Social and economic activity.*
  ○ *Any other notable or cultural characteristics of the area.*
	Complies
	A town planning and urban context report prepared by Tract has been provided.
	The Design Principles report explains how the proposal has been derived relative to its existing physical and policy context.

Design response

Clause 58.01-3	Assessment

• *The design response must explain how the proposed design:*
  ○ *Responds to any relevant planning provision that applies to the land.*
  ○ *Meets the objectives of Clause 58.*
  ○ *Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.*
  ○ *Derives from and responds to the urban context report.*
• *The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may*
	Complies
	A planning report prepared by DHP Urban Consultants explains how the proposal has responded to the relevant provisions of the Yarra Planning Scheme.

waive or reduce the requirement.	

Urban context objectives

Clause 58.02-1	Assessment
Objectives • *To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.* • *To ensure that development responds to the features of the site and the surrounding area.*	**Complies** As discussed in the body of the report, the proposed development provides an appropriate response to the Nicholson Street Activity Centre, surrounding heritage context and adjoining residential properties of this part of Fitzroy North.
Standard D1 • *The design response must be appropriate to the urban context and the site.* • *The proposed design must respect the existing or preferred urban context and respond to the features of the site.*	

Residential policy objectives

Clause 58.02-2	Assessment
Objectives • *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.* • *To support higher density residential development where development can take advantage of public and community infrastructure and services.*	**Complies** The proposal provides 20 dwellings within an established activity centre, with convenient access to public transport, services and community infrastructure, as set out within clause 2.04 (Strategic Framework) and clause 16.01 (Residential Development).
Standard D2 • *An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.*	

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings*	**Complies** The proposal provides a mix of dwelling types, comprising five one-bedroom, 11 two-bedroom, three three-bedroom and one four-bedroom apartment. This provides an appropriate level of housing diversity as set out within clause 16.01.
Standard D3 • *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.*	

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives • *To ensure development is provided with appropriate utility services and infrastructure.* • *To ensure development does not unreasonably overload the capacity of utility services and infrastructure.*	**Complies** The subject site benefits from the provision of existing infrastructure around the subject site. In particular, the proposal will rely on the existing infrastructure within the established suburb of Fitzroy North.
Standard D4 • *Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.* • *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.*	

• *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*	

Integration with the street objective

Clause 58.02-5	Assessment

Objective
• *To integrate the layout of development with the street.*
Standard D5
• *Developments should be oriented to front existing and proposed streets.*
• *Along street frontage, development should:*
  ○ *Incorporate pedestrian entries, windows, balconies or other active spaces.*
  ○ *Limit blank walls.*
  ○ *Limit high front fencing, unless consistent with the existing urban context.*
  ○ *Provide low and visually permeable front fences, where proposed.*
  ○ *Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
• *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*
	Complies
	The development addresses both Park Street and Nicholson Street, incorporating active frontages, pedestrian entries and windows that provide opportunities for passive surveillance. Vehicle access and servicing are generally integrated into the building design.

Energy efficiency objectives

Clause 58.03-1	Assessment

Objectives
• *To achieve and protect energy efficient dwellings and buildings.*
• *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*
• *To ensure dwellings achieve adequate thermal efficiency.*
Standard D6
• *Buildings should be:*
  ○ *Oriented to make appropriate use of solar energy.*
  ○ *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
• *Living areas and private open space should be located on the north side of the development, if practicable.*
• *Developments should be designed so that solar access to north-facing windows is optimised.*
• *Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.*
	Complies
	The submitted Sustainability Management Plan demonstrates an average 8-star NatHERS rating, with no individual dwelling below 6.5 stars. The development also incorporates measures to maximise daylight, natural ventilation and energy efficiency, in accordance with the requirements of clause 53.25.

Table D1 Cooling load	
NatHERS climate zone	**NatHERS maximum cooling load MJ/M^2 per annum**
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- *Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

Communal open space objective

Clause 58.03-2	Assessment
Objectives • *To provide communal open space that meets the recreation and amenity needs of residents.* • *To ensure that communal open space is accessible, practical, attractive, easily maintained.* • *To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.*	**Complies** The development requires a minimum of 47.5 square metres of communal open space and provides approximately 195 square metres at rooftop level. The space is accessible to residents and includes seating, barbecue facilities, landscaped areas and a productive garden. The provision exceeds the minimum requirement and is considered appropriate.

Standard D7
• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
• *Each area of communal open space should be:*
  ○ *Accessible to all residents.*
  ○ *A useable size, shape and dimension.*
  ○ *Capable of efficient management.*
  ○ *Located to:*
  - *Provide passive surveillance opportunities, where appropriate.*
  - *Provide outlook for as many dwellings as practicable.*
  - *Avoid overlooking into habitable rooms and private open space of new dwellings.*
  - *Minimise noise impacts to new and existing dwellings.*
• *Any area of communal outdoor open space should be landscaped and include canopy cover and trees.*	

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective • *To allow solar access into communal outdoor open space*	**Complies** The primary communal open space is located at rooftop level. The applicant's shadow assessment indicates that the space achieves the required winter solar access.
Standard D8 • *The communal outdoor open space should be located on the north side of a building, if appropriate.* • *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*	

Safety objective

Clause 58.03-4	Assessment
Objective • *To ensure the layout of development provides for the safety and security of residents and property*	**Complies** The building entries are visible from Park Street and Nicholson Street, with opportunities for passive surveillance. The proposed landscaping and access arrangements are generally designed to maintain visibility and avoid unsafe spaces.
Standard D9 • *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	

Landscaping objectives

Clause 58.03-5	Assessment
Objectives • *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*	**Variation required** The proposal does not provide the prescribed deep soil planting and canopy cover in full. However, landscaping is incorporated throughout the development, including within communal open spaces, planters and rooftop areas. Having regard to the site's activity centre location, existing built form and proposed landscaping opportunities, the variation is considered acceptable, subject to appropriate landscape plan conditions.

Standard D10
• *Development should retain existing trees and canopy cover.*
• *Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.*
• *Development should:*
  ○ *Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.*
  ○ *Provide canopy cover through canopy trees that are:*
  - *Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.*
  - *Consistent with the canopy diameter and height at maturity specified in Table D4.*
  - *Located in communal outdoor open space or common areas or street frontages.*
  ○ *Comprise smaller trees, shrubs and ground cover, including flowering native species.*	

- *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
- *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
- *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
- *Protect any predominant landscape features of the area.*
- *Take into account the soil type and drainage patterns of the site.*
- *Provide a safe, attractive and functional environment for residents.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

- *Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a*

maximum reduction of 25%.

Table D4 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Access objectives

Clause 58.03-6	Assessment
Objectives • *To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.* • *To ensure the vehicle crossovers are designed and located to minimise visual impact.*	**Complies, subject to conditions** Vehicle access is provided from Railway Lane, avoiding additional vehicle crossovers along Park Street and Nicholson Street. Pedestrian access is separately provided from the street frontages. The arrangements are considered acceptable, subject to conditions requiring additional vehicle and pedestrian safety measures at the laneway access.
Standard D11 • *Vehicle crossovers should be minimised.* • *Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.* • *Pedestrian and cyclist access should be clearly delineated from vehicle access.* • *The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.* • *Developments must provide for access for service, emergency and delivery vehicles.*	

Parking location objectives

Clause 58.03-7	Assessment
Objectives • *To provide convenient parking for resident and visitor vehicles.* • *To protect residents from vehicular noise within developments.*	**Complies** Resident car parking is provided within a secure ground-level and basement parking area, including mechanical stacker spaces. The parking arrangements are conveniently accessible to residents and are not expected to result in unreasonable internal amenity impacts.

Standard D12
• *Car parking facilities should:*
  ○ *Be reasonably close and convenient to dwellings.*
  ○ *Be secure.*
  ○ *Be well ventilated if enclosed.*
• *Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.*	

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives • *To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.* • *To facilitate stormwater collection, utilisation and infiltration within the development.* • *To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*	**Complies** The submitted Sustainability Management Plan includes a 5,000-litre rainwater tank for roof water collection and reuse in commercial tenancy toilet flushing and landscape irrigation. The proposal also achieves a Blue Factor score of

Standard D13
• *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.*
• *Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.*
• *The stormwater management system should be:*
  ○ *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
  ○ *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*
	100%, demonstrating an acceptable stormwater management outcome.

Building setback objectives

Clause 58.04-1	Assessment
Objectives • *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.* • *To allow adequate daylight into new dwellings.* • *To limit views into habitable room windows and private open space of new and existing dwellings.* • *To provide a reasonable outlook from new dwellings.* • *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*	**Complies** As discussed in the body of the report, the proposed building setbacks provide an appropriate response to the site's urban context, adjoining properties and the amenity of future residents.

Standard D14
• *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
• *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
  ○ *Ensure adequate daylight into new habitable room windows.*
  ○ *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
  ○ *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
  ○ *Ensure the dwellings are designed to meet the objectives of Clause 58.*	

Internal views objective

Clause 58.04-2	Assessment
Objective • *To limit views into the private open space and habitable room windows of dwellings within a development.*	**Complies** The arrangement of windows, balconies and communal open spaces is generally designed to minimise unreasonable internal overlooking between dwellings.
Standard D15 • *Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.*	

Noise impacts objectives

Clause 58.04-3	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.*	**Complies, subject to condition** The application is supported by an acoustic assessment addressing noise from the adjoining

• *To protect residents from external and internal noise sources.* **Standard D16** • *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.* • *The layout of new dwellings and buildings should minimise noise transmission within the site.* • *Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.* • *New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.* • *Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:* ○ *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.* ○ *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.* • *Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.* • *Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.*	Railway Hotel, Nicholson Street traffic and trams, commercial activities and building services. Subject to the recommended acoustic measures being implemented through permit conditions, the proposal is considered capable of providing an acceptable level of acoustic amenity for future residents.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:
The noise influence area should be measured from the closest part of the building to the noise source.

Wind impacts objective

Clause 58.04-4	Assessment
Objective • *To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.* **Standard D17** • *Development of five or more storeys, excluding a basement should:*	**Complies, subject to condition** The submitted desktop Environmental Wind Assessment indicates that the development is expected to achieve acceptable pedestrian wind comfort and safety conditions along the surrounding streets, building entrances and private and communal

- *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
- *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

- *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
- *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

open spaces.

No specific wind mitigation measures are recommended by the assessment.

Accessibility objective

Clause 58.05-1	Assessment
Objective • *To ensure the design of dwellings meets the needs of people with limited mobility.*	**Complies** A total of 10 apartments, representing 50% of the proposed dwellings, have been designed to meet the accessibility requirements of the standard.

Standard D18

- *At least 50 per cent of dwellings should have:*
  - *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
  - *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
  - *A main bedroom with access to an adaptable bathroom.*
  - *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is:	A clear circulation area that is:

	• A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	• A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives • *To provide each dwelling and building with its own sense of identity.* • *To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.* • *To ensure internal communal areas provide adequate access to daylight and natural ventilation.*	**Complies, subject to conditions** The residential and commercial entries are clearly identifiable and provide a sense of address to the street. Internal circulation areas are designed to provide convenient access, natural light and ventilation. A condition will require the ground floor lobby and bicycle access arrangements to be amended in accordance with the draft amended ground floor plan prepared by Architecture Architecture.

Standard D19
• *Entries to dwellings and buildings should:*
  ○ *Be visible and easily identifiable.*
  ○ *Provide shelter, a sense of personal address and a transitional space around the entry.*
• *The layout and design of buildings should:*
  ○ *Clearly distinguish entrances to residential and non-residential areas.*
  ○ *Provide windows to building entrances and lift areas.*
  ○ *Provide visible, safe and attractive stairs from the entry level to encourage use by residents.*
  ○ *Provide common areas and corridors that:*
  - *Include at least one source of natural light and natural ventilation.*
  - *Avoid obstruction from building services.*
  - *Maintain clear sight lines.*	

Private open space objective

Clause 58.05-3	Assessment
Objective • *To provide adequate private open space for the reasonable recreation and service needs of residents*	**Variation supported, subject to conditions** All dwellings are provided with private open space. However, Apartment 401 includes a balcony with a minimum depth of 1.8 metres, rather than the required 2 metres. The variation is considered acceptable given the apartment is arranged over two levels and provides two balconies with a combined area of approximately 16 square metres, exceeding the minimum area requirement. A further condition will require the Nicholson Street maisonette's first-floor private open space to be appropriately connected to the primary living area, as discussed in the body of the report.

Standard D20
• *A dwelling should have private open space consisting of at least one of the following:*
  ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.*
  ○ *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*
• *If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.*
• *If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.*	

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres
	2 bedroom	8 square metres	2 metres
	3 or more bedroom	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

Storage objective

Clause 58.05-4	Assessment
Objective • *To provide adequate storage facilities for each dwelling*	**Complies** The BADS drawings indicate that all dwellings are

Standard D21 • *Each dwelling should have convenient access to usable and secure storage space.* • *The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.* **Table D10 Storage** **Dwelling type** / **Total minimum storage volume** / **Minimum storage volume within the dwelling** Studio / 8 cubic metres / 5 cubic metres 1 bedroom dwelling / 10 cubic metres / 6 cubic metres 2 bedroom dwelling / 14 cubic metres / 9 cubic metres 3 or more bedroom dwelling / 18 cubic metres / 12 cubic metres	provided with sufficient internal and external storage, and in some instances go beyond the minimum requirements in accordance with the requirements of the standard.

Common property objectives

Clause 58.06-1	Assessment
Objectives • *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.* • *To avoid future management difficulties in areas of common ownership.* **Standard D22** • *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	**Complies** The proposal has been designed to have a clear delineation between the public and private realms.

Site services objectives

Clause 58.06-2	Assessment
Objectives • *To ensure that site services are accessible and can be installed and maintained.* • *To ensure that site services and facilities are visually integrated into the building design or landscape.* **Standard D23** • *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.* • *Meters and utility services should be designed as an integrated component of the building or landscape.* • *Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.*	**Complies, subject to condition** The proposal includes service cabinets at the ground floor, however, this only occupies a small portion of the front and has been appropriately integrated within the overall design. Building services are generally integrated into the architectural design, with service infrastructure located within the building or at rooftop level to minimise visual impacts on the public realm.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives • *To ensure dwellings are designed to encourage waste recycling.* • *To ensure that waste and recycling facilities are accessible, adequate and attractive.* • *To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.*	**Complies, subject to condition** The application is supported by a Waste Management Plan providing dedicated ground floor waste storage for residential and commercial uses, including four waste streams and hard waste storage.

Standard D24
• *Developments should include dedicated areas for:*
  ○ *Waste and recycling enclosures which are:*
  - *Adequate in size, durable, waterproof and blend in with the development.*
  - *Adequately ventilated.*
  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
  ○ *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
  ○ *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
  ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
• *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
  ○ *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.*
  ○ *Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.*
	Waste collection will be undertaken by a private contractor. The arrangements are considered acceptable, subject to implementation of the Waste Management Plan.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives • *To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.* • *To ensure external walls endure and retain their attractiveness.*	**Complies** The proposed external materials include pigmented concrete, render, brickwork and powder-coated metal elements. These materials are considered durable, appropriate to the surrounding urban context and capable of maintaining their appearance over time.

Standard D25
• *External walls should be finished with materials that:*
  ○ *Do not easily deteriorate or stain.*
  ○ *Weather well over time.*
  ○ *Are resilient to the wear and tear from their intended use.*
• *External wall design should facilitate safe and convenient access for maintenance.*	

Functional layout objective

Clause 58.07-1	Assessment
Objective • *To ensure dwellings provide functional areas that meet the needs of residents*	**Variation supported** A variation to the minimum bedroom dimensions for Apartments 104, 204, 303 and 601, where curved bedroom walls result in a minor departure from the required 3-metre dimension. The variation is considered acceptable as the bedrooms retain sufficient usable space to

Standard D26
• *Bedrooms should:*
  ○ *Meet the minimum internal room dimensions specified in Table D11.*
  ○ *Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.*	

Table D11 Bedroom dimensions **Bedroom type** / **Minimum width** / **Minimum depth** Main bedroom / 3 metres / 3.4 metres All other bedrooms / 3 metres / 3 metres • *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.* **Table D12 Living area dimensions** **Dwelling type** / **Minimum width** / **Minimum area** Studio and 1 bedroom dwelling / 3.3 metres / 10 sqm 2 or more bedroom dwelling / 3.6 metres / 12 sqm	accommodate a queen-sized bed, bedside tables and circulation space without unreasonably compromising their functionality.

Room depth objective

Clause 58.07-2	Assessment

Objective
• *To allow adequate daylight into single aspect habitable rooms*
Standard D27
• *Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.*
• *The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:*
  ○ *The room combines the living area, dining area and kitchen.*
  ○ *The kitchen is located furthest from the window.*
  ○ *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*
• *The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*
	Complies
	All single aspect habitable rooms do not exceed 9m room depth.

Windows objective

Clause 58.07-3	Assessment

Objective
• *To allow adequate daylight into new habitable room windows.*
Standard D28
• *Habitable rooms should have a window in an external wall of the building.*
• *A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.*
• *The secondary area should be:*
  ○ *A minimum width of 1.2 metres.*
  ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*
	Complies
	All new habitable room are designed with floor to ceiling windows which meet the minimum dimensions.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives • *To encourage natural ventilation of dwellings.* • *To allow occupants to effectively manage natural ventilation of dwellings.* **Standard D29** • *The design and layout of dwellings should maximise openable*	**Complies** All dwellings provide natural cross-ventilation, with breeze paths ranging between 5 and 18 metres, exceeding the minimum proportion required under the standard.

windows, doors or other ventilation devices in external walls of the building, where appropriate.
• *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*	

Appendix B: Council comments

Response to Council Comments

As noted in the referral/notice section of this report, the council provided its formal recommendation on 27 August 2026 and noted that council resolved to write to DTP outlining that:

a) Council does not support the proposal based on the height and massing, inadequate upper-level setbacks, articulation does not respond to the heritage streetscape and does not adequately respond to the public realm.

b) The conditions (within its letter) be included on any permit that issues.

Having regard to the above, a detailed assessment of council's recommended conditions has been undertaken within the table below.

Council recommended condition / matter	DTP officer assessment
The height and massing of the development will result in an unacceptable heritage response and is inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;	Noted. As discussed in the main report, the proposed height and massing are considered acceptable having regard to the site's location within the Nicholson Street Activity Centre, surrounding development context and relevant planning policy. A reduction in building height is not considered necessary.
The upper level setbacks of the development do not provide a recessive built form and are inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;	Noted. The proposed upper-level setbacks are considered to provide an acceptable response to the surrounding heritage streetscape and adjoining properties. Further setbacks are not considered necessary. Refer to the built form and heritage assessment in the main report.
The articulation of the development does not adequately express the traditional subdivision pattern, architectural detailing or fenestration of the surrounding heritage streetscapes; and	Noted. As discussed in the main report, the proposed architectural expression, materials and articulation are considered to provide an appropriate contemporary response to the surrounding heritage context. The design is generally supported, subject to a permit condition requiring a detailed façade strategy.
The development lacks an adequate public realm response.	Noted. The proposed public realm arrangements are considered generally acceptable, as discussed in the main report. Further details will be addressed through relevant landscape and engineering permit conditions
DTP are advised to obtain a peer review of the applicant's wind report and acoustic report.	Noted. Independent peer reviews of the submitted acoustic and wind assessments are not considered necessary. The acoustic report peer review submitted on behalf of an objector has been reviewed and considered as part of the assessment, including the formulation of appropriate acoustic permit conditions to address potential noise impacts associated with the adjoining Railway Hotel. The submitted wind assessment is considered sufficient, and further peer review is not considered necessary. Refer to the acoustic and wind assessments in the main report.
Condition 1 – Amended Plans	
1a) The overall building height reduced to a maximum of 6	Condition not accepted

storeys;	As above, the proposed building height is acceptable.
1b) The 7-storey street wall reduced in height to a maximum of 4 storeys with no change to other street wall heights;	Condition not accepted As above, the proposed reduction in development is not required.
1c) The upper level setbacks (behind street walls) to be a minimum of: *(i) 6m to Nicholson Street; and* *(ii) 3m to Park Street;*	Condition not accepted As above, the proposed reduction in development is not required.
1d) The Nicholson Street facade revised to reflect the fine grain subdivision pattern of the heritage streetscape, via the introduction of additional articulation, an improved solid to void ratio and more varied materials/colours;	Condition not accepted The architectural response and materiality are considered acceptable, subject to a façade strategy to resolve detailed finishes.
1e) The southern boundary wall revised to provide increased articulation and visual interest with more varied materials/colours;	Condition not required As above, the architectural response and materiality are considered acceptable, subject to a façade strategy to resolve detailed finishes.
1f) The floor area of the ground level commercial premises increased in size through the deletion of the ground floor of the dwelling fronting Nicholson Street and the stair entry to the communal area;	Condition not accepted A targeted redesign of the Nicholson Street maisonette ground floor is required to improve the street interface and address acoustic amenity, rather than removal of the maisonette.
1g) The design of the primary stairwell amended to allow full connectivity between all levels (including basement), with all stairwell walls and doors to common areas to be unenclosed (or glazed if this is not possible);	Condition not accepted The proposed circulation arrangement is considered functional, further redesign is not required.
1h) Integration of additional vertical greening to blank walls with a public interface;	Condition not accepted The proposed architectural treatment is acceptable. Detailed materials and any landscape treatments will be addressed through the façade strategy and landscape plan.
1i) Replacement of screening mesh (ME-1) on street facing balconies with vertical steel, glazed or solid balustrades, or a combination of these materials;	Condition not accepted As above.
1j) Ground floor, north-west corner redesigned to maintain existing splay and be free of encroachments, with the upper levels in this corner redesigned if necessary;	Condition not accepted Refer to main section of the report on bulk and scale.
1k) Deletion of the integrated seat adjacent to ground floor terrace (Nicholson Street) and replacement with enlarged planter;	Condition not accepted The proposed public interfaces and stairway design are considered acceptable without the detailed redesign sought.
1l) Access gates to the publicly accessible stairways to be relocated closer to the respective street frontages;	Condition not accepted As above.

1m) Additional vertical greening, lighting and wall articulation along publicly accessible stairways;	Condition not accepted The proposed public interfaces and stairway design are considered acceptable without the detailed redesign sought.
1n) The Park Street undercroft area redesigned to incorporate the following: *(i) Additional windows and active frontages overlooking this space;* *(ii) Relocate the visitor bicycle parking spaces closer to the Park Street footpath and provide dimensions to ensure compliance with AS2890.3; and* *(iii) Create a more functional landscape outcome, including the potential for seating, appropriate vegetation and a continuous rain garden treatment;*	Condition not accepted The basement and bicycle parking arrangements are generally acceptable.
1o) Redesign the recessed entry to waste storage room from Park Street to align with the primary building line;	Condition not accepted The existing configuration is generally acceptable. any necessary detailing can be resolved through endorsed plans and the façade strategy.
1p) Additional details to clarify that the residential entry lobby is to be enclosed and fully glazed;	Condition not accepted As above.
1q) Provision for one new street tree within the southwestern footpath adjacent to the subject site of Nicholson Street, and location of all proposed street trees;	Condition not required Existing street-tree protection and any public-realm works will be addressed through appropriate conditions.
1r) Clause 58 plans to demonstrate full compliance with the Standard D18 (Clause 58.05-1 – Accessibility) and Standard D20 (Clause 58.05-3 – Private open space) of the Yarra Planning Scheme;	Condition not required Refer to BADS plans.
1s) Different surface treatments between the footpath and ground level setback areas;	Condition not accepted
1t) All bicycle parking to be located within the site boundaries;	Condition not accepted The bicycle provision is acceptable, and exceeds the statutory minimum and access via the dedicated bicycle lift is supported, including Clause 52.34-6 variation to the lift door width, as the remaining accessways meets the minimum requirements.
1u) All bicycle parking to be located at the ground level. If this is not possible, bicycle parking located at the basement level to have dedicated, direct ramped access from the street;	Condition not accepted As above.
1v) Bicycle parking allocation for residents, employees and visitors to be specified, with a minimum of 2 spaces allocated to employees, with employee and visitor spaces to be located at ground level;	Condition not accepted As above.

1(w) Provision of at least 3 electric bicycle charging stations within the resident bicycle storage area;	Condition not accepted As above.
1(x) All employee and visitor bicycle parking spaces, and at least 50% of resident bicycle parking spaces provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;	Condition not accepted As above.
1(y) Provision of bicycle parking for cargo bikes and bikes with trailers at a rate of at least 10% of resident bicycle parking provision;	Condition not accepted As above.
1(z) Annotation on plans outlining the security arrangement for the bicycle storage area, with resident and employee bicycle parking to be provided in separate, secure lockable compounds in accordance with AS2890.3;	Condition not accepted As above.
1(aa) Dimension the headroom clearance of the development vehicle entrance;	Condition not required
1(bb) Dimension the floor to ceiling height and stacker pit depth on the section drawing;	Condition not required
1(cc) A notation confirming that any redundant crossovers will be reinstated with footpath, kerb and channel; and	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition
1(dd) Any changes in accordance with the Façade Strategy (Condition 5), Sustainability Management Plan (Condition 6), Acoustic Report (Condition 8), Public Realm Functional Layout Plan (Condition 12), Waste Management Plan (Condition 15), Landscape Plan (Condition 18) and Wind Report (Condition 24).	Condition accepted in part.
Development Conditions	
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition
3. As part of the ongoing consultant team, Architecture Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to: *(a) oversee design and construction of the development; and* *(b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.*	

4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.	Condition not required This is already addressed by condition 2 above.
Façade Strategy	
5. Concurrent with the submission of plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:…	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition
Sustainable Management Plan	
6. Concurrent with the submission of plans under Condition 1 plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions (Rev. E) and dated 13 April 2026, but modified to include or show:…	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition.
6(a) Correct number of resident and visitor bicycle spaces (consistent with architectural drawings) within the SMP;	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
6(b) Demonstrate that the terrace and planter areas achieve best practice in stormwater management;	Condition not required The submitted SMP is acceptable. The additional requirements sought are not necessary to achieve a good sustainability outcome.
6(c)Details as to how the concrete mixes to be used reduce embodied carbon to justify the claims made within the SMP;	As above.
6(d)A large capacity solar PV array;	As above.
6(e) That a 100% Green Power purchasing arrangement for any additional electricity needs for minimum of 10 years post-occupation is to be implemented;	As above.
6(f) The rainwater tank increased in volume to enable flushing of all toilets within the building;	As above.
6(g) The construction and demolition recycling targets increased to 90%;	As above.
6(h) Consistency with the Condition 1 plans.	Condition accepted

	This can be confirmed through a permit condition with a DTP equivalent condition.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.	Condition not required This is already addressed by condition 6 above.
Acoustic Report	
8. Concurrent with the submission of plans under Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 8 April 2026, but modified to include (or show, or address):	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition.
9. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
10. Before the buildings are occupied an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the residential use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition.
11. The uses and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
Public realm functional layout plan	
12. Concurrent with the submission of plans under Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must	Condition not required. The development does not propose extensive works in the road reservation, and will be dealt with separate engineering and infrastructure equivalent conditions.

show, but not be limited to, the following:	
13. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 12) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.	Condition not required. As above.
14. Before the buildings are occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 13) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.	Condition not required. As above.
Waste Management Plan	
15. Concurrent with the submission of plans under Condition 1 plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 14 April 2026, but modified to include:…	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition.
15(a) Consistency with Condition 1 plans.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.	Condition not required. Private collection waste collection is what is proposed, and forms part of the endorsed plans, and is therefore not required.
Landscape Plan	
18. Concurrent with the submission of plans under Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Openwork	Condition accepted in part The submitted landscape plan has been assessed to be acceptable and the requested changes are not required. However additional changes requested by DTP included a Tree Plan and additional cross sections will be required through conditions and confirmed through a permit condition with a DTP equivalent

and dated 10 April 2026, but modified to include (or show):…	condition.
18a) An additional tree (in footpath) in the southwestern section of Nicholson Street;	
18b) Include all proposed street tree locations on plans;	
18c) Remove the proposed planting at interface of undercroft and Railway Lane and replace it with paved surface treatment. The planting equivalent is to be relocated within the undercroft space;	
18d) Redesign the undercroft area to simplify the design and provide a more functional landscape outcome, including a continuous raingarden treatment;	
18e) Additional detail to demonstrate the operation, drainage collection, overflow management and maintenance of the raingarden;	
18f) Provision of details of irrigation systems and any other maintenance requirements for vertical greenery and landscaping;	
18(g) The tree located within the undercroft to be relocated to an area that is within this setback but open to the sky; and	
18 (h) Consistency with Condition 1 plans.	
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:…	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
Street Trees	
20. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
22. Before the development commences, the permit holder must make a one-off contribution of $12,000 (inclusive of GST and subject to annual CPI increase) to the Responsible	Condition accepted in part This can be confirmed through a permit note requiring that the applicant pay any necessary local law bonds associated with

Authority to be used for new street tree plantings that are required as a result of the development.	street tree protection.
23. Before the development commences, the permit holder must provide an Asset Protection Bond of $3,000 (ex GST) for the tree in Park Street adjacent the frontage of the development to the Responsible Authority. The security bond:	Condition accepted in part This can be confirmed through a permit note requiring that the applicant pay any necessary local law bonds associated with street tree protection.
Wind report	
24. Concurrent with the submission of plans under Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 1 June 2026, but modified to include (or show):	Condition accepted in part This can be confirmed through a permit condition with a DTP equivalent condition. A Wind tunnel study is not required.
Green Travel Plan	
26. Prior to the occupation of the building, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be *endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 16 April 2026, but modified to include or show:*	Condition not required. The bicycle parking location is sufficiently identified in the amended drawings and the scale of the development does not warrant a Green Travel Plan.
Car Parking	
28. Before the use commences (excluding demotion, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following: *(a) the number and allocation of car parking spaces;* *(b) policing arrangements and formal agreements;* *(c) Details of procedures undertaken in the instance of car stacker malfunctions;* *(d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of*	Condition not required A Traffic and Parking Management Plan is not required, as the level of car parking and bicycle activity generated by the proposal does not warrant such a plan. Parking areas, accessways and vehicle movements can instead be appropriately addressed through permit conditions, including a DTP equivalent condition requiring the relevant details and annotations to be shown on the plans.

disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and *(e) details regarding the management of loading and unloading of goods and materials.*	
Engineering and Infrastructure	
33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to the satisfaction of Council's Civil Engineering Department for approval. The drawing must show the following:	Conditions not accepted A cross-section of the vehicle entry ramp has already been provided in the architectural plans.
34. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. *The Public Lighting Plan must be designed:*	A Public Lighting Plan is recommended to be secured by condition aligning with DTP standard wording and with timing to be pre-occupation.
35. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.	A standard condition will be included requiring any service poles, structures or pits that interfere with the development to be adjusted or relocated as necessary.
36. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department.	
Development and community infrastructure level	
37. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
***3**8. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
Construction management plan	
38. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:…	Condition accepted

General	
40. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
41. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out: (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm; (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.	Condition not accepted but secured instead in the CMP This can be confirmed through a permit condition with a DTP equivalent condition within any future CMP.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkways, laneway and dwelling entrances must be provided within the property boundary. Lighting must be: *(a) located;* *(b) directed;* *(c) shielded; and* *(d) of limited intensity,* *to the satisfaction of the Responsible Authority.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
44. The amenity of the area must not be detrimentally affected by the development, including through: *(a) the transport of materials, goods or commodities to or from land;* *(b) the appearance of any buildings, works or materials;* *(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or* *(d) the presence of vermin,* *to the satisfaction of the Responsible Authority.*	Condition accepted

45. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.	Condition not required The owner of the land will be required to construct the development in accordance with the endorsed plans
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
47. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed: *(a) in accordance with any requirements or conditions imposed by Council;* *(b) at the permit holder's cost; and* *(c) to the satisfaction of the Responsible Authority.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
48. Within 2 months of the completion of the development/Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel: *(a) at the permit holder's cost; and* *(b) to the satisfaction of the Responsible Authority.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
49. Within 2 months of the completion of the development/Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, *any damage to Council infrastructure resulting from the development must be reinstated:* *(a) At the permit holder's cost; and* *(b) To the satisfaction of the Responsible Authority.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
51. Within 2 months of the completion of the development/Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated: *(a)At the permit holder's cost; and* *(b) To the satisfaction of the Responsible Authority.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.

52. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.
53. nThe rooftop communal open space must only be used between 7am and 10pm, seven days a week.	Condition not accepted There is no requirement in the planning scheme or any identified amenity impacts through the acoustic report that would warrant this restriction on the communal open space.
54This permit will expire if: *(a) The development is not commenced within three years of the date of this permit; or* *(b) The development is not completed within five years of the date of this permit.* *(c) The use is not commenced within six years of the date of this permit.* *The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.*	Condition accepted This can be confirmed through a permit condition with a DTP equivalent condition.

Appendix C: Public Submissions

Response to objections not previously addressed

A total of 26 submissions were received, with two in support, and 24 objections. The objections raised concerns regarding building height and scale, neighbourhood character, heritage impacts, overshadowing, overlooking, traffic and parking, pedestrian safety, acoustic impacts and the Great Design Fast Track assessment process.

A number of these matters have been addressed within the body of the report. A response to the remainder of the objection are as follows:

Matters raised	**DTP response.**
Parking pressures	As discussed above, the proposal provides 18 on-site car parking spaces and 38 bicycle parking space. The proposed parking arrangements are considered acceptable having regard to the site's location within the Nicholson Street Activity Centre and its accessibility to public transport and cycling infrastructure.
Public realm and landscaping	The proposal incorporates landscaping and public realm improvements along Park Street and Nicholson Street. The proposed arrangements are considered generally acceptable, subject to permit conditions requiring further landscape details and relevant engineering works.
Loss of views and development precedent	While concerns regarding the loss of views towards nearby parkland are acknowledged, the planning scheme does not generally provide protection of private views. The proposal has been assessed against the relevant built form and amenity provisions and is considered to provide an acceptable response to its surrounding context. Concerns regarding the potential precedent for future development are also acknowledged. However, each planning application is assessed on its individual merits against the relevant planning controls and site circumstances
Great Design Fast Track process	Concerns regarding the use of the GDFT pathway and opportunities for community participation are acknowledged. However, it is important to note the GDFT process does not exempt application from public notice requirements that would otherwise apply and public notice was undertaken in accordance with the Planning and Environment Act 1987. The application is eligible for assessment under Clause 53.25 of the Yarra Planning Scheme and has been considered against the relevant planning provisions, including built form, heritage and amenity requirements.
Protection of existing live music venues	Concerns regarding the ongoing operation of the adjoining Railway Hotel are acknowledged. As discussed in the acoustic assessment, the Peer Review Acoustic report has been considered and appropriate acoustic measures will be required through permit conditions to protect the amenity of future residents and minimise potential conflicts with the established live music venue.