

# Planning Assessment Officer Report

PA2503919 – 9 & 25-37  
Victoria Street Fitzroy



Planning Assessment Officer Report  
Development Assessment

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Department  
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# Executive Summary



Key Information	Details
Application No:	PA2503919
Received:	05/09/2025
Statutory Days:	73
Applicant:	21 Victoria St Pty Ltd C/- Tract
Planning Scheme:	Yarra
Land Address:	9 & 25-37 Victoria Street, Fitzroy VIC 3065
Proposal:	Use and development of the land for an Office and for the partial demolition of a heritage building and construction of a multi-storey mixed-use apartment development, with an associated reduction in car parking at 25-37 Victoria Street, Fitzroy, and the construction of a townhouse development on part of the land at 9 Victoria Street, Fitzroy.

## Why is the Minister responsible?

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 the use and development of land for a:

The Minister for Planning is the responsible authority for the following matters where clause 53.22 or 53.23 applies:

- matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act;
- matters under Division 2 of Part 9 of the Act where required under a permit in relation to the provision of the affordable housing contribution; 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.

Why is a permit required?	Clause	Control	Trigger
<b>Zone:</b>	Clause 32.04-2	Mixed Use Zone	Use of land for an office where the leasable floor area exceeds 250sqm
	Clause 32.04-7		Construct two or more dwellings on a lot
	Clause 32.04-10		Construct a building for a Section 2 use (office)
<b>Overlays:</b>	Clause 43.01-1	Heritage Overlay	Demolish or remove a building
			Construct a building or carry out works
			Externally alter a building in any way
<b>Particular Provisions:</b>	Clause 52.06	Car Parking	<i>Reduction to the car parking requirements</i>
<b>Total Site Area:</b>	9 Victoria Street	111m <sup>2</sup>	
	25-37 Victoria Street	1505m <sup>2</sup>	



<b>Height:</b>	10 and 4	Storeys excluding plant		
	33.27	Metres excluding plant		
<b>Land Uses:</b>	<b>Dwellings</b>	<b>Office</b>	<b>Retail</b>	<b>Other</b>
	60	255 sqm		
<b>Parking:</b>	<b>Cars</b>	<b>Motorcycles</b>	<b>Bicycles</b>	
	74		59	
<b>Referral Authorities:</b>	Yarra City Council (S52) The Head, Transport (S55) Determining			
<b>Public Notice:</b>	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <b>29</b> objections have been received as of <b>6 March 2026</b>			



## Application Process

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

Milestone	Date
Pre-application meeting (DTP, applicant)	Multiple dates
Application lodgement	5 September 2025
Further information requested	3 October 2025
Further information received	24 November 2025
<b>Decision Plans</b>	Plans prepared by decision plans prepared by DKO Architecture, dated 20.08.2025, 30.10.2025 and 20.11.2025, Rev A: TP2.2, Rev B: TP1.2, TP2.14, Rev C: TP2.15, Rev D: TP1.0, TP1.3, TP1.4, TP1.5, TP1.6, TP1.8, TP1.9, TP1.10, TP1.11, TP1.12, TP1.13, TP1.14, TP1.15, TP1.16, TP1.17, TP1.18, TP1.19, TP1.20, TP1.22, TP1.23, TP1.24, TP1.25, TP1.26, TP1.27, TP1.28, TP1.29, TP1.30, TP1.31, TP1.33, TP1.34, TP1.36.1, TP1.36.2, TP1.36.3, TP1.36.4, TP1.36.5, TP1.36.6, TP1.36.7, TP1.36.8, TP1.36.9, TP1.36.10, TP1.36.11, TP1.36.12, TP1.36.13, TP1.36.14, TP1.36.15, TP1.36.16, TP1.36.17, TP1.36.18, TP1.36.19, TP1.38, TP1.39, TP1.40, TP1.41, TP1.42, TP2.1, TP2.3, TP2.4, TP2.5, TP2.6, TP2.7, TP2.9, TP2.10, TP2.11, TP2.12, TP2.17, TP2.18, TP2.19, TP2.20, Rev B
<b>Other Assessment Documents</b>	<ul style="list-style-type: none"> <li>• Planning Report (Updated Version) prepared by Tract Consultants Pty Ltd, dated 21 November 2025.</li> <li>• Planning Report (RFI Response Version) prepared by Tract Consultants Pty Ltd, dated 6 November 2025.</li> <li>• Planning Report (Formal Lodgement Version) prepared by Tract Consultants Pty Ltd, dated 5 September 2025.</li> <li>• Architectural Plans (Rev D) prepared by DKO Architects, dated 20 November 2025.</li> <li>• Architectural Plans (Rev B – Lodgement Version) prepared by DKO Architects, dated August 2025.</li> <li>• Urban Context Report (Rev C) prepared by DKO Architects, dated October 2025.</li> <li>• Urban Context Report (Lodgement Version) prepared by DKO Architects, dated August 2025.</li> <li>• Statement of Changes (Clouded Plans) prepared by DKO Architects, dated October 2025.</li> <li>• Landscape Concept Plans prepared by Acre, dated September 2025.</li> <li>• Sustainability Management Plan (Apartment Development – Updated Version) prepared by Hexicon, dated October 2025.</li> <li>• Sustainability Management Plan (Lodgement Version) prepared by Hexicon, dated September 2025.</li> <li>• Sustainable Design Assessment (Townhouse Development – Updated Version) prepared by Hexicon, dated October 2025.</li> <li>• Green Travel Plan prepared by OneMileGrid, dated 17 October 2025.</li> <li>• Operational Waste Management Plan prepared by Colliers (TTM Consulting), dated May 2025.</li> <li>• Traffic Impact Assessment – Apartment Development (Updated Version) prepared by Colliers Traffic Engineering, dated 31 October 2025.</li> <li>• Traffic Impact Assessment – Townhouse Development (Updated Version) prepared by Colliers Traffic Engineering, dated 31 October 2025.</li> <li>• Traffic Impact Assessment (Lodgement Version) prepared by Colliers Traffic Engineering, dated August 2025.</li> <li>• Acoustic Assessment (Updated Version) prepared by Renzo Tonin &amp; Associates, dated October 2025.</li> <li>• Acoustic Assessment (Lodgement Version) prepared by Renzo Tonin &amp;</li> </ul>



Associates, dated May 2025.

- Heritage Impact Statement prepared by Bryce Raworth Pty Ltd, dated May 2025.
- Memorandum of Heritage Advice prepared by Bryce Raworth Pty Ltd, dated June 2025.
- Pedestrian Wind Environment Statement prepared by Windtech Consultants, dated May 2025.
- Quantity Surveyor Report (Updated Version) prepared by Berkowitz & Associates, dated October 2025.
- Quantity Surveyor Report (Lodgement Version) prepared by Berkowitz & Associates, dated March 2025.
- Title Re-establishment Survey and Updated Survey Documentation prepared by Prime Land Consultants, dated 18 November 2025.
- Certificates of Title, issued by Land Use Victoria, current at time of lodgement.
- MPL Certificate, dated 2025.
- Invest Victoria Feasibility Letter, dated 14 August 2025.
- Council Referral Comments (Consolidated), dated 2025.

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

## Proposal Summary

3. The proposal can be summarised as follows:

Key Information	Details
<b>Proposal:</b>	Use and development of land for a multi-storey mixed-use building comprising 57 apartments and 255 m <sup>2</sup> office (25–37 Victoria Street) and construction of three four-storey townhouses (part 9 Victoria Street), pursuant to Clause 53.23.
<b>Total Site Area:</b>	1,505 m <sup>2</sup> (Apartment Site) + 111 m <sup>2</sup> (Townhouse Site) = 1,616m <sup>2</sup> combined.
<b>Gross Floor Area:</b>	Approx. 5,150 m <sup>2</sup> (Apartment component, estimated based on 57 dwellings + 255m <sup>2</sup> office; equates to an approximate site-wide Floor Area Ratio of ~3.2:1 across the combined landholding).
<b>Height:</b>	Apartment: 33.273 m (maximum 10 storeys, excluding loft mezzanines). Townhouses: 12.58 m (4 storeys).
<b>Setbacks:</b>	Apartment – 0 m street setback to Victoria Street; 6m upper-level setback from Level 4 (increasing to 8 m–12 m at upper levels); 2.135 m setback above rear street wall; 3 m–5.6 m side setbacks at upper levels. Townhouses – 0m street setback; approx. 3.2 m fourth-level setback from western laneway.
<b>Land Uses:</b>	57 dwellings (4 x 1-bed, 18 x 2-bed, 29 x 3-bed, 6 x 4-bed apartments), 3 x 2-bed townhouses, and 255 m <sup>2</sup> ground floor Office tenancy.
<b>Car Parking:</b>	74 basement spaces (apartment component); 3 at-grade carport spaces (townhouses).
<b>Bicycle Parking:</b>	59 spaces (57 residential + 2 office) within basement; 3 townhouse spaces (one per dwelling).
<b>Motorcycle Parking:</b>	Not proposed.
<b>Total Parking:</b>	77 car spaces total (74 apartment + 3 townhouse), plus 62 bicycle spaces overall.
<b>Loading and Waste Arrangements:</b>	Basement loading and waste storage for apartment component accessed via rear laneway; private waste collection (general, recycling, glass and FOGO streams). Townhouse waste stored within individual carports for council collection.

4. Specific details of the application include:

5. This application seeks approval pursuant to Clause 53.23 – Significant Residential Development with Affordable Housing to use and develop land at 25–37 Victoria Street and part of 9 Victoria Street, Fitzroy for a mixed-use apartment development and a townhouse development.



6. The proposal comprises two components:

#### **Apartment Development – 25–37 Victoria Street**

7. The apartment component involves the partial demolition of the existing heritage building (Acme Shirt Factory), retention and restoration of identified contributory heritage fabric, and construction of a multi-storey mixed-use building.
8. Key elements of the apartment proposal are as follows:
- Construction of a building with a maximum height of 33.273 metres (10 storeys, excluding loft mezzanines).
  - Retention and restoration of the western heritage façade and parapet return.
  - A street wall height to Victoria Street of 14.72 metres, aligning with the retained heritage parapet.
  - Upper-level setbacks commencing from Level 4, including:
    - Minimum 6 metre setback to Victoria Street (increasing to 8–12 metres at upper levels).
    - Minimum 2.135 metre setback above the rear laneway street wall.
    - Side setbacks ranging from 3 metres (Levels 4–7) to 5.6 metres (Levels 8–9).
  - Provision of 57 dwellings comprising:
    - 4 one-bedroom apartments
    - 18 two-bedroom apartments
    - 29 three-bedroom apartments
    - 6 four-bedroom apartments
  - A 255 square metre ground floor office tenancy fronting Victoria Street.
  - Two basement levels providing:
    - 74 residential car parking spaces (all EV-ready).
    - 59 bicycle spaces (57 residential, 2 commercial).
    - Resident storage, building services, rainwater tank and waste storage areas.
  - Communal facilities including:
    - Ground floor resident lounge and shared amenity areas.
    - Rooftop communal wellness space (approximately 99.5 square metres) including cold plunge and sauna facilities.
  - Landscaping elements including integrated planters to building edges and rooftop, and planting within a central lightwell.
  - Sustainable design measures including a 22,000 litre rainwater tank, 28kW rooftop solar PV system and minimum 7 Star NatHERS ratings.
9. Waste for the apartment component will be separated into general waste, recycling, glass and FOGO streams, stored within Basement 1 and collected by private contractor via the rear laneway.
10. A cash contribution equivalent to 3% of the estimated development cost (approximately \$1.59 million) is proposed to support delivery of affordable housing in accordance with Clause 53.23.

#### **Townhouse Development – Part 9 Victoria Street**

11. The townhouse component involves construction of three four-storey dwellings on the western portion of 9 Victoria Street, currently used for at-grade car parking.
12. Key elements of the townhouse proposal are as follows:
- Construction of three four-storey, two-bedroom dwellings.



- Maximum building height of 12.58 metres.
- Zero street setback to Victoria Street.
- Built-to-boundary eastern and northern walls.
- Fourth-storey setback of approximately 3.2 metres from the western laneway.
- One at-grade undercover carport per dwelling accessed from the western laneway (3 spaces total).
- One bicycle space per dwelling.
- Rooftop open-air terrace to each dwelling, including provision for solar PV installation.
- Individual 2,000 litre rainwater tanks within each carport (6,000 litres total).

Each dwelling is designed with:

- Ground floor study and entry.
- Two bedrooms and bathroom at Level 1.
- Open plan living at Level 2.
- Rooftop terrace with additional toilet facilities.

13. Waste for the townhouse component will be stored within individual carports and collected by Council.

14. The applicant has provided the following concept image/s of the proposal:

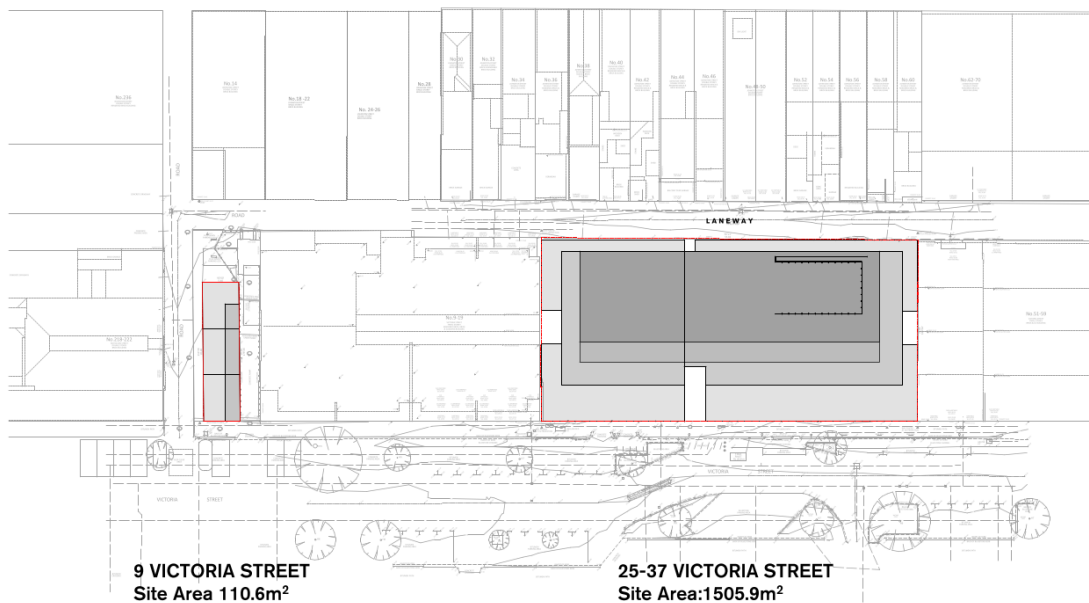


Figure 1 Proposed site plan



Figure 2 Proposed extent of demolition

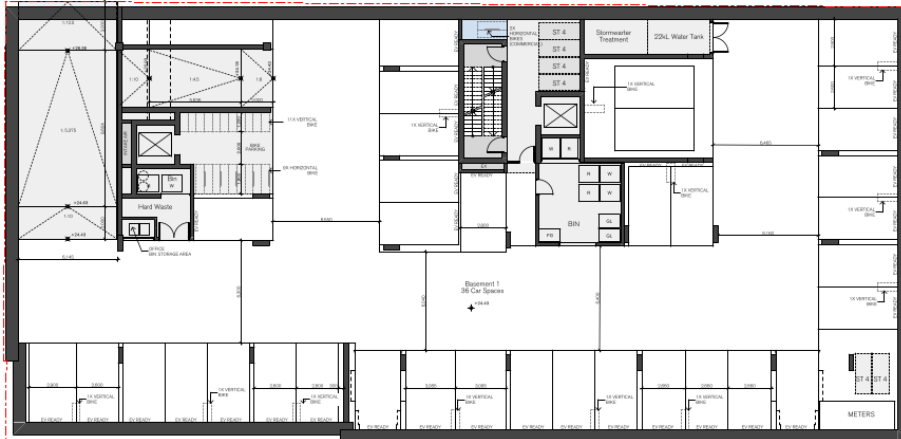


Figure 3 Proposed Basement Level 1 of 2



Figure 4 Proposed ground floor plan - 25-37 Victoria Street

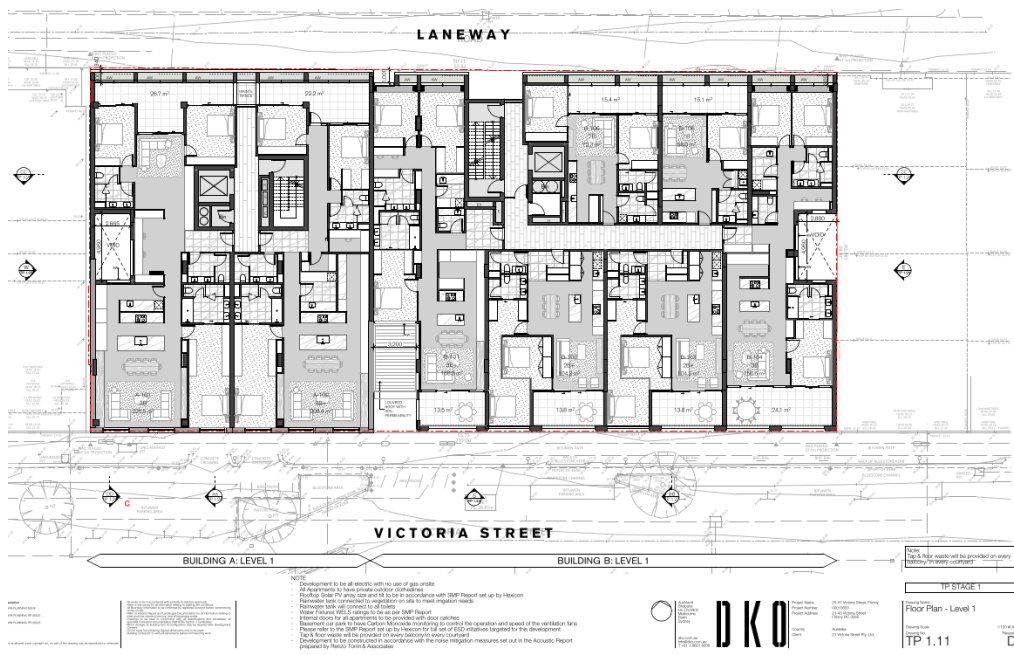


Figure 5 Proposed Level 1 - 25-37 Victoria Street

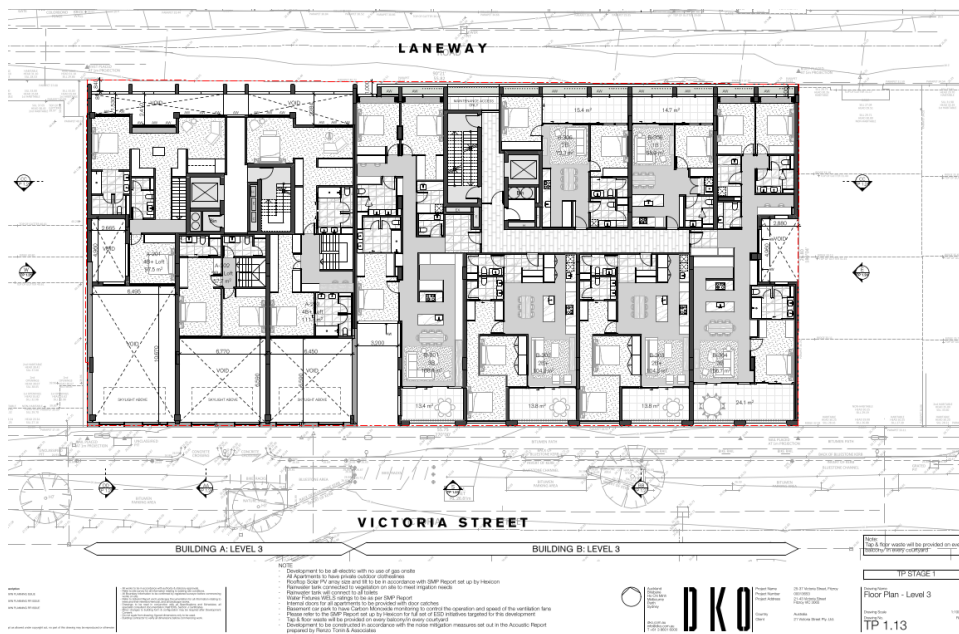


Figure 6 Proposed Level 3 - 25-37 Victoria Street

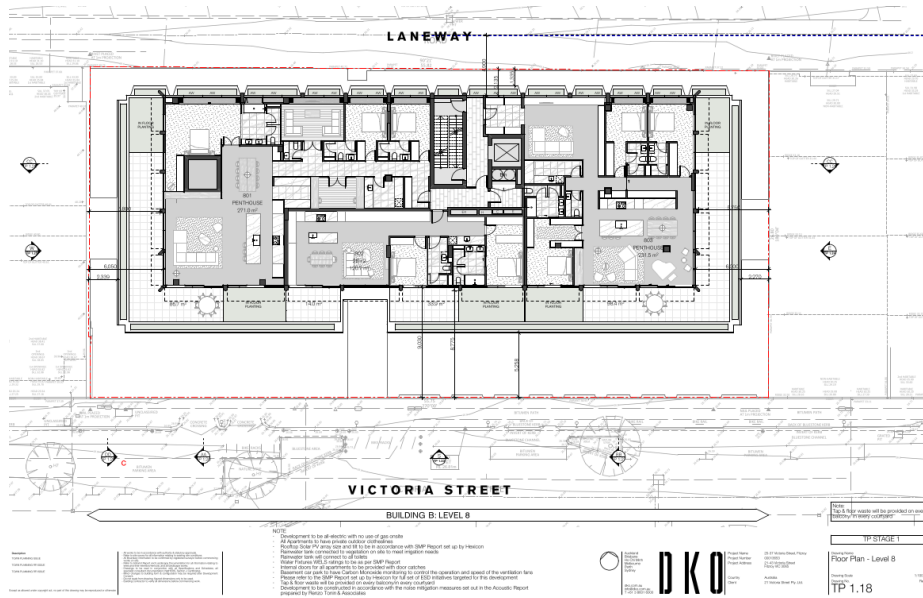


Figure 7 Proposed Level 8 - 25-37 Victoria Street

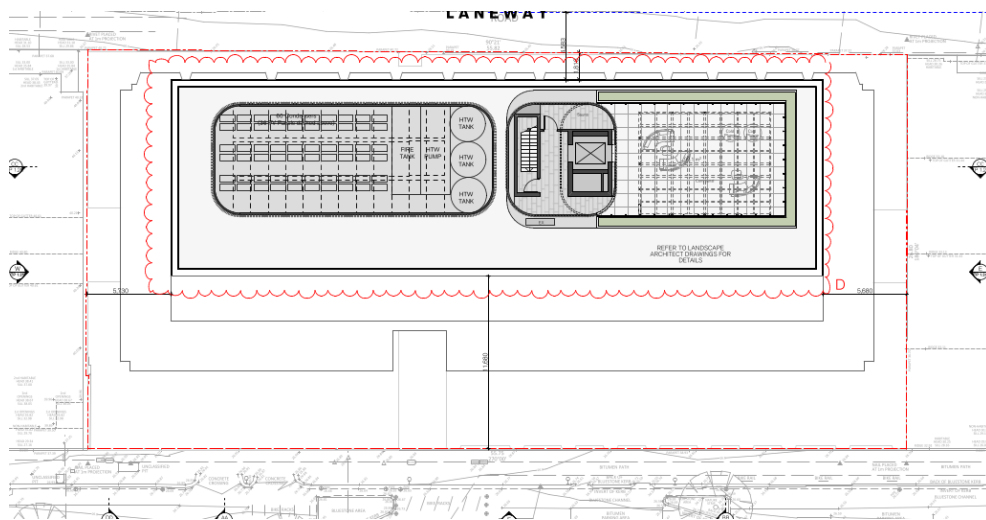


Figure 8 Proposed roof plan - 25-37 Victoria Street



Figure 9 Proposed Street elevation to Victoria Street - 25-37 Victoria Street

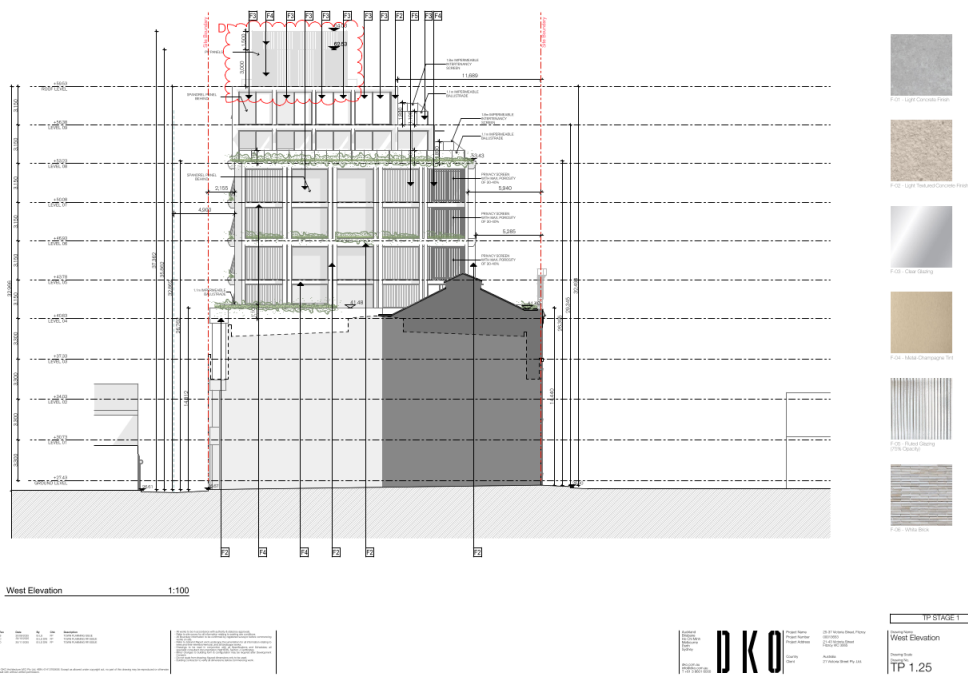


Figure 10 Proposed side elevation showing extent of retained heritage - 25-37 Victoria Street



Figure 11 Indicative render of Victoria Street facade - 25-37 Victoria Street

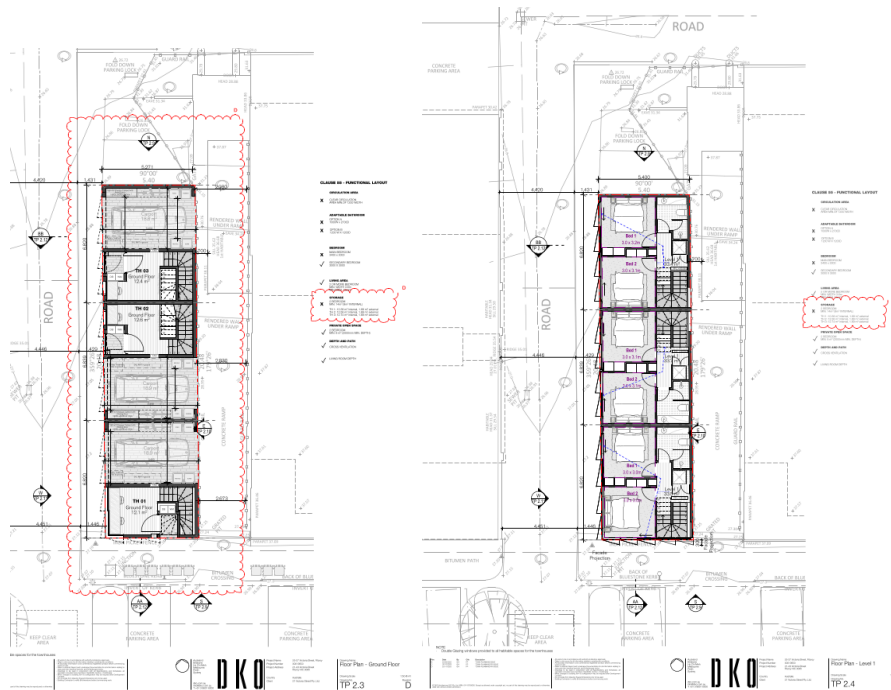


Figure 12 Proposed ground floor plan and first floor plan - 9 Victoria Street (Townhouses)

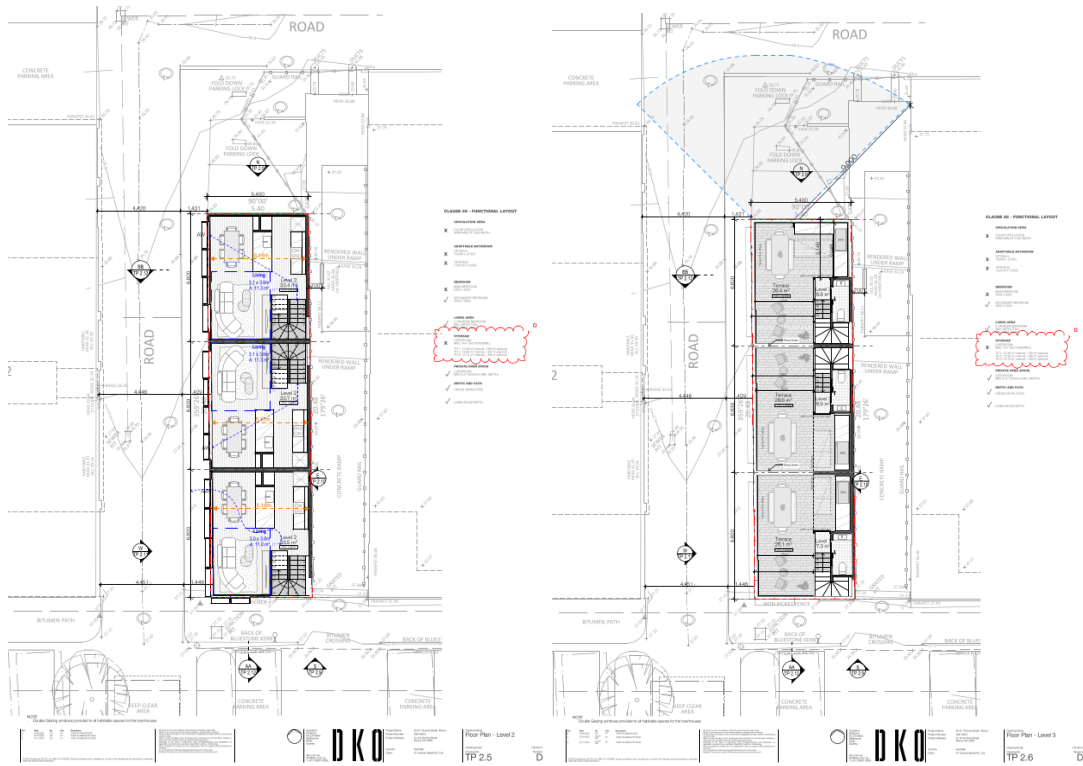


Figure 13 Propose 2nd floor and rooftop terrace 9 Victoria Street (Townhouses)

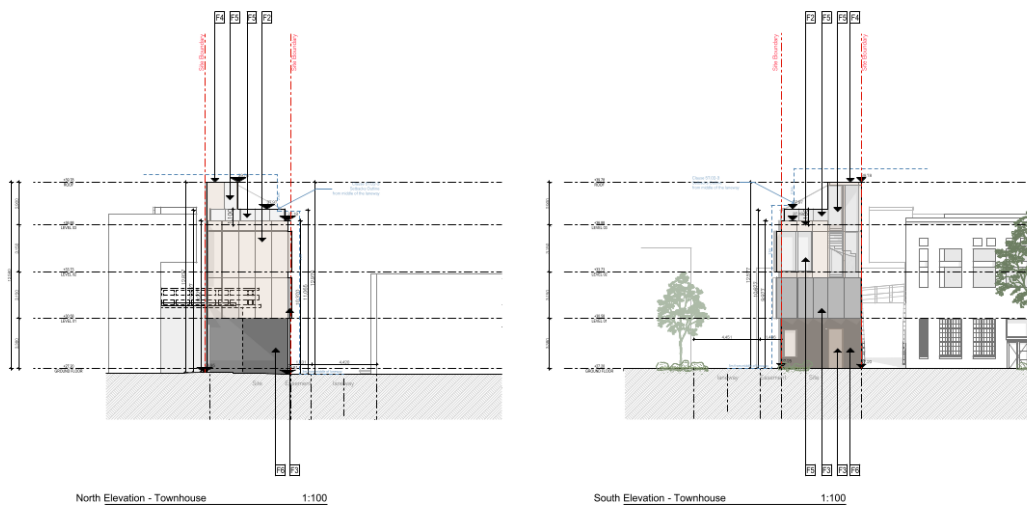


Figure 14 Proposed side elevations - 9 Victoria Street (Townhouses)



*Figure 15 Indicative render - 9 Victoria Street (Townhouses)*



## 25–37 Victoria Street, Fitzroy (Apartment Site)

### Subject site description

15. The Apartment Site is located at 25–37 Victoria Street, Fitzroy, on the northern side of Victoria Street within the City of Yarra.
16. The site comprises an area of approximately 1,505 square metres, with a primary frontage to Victoria Street of approximately 55 metres and a depth of approximately 27 metres.
17. The site is currently occupied by a part three-storey, part two-storey building constructed to all boundaries, historically known as the Acme Shirt Factory. The building is identified as a contributory heritage place under Heritage Overlay Schedule 334 (HO334).
18. A heritage review prepared by Bryce Raworth identifies three distinct built-form components with varying heritage significance:
  - the original 1889 factory building, assessed as having the highest heritage value;
  - an intermediate 1900s–1970s addition, assessed as having moderate heritage value; and
  - a 1938 eastern addition, assessed as having the least heritage significance.
19. The Apartment Site has most recently been used as an education centre by the Southern School of Natural Therapies. It is understood that staff car parking associated with this use was provided at the western portion of 9 Victoria Street.
20. The Apartment Site is formally identified as Lot 2 on Plan of Subdivision 341022M.
21. The site is subject to a caveat (AY874530M). There are no other relevant easements, encumbrances or notices affecting the title.



Figure 16 Aerial image of subject site

### Site Surrounds and Interfaces

22. The Apartment Site has the following key interfaces:
  - **South – Victoria Street**

Victoria Street is a part 20-metre and part 24-metre wide road reserve with 90-degree car parking, street trees and footpaths on both sides of the street, and kerb outstands on the southern side. Opposite the site is 30 Victoria Street, comprising apartment and townhouse dwellings. Further east along the southern side of Victoria Street are single and double-storey dwellings between 36 and 42 Victoria Street, each identified as having contributory heritage value.



- **East – 59 Victoria Street**

A part single-storey, part double-storey warehouse and office building constructed to the boundary, with a sawtooth roof profile. The two-storey form at the eastern elevation is visible above the single-storey wall immediately adjoining the Apartment Site.

- **West – 9 Victoria Street**

A part two-storey, part three-storey building with a retained heritage façade, adaptively reused for residential apartments and built to the boundary. The development includes north- and south-facing balconies at the third-floor level with a boundary wall interface to the Apartment Site.

- **North – Unnamed laneway**

A service laneway approximately 5–6 metres wide running from Fitzroy Street to a T-intersection with another laneway connecting Johnston Street and Victoria Street. The laneway is lined by single, double and three-storey buildings built to the boundary and provides vehicular access to surrounding properties. Opposite the site are properties between 36 and 60 Johnston Street, generally comprising double-storey terrace shops with no sensitive residential interfaces.

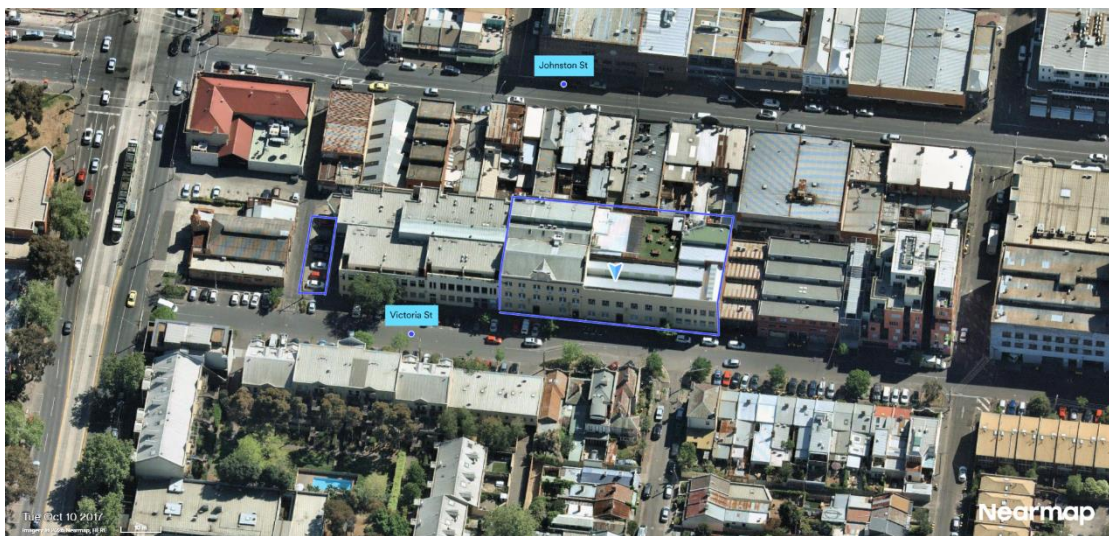


Figure 17 Subject site aerial image looking north

## Part of 9 Victoria Street, Fitzroy (Townhouse Site)

### Site Description


23. The Townhouse Site comprises the western portion of 9 Victoria Street, Fitzroy, and is located immediately adjacent to the Apartment Site.
24. The site has an area of approximately 111 square metres, with a southern frontage to Victoria Street of approximately 5.4 metres and a western frontage of approximately 21 metres to an unnamed north–south laneway connecting Victoria Street and Johnston Street.
25. The Townhouse Site is currently used for at-grade, open-air car parking, accessed via the unnamed laneway along the western boundary of 9 Victoria Street. These car parking spaces have historically been associated with the use of the Apartment Site at 25–37 Victoria Street.
26. It is noted that the eastern edge of the unnamed laneway, where it interfaces with the Townhouse Site, comprises Road R-1 on Plan of Subdivision 341022, which is 1.4 metres wide.
27. The Townhouse Site is formally identified as Lots 6 to 13 on Plan of Subdivision 341022M. The relevant certificates of title do not identify any easements, encumbrances or notices affecting the land.

### Site Surrounds and Interfaces

28. The Townhouse Site has the following key interfaces:

- **South – Victoria Street**

Victoria Street is a part 20-metre and part 24-metre wide road reserve with 90-degree car parking, street trees



and footpaths on both sides. Opposite the site is 30 Victoria Street, comprising apartment and townhouse dwellings, as well as single and double-storey dwellings between 36 and 42 Victoria Street identified as having contributory heritage value.

- **East – Balance of 9 Victoria Street**

A part two-storey, part three-storey mixed-use residential building with a retained heritage façade, built to the boundary. The eastern boundary of the Townhouse Site abuts a car parking ramp servicing the development, with a cantilevered built form above the ramp that includes a window close to the boundary. Based on available plans, this window is understood to be a secondary window to a second-floor habitable room.

- **West – Unnamed laneway and 218–222 Nicholson Street**

Road R-1 forms the eastern edge of the unnamed laneway, which is approximately 6 metres wide and runs north–south between Johnston Street and Victoria Street. Directly opposite the laneway is 218–222 Nicholson Street, an art-deco style building used as a showroom and warehouse, with two obscured windows and a roller door addressing the laneway.

- **North – Balance of 9 Victoria Street**

Lots 3 to 5 on Plan of Subdivision 341022, which will continue to be used for service access, storage areas and vehicular circulation associated with the development at 9 Victoria Street.



## Municipal Planning Strategy

29. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement – Docklands
02.03-3	Amenity, Safety, Noise
02.03-4	Built environment and heritage
02.03-5	Housing
02.03-6	Economic development
02.03-7	Transport
02.04	Strategic framework plan

## Planning Policy Framework

30. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause	Relevant PPF Provisions
Clause 11	Clause 11 – Settlement; 11.01-1S – Settlement; 11.01-1R – Settlement – Metropolitan Melbourne 11.03-1S – Activity centres; 11.03-1L – Activity centres; 11.03-6L-03 – Docklands
Clause 13	13.05-1S – Noise management 13.07-1L-01 – Interfaces and amenity 13.01-1R – Contaminated and potentially contaminated land
Clause 15	15.01-5S – Neighbourhood character; 15.01-1L – Urban design; 15.01-2L – Building design; 15.01-2L-01 – Environmentally sustainable development; 15.01-2L-02 – Landmarks; 15.03-1L – Heritage
Clause 16	16.01-1S – Housing supply; 16.01-1R – Housing supply – Metropolitan Melbourne; 16.01-1L – Location of residential development; 16.01-1L-01 – Housing diversity 16.01-2L – Housing affordability
Clause 17	17.02-1S – Business
Clause 18	18.01-3L – Sustainable transport; 18.02-4L-01 – Car parking
Clause 19	Clause 19 – Infrastructure

31. The assessment section of this report provides a detailed assessment of the relevant planning policies

## Zoning and Overlays

### Applicable Zone/s

**Mixed Use Zone (MUZ) – Clause 32.04**



32. A planning permit is required to use and develop land in accordance with Clause 32.04 (Mixed Use Zone) of the Planning Scheme. The purpose of the Mixed Use Zone is:
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
  - To provide for housing at higher densities.
  - To encourage development that responds to the existing or preferred neighbourhood character of the area.
33. A planning permit is required under the following provisions of Clause 32.04:
- Clause 32.04-2 – To use land for an office where the leasable floor area exceeds 250 square metres.
  - Clause 32.04-7 – To construct two or more dwellings on a lot.
  - Clause 32.04-10 – To construct a building for a Section 2 use (office).
34. The following sections include a discussion of how the proposal responds to these requirements.

## Applicable Overlay/s

### Heritage Overlay – Schedule 334 (HO334)

35. A planning permit is required to demolish or remove a building, construct a building or carry out works, and externally alter a building in accordance with Clause 43.01 (Heritage Overlay).
36. The objectives and decision guidelines relevant to this proposal include:
- 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.
37. Relevant information includes:
- Both sites are affected by Heritage Overlay Schedule 334, which applies to the South Fitzroy Precinct.
  - The applicable incorporated document is the *Incorporated Plan under the provisions of Clause 43.01 Heritage Overlay, Planning Permit Exemptions, July 2014*.
  - The buildings on the apartment site are not included on the Victorian Heritage Register.
  - A Statement of Significance for the precinct is available through the Victorian Heritage Database, however it is not incorporated into the planning scheme.

## Other Overlays

### Environmental Audit Overlay (EAO)

38. The subject sites are affected by the Environmental Audit Overlay (EAO), which seeks to implement the Municipal Planning Strategy and Planning Policy Framework and to ensure that potentially contaminated land is suitable for uses that may be adversely affected by contamination.
39. The proposed development includes sensitive uses, including residential dwellings. Accordingly, pursuant to Clause 45.03-1 of the Planning Scheme, before the commencement of the sensitive use or the commencement of any buildings or works associated with that use, one of the following must be provided to the Responsible Authority:
- A preliminary risk screen assessment statement issued in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use or proposed use; or
  - An environmental audit statement issued under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or proposed use; or



- A certificate of environmental audit issued in accordance with Part IXD of the *Environment Protection Act 1970*; or
  - A statement of environmental audit issued in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.
40. A permit condition is required to secure compliance with Clause 45.03-1 prior to the commencement of the sensitive use or associated buildings and works.
41. In relation to DCPO1, a condition of permit should be included to require payment of development contributions in accordance with the schedule.

## Particular and General Provisions

### Provisions that Require, Enable or Exempt a Permit

#### Clause 52.06 – Car Parking (Amendment VC277)

42. Amendment VC277, gazetted on 18 December 2025, introduced a new car parking control under Clause 52.06 of the Victoria Planning Provisions. The amendment replaces the former Principal Public Transport Network (PPTN) mapping with Car Parking Requirement Maps, which align car parking rates with the level of public transport accessibility available to a site.
43. Under the amended Clause 52.06 framework, car parking rates are determined using the Public Transport Accessibility Level (PTAL) methodology. This methodology considers walkability, public transport service frequency, route connectivity and timetable data. As a result, car parking rates are generally reduced in locations with strong access to public transport, particularly in inner-city and activity centre locations.
44. The reform implements Action 5 of *Plan for Victoria*, which seeks to better match car parking provision with demand, reduce housing costs, encourage a shift toward more sustainable transport modes, and support more efficient use of urban land. The amended Clause 52.06 provisions are therefore directly relevant to the assessment of the proposed car parking arrangements for this site.
45. Pursuant to Clause 52.06 and the Car Parking Requirement Maps (Department of Transport and Planning, December 2025), the site is located within a Category 4 area. Category 4 applies a maximum car parking rate, such that a planning permit is required only where the proposed number of car parking spaces exceeds the maximum specified rate.

#### Clause 52.34 – Bicycle Facilities

46. Pursuant to Clause 52.34 Pursuant to Clause 52.34-1, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. A statutory requirement of 258 bicycle spaces is required in accordance with Clause 53.34-5. 385 bicycle spaces are proposed and therefore a planning permit is not required under Clause 52.34.

#### Clause 53.03 Residential Reticulated Gas Service Connection

47. This clause applies to an application for a permit under any provision of this scheme that is for or includes: • construction of a new dwelling (other than a caretaker's house) or a new apartment development. In accordance with Clause 53.03-2, the recommendation includes the mandatory condition for an apartment dwelling.

#### Clause 53.18 – Stormwater Management in Urban Development

48. Pursuant to Clause 53.018-1, the provisions of Stormwater Management in Urban Development apply to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works.

#### Clause 53.23 – Significant Residential Development with Affordable Housing

49. The application is assessed under Clause 53.23 – Significant Residential Development with Affordable Housing of the Victoria Planning Provisions, which enables eligible developments to be considered through the Development Facilitation Program (DFP).
50. Pursuant to Clause 53.23-1 (Eligibility), the proposed development is eligible for assessment under Category 1 of the DFP. An assessment of the relevant eligibility criteria is provided below.

#### Table: Clause 53.23-1 – Category 1 Eligibility Assessment



Category 1 Eligibility Requirement	Response
<b>The estimated cost of development must be at least \$50 million where any part of the land is in metropolitan Melbourne.</b>	The proposed development is estimated to cost approximately \$53,165,000, exceeding the minimum threshold. This is supported by the Quantity Surveyor Report prepared by Berkowitz & Associates, submitted with the application.
<b>At least 10% of dwellings must be affordable housing, or an alternative affordable housing mechanism must be secured under a Section 173 Agreement pursuant to Clause 53.23-4.</b>	The proposal satisfies this requirement through an alternative affordable housing mechanism. The Applicant will provide a cash contribution equivalent to 3% of the estimated development cost to support the delivery of additional affordable housing by the State Government. The mechanism to secure this contribution will be stipulated by a condition on permit, consistent with Clause 53.23-4.
<b>Written advice must be provided from the Chief Executive Officer of Invest Victoria confirming the likely financial feasibility of the proposal.</b>	Written advice has been provided by Invest Victoria, dated 14 August 2025, confirming the likely financial feasibility of the proposal.

51. On this basis, the proposed development satisfies the Category 1 eligibility requirements under Clause 53.23-1 and is appropriately assessed through the Development Facilitation Program.

#### **Clause 57 – Residential Development of Four Storeys**

52. Clause 57 of the Yarra Planning Scheme applies to the proposal as it involves residential development of four or more storeys. The purpose of Clause 57 is to implement the Municipal Planning Strategy and the Planning Policy Framework, encourage residential development that provides reasonable standards of amenity for both existing and future residents, and ensure that development responds appropriately to the site and its surrounding context.
53. The proposal has been assessed against the objectives, standards and decision guidelines of Clause 57, including building setbacks, overshadowing, internal amenity and interface treatments. A detailed assessment is within Appendix 1.

#### **Clause 58 – Apartment Developments**

54. Pursuant to Clause 58, provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development if the apartment development is in the Commercial 1 Zone

### **Relevant Strategic Plan / Background Documents**

#### **Plan for Victoria**

55. Plan for Victoria (2025) sets out a long-term strategic framework to guide Victoria's growth and development, with the objective of supporting an inclusive, liveable, sustainable and prosperous state. The Plan emphasises the importance of directing growth to locations that are well served by employment, services, public transport and community infrastructure, particularly within metropolitan Melbourne.
56. The Plan identifies housing supply as a key strategic issue and establishes long-term dwelling targets for Victorian local government areas to be achieved by 2051. For the City of Yarra, the identified target is 44,000 additional dwellings. The Plan provides strategic direction to inform planning decisions but does not itself introduce statutory planning controls.

#### **Victoria's Housing Statement**

57. Victoria's Housing Statement, released on 20 September 2023, outlines a package of reforms intended to increase housing supply and improve affordability across the state. The Statement identifies a target of facilitating approximately 80,000 new dwellings per year, including social and affordable housing, and promotes a greater proportion of new housing within established urban areas with access to services and infrastructure.
58. Relevant to this proposal, the Statement includes reforms to expand the eligibility criteria for the Development Facilitation Program (DFP). In metropolitan Melbourne, this includes residential developments with a development cost of at least \$50 million that provide a minimum of 10 per cent affordable housing. These reforms provide policy

context for the consideration of eligible proposals but do not replace the need for assessment against the Planning Scheme and the Planning and Environment Act 1987.

### **Draft Planning Scheme Amendment C271yara**

59. Yarra City Council has initiated draft Amendment C271yara and undertaken public consultation on the draft amendment.
60. Draft Planning Scheme Amendment C271yara seeks to introduce built form controls for land along and surrounding major corridors in Fitzroy and Collingwood.
61. The draft amendment was subject to public consultation between 18 November 2024 and 24 February 2025 and, on 23 December 2025 the Minister for Planning determined to refer the draft amendment and submissions to the Yarra Activity Centres Standing Advisory Committee with defined Terms of Reference and specified matters for consideration.
62. While the draft amendment has progressed beyond consultation, it has not yet been considered by the Standing Advisory Committee and has no statutory standing in the planning scheme. Notwithstanding this, the proposal has been assessed against draft Amendment C271yara as a guide to draft provisions under SAC consideration.



*Figure 18 Area seeking to introduce controls via draft amendment C271*



## Referrals

63. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
<b>Section 55 Referral – Determining</b>	The Head, Transport for Victoria	No objection, 02 October 2025
<b>Section 52 (1)(b)</b>	Yarra City Council	Objection, 28 January 2026

## Municipal Council Comments

64. The **Yarra** City Council (the council) considered the application at their committee on **27 January 2026**.

65. The council determined:

- That it does not support the proposal on the following grounds:
  - (a) The extent of demolition to buildings at Nos. 25-37 Victoria Street Fitzroy does not comply with the objectives at Clause 43.01 and Clause 15.02-1L of the Yarra Planning Scheme; and
  - (b) The proposed height, setbacks, massing and design of the development at Nos. 25-37 Victoria Street Fitzroy does not respond to the heritage and built form context and fails to comply with provisions at Clause 15.01-1L, Clause 15.01-2L or the heritage objectives at Clauses 43.01 and Clause 15.03 of the Yarra Planning Scheme.

## Notice

66. The council's referral unit made the following comments:

Internal Business Unit	Comments
<b>Heritage Advisor</b>	<i>Supports, subject to conditions generally reflected in the recommendation. Key conditions (mixed use development): retention of the 1889 and 1938 buildings in their three-dimensional form, including at least part of the original roof structure; Level 3 podium setback from the Victoria Street boundary; amendments to external cladding; deletion of two levels; and conservation/restoration works. Key conditions (townhouse development): lowering of the Victoria Street street wall height and setbacks to built form (including stairwells and roof terraces) from Victoria Street.</i>
<b>Development Engineering</b>	<i>Supports, subject to conditions.</i>
<b>Civil Engineering</b>	<i>Supports, subject to conditions, including public realm works.</i>
<b>ESD</b>	<i>Supports, subject to conditions generally reflected in the recommendation. Key conditions include redesign of dwellings to ensure a minimum 60% achieve cross ventilation and provision of energy-efficient mechanical ventilation to dwellings without natural ventilation.</i>
<b>Urban Design and Open Space</b>	<i>Does not support the mixed use development due to excessive building height and insufficient response to surrounding context. Supports the townhouse development, subject to conditions including public realm and streetscape improvements.</i>
<b>Strategic Planning</b>	<i>Supports, subject to conditions. Key conditions (mixed use development) include reducing the Victoria Street street wall height, increasing upper-level setbacks, reducing overall building height, increasing building separations, and design amendments to comply with draft DDO35.</i>
<b>Waste Management</b>	<i>Supports, subject to conditions.</i>
<b>Strategic Transport</b>	<i>Supports, subject to conditions.</i>

67. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 32.04 – Mixed Use Zone;
- Clause 43.01 – Heritage Overlay.



68. The applicant was directed to give notice by way of erecting a sign/s on the site and notifying adjoining owners and occupiers.

69. 29 objections were received, raising the following issues:

- Building height
- Car parking
- Solar access/overshadowing
- Density and amenity
- Heritage
- Overlooking
- Acoustics

70. The objections are discussed within the body of the report, and a tabled response provided at the appendix 3.

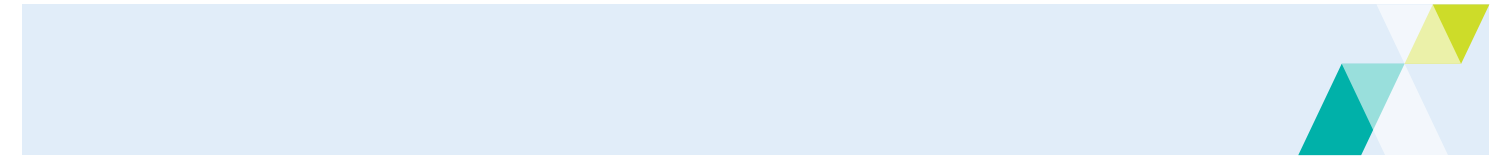


## Strategic Direction and Land Use

71. The Planning Policy Framework (PPF) supports land use and development that enhances the built environment, contributes to economic activity, responds to community needs for housing and employment, and integrates land use with transport and infrastructure planning.
72. The relevant Municipal Planning Strategy (MPS) and PPF provisions have been considered in the assessment of this application, having regard to the site's zoning, overlay controls and the applicable particular provisions of the Yarra Planning Scheme.
73. Victoria's Housing Statement: The Decade Ahead 2024–2034 (Department of Premier and Cabinet, 2023) and Plan for Victoria (Department of Transport and Planning, 2025) together establish the State's strategic framework for accommodating population and employment growth by increasing housing supply in well-serviced locations. These policies prioritise the concentration of higher-density housing within activity centres and locations with strong access to public transport, employment and essential services, and seek to align land use planning with major infrastructure investment to support liveable and sustainable communities.
74. Within this context, Fitzroy is identified within the Yarra Planning Scheme as a Neighbourhood Activity Centre, with a strategic role in accommodating incremental housing growth and supporting a diverse mix of residential, commercial and community uses. Consistent with these directions, the City of Yarra is expected to accommodate a share of metropolitan housing growth in locations with high levels of accessibility, established infrastructure and proximity to employment and services.

## Planning Policy Framework

75. The Planning Policy Framework (PPF) supports land use and development that enhances the built environment, supports economic activity, responds to community needs for housing and employment, and integrates land use with transport and infrastructure planning.
76. Clause 11.01-1S (Settlement) seeks *"to promote the sustainable growth and development of Victoria"* by directing development to locations with access to services and infrastructure. Clause 11.03-1S (Activity centres) identifies activity centres as a focus for housing and employment growth, while Clause 11.03-1L (Activity centres – Local) supports medium-density housing and mixed-use development within Neighbourhood Activity Centres where it responds appropriately to the surrounding context.
77. The proposal comprises apartment and townhouse development within the Fitzroy Neighbourhood Activity Centre. The proposal supports the strategic objectives of Clause 16.01-1S (Housing supply), which seeks *"to provide for a range of housing choices to meet the needs of all households"*, and Clause 16.01-1R (Housing supply – Metropolitan Melbourne), which directs housing growth to activity centres and locations well served by public transport. In this context, the proposal contributes to incremental housing intensification and diversity within an established inner-city neighbourhood.
78. The subject site is well served by public transport and is located within walking distance of daily services and employment opportunities. The proposal includes a reduced provision of car parking and the provision of bicycle parking, consistent with Clause 18.01-1S (Land use and transport integration) and Clause 18.02-2S (Cycling). These measures support reduced reliance on private vehicles and contribute to the delivery of a 20-minute neighbourhood, consistent with Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne).
79. The design of the proposal responds to the established and emerging built form context of Fitzroy, including its fine-grain heritage character and evolving medium-density form. Public realm outcomes and building articulation have been designed to support pedestrian amenity, safety and street activation, consistent with Clause 15.01-1S (Urban design). Built form transitions and materiality seek to integrate the development within the existing streetscape, while accommodating increased residential density in an activity centre context.
80. The proposal incorporates environmentally sustainable design measures, including energy-efficient building systems, water-efficient fixtures, bicycle facilities and stormwater management initiatives. These measures respond to Clause 15.01-2L-01 (Environmentally sustainable development) and Clause 19.03-3L (Stormwater management – Water Sensitive Urban Design). Further assessment of the ESD response is provided below.
81. The proposed use and development have been assessed in relation to environmental risk and amenity impacts in accordance with Clause 13.05-1S (Noise management), Clause 13.06-1S (Air quality management) and Clause 13.07-1L-01 (Interfaces and amenity). The design incorporates measures to manage potential off-site amenity impacts associated with adjoining mixed-use and commercial interfaces. Conditions are proposed to ensure that any



potentially contaminated land is appropriately assessed and managed in accordance with Clause 13.04-1S (Contaminated and potentially contaminated land).

## **Buildings and Works**

82. The applicable zoning and overlay provisions have been considered in the application.
83. The primary built form issue arising from this application relates to the proposal's consistency with the Johnston Street Built Form Framework (BFF).
84. While draft Amendment C271yara proposes to implement height and built form outcomes as mandatory requirements, the draft amendment has not yet been authorised, approved or gazetted. As such, the Built Form Framework currently operates as an adopted strategic policy document and the proposed draft DDO35 controls are afforded weight as a council preference document for the purposes of this assessment. The application has therefore been assessed against the current planning controls, noting the Heritage Overlay and applying a first-principles urban design assessment.
85. Notwithstanding the above, the proponent has provided a response to the proposed council built form measures in draft Amendment C271yara, including proposed draft building height, street wall height and upper-level setbacks. This response has been reviewed by the Planning Facilitation and Urban Design teams, who consider that the application's height and massing provide an appropriate design response to the site context, having regard to the architectural quality of the proposal and its relationship to the surrounding streetscape.
86. Based on the current planning framework, the proposal has been assessed against the operative controls and is supported in principle, noting that the proposed height and setbacks are underpinned by a high-quality architectural response and a positive contribution to the streetscape.
87. The proposal includes the partial demolition of the existing heritage façade. This outcome is supported in principle. The proposal seeks to deliver a mid-rise residential outcome consistent with contemporary infill development and State housing policy directions for urban consolidation. It is also noted that the surrounding precinct has been substantially altered, with a mix of built form from different architectural periods, and that the local schedule to the Mixed Use Zone does not include specific neighbourhood character objectives.
88. In addition, it is noted that there are no existing rooftop solar energy systems on adjoining residential properties that would be materially impacted by overshadowing from the proposal. On this basis, and having regard to the purpose of the Mixed Use Zone to accommodate a range of residential and commercial outcomes, the proposal is considered to be consistent with the purpose of the zone.

### **Johnston Street Built Form Framework and draft DDO35**

89. Draft Amendment C271yara has not yet been considered by the Yarra Activity Centres Standing Advisory Committee and is therefore not a seriously entertained planning document. Accordingly, the proposal is assessed on its merits against the current planning controls.
90. Notwithstanding this, the proposal has had regard to the objectives and principles of the Johnston Street Built Form Framework and draft DDO35 in determining an appropriate built form response. While the numeric controls proposed by the draft DDO35 do not fully reflect the site's locational attributes and development capacity, the underlying design principles of the framework are considered sound as a guide to a character assessment response and have informed the proposal's design.
91. These principles include:
  - ensuring the street wall remains the dominant built form element when viewed from the street;
  - providing visually recessive upper levels that satisfy the 1/3–2/3 visibility test;
  - achieving a comfortable sense of enclosure having regard to the width of the Victoria Street road reserve;
  - considering equitable development opportunities on adjoining land; and
  - minimising overshadowing of key pedestrian streets and footpaths.
92. The proposal demonstrates consistency with these principles through a retained and reinforced heritage street wall along Victoria Street, recessed upper levels, articulated massing and setbacks, and shadow impacts that do not result in unreasonable amenity impacts to the public realm or adjoining properties.
93. Preliminary massing analysis further demonstrates that the proposal would be largely visually obscured from the Johnston Street heritage streetscape when considered against potential future built form envelopes contemplated

under the Johnston Street Built Form Framework and the draft DDO32 (Johnston Street West). It is noted that such built form outcomes could be delivered under the existing planning framework, irrespective of the outcome of draft Amendment C271ya.

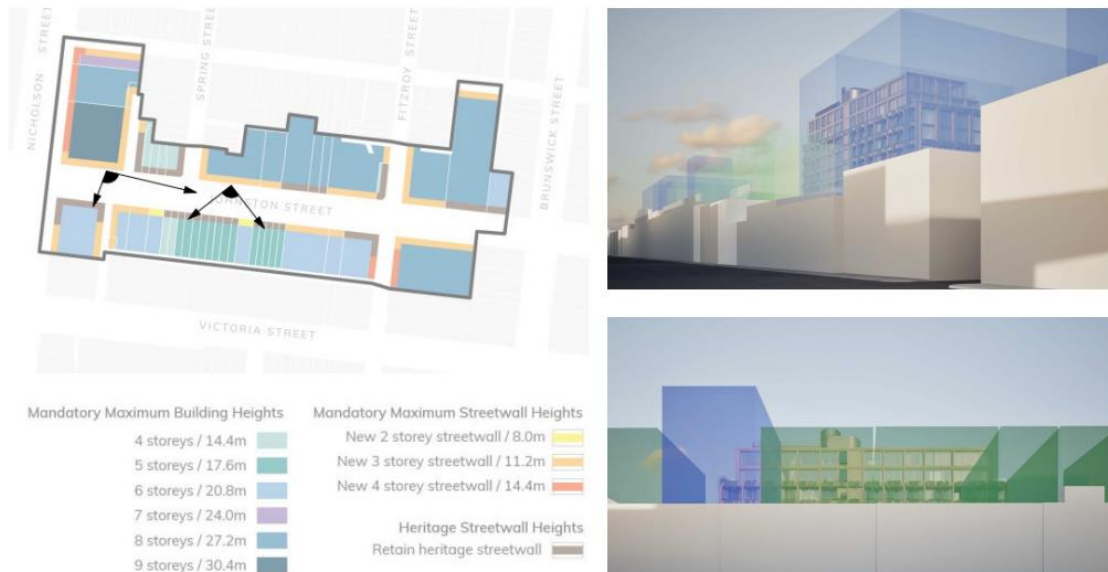


Figure 19 Preliminary massing studies of draft DDO32 against the proposal prepared

Design Objective (BFF / draft DDO35)	Response – Proposed Development
<b>Mid-rise character behind a consistent street wall along Victoria Street</b>	Apartment development presents a consistent street wall height of approximately 14.72 m, aligned with the retained heritage façade (3–4 storeys). Upper levels rise to a maximum height of 33.273 m (10 storeys excluding mezzanines), with the primary visual mass equivalent to eight storeys due to setbacks and recessive design.
<b>Retention of prominence and integrity of corner and heritage buildings</b>	The western portion of the heritage façade, assessed as having the highest heritage value, is retained in full along Victoria Street, including parapet and side parapet elements.
<b>Recessive upper levels that complement heritage streetscape</b>	Upper levels are setback a minimum of 6 m from Victoria Street, increasing to approximately 8 m behind the retained heritage façade. Façade rhythm, datum lines and solid-to-void ratios respond directly to the retained fabric.
<b>Pedestrian activity and passive surveillance</b>	Ground floor includes a commercial tenancy and multiple dwellings fronting Victoria Street, each with individual entrances. The centrally located residential lobby and communal areas further contribute to activation and surveillance.
<b>Sensitive interface response and transition to lower-scale areas</b>	The site has limited sensitive interfaces. A four-storey street wall is provided along the rear laneway, consistent with the BFF. Shadow studies confirm no unreasonable impacts to opposite footpaths or nearby properties.
<b>Street wall height</b>	Retained heritage street wall is maintained to Victoria Street. Lesser-value eastern façade fabric is replaced with a new four-storey street wall that responds respectfully to the retained fabric.
<b>Upper level setbacks</b>	A minimum 6 m setback is provided from Victoria Street. Upper levels above eight storeys are further recessed and designed as capped elements to minimise visual presence.
<b>Visual recessiveness of upper levels</b>	While upper levels are arranged in more than two steps, only the first step is visible from the public realm, satisfying the 1/3–2/3 visibility test.
<b>Maximum building height</b>	The apartment building exceeds the draft mandatory height of 6 storeys / 20.8 m; however, setbacks, articulation and lightweight detailing ensure the height sits comfortably within its context. Townhouses comply with a maximum height of 12.58 m (4 storeys).
<b>Overshadowing controls</b>	No overshadowing of the opposite Victoria Street footpath occurs between 10am and 2pm on 22 September. Limited overshadowing of a small kerb outstand is considered acceptable given its size, lack of seating and minimal impact on street trees.



**Building separation and amenity**

Upper levels up to 27 m are setback a minimum of 3 m from side boundaries, with obscure glazing applied where required. Development above 27 m is setback a minimum of 6 m. Laneway setbacks exceed minimum expectations and interface with non-habitable commercial uses.

**Rear boundary interface**

A four-storey street wall is provided to the rear laneway, with upper levels contained within a single setback step, avoiding excessive stepping and visual clutter.

**Height and Setbacks**

94. The following design objectives and guidelines of the draft Built form Overlay are relevant:

Standards in draft BFO schedule		Assessment
<b>Maximum building height</b>	Max 6 storeys / 20.8 m (mandatory)	<b>33.27 m</b> (exceeds proposed mandatory height by 4 storeys)
<b>Street wall height</b>	Max 4 storeys / 14.4m (mandatory)	<b>4 storeys / 14.8 m</b> (generally complies)
<b>Setback above the street wall</b>	Min 6 m on Victoria Street (mandatory)	<b>6.0 m to 11.6 m</b> (complies)
<b>Heritage street wall</b>	Retention encouraged (discretionary)	<b>Part heritage street wall retained</b> (partly complies)

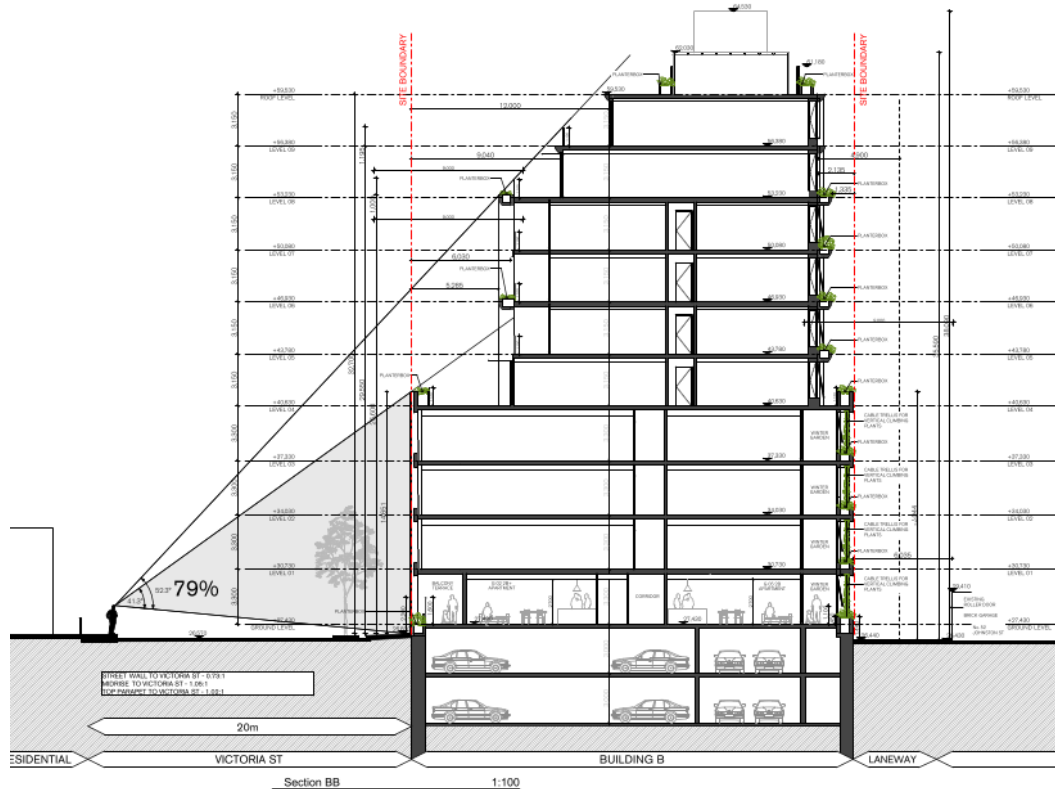


Figure 20 Proposed cross section showing setbacks to Victoria Street and laneway to the rear (Applicant submission)

### Height discussion

95. The zoning and overlay provisions applicable to the site have been considered as part of this assessment. The primary built form issue relates to the proposal's consistency with the Johnston Street Built Form Framework (BFF) and the proposed controls under draft Amendment C271yara, which seeks to introduce mandatory built form requirements through draft Design and Development Overlay Schedule 35 (DDO35). The proposal exceeds the preferred draft maximum building height of 6 storeys / 20 metres identified in the adopted Built Form Framework.
96. Draft Amendment C271yara has not yet been authorised, approved or gazetted and has not been considered by a Standing Advisory Committee. Accordingly, it is not a seriously entertained planning document. While the Built Form Framework operates as an adopted council strategic policy document, the proposed draft DDO35 controls are afforded weight as a council guide for the purposes of this assessment. The proposal has therefore been assessed primarily against the operative planning controls within the planning scheme, with a first-principles urban design assessment undertaken in the absence of operative Design and Development Overlay controls.
97. Notwithstanding this, the proposal has had regard to the objectives and principles of the Johnston Street Built Form Framework and the draft DDO35 in determining an appropriate built form response. The Framework identifies that the precinct has already experienced substantial development and change, with recent and approved development ranging from 4 to 6 storeys in side streets and up to 10 storeys along the Johnston Street spine. It further notes that recent planning permit approvals within the precinct are typically in the order of 6 to 8 storeys, with a number of larger developments approved or under construction.
98. The Framework also recognises that many approved developments along Johnston Street employ a traditional street wall form with upper-level setbacks and identifies this model as an appropriate and ongoing response along the corridor. The Johnston Street North (JN1) sub-precinct, in particular, is identified as having the greatest capacity to accommodate built form change due to generally larger lot sizes, limited heritage constraints and the presence of recent developments ranging between 6 and 10 storeys.

99. While the subject site is not located directly on the Johnston Street frontage, it is within the broader Johnston Street Neighbourhood Activity Centre and forms part of the evolving urban context identified by the Framework. In this regard, the Framework's recognition of established and approved mid-rise and higher built form outcomes is a relevant consideration in assessing the appropriateness of the proposed height.
100. The site comprises a consolidated landholding of sufficient size and configuration to accommodate a mid-rise built form outcome, including appropriate setbacks, internal amenity and landscaping.
101. The proposal has been reviewed by the DTP Planning Facilitation and Urban Design teams, who consider that the proposed height and massing provide an appropriate design response to the site context. This assessment has regard to the retained heritage street wall along Victoria Street, the provision of recessed and articulated upper levels, and the overall architectural quality of the proposal.
102. Although the proposal exceeds the preferred height outcome identified in the draft DDO35, it demonstrates consistency with the underlying design principles of the Built Form Framework, including maintaining the street wall as the dominant built form element when viewed from the public realm, providing visually recessive upper levels, achieving a comfortable sense of enclosure relative to the Victoria Street road reserve, and minimising unreasonable overshadowing impacts to the public realm.

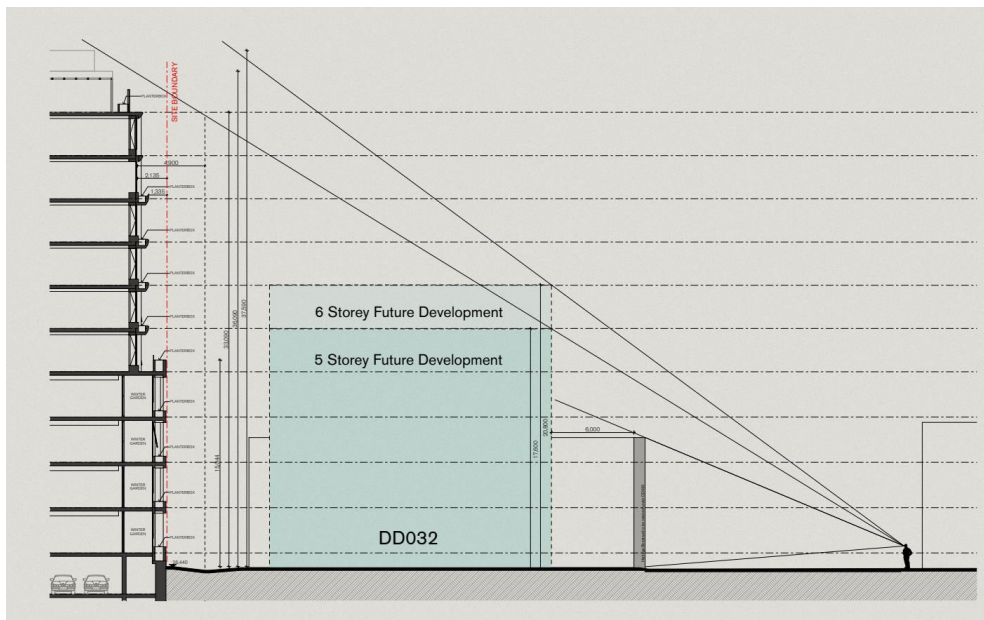


Figure 21 Proposed height of proposal comparison to draft DDO32



Figure 22 View line looking south from Johnston St showing proposed built form from DDO35

103. The surrounding precinct has been substantially altered over time and comprises a mix of built form from different architectural periods, scales and typologies. There are also a number of approved developments in the vicinity that establish a precedent for mid-rise and higher development within the activity centre context, including:
- 57–61 Johnston Street, Fitzroy – approved eight-storey development
  - 69 Victoria Street, Fitzroy – approved seven-storey development
  - 155 Johnston Street, Fitzroy – approved development to a maximum height of 12 storeys (Planning Permit PLN23/0441)
104. Having regard to these precedents, the strategic role of the activity centre, and the design response achieved, the proposed height is considered to fall within the range of built form outcomes already approved and contemplated within the precinct.
105. On balance, while the proposal does not align with the preferred numeric height outcome identified in the draft DDO35, the proposed height is considered acceptable when assessed against the current planning controls, the objectives of the Johnston Street Built Form Framework, and the demonstrated design response. The proposal achieves a mid-rise outcome consistent with contemporary infill development patterns within the activity centre and is supported by a high-quality architectural response that appropriately manages heritage, streetscape and amenity considerations.

### Street Wall Height

106. The draft DDO35 specifies a maximum street wall height of 4 storeys / 14.4 metres along Victoria Street. The proposal provides a street wall of approximately 4 storeys / 14.8 metres, derived directly from the retained heritage façade. This represents a minor numeric exceedance of the draft standard.
107. The council's Heritage Advisor recommended reducing the street wall height to align with the retained 1938 building, on the basis that a lower street wall would further reinforce the prominence of the heritage fabric within the streetscape. This position has been considered.
108. However, the retained heritage façade already establishes the street wall datum and remains visually dominant at pedestrian level. The proposed street wall height reflects the existing built form rather than introducing a new or exaggerated podium condition. In this context, the marginal exceedance of the draft street wall height is not considered to result in a discernible adverse heritage or streetscape impact. The objective of Clause 15.03-1L to



respect the street wall of the heritage place is met through retention and reinforcement of the existing façade rather than strict adherence to a draft numeric control.

109. On this basis, a further reduction in street wall height is not considered necessary to achieve an acceptable heritage outcome.

### **Upper-Level Setbacks from Victoria Street**

110. The draft DDO35 specifies a mandatory minimum setback of 6 metres for development above the street wall along Victoria Street. The proposal provides setbacks of approximately 6.0 metres at the lower upper levels, increasing progressively to between approximately 9 metres and 12 metres at the uppermost levels.
111. These setbacks fully comply with, and in part exceed, the minimum setback requirement under the draft DDO35. The setback strategy ensures a clear visual separation between the retained heritage street wall and the upper levels, with the upper storeys read as recessive elements when viewed from Victoria Street.
112. The council's Heritage Advisor and Urban Design officers raised concerns about the visibility of upper levels and recommended deletion of two levels to further reduce prominence. While reduced height would necessarily reduce visibility, the assessment of setbacks must be undertaken independently of height reductions that are not otherwise required by operative controls.
113. In the absence of mandatory height controls, and having regard to the substantial setbacks provided, the upper levels are not considered to visually overwhelm the heritage streetscape. The combination of setbacks, articulation and consistent architectural treatment ensures that the street wall remains the dominant built form element, consistent with both the Johnston Street Built Form Framework and Clause 15.03-1L.
114. The council's position places significant emphasis on aligning the street wall height precisely with the retained 1938 façade and reducing upper-level visibility through height deletion. While these measures would further minimise visual impact, the assessment finds that they are not necessary to achieve an acceptable planning outcome.
115. The proposal:
- generally complies with the draft street wall height, with only a minor exceedance derived from the retained heritage fabric;
  - fully complies with the draft mandatory upper-level setback requirement of a minimum 6 metres along Victoria Street; and
  - exceeds the minimum draft setback requirement at higher levels, providing additional visual recessiveness.
116. Importantly, the draft DDO35 anticipates a street wall with recessed upper levels as the preferred built form model. That model is achieved by the proposal, notwithstanding the council's preference for a more conservative street wall outcome.
117. On balance, the apartment development achieves an appropriate street wall and upper-level setback outcome along Victoria Street. The retained heritage street wall remains visually prominent, and the compliant and generous upper-level setbacks ensure that additional height is moderated in its presentation to the public realm.
118. While the council's recommended reductions would further diminish visibility, the proposed street wall height and upper-level setbacks are considered acceptable, consistent with the intent of the Johnston Street Built Form Framework and compliant with the draft DDO35 setback requirements. Accordingly, the proposal's street wall and setback response is supported.

## **Design Detail**

### **9 Victoria Street (Townhouses)**

119. DTP Urban Design was broadly supportive of the townhouse component, noting its contribution to an activated ground floor interface, appropriate residential diversity and balanced material expression. Subsequent plan revisions addressed detailed matters relating to ground floor interface, loft entry design and bicycle storage provision.
120. In response to Urban Design comments regarding the laneway interface, the revised plans confirm that dwellings are accessed via a shared central entrance rather than directly from the rear laneway. Finished floor levels are elevated approximately 800 mm above natural ground level, providing passive privacy. Landscaped planter zones further mediate the interface, balancing privacy with access to light and outlook. Refinements to loft apartment



entry landings ensure functional and safe circulation with integrated storage prior to stair access. Bicycle storage has been increased and redistributed to improve capacity and usability, now exceeding statutory requirements.



*Figure 23 Indicative render of proposed townhouse interface to Victoria Street*

121. Architecturally, the townhouse development adopts a contemporary expression characterised by a robust and textural material palette, including light concrete finishes, red brick, warm-toned metal elements (including perforated metal screening) and a combination of clear and fluted glazing. The use of brick provides a contextual reference to the surrounding warehouse and terrace typologies, while metal screening introduces layering, depth and façade articulation.
122. The composition demonstrates a disciplined approach to solid-to-void relationships and façade rhythm. Articulation through recessed openings, screening elements and material contrast assists in breaking down building mass and reinforcing pedestrian-scale interest. Overall, the townhouse component presents a contemporary yet contextually responsive architectural outcome that integrates appropriately with its immediate setting.

#### **25-37 Victoria Street (Apartments)**

123. The apartment development establishes a clear hierarchy between retained heritage fabric, podium expression and recessed upper levels. Urban Design was supportive of the respectful integration of new built form with the contributory heritage building and the activation of the Victoria Street frontage.



Figure 24 Proposed apartment development interface to Victoria Street and restored Heritage facade

124. In response to Urban Design recommendations, glazed elements along the Victoria Street façade have been recessed to enhance depth and façade granularity. Subtly projecting masonry and column elements now reinforce rhythm and datum alignment consistent with the retained heritage parapet height. Subterranean apartments have been removed, and all habitable rooms, including mezzanine and loft spaces, provide a minimum floor-to-ceiling height of 2.4 metres, improving internal amenity and aligning with NCC benchmarks.



Figure 25 Facade to Victoria Street (Apartment)

125. The architectural language is restrained and disciplined, ensuring the heritage street wall remains the dominant visual element from the public realm. The material palette comprises predominantly light-toned and contemporary finishes intended to complement the restored façade. White brick forms the primary podium expression on the eastern portion of the site, while light textured and untextured concrete finishes articulate upper levels. Vertical metal elements provide modulation to glazed areas, and a combination of clear and fluted glazing balances outlook and privacy.

126. Façade composition reflects analysis of prevailing warehouse and terrace typologies, expressed through a robust podium treatment with articulated columns and slab edges arranged within a regular grid. Upper levels adopt a finer-grained vertical articulation, referencing the rhythm of adjoining party-wall development. Additional detailing, including soldier-course brickwork and subtle curved column elements, abstract horizontal datums evident in the heritage context without resorting to replication.
127. The overall design prioritises the prominence and legibility of the heritage building within the streetscape. New built form reads as a complementary contemporary insertion, structured around a consistent grid and simple massing that supports an ordered façade composition and high internal amenity. Collectively, the apartment component achieves an appropriate balance between contextual sensitivity, functional performance and contemporary architectural quality.



*Figure 26 Proposed Townhouse and Apartments*

## Heritage

128. The subject land is affected by Heritage Overlay HO334 (South Fitzroy Heritage Precinct). The overlay applies to the broader precinct rather than identifying the site as an individually significant heritage place. As such, the assessment focuses on the contribution of the existing building fabric to the significance and character of the precinct.
129. A Heritage Impact Statement (Bryce Raworth, May 2025) accompanies the application and provides a detailed analysis of the relative heritage value of the existing building components. The Statement identifies that the site comprises fabric from multiple construction periods with differing levels of heritage significance.
130. The Heritage Impact Statement identifies three distinct components of the existing building, each with differing heritage value:
- 1889 factory building (western portion) – a three-storey masonry building forming the original Acme Shirt Factory, assessed as having the highest heritage value and primary contributory significance to the South Fitzroy Heritage Precinct.
  - Intermediate building (early–mid 20th century with later alterations) – located centrally on the site and assessed as having moderate to low heritage value, having been substantially altered over time.
  - Eastern 1938 building – assessed as having the least heritage value, representing later, piecemeal development and not a building of individual architectural distinction.
131. The contributory role of the site to the heritage precinct is therefore principally derived from the 1889 factory building and its three-dimensional form, parapets and masonry detailing.



Figure 27 Annotated aerial and streetscape view showing periods of construction (Heritage Impact Statement)

132. The proposal seeks to demolish the middle and eastern portions of the existing complex while retaining and restoring works to:
- the original three-storey 1889 façade fronting Victoria Street;
  - the return parapets and side elevations to a depth of approximately 7.95 metres to the east and 13.39 metres to the west; and
  - the distinctive parapet profile associated with the original factory form.
133. The retained façade is proposed to be restored to exposed brick, enhancing the legibility and presentation of the original fabric within the streetscape.
134. While the roof within the retained portion is proposed to be demolished, it is noted that the existing roof has limited public visibility and does not make a meaningful contribution to the heritage significance of the precinct. Retention of the roof would also be incompatible with redevelopment consistent with settlement and housing policy objectives for this location.
135. The demolition of the rear wall to the laneway is supported. The Built Form Framework anticipates redevelopment along this interface, including a new four-storey laneway wall, and the rear elevation is of relatively late origin and limited heritage value. Retention of this element is not required by policy.
136. Overall, the extent of demolition is consistent with heritage policy objectives, as it avoids a “facadist” outcome and instead retains the three-dimensional qualities of the most significant portion of the building.
137. Pursuant to Clause 15.03 and 43.01 retention of significant fabric while allowing for change where it supports viable use and broader planning outcomes. In this instance, the demolition of lesser-value fabric enables:
- enhanced conservation and presentation of the 1889 building;
  - retention of side elevations and parapets that reinforce the building’s original form; and
  - redevelopment of the balance of the site in a manner that is purpose-designed to achieve acceptable amenity outcomes and an activated public realm.
138. The Heritage Impact Statement concludes that the loss of some early twentieth-century fabric to the middle portion, and the interwar eastern building, represents a reasonable outcome given their altered condition, lower relative value and the contributory (rather than individually significant) grading of the site.
139. The proposed new works are considered to respond positively to the heritage context of Victoria Street and the South Fitzroy Heritage Precinct.
140. Key aspects of the heritage response include:



- a lower-scale podium to Victoria Street that aligns with the height and masonry character of the retained heritage façade;
- a recessed entry bay and lightwell adjacent to the retained fabric, increasing the visibility and legibility of the 1889 building’s corner and three-dimensional form;
- extensive use of brickwork at podium levels, interpreted in a contemporary manner that references traditional warehouse and factory typologies characteristic of the north side of Victoria Street;
- upper-level setbacks that reduce visual dominance and ensure the heritage fabric remains the primary streetscape element; and
- a restrained material palette at upper levels, with lighter architectural expression to distinguish new work from historic fabric.

141. Levels 4 to 7 are setback a minimum of 6 metres from the podium, consistent with the Built Form Framework, with additional setbacks behind the retained façade. Levels 8 and 9 are set back further to ensure they are not visible in direct views from the opposite side of Victoria Street. While some oblique visibility is anticipated, the overall presentation is that of a predominantly mid-rise development, with the podium clearly distinguished from the upper levels.

142. The proposal also responds to the dual character of Victoria Street, acknowledging the industrial, higher-scale character of the north side while maintaining a respectful relationship to the lower-scale residential character on the south side.

**Clause 15.03-1L (Heritage)**

143. The proposal demonstrates consistency with the design strategies for new development in heritage places by:
- maintaining the contributory role of the 1889 Acme Shirt Factory within the streetscape;
  - respecting the prevailing scale, massing and street wall condition through a lower-scale podium;
  - reinforcing the pattern and grain of the street through articulated façade bays;
  - avoiding visual dominance through setbacks, articulation and material differentiation; and
  - ensuring new development is visually recessive and complementary in siting, mass, scale and detailing.

Policy Objective	Apartment – 25-37 Victoria Street	Townhouse – 9 Victoria Street
<b>Maintaining the heritage character of the existing building or streetscape</b>	The key heritage fabric on the site is the former Acme Shirt Factory. The extent of retention proposed will uphold the contribution this building makes to the Victoria Street streetscape and the wider South Fitzroy Heritage Precinct. The new infill frontage presents a warehouse/factory typology with four compact storeys that align with the three-storey retained Victorian façade, reinforcing the established street wall character. Setbacks, massing, articulation and materiality ensure a respectful interface with both contributory and non-heritage fabric.	The townhouse development is scaled and sited sensitively within the existing streetscape. It draws architectural reference from the apartment development, the adjacent building at 9 Victoria Street and dwellings opposite at 34 Victoria Street. This is expressed through the use of warm brick and metal tones and the consistent pattern and repetition of recessed window and façade elements, ensuring a cohesive yet subordinate streetscape presence.
<b>Respecting the scale and massing of the existing heritage building or streetscape</b>	Podium street frontages align with the datum of the retained heritage fabric. A deep vertical recess (approximately 3.2 metres wide) clearly separates new podium elements from the retained building. Upper levels are setback in accordance with the Johnston Street Built Form Framework and established heritage practice, reducing the visual prominence of the development and ensuring the heritage street wall remains the dominant element.	The townhouse component is predominantly three storeys, with a limited part-four storey element introduced to support improved internal amenity. This scale is characteristic of development along Victoria Street and consistent with the prevailing street wall height and rhythm, ensuring a comfortable transition within the streetscape.




<b>Retaining the pattern and grain of streetscapes in heritage places</b>	The expressed structural grid of the apartment façade articulates the frontage into narrower bays, referencing the robust solid-to-void proportions characteristic of warehouse typologies. The prevailing street orientation and rhythm are maintained, reinforcing the established grain of Victoria Street.	The townhouse façades adopt patterns and spacing of doors, screens and windows that reflect those found within the surrounding heritage streetscape, reinforcing fine-grain articulation and visual continuity along the street.
<b>Not visually dominating the existing heritage building or streetscape</b>	While the proposal introduces a multi-storey form consistent with the strategic intent of the area, visual dominance is moderated through a prominent masonry podium, generous upper-level setbacks and a lighter architectural treatment above. This approach ensures the retained heritage façade remains visually prominent when viewed from the public realm.	The townhouse development provides a scaled transition from three to four storeys across the width of the site. This stepped massing responds appropriately to surrounding heritage development and avoids visual dominance within the streetscape.
<b>Not detracting from or competing with significant elements of the heritage place</b>	The apartment development introduces new built form that is complementary in scale, materiality and articulation, ensuring that the retained heritage fabric remains legible and visually distinct.	The townhouse development adopts a restrained architectural expression that supports, rather than competes with, the retained heritage fabric and surrounding contributory buildings.
<b>Maintaining the prominence of significant and contributory elements of the heritage place</b>	The significant heritage fabric of the 1889 Acme Shirt Factory is retained and enhanced. A recessed entry bay and lightwell adjacent to the eastern corner of the retained building increases the visibility and legibility of its three-dimensional form within the streetscape.	N/A
<b>Respecting key heritage elements including pattern, proportion, orientation, setbacks, street wall, solid-to-void relationships, roof form and materials</b>	The development reproduces the established street orientation and boundary setbacks along Victoria Street. The podium employs a strong column and grid expression that reflects industrial heritage typologies, while upper levels incorporate horizontal articulation referencing the terrace forms opposite Victoria Street. Extensive use of neutrally toned brick is consistent with the traditional material palette of the precinct.	The townhouse development employs similar materials and façade rhythms to the apartment podium, ensuring consistency in orientation, solid-to-void relationships and material expression across the site, while maintaining a distinct residential scale.
<b>Being visually recessive against heritage fabric through siting, mass, scale and detailing</b>	The proposal incorporates upper-level setbacks, extensive façade articulation and restrained, complementary materials. Architectural detailing, including metal balustrades, curved column edges and decorative brickwork, provides visual interest while remaining subordinate to the heritage fabric.	The townhouse component remains visually recessive through its modest height, articulated façades and muted material palette, supporting a cohesive transition between industrial and residential heritage contexts.

**Conservation and Permit Conditions**

- 144. It is appropriate that the detailed design and methodology for conservation and restoration works to the retained heritage fabric be secured through permit conditions. This will ensure that restoration outcomes are of a high standard and consistent with best-practice heritage conservation principles.

**Conclusion**

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145. Overall, the proposal represents a balanced and considered heritage outcome. It retains and enhances the most significant fabric of the former Acme Shirt Factory, which underpins the site's contributory role within the South Fitzroy Heritage Precinct, while allowing for the redevelopment of fabric of lesser heritage value that has been substantially altered and is of limited heritage significance.
146. The new built form responds appropriately to the heritage context through its scale, setbacks, articulation and materiality, ensuring that the retained heritage fabric remains a prominent and legible element within the Victoria Street streetscape. The apartment development prioritises the retention and clear expression of the 1889 building, while accommodating increased density in a visually recessive manner. The townhouse development complements this outcome by providing a lower-scale, fine-grain transition that responds sensitively to adjacent heritage buildings and the broader streetscape context.
147. On balance, the proposal demonstrates a high-quality and responsive design outcome that is generally consistent with the objectives of Clause 43.01 (Heritage Overlay) and Clause 15.03 (Heritage), has appropriate regard to the principles of the Johnston Street Framework Plan, and supports broader strategic planning objectives for urban consolidation and housing delivery in this location without resulting in unacceptable heritage impacts.

### **Affordable Housing**

148. The proposal satisfies the affordable housing requirements of Clause 53.23 through the provision of a cash contribution to the Social Housing Growth Fund under Option 2 of the Clause. The contribution equates to 3 per cent of the estimated development cost and will support the future delivery of additional social and affordable housing by the State Government.
149. Under DTP's Development Facilitation Program, a 10 per cent affordable housing contribution at a 30 per cent discount, or an equivalent 3 per cent gifted contribution, is required. The proposal satisfies these requirements, and a mandatory affordable housing condition has been included in the recommendation in accordance with Clause 53.23-4. 56. The recommendation includes a condition to secure the affordable housing via a Section 173 Agreement

### **Amenity and Microclimate**

#### **Clause 53.06 – Live Music Entertainment Venues**

150. The proposal includes noise-sensitive residential uses within 50 metres of existing live music entertainment venues along the Johnston Street corridor. Accordingly, Clause 53.06 (Live Music Entertainment Venues) applies. The purpose of this clause is to recognise the cultural and economic importance of live music, protect existing venues from encroachment by noise-sensitive uses, ensure new residential uses are satisfactorily protected from unreasonable noise, and uphold the 'agent of change' principle by placing the primary responsibility for noise attenuation on new development.
151. An acoustic assessment has been prepared by Renzo Tonin & Associates, a suitably qualified and experienced acoustic consultancy, in support of the application. The assessment includes a detailed review of the surrounding acoustic environment, on-site noise measurements, identification of relevant legislative and policy frameworks, and modelling of predicted music, patron and mechanical noise impacts on the proposed development. The assessment has been undertaken with reference to EPA Publication 1826 (Noise Limit and Assessment Protocol), Planning Practice Note 81, Clauses 53.06 and 13.07-1L-01 of the Planning Scheme, the City of Yarra *Guidelines – Managing Noise Impacts in Urban Developments*, relevant Australian Standards, and established VCAT precedent.



Figure 28 Aerial image notated of Overview of Subject Land and surrounds – 25-37 Victoria Street

152. The acoustic report concludes that the development can be designed and constructed to ensure that noise from indoor live music entertainment venues is attenuated to below the applicable internal noise limits when measured within habitable rooms with windows and doors closed, consistent with Clause 53.06-3. The report identifies a suite of mitigation measures that can be incorporated at detailed design stage, including façade and glazing specifications, large air-gap glazing systems and wintergardens where required, acoustic insulation treatments, noise masking systems, and suitable mechanical ventilation solutions to avoid reliance on natural ventilation during periods of elevated noise.

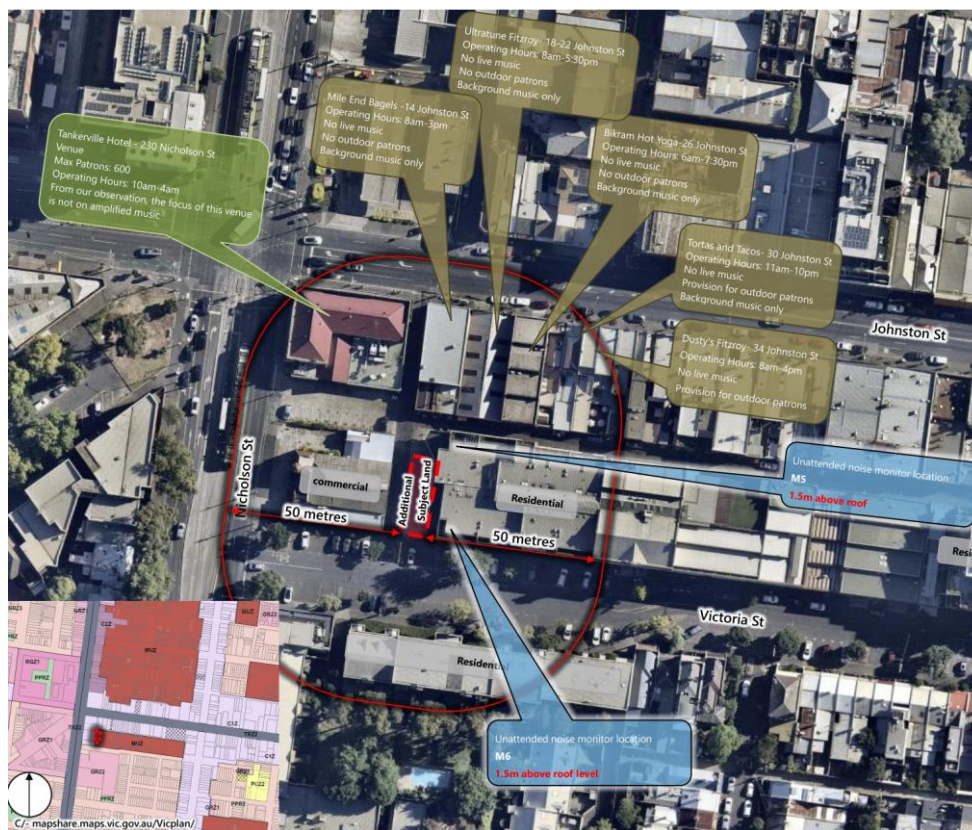


Figure 29 Figure 5 Aerial image notated of Overview of Subject Land and surrounds – 9 Victoria Street

153. Noise masking has been identified as an appropriate and policy-supported mitigation measure for addressing live and amplified music noise, including low-frequency components typical of venues in the Johnston Street precinct. This approach is recognised in Planning Practice Note 81 and the City of Yarra Guidelines as a measure to assist in meeting the requirements of Clause 53.06. The masking methodology proposed for this development has been prepared by Renzo Tonin & Associates and reflects an approach that has been previously accepted by responsible authorities and the Victorian Civil and Administrative Tribunal in comparable inner-urban mixed-use and activity centre contexts.
154. This methodology has been endorsed in approvals at
- 33 St David Street, Fitzroy (February 2025);
  - 416–418 Sydney Road, Brunswick (VCAT P1361/2020
  - *416 Brunswick Pty Ltd v Moreland City Council*);
  - 84–104 Johnston Street, Fitzroy (VCAT P422/2020 *SMA No. 17 Pty Ltd v Yarra City Council*);
  - 8–14 Michael Street, Brunswick (VCAT P162/2018 *Brunswick Holdings Pty Ltd v Moreland City Council*); and
  - 360 Little Bourke Street, Melbourne (23 September 2019).
155. These precedents demonstrate that noise masking, when implemented alongside appropriate façade design, glazing systems and mechanical ventilation, is an accepted and effective mitigation measure for managing live and amplified music noise in accordance with Clause 53.06 and Planning Practice Note 81.
156. The acoustic assessment also addresses ventilation and internal amenity considerations, confirming that suitable mechanical ventilation and alternative design solutions can be implemented without compromising the acoustic performance of high-performance façades. Subsequently, planning permit conditions will require the identification of the mitigation strategies on the plans and endorsement of the acoustic report.



157. Importantly, the proposal does not seek to curtail or constrain the lawful operation of surrounding live music entertainment venues. The assessment adopts noise levels based on assumed compliance with existing regulatory and permit frameworks, consistent with Clause 53.06 and Planning Practice Note 81. This approach appropriately applies the agent-of-change principle and avoids placing unreasonable or unintended restrictions on established venues. The proposal is residential in nature and is unlikely to generate unreasonable noise impacts to surrounding uses.
158. With incorporation of the recommended acoustic mitigation measures, the acoustic report concludes that the development can provide suitable residential amenity for future occupants while operating harmoniously within an established live music precinct. Accordingly, the proposal is considered to respond appropriately to the purpose, application requirements and decision guidelines of Clause 53.06.
159. Subject to a standard permit condition requiring the submission and endorsement of a final acoustic report the proposal is supported in relation to live music and entertainment noise impacts.

## **Amenity and Microclimate**

### **Overshadowing**

#### **Public Realm**

160. Pursuant to the Johnston St BFF and draft DDO35 seek to minimise overshadowing to the opposite footpath of key pedestrian streets. Draft DDO35 includes public realm overshadowing controls that seek to ensure new development does not overshadow:
  - the opposite footpath of Victoria Street and other streets greater than 10 metres in width (boundary to boundary), measured 3.0 metres from the property frontage; and
  - opposite kerb outstands, seating and planting areas,
  - between 10 am and 2 pm on 22 September.
161. While draft DDO35 is not authorised, approved or gazetted and therefore carries no statutory weight, its underlying design intent has been considered as a guide in assessing the proposal's impact on the public realm.
162. The shadow diagrams demonstrate that the proposed development does not overshadow the opposite footpath of Victoria Street between 10 am and 2pm on 22 September. This outcome is consistent with the intent of the public realm overshadowing controls under draft DDO35.
163. The diagrams show that a portion of the opposite kerb outstand and associated planting area would be subject to additional shadow during this period. Notwithstanding this, the affected kerb outstand is limited in size, projects beyond the primary pedestrian desire line, and does not incorporate seating or other programmed public spaces. The extent and duration of additional shadow is minor and is not expected to adversely affect the health or long-term viability of the established street tree. On this basis, the additional shadowing of the kerb outstand is considered acceptable and consistent with the intent of draft DDO35.

#### **Secluded Private Open Space**

164. Clause 57.04-3 seeks to ensure that buildings do not significantly overshadow existing secluded private open space. Standard E4-03 requires that at least 50 per cent, or 25 square metres (whichever is the lesser), of secluded private open space receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. Where existing sunlight to secluded private open space is already below this standard, the amount of sunlight should not be further reduced.
165. The shadow diagrams indicate that the existing private open spaces at 19 Victoria Street are already generally overshadowed by the existing parapets and built form of that building. While the proposal introduces some additional morning shadow at approximately 11 am to the northern private open space at 19 Victoria Street, the overall reduction in sunlight is limited. Given the infill context of the site and existing overshadowing conditions, this outcome is not considered unreasonable.
166. In relation to the secluded private open space located to the east of the site on the third floor of 9 Victoria Street, the diagrams demonstrate that this area is already partially shaded by existing built form. The proposal is not expected to result in significant additional overshadowing to this space and therefore complies with the objective of Clause 57.04-3.

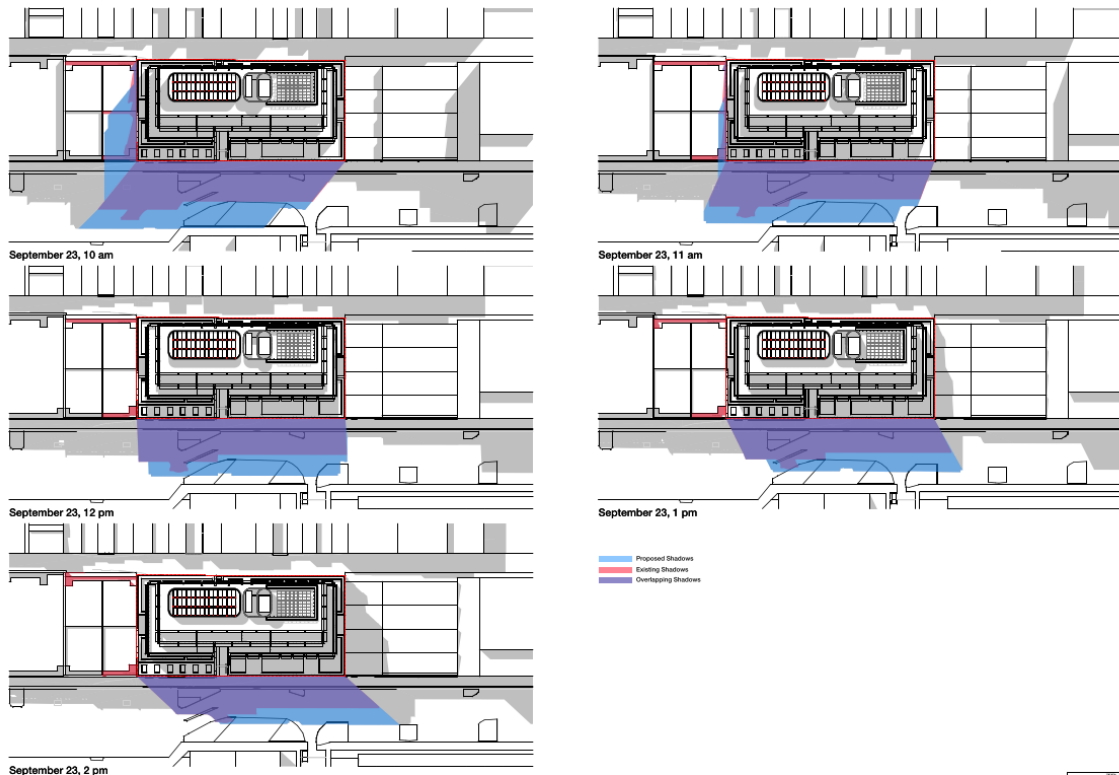


Figure 30 Proposed overshadowing from development on 22 September

## Wind

167. The wind impacts of the proposed development are assessed against Clause 13.07-1L-01 (Interfaces and Amenity), Clause 15.01-2L (Building Design) and Clause 58.04-4 (Wind Impacts), including Standard D17 of the Yarra Planning Scheme.
168. The application is supported by a Pedestrian Wind Environment Statement prepared by Windtech Consultants (16 May 2025). The report assesses the likely wind effects of the proposed development on public footpaths, building entrances, private balconies and rooftop communal areas, having regard to the local wind climate and surrounding built form. The assessment concludes that, with the incorporation of recommended design measures, wind conditions will be suitable for the intended use of all affected areas.
169. With the proposed setbacks, recessed building entrance, awning treatment, impermeable balustrades and screening to balconies and rooftop areas, wind conditions along the Victoria Street footpath are expected to satisfy walking comfort criteria, and the building entrance is expected to meet standing comfort criteria. Wind conditions within private balconies, terraces and rooftop communal areas are expected to meet applicable pedestrian safety requirements.
170. On this basis, the proposal is considered to comply with Clause 58.04-4 (Standard D17) and achieves an acceptable wind outcome.

## Clause 57 – Residential Development of Four Storeys

### Clause 57.04-3 (Overshadowing Secluded Open Space)

171. The proposal results in some additional overshadowing to existing secluded private open space beyond the preferred standard. However, the affected areas are already subject to significant existing overshadowing, and the proposal does not result in a material or unreasonable reduction in sunlight access. The objective of Clause 57.04-3 is met, as the development does not significantly worsen existing conditions, and the variation is considered acceptable in the context of an infill development
172. **Clause 57.04-1 – Building setbacks**



173. In limited locations, boundary setbacks do not fully meet the preferred standard. The proposal responds to the objective of Clause 57 by addressing privacy, daylight and outlook impacts through building design, articulation and glazing treatment rather than increased setbacks. Given the constrained site conditions and urban context, the variation is considered acceptable and does not result in unreasonable amenity impacts. Standard E2-3 does not apply to the proposal, as the development seeks to construct walls on the boundary on all four sides of the site. In these circumstances, the numeric setback requirements of Standards E2-3.1 and E2-3.2 are not triggered.
174. Notwithstanding this, the proposed zero-metre setbacks appropriately reflect the existing site conditions and the prevailing built form character of the surrounding streetscape, which is characterised by continuous street walls and boundary-to-boundary development. The building envelope has been designed to minimise potential amenity impacts on nearby existing dwellings through careful massing, articulation and interface treatments.
175. In assessing the proposal against the objective of Standard E2-3, which seeks to ensure that buildings are sited to provide adequate daylight, outlook and amenity for existing and future residents, it is noted that the development responds appropriately to its context. The absence of side and rear setbacks does not result in unreasonable amenity impacts, having regard to the urban infill location, the scale and arrangement of surrounding development, and the mitigation measures incorporated into the design.
176. On this basis, while the numeric standards under E2-3.1 and E2-3.2 are not applicable, the proposal is considered to meet the objective of Standard E2-3 and to achieve an acceptable outcome in planning terms.

#### **Clause 58.04-3 (Standard D10 – Storage)**

177. Storage volume summaries have been provided on the floor plans as part of the Clause 55/58 documentation. While the proposal does not fully comply with the total minimum storage volume specified under Standard D10 of Clause 58, it exceeds the minimum internal storage requirements for each dwelling. Storage provided within garages has been treated as external storage for the purposes of the assessment.
178. The internal storage provided is considered adequate and functional, having regard to the apartment layouts, dwelling mix and the site's inner-urban location within close proximity to services, public transport and activity centre amenities. On this basis, the proposal is considered to meet the objective of Standard D10, and the variation is acceptable in planning terms.

#### **Clause 58.03-5 (Landscaping)**

179. The proposal has been assessed against the landscaping objectives of Clause 58.03-5, which seek to support the preferred urban context, reduce the visual impact of buildings, preserve and enhance canopy cover, and ensure landscaping outcomes are climate responsive and supportive of biodiversity, wellbeing and amenity. While the development does not meet the quantitative canopy cover and deep soil area requirements specified in Tables D2–D4 of Clause 58, this outcome reflects the physical constraints of the site, including the adaptive reuse of an existing heritage building, limited site area and the highly urbanised streetscape context characterised by high site coverage and minimal existing deep soil.
180. Notwithstanding this, the proposed landscaping represents a substantive improvement on the existing condition of the site, which currently contains limited vegetation and canopy cover. Landscaping is provided across the ground plane, within communal areas and along building elevations, utilising planter-based solutions where in-ground deep soil is not feasible. The design has had regard to the long-term viability and health of landscape elements, particularly where planting is located on structure.
181. Two Type A canopy trees are proposed at ground level, including one adjacent to the semi-open communal area and rear pedestrian entrance and one within the eastern void. These trees will contribute to localised canopy cover and enhance the public realm. Additional planting comprises a mix of smaller trees, shrubs, ground covers and climbing plants, including species selected to be hardy, low-maintenance and climate responsive, while supporting biodiversity and visual amenity.
182. Landscaped planters along the Victoria Street frontage and within communal outdoor areas will contribute positively to the streetscape, provide shade to dwellings and pedestrian areas, reduce heat absorption, and strengthen visual connections to the existing street tree canopy and understorey planting. Detailed landscape design, irrigation and maintenance arrangements will be resolved as part of the endorsed landscape plan.
183. On balance, while the proposal does not strictly comply with the numeric canopy cover and deep soil standards, it achieves the objectives of Clause 58.03-5 through a context-responsive and high-quality landscape outcome. The variation to the quantitative standards is considered acceptable.

#### **Clause 57.04-1 (Standard E2-4 – Walls on Boundaries)**

184. The objective of Standard E2-4 is to ensure that the location, length and height of walls on boundaries respond to the existing or preferred neighbourhood character and limit impacts on the amenity of existing dwellings and small second dwellings.
185. Standard E2-4 sets requirements relating to the maximum length and height of walls constructed on or within 200 millimetres of a side or rear boundary. A building on a boundary includes a building set back up to 200 millimetres from a boundary.
186. The proposal includes walls constructed on the boundary at the following locations:
- the western elevation, comprising a three-storey wall on the boundary abutting Road R-1 / an unnamed laneway;
  - the eastern elevation, comprising a four-storey wall on the boundary abutting the car parking ramp associated with 9 Victoria Street; and
  - the northern (rear) elevation, comprising a three- to four-storey wall on the boundary abutting car parking areas associated with 9 Victoria Street.
187. While the proposed walls exceed the numeric height and length limits specified under Standard E2-4, they have been assessed against the objective of the Standard, having regard to the site context and surrounding built form. The proposal reflects a robust urban condition characterised by boundary-to-boundary development, service interfaces and laneway conditions, and does not introduce a scale or form that is inconsistent with the prevailing neighbourhood character.
188. The proposed walls on boundary are not expected to result in unreasonable amenity impacts to nearby dwellings. In particular, the potential impact on the neighbouring habitable room at Unit 11/19 Victoria Street (also known as 9 Victoria Street) arising from the eastern boundary wall is considered acceptable, noting that the affected window is a secondary window to a habitable room. Adequate access to views, daylight and ventilation will continue to be provided via the primary north-facing window to that room.
189. Having regard to the surrounding streetscape character, the nature of adjoining uses, and the interface conditions proposed, the development responds appropriately to the objective of Standard E2-4. On this basis, the proposal is considered to comply with the objective of the Standard and the variation to the numeric requirements is acceptable in planning terms.

#### **Clause 57.02-5 (Site Coverage)**

190. The objective of Clause 57.02-5 is to ensure that site coverage responds appropriately to the existing or preferred neighbourhood character and the features of the site. Standard E2-5 specifies that, where no maximum site coverage is identified in a schedule to the zone, site coverage should not exceed 70 per cent.
191. The proposal results in a site coverage of 100 per cent, which exceeds the numeric requirement of Standard E2-5. Notwithstanding this, the proposal has been assessed against the objective of the Standard, having regard to the site's location along Victoria Street, an established inner-urban corridor characterised by continuous street walls, high site coverage and limited opportunities for at-grade open space. The development context is defined by boundary-to-boundary built form and a strong urban grain, rather than suburban patterns of development with landscaped setbacks.
192. The extent of site coverage also reflects the constraints of the site, including its infill nature and the adaptive reuse of existing built form, and is mitigated through the provision of upper-level setbacks, communal open space, landscaped planters and elevated amenity areas. These design responses ensure that adequate amenity is provided for residents and that the visual impact of the building is moderated despite the high site coverage.
193. On balance, while the proposal exceeds the numeric site coverage standard, it responds appropriately to the neighbourhood character and site conditions and achieves the objective of Clause 57.02-5. The variation to Standard E2-5 is therefore considered acceptable in planning terms.

#### **Public Realm**

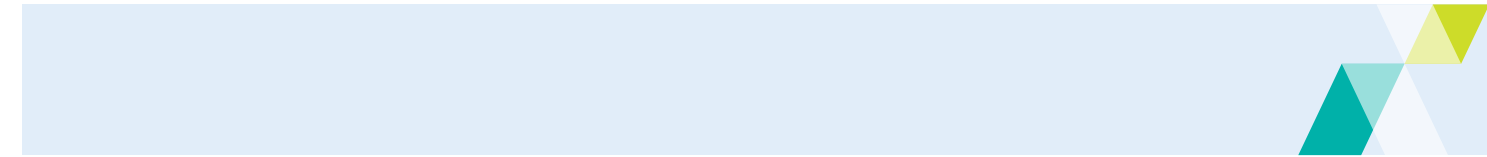
194. The public realm interface of the proposed development has been assessed against Clause 15.01-1L (Urban Design) and Clause 15.01-2L (Building Design), which seek to ensure that development enhances the visual and social experience of public spaces, provides high levels of pedestrian amenity, and delivers active, legible and safe ground-floor interfaces.



195. The council's Urban Design Unit was generally supportive of the public realm response for the development at 25–37 Victoria Street. In particular, the street activation along Victoria Street is supported, with the ground-floor office use contributing positively to pedestrian activity and visual interest. The primary residential entrance to Victoria Street is legible and well defined, and the consolidation of vehicle access and services to the rear laneway is supported. The raised residential courtyards at the rear, with direct access and planters fronting the laneway, are considered to improve safety and passive surveillance of this interface.
196. The council's Urban Design Unit identified a series of refinements to improve the public realm interface. These include adjustments to ground-floor planter heights, private stair and gate configurations along Victoria Street, inward-opening gates and generous landings to private entrances, reinstatement of redundant vehicle crossings, refinement of the main Victoria Street entrance configuration including mailbox location, accessibility improvements to entry landings, and detailed functional requirements for substations, service doors, car park security gates and secondary laneway entrances. The council also requested a range of general public realm conditions relating to DDA-compliant level thresholds, paving finishes, coordination with existing streetscape infrastructure, lighting, bicycle parking arrangements, and streetscape reinstatement works including consolidation of bike hoops, upgrades to the existing accessible parking space, and modifications to kerb outstands to increase planting and tree provision.
197. It is considered that the majority of these matters are appropriate to address through permit conditions and do not require a redesign of the proposal. Many of the requested items are already addressed, or capable of being addressed, through recommended civil engineering, transport and open space conditions. It is appropriate that any permit issued require the submission of two public realm plans: a functional public realm layout plan to be submitted concurrently with the Condition 1 plans, and a detailed landscape design plan to resolve materials, planting, levels and interfaces.
198. An exception is the request to increase the height of the ground-floor planters along Victoria Street. It is considered that increasing planter heights to the extent suggested would unnecessarily diminish visual permeability and reduce engagement between the building and the street, contrary to the objectives of Clause 15.01-2L. On this basis, this item is not supported to be imposed as a condition.
199. In relation to overshadowing of the public realm, Clause 15.01-2L provides guidance to ensure development allows direct sunlight between 10 am and 2 pm on 22 September to relevant footpaths within activity centres. Shadow plans submitted with the application demonstrate that, given the east–west orientation of the site and the proposed massing and setbacks, the development will not result in additional overshadowing of the opposite footpath. Any additional shadow falls predominantly on Victoria Street itself or on existing built form. This outcome is supported, and it is noted that the recommended deletion of two upper levels would further reduce shadow impacts.
200. Overall, while the council has expressed concerns regarding the broader height and massing of the development, the public realm response at ground level is generally well resolved. Subject to the imposition of appropriate permit conditions to address detailed design, accessibility, streetscape reinstatement and interface refinements, the proposal is considered to achieve an acceptable public realm outcome consistent with Clauses 15.01-1L and 15.01-2L of the Planning Scheme.

### Landscaping

201. The landscape response for the development has been assessed against Clause 15.01-1L (Urban Design), Clause 15.01-2L (Building Design) and Clause 58.03-5 (Landscaping), which collectively seek to ensure landscaping contributes positively to the public realm, supports neighbourhood character, enhances amenity and is viable over the long term.
202. The council's Open Space Unit and Urban Design Unit raised concerns that the submitted Landscape Concept Plan lacks sufficient detail to fully assess the proposed landscaping outcomes for both developments. These concerns primarily relate to the level of documentation and resolution rather than the acceptability of landscaping in principle. It is considered appropriate that these matters be addressed through permit conditions requiring the submission and endorsement of a more detailed landscape design.
203. For the development at 25–37 Victoria Street, the matters raised by the council—including clarification of plan coding, increased resolution of the rooftop communal area and planter configuration, integration of services within balcony planter designs, drainage detailing for green roof areas, exclusion of DEECA-listed environmental weed species, provision of a comprehensive planting plan and schedule, specification of vertical greening systems, confirmation of soil volumes for trees, and incorporation of cascading plant species—are all reasonable requests that can be addressed through a detailed landscape plan required by condition. These refinements are consistent with the objectives of Clause 58.03-5 and would not necessitate a redesign of the built form.


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204. The council's request that deep soil planting be achieved through increased planter depths rather than mounding is supported, noting that this approach will improve long-term plant health and maintenance outcomes. Similarly, the request to ensure adequate drainage to green roof areas is appropriate and can be resolved at the detailed design stage through coordinated architectural, hydraulic and landscape documentation.
205. In relation to the development at 9 Victoria Street, the council recommended the integration of planters with vertical greenery at ground level along the laneway interface. Given the constrained site conditions, boundary-to-boundary built form and the dominance of vehicle access and service doors along this frontage, it is acknowledged that opportunities for additional on-site landscaping are limited. On this basis, while the intent of the council's recommendation is noted, this item is not considered essential to achieve an acceptable landscape or public realm outcome and is not supported to be required by condition.

### Street Trees

206. The council's recommendations regarding street trees along Victoria Street are supported. The provision of two new street trees within modified kerb outstands will deliver a clear public realm benefit, contribute to canopy cover, improve microclimatic conditions and reinforce the existing streetscape character. It is appropriate that street tree planting be undertaken by the council's nominated contractor, with the applicant contributing to the cost of tree supply, planting and establishment maintenance.
207. Accordingly, it is supported that conditions require:
- the provision of two new street trees within garden beds in the modified kerb outstand along Victoria Street;
  - a developer contribution toward the cost of tree supply, planting and a minimum 24-month establishment period, at the council's applicable rate at the time of planting;
  - final tree species and locations to be determined by the council's arborist;
208. Overall, the proposed landscaping strategy is supported in principle and represents a substantive improvement on the existing condition of the site. While the Landscape Concept Plan requires further resolution, the matters identified by the council can be appropriately addressed through permit conditions requiring detailed landscape documentation and coordination. The proposed street tree planting along Victoria Street is supported and will be secured through standard public realm conditions. Subject to these requirements, the landscape outcome is considered acceptable and consistent with the objectives of the Planning Scheme.

### Traffic

209. A Traffic Impact Assessment (TIA) has been prepared by suitably qualified traffic engineers in support of the applications for Nos. 25–37 and 9 Victoria Street, Fitzroy. The TIA assessed the likely traffic generation associated with the proposed residential and mixed-use development and its impact on the surrounding road network.
210. For the development at No. 25–37 Victoria Street, the TIA concludes that the 57 dwellings and associated office use are expected to generate a modest number of vehicle movements, reflective of the site's inner-urban location, high level of public transport accessibility and proximity to services. Based on standard industry trip generation rates for comparable developments, traffic generation is expected to be low during peak periods, with the majority of trips occurring outside commuter peak hours. The office component is anticipated to generate limited peak-hour traffic, noting the relatively small floor area and the likelihood of staff and visitors utilising walking, cycling and public transport.
211. The development at No. 9 Victoria Street comprises three dwellings and is expected to generate a negligible increase in vehicle movements. Traffic associated with this development can be readily accommodated within the existing local road network without adverse impacts on traffic operation or safety.
212. The TIAs note that Victoria Street and the adjoining laneway network operate as low-speed local streets and are already functioning within an established mixed-use and residential context. The SIDRA and qualitative assessments undertaken demonstrate that the additional traffic generated by the proposals would not materially alter intersection performance, queue lengths or level of service on the surrounding road network.
213. The council raised general concerns regarding traffic and access arrangements, including the need to ensure safe and efficient vehicle movements within the laneways and appropriate pedestrian interfaces. These matters are not considered to undermine the acceptability of the traffic generation outcomes, noting that access points are limited in number, consolidated to rear laneways and separated from primary pedestrian frontages along Victoria Street.

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214. The site is located within an area with excellent access to public transport, including tram and bus services along Johnston Street, as well as high levels of walkability and cycling accessibility. This context, combined with the reduced car parking provision enabled under Amendment VC277 and the Car Parking Requirement Maps, is expected to further moderate car ownership and vehicle trip generation.
215. Overall, the level of traffic generation associated with the proposed developments is appropriate for the site context and can be safely and efficiently accommodated within the existing road network. The proposal is not expected to result in unreasonable traffic impacts, congestion or safety issues.
216. Detailed access design, swept path assessments, laneway interface treatments and any minor operational refinements identified by the council's Development Engineering Unit are appropriately addressed by way of permit conditions. Subject to these conditions, the traffic impacts of the proposals are acceptable and supportable.

### Access

217. Vehicle access arrangements for the proposal have been assessed with reference to Clause 15.01-2L (Building Design), Clause 52.06 (Car Parking) and the objectives of the Yarra Planning Scheme, which seek to minimise vehicle crossovers, prioritise pedestrian safety, and ensure access arrangements do not adversely affect the operation of the surrounding road network or the public realm.
218. The Traffic Impact Assessments conclude that vehicle access for both developments is appropriately provided via the rear laneway, thereby avoiding the introduction of new crossovers to Victoria Street and maintaining a pedestrian-focused streetscape. For the development at 25–37 Victoria Street, vehicle access to the basement car park and service areas is proposed via the laneway, consolidating all vehicle movements away from the primary street frontage. For the development at 9 Victoria Street, garage access is also provided from the laneway, consistent with existing access arrangements in the area.
219. The council's Development Engineering Unit generally supported the use of the laneway for vehicle access but identified a number of detailed design matters requiring further resolution, including swept path clearance, vertical clearance assessments, pedestrian door setbacks from the laneway, and lighting and pavement treatments to ensure safe shared use by vehicles and pedestrians. These matters are technical in nature and do not raise fundamental concerns with the proposed access arrangements.
220. It is considered appropriate that these access-related matters be addressed by way of permit conditions, including the submission of swept path and vertical clearance assessments using the appropriate design vehicles, detailed laneway interface treatments, and the provision of pedestrian-friendly paving and lighting within the laneway. Conditions requiring a construction traffic management plan are also supported to manage temporary impacts during the construction phase.
221. Overall, the proposed access arrangements are considered appropriate for the site context, minimise disruption to Victoria Street, and provide safe and efficient vehicle and pedestrian movements. Subject to the imposition of standard engineering and access-related conditions, the access strategy is acceptable and consistent with the objectives of the Planning Scheme.

### Car Parking

222. An assessment of car parking has been undertaken against Clause 52.06 (Car Parking) of the Yarra Planning Scheme, as amended by Amendment VC277, which was gazetted on 18 December 2025. Amendment VC277 introduced Car Parking Requirement Maps that align car parking rates with the level of public transport accessibility available to a site using the Public Transport Accessibility Level (PTAL) methodology.

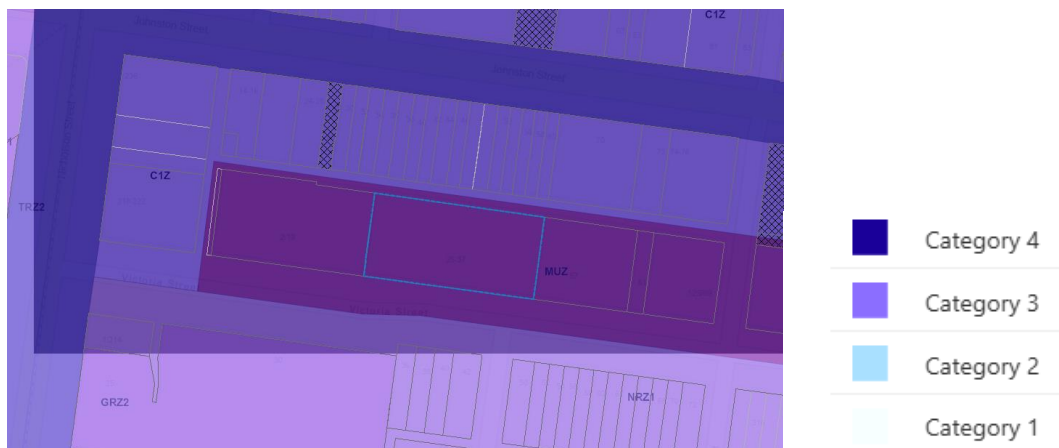


Figure 31 Car Parking Requirement Maps showing site in Category 4 location

223. The amended Clause 52.06 framework generally reduces car parking requirements in locations with strong public transport access, particularly within inner-city and activity centre contexts. The reforms implement Action 5 of Plan for Victoria, which seeks to better match car parking provision with demand, reduce housing costs, encourage a shift to more sustainable transport modes, and support more efficient use of urban land.
224. Pursuant to Clause 52.06 and the Car Parking Requirement Maps (Department of Transport and Planning, December 2025), the subject site is located within a Category 4 area. Category 4 applies a maximum car parking requirement only, such that a planning permit is required where the proposed number of car parking spaces exceeds the applicable maximum rate.
225. The proposal comprises a total of 60 dwellings, including 57 apartments at 25–37 Victoria Street and 3 townhouses at 9 Victoria Street, in addition to approximately 355 square metres of office floor space.
226. The application proposes a total of 77 car parking spaces, comprising 74 spaces associated with the apartment development at 25–37 Victoria Street and 3 spaces associated with the townhouses at 9 Victoria Street.
227. Under the applicable maximum car parking rates for a Category 4 area, a maximum of 2 car parking spaces per dwelling and 0.45 spaces per 100 square metres of office floor space applies. This equates to a maximum allowance of 120 car parking spaces for the residential component and 1 car parking space for the office component.
228. As the proposed provision of 77 car parking spaces does not exceed the maximum car parking rates specified under Clause 52.06, a planning permit is not required to authorise the proposed number of car parking spaces. The level of car parking provision is therefore acceptable and consistent with the amended Clause 52.06 framework.
229. The Transport Impact Assessment supports the proposed level of car parking provision, noting the site's high level of public transport accessibility, walkability and proximity to services and employment. In this context, the proposed provision appropriately reflects expected car ownership levels and is consistent with State and local transport policy objectives to reduce reliance on private vehicle use in well-served inner-urban locations.

#### Design Standards for Car parking

230. The Traffic Impact Assessments include an assessment of the design of car parking areas in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Yarra Planning Scheme.
231. The council's Development Engineering Unit reviewed the proposed car parking layouts and recommended that a number of matters be addressed by way of permit conditions, including the detailed design and allocation of accessible car parking spaces, corner splays, the allocation of any tandem parking to single dwellings only, construction standards for car parking areas, and the management of on-street parking permits. These matters are considered standard requirements for a development of this scale and nature and do not raise any fundamental concerns with the proposed car parking design. It is appropriate that these matters be secured through conditions on any permit issued.
232. The council also recommended that the development make provision for electric vehicle (EV) charging infrastructure, consistent with the objectives of Clause 15.01-2L, which encourages development to support sustainable transport outcomes and low-emissions vehicle technologies.



233. The proposal includes the provision of EV-capable parking spaces within the basement level, with passive infrastructure to enable future installation of EV charging equipment as demand arises. This approach is supported and is considered to appropriately respond to the objectives of Clause 15.01-2L.
234. Subject to the inclusion of the recommended conditions, the design of the car parking areas is considered to comply with Clause 52.06-9 and to provide a safe, functional and future-ready car parking outcome.

**Clause 52.34 – Bicycle facilities**

235. Clause 52.34 (Bicycle Facilities) applies to the proposal and seeks to encourage cycling as a mode of transport by requiring the provision of secure, accessible and convenient bicycle parking spaces and associated end-of-trip facilities. Pursuant to Clause 52.34-1, bicycle facilities must be provided prior to the commencement of the use, and pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive the requirements of the Clause.
236. Based on Table 1 to Clause 52.34-5, the statutory bicycle parking requirement for the development is calculated as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
<b>Dwelling</b>	Resident	1 space / 5 dwellings	12	57
	Visitor	1 space / 10 dwellings	6	0
<b>Office</b>	Employee	1 to each 300 m <sup>2</sup> of net floor area, if the net floor area exceeds 1000 m <sup>2</sup>	0	2
	Visitor	1 to each 1000 m <sup>2</sup> of net floor area, if the net floor area exceeds 1000 m <sup>2</sup>	0	0
<b>Total</b>			<b>18</b>	<b>59</b>

237. Accordingly, the minimum statutory requirement is 18 bicycle spaces.
238. The proposal provides a total of 59 bicycle spaces, comprising 57 residential bicycle spaces and 2 bicycle spaces associated with the office use, located within secure basement areas. This level of provision significantly exceeds the statutory minimum required under Clause 52.34. In addition, the site benefits from 12 existing bicycle hoops located within the Victoria Street footpath, which will continue to operate as public visitor bicycle parking. While these on-street facilities are not relied upon to meet the statutory requirement, they further support cycling access to the site.
239. The apparent discrepancy between the Traffic Impact Assessment and the Planning Report regarding bicycle numbers is resolved on the basis that the Planning Report reflects the final, consolidated bicycle provision, while the lower figure referenced in the Traffic Assessment represents an earlier iteration. The plans demonstrate that bicycle parking is distributed across Basement Levels 1 and 2, including locations adjacent to car parking bays allocated to dwellings with multiple car spaces.
240. The council raised concerns that the bicycle storage areas are relatively compact and shared with services and storage, and recommended consideration of two-tiered bicycle racks to improve capacity and usability. This recommendation is supported. The proposal incorporates a mix of at-ground and vertical two-tier bicycle racks, which is considered an efficient and appropriate response in a constrained basement environment and ensures the bicycle facilities can comfortably accommodate the proposed number of spaces.
241. End-of-trip facilities are also provided in accordance with Clause 52.34, including one shower and five lockers located in close proximity to the bicycle storage areas for the benefit of commercial tenants.
242. On this basis, the proposal exceeds the minimum statutory requirements of Clause 52.34, provides secure and convenient bicycle facilities in appropriate locations, and responds to the council’s concerns through the inclusion of two-tier racks. No permit is required under Clause 52.34 in relation to bicycle parking provision, and the bicycle facilities are supported.

## Loading

243. The Traffic Impact Assessments confirm that the laneway is capable of accommodating the anticipated service and waste vehicles associated with the development. Swept path and vertical clearance assessments are to be provided to demonstrate that relevant design vehicles can safely access and manoeuvre within the site without conflict with pedestrians, building entries or services. The council's Development Engineering Unit requested further detail in relation to servicing arrangements, including confirmation of design vehicles and laneway interface treatments, which are considered appropriate to address by way of permit conditions.
244. On this basis, the proposed loading and servicing arrangements are considered suitable for the development, appropriately minimise impacts on the public realm. Subject to standard permit conditions requiring confirmation of swept paths, clearances and final servicing details, the loading arrangements are supported.

## Green Travel Plan

245. The application is supported by a Green Travel Plan (GTP) which demonstrates an appropriate response to the site's inner-urban location and its high level of access to public transport, walking and cycling networks. The GTP includes a range of practical measures to encourage sustainable travel behaviour and reduce reliance on private vehicles, and is consistent with the intent of Clause 15.01-2L-02 (Environmentally Sustainable Development).
246. The council's Strategic Transport Unit recommended that, should a permit be issued, additional matters be secured by condition, including the provision of visitor bicycle parking, secure and compliant resident and employee bicycle facilities, confirmation of lift dimensions suitable for bicycle access, and the submission of a Green Travel Plan for 25–37 Victoria Street. DTP supports these recommendations and is satisfied that a permit condition requiring an updated and compliant GTP is appropriate to ensure the development delivers high-quality cycling infrastructure and achieves positive sustainable transport outcomes.

## Waste

247. A Waste Management Plan (WMP) prepared by TTM Consulting (Colliers), dated 13 May 2025, was submitted with the application and referred to the council's City Works Branch (Waste) for comment. The council identified a number of clarifications and amendments required to ensure the WMP accurately reflects the council servicing arrangements and provides sufficient detail to confirm the functionality of the proposed waste system. These include updating the plan to reflect the council-provided bin allocations for each of the three townhouses, removing conflicting references to shared bins, providing bin footprints and refuse room areas in square metres, clearly defining e-waste management arrangements, and distinguishing between the council hard waste services for the townhouses and private hard waste collection for the apartment and commercial components.
248. DTP accepts the council's recommendations and is satisfied that these matters can be appropriately addressed through permit conditions. Should the application be approved, a condition requiring an amended and endorsed WMP will ensure the waste management arrangements are clear, compliant and workable. Further, the proposed townhouse development at 9 Victoria Street will be assessed by DTP against Clause 55, with the amended WMP to support an orderly and effective waste management outcome for that component of the development.

## Sustainability

### Environmentally Sustainable Design (ESD)

249. The application for 9 Victoria Street is supported by a Sustainable Design Assessment prepared by Hexicon, dated 31 October 2025. The report identifies a range of ESD initiatives consistent with best practice, including all-electric dwellings, solar PV, rainwater harvesting, high-efficiency fixtures and fittings, and minimum 7-star NatHERS compliance. The council officers did not raise substantive concerns with the ESD approach. DTP is satisfied that the proposal demonstrates an appropriate level of sustainability and meets the objectives of Clause 15.01-2L-02 (Environmentally Sustainable Development). A condition is recommended requiring the Sustainable Design Assessment to be endorsed in accordance with the approved plans.
250. The townhouse development will be assessed against Clause 57. The council's comments in relation to communal open space, lighting to pedestrian accessways, and safety can be appropriately addressed through standard permit conditions. DTP is satisfied that these matters do not raise fundamental concerns and can be resolved at the detailed design stage.

## **25–37 Victoria Street (Apartments)**

251. The application for 25–37 Victoria Street is supported by a Sustainable Management Plan prepared by Hexicon, dated 31 October 2025. The SMP demonstrates that the proposal achieves a BESS 'Excellence' score and commits to strong sustainability outcomes, including an average NatHERS rating of 8.2 stars, all-electric operation, on-site renewable energy generation, water reuse and WSUD measures.
252. The council's ESD Officer identified several deficiencies relating to ventilation assumptions, consistency of NatHERS reporting, and the inclusion of a four-bin waste system. DTP accepts the council's assessment and is satisfied that these matters can be appropriately addressed through an amended SMP secured by condition. DTP does not support a requirement to redesign dwellings; however, deficiencies relating to ventilation performance can be addressed through energy-efficient mechanical ventilation systems where required.
253. The residential component proposes 57 apartments and has been assessed against Clause 58 of the Yarra Planning Scheme. The council's concerns about energy efficiency (Clause 58.03-1), window design and ventilation (Clauses 58.07-3 and 58.07-4), lighting and safety (Clause 58.03-4), and acoustic performance (Clause 58.04-3) are acknowledged. These matters can be addressed through conditions requiring updated documentation, further technical confirmation and specialist review, where necessary.
254. Overall, the proposal is supported subject to conditions requiring the endorsement of an amended Sustainable Management Plan and related technical documents to ensure compliance with Clause 15.01-2L-02 and Clause 58 of the Yarra Planning Scheme.

## **Water Sensitive Urban Design (WSUD)**

### **9 Victoria Street (Townhouses)**

255. The application is supported by a Sustainable Design Assessment which includes integrated water management and stormwater measures for the townhouse development at 9 Victoria Street. The proposal incorporates rainwater harvesting tanks, water-efficient fixtures and fittings, and stormwater management measures that support reduced potable water use and improved stormwater outcomes.
256. The council did not raise substantive concerns regarding stormwater management for the townhouse component. The proposal responds appropriately to Clauses 14.02-2S (Water Quality), 19.03-3L (Stormwater Management) and 53.18 (Stormwater Management in Urban Development). Any refinements relating to maintenance responsibilities and detailed drainage design can be addressed through standard permit conditions requiring endorsement of the relevant plans prior to development commencement.

### **25–37 Victoria Street (Apartments)**

257. The application is supported by a Sustainable Management Plan which includes a Stormwater Management Plan and WSUD assessment for the mixed-use development at 25–37 Victoria Street. The submitted documentation demonstrates that the proposed stormwater treatment measures, including rainwater harvesting, on-site detention and integrated WSUD elements, exceed best practice performance objectives for water quality and quantity.
258. The council's drainage engineers raised no in-principle objections, noting that the site is already largely impervious and that any additional runoff can be appropriately managed through on-site detention and treatment systems. However, the council identified the need for more detailed, site-specific documentation, including an Operation and Maintenance Manual for WSUD assets and more detailed construction-phase stormwater and sediment controls in accordance with Clause 53.18.
259. DTP supports the council's recommendations and is satisfied that these matters can be addressed through permit conditions requiring the endorsement of an updated Stormwater Management Plan, a WSUD Operation and Maintenance Manual, and compliance with standard drainage and civil engineering requirements. Subject to these conditions, the proposal is considered to meet the relevant policy objectives and planning scheme provisions relating to water sensitive urban design.

# Recommendation



260. The proposal is generally consistent with the relevant planning policies of the **Yarra** Planning Scheme and will contribute to the provision of **housing** within the **Fitzroy** area.
261. The proposal is not supported by Yarra City Council.
262. It is **recommended** that Planning Permit No. **PA2503919** for the Use and development of the land for an Office and for the partial demolition of a heritage building and construction of a multi-storey mixed-use apartment development at 25-37 Victoria Street, Fitzroy, and the construction of a townhouse development on part of the land at 9 Victoria Street, Fitzroy.
263. It is **recommended** that the applicant and the council be notified of the above in writing.

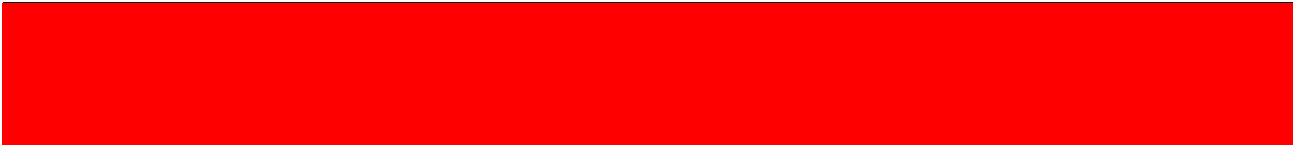


**Prepared by:**

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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.

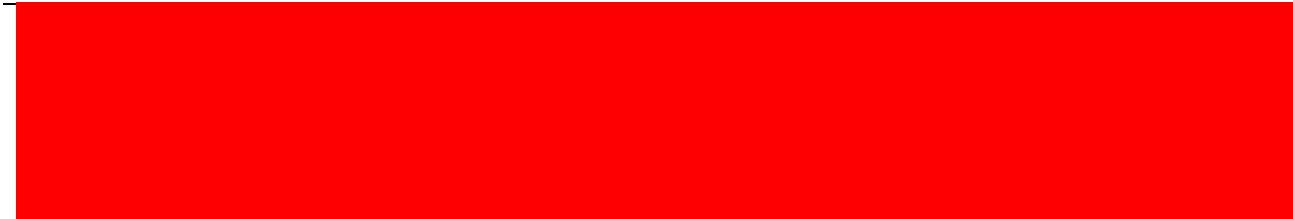


**Reviewed / Approved by:**

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# Appendix 1: Clause 57 Assessment



The following tables comprise an assessment of the proposed dwellings against clause 55 of the planning scheme.

## Neighbourhood and site description

Clause 57.01	Assessment
<p>An application to which Clause 57 applies must be accompanied by:</p> <ul style="list-style-type: none"> <li>A site description.</li> <li>A design response</li> </ul>	<p>The application is supported by an Urban Context Report and Architectural package prepared by DKO Architects, and a Town Planning Report prepared by Tract.</p>

## Neighbourhood Character

### Street Setback

Clause 57.02-1 – Street setback	Assessment															
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respond to the existing or preferred neighbourhood character and make efficient use of the site</li> </ul>	Met															
<p><b>Standard E2-1</b></p> <p>Walls of buildings should be set back from streets the distance specified in Table E2-1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves should not encroach more than 2.5 metres into the setbacks of this standard.</p> <p style="text-align: center;"><b>Table E2-1 Street setback</b></p> <table border="1"> <thead> <tr> <th>Development Context</th> <th>Minimum setback from front street (metres)</th> <th>Minimum setback from a side street (metres)</th> </tr> </thead> <tbody> <tr> <td><i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i></td> <td><i>The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.</i></td> <td>Not applicable</td> </tr> <tr> <td><i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i></td> <td><i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</i></td> <td>Not applicable</td> </tr> <tr> <td><i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></td> <td><i>6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</i></td> <td>Not applicable</td> </tr> <tr> <td><i>The site is on a corner.</i></td> <td><i>If there is a building on the abutting allotment facing the front street, the</i></td> <td><i>Front walls of new development fronting the side street of a corner</i></td> </tr> </tbody> </table>	Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)	<i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.</i>	Not applicable	<i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i>	<i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</i>	Not applicable	<i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</i>	Not applicable	<i>The site is on a corner.</i>	<i>If there is a building on the abutting allotment facing the front street, the</i>	<i>Front walls of new development fronting the side street of a corner</i>	<p><b>Complies</b></p> <p>Complies with Standard E2-1 The proposed dwellings have a street setback of 0m. This is consistent with 9 Victoria Street (the building on the abutting allotment facing the same street).</p>
Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)														
<i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.</i>	Not applicable														
<i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i>	<i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</i>	Not applicable														
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	<p>same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p>	<p>site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>	
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## Building Height

Clause 57.02-2 – Building height	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respond to the existing or preferred neighbourhood character</li> </ul>	<p><b>Met</b></p>
<p><b>Standard E2-2</b></p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p>	<p><b>Complies</b></p> <p>The proposed dwellings have a maximum building height of 12.58 m. There is no maximum height specified under the relevant existing planning controls. On this basis, the proposal complies with the objective as it responds appropriately to the existing neighbourhood character and is consistent with nearby townhouse and apartment developments.</p>

## Side and rear setbacks objective

Clause 57.02-3	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that the height and setback of a building from a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard E2-3</b></p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries in accordance with either E2-3.1 or E2-3.2.</p>	<p><b>Variation</b></p> <p>Standard E2-3 does not apply to the proposal as it seek to develop walls on boundary on all four sides. Notwithstanding, this 0m setback condition appropriately</p>



Either standard E2-3.1 or E2-3.2 should apply rather than applying both in full or part:

- **E2-3.1:**  
The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
- **E2-3.2:**  
If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.

If the boundary is to the south of the building, the building is setback at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east.

Sunblinds, verandahs, porches, eaves, facias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services should not encroach more than 0.5 metres into the side and rear setbacks.

Landings that have an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the side and rear setbacks.

reflects and responds to the existing site conditions and the surrounding streetscape character and has been designed to minimise any adverse amenity impacts of nearby existing dwellings.

On this basis, the proposal complies with the objective.

Diagram E2-3.1 Side and rear setbacks

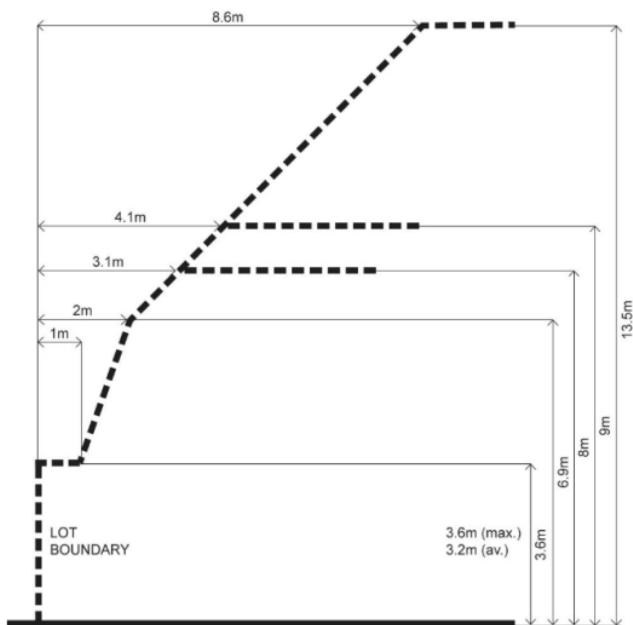
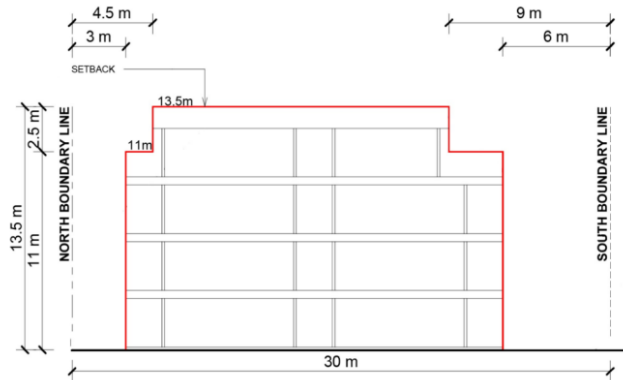




Diagram E2-3.2 Side and rear setbacks



## Walls on boundaries objective

Clause 57.02-4	Assessment
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard E2-4</b></p> <ul style="list-style-type: none"> <li>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot does not abut the boundary for a length that exceeds the greater of the following distances:             <ul style="list-style-type: none"> <li>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.</li> </ul> </li> <li>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</li> <li>A building on a boundary includes a building set back up to 200mm from a boundary.</li> </ul> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p><b>Variation</b></p> <p>The proposed side and rear walls are constructed on boundary as follows:</p> <ul style="list-style-type: none"> <li>West elevation – three-storey wall on boundary abutting Road R-1 / unnamed laneway.</li> <li>East elevation – four-storey wall on boundary abutting the car parking ramp at 9 Victoria Street.</li> <li>North (rear) elevation – three to four-storey wall on boundary abutting car parking areas associated with 9 Victoria Street.</li> </ul> <p>These interfaces predominantly address non-sensitive areas, including a laneway and car parking ramp/areas. The eastern boundary wall may affect a secondary window to a habitable room at Unit 11/19 Victoria Street; however, this room retains adequate access to daylight, outlook and ventilation via its primary north-facing window.</p> <p>The built-to-boundary condition is consistent with the established zero-lot-line development pattern and robust industrial character of the locality. On this basis, the proposal satisfies the objective and will not result in unreasonable amenity impacts.</p>

## Site coverage objective

Clause 57.02-5	Assessment
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage responds to the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard E2-5</b></p>	<p><b>Variation</b></p>



The site area covered by buildings should not exceed the percentage specified in Table E2-5.

Zone	Area of Site Covered by Buildings
Neighbourhood Residential Zone Township Zone	60%
General Residential Zone	65%
Residential Growth Zone Mixed Use Zone Housing Choice and Transport Zone	70%

The proposed dwellings have a site coverage of 100%. Though this exceeds the maximum site coverage specified by Standard E2-5, this can be considered appropriate when considering the existing neighbourhood character of Victoria Street alongside the constraints of the Site.

## Access objective

Clause 57.02-6	Assessment
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers responds to the neighbourhood character.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard E2-6</b></p> <p>The width of accessways or car spaces (other than to a rear lane) should not exceed:</p> <ul style="list-style-type: none"> <li>33 per cent of the street frontage; or</li> <li>40 per cent of the street frontage if the width of the street frontage is less than 20 metres.</li> </ul> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should not be increased.</p> <p>The location of a vehicle crossover or accessway should not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.</p>	<p><b>Complies</b></p> <p>Access is to be provided via the existing laneway which abuts the Site. The width of car spaces to this laneway does not exceed 33 per cent of the side elevation and does not impact any existing trees.</p>

## Tree canopy objectives

Clause 57.02-7	Assessment						
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on the streetscape.</li> <li>To preserve existing canopy cover and support the provision of new canopy cover.</li> <li>To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.</li> </ul>	<p><b>Met</b></p>						
<p><b>Standard E2-7</b></p> <p>A minimum canopy cover as specified in Table E2-7.1 should be provided.</p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Required Canopy Cover</th> </tr> </thead> <tbody> <tr> <td>1000 square metres or less</td> <td>10% of site area</td> </tr> <tr> <td>More than 1000 square metres</td> <td>20% of site area</td> </tr> </tbody> </table> <p>Existing trees to be retained meet all of the following:</p> <ul style="list-style-type: none"> <li>Have a height of at least 5 metres,</li> <li>Have a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,</li> <li>Have a trunk that is located at least 4 metres from proposed</li> </ul>	Site Area	Required Canopy Cover	1000 square metres or less	10% of site area	More than 1000 square metres	20% of site area	<p><b>Variation</b></p> <p>It is acknowledged that the proposed dwellings do not allow for landscaping or canopy cover. However, this is consistent with the existing neighbourhood character and is therefore considered acceptable.</p>
Site Area	Required Canopy Cover						
1000 square metres or less	10% of site area						
More than 1000 square metres	20% of site area						



buildings.

The minimum canopy cover is met using any combination of trees specified in Table E2-7.2.

Existing trees that are retained can be used in calculating canopy cover.

	Minimum Canopy Diameter at Maturity	Minimum Height at Maturity	Minimum Mature Canopy Cover	Tree in Deep Soil – Area of Deep Soil	Tree in Planter – Volume of Planter	Minimum Depth of Planter Soil
A	4 metres	6 metres	12.6 sqm	12 square metres (minimum plan dimension 2.5 metres)	12 cubic metres (minimum plan dimension 2.5 metres)	0.8 metre
B	8 metres	8 metres	50.3 sqm	49 square metres (minimum plan dimension 4.5 metres)	28 cubic metres (minimum plan dimension 4.5 metres)	1 metre
C	12 metres	12 metres	113.1 sqm	121 square metres (minimum plan dimension 6.5 metres)	64 cubic metres (minimum plan dimension 6.5 metres)	1.5 metre

## Front fences objective

### Clause 57.02-8

#### Objective

- To encourage front fence design that responds to the existing or preferred neighbourhood character.

#### Standard E2-8

A front fence within 3 metres of a street should not exceed the maximum height specified in Table E2-8.

Street context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres

### Assessment

N/A



## Liveability

### Dwelling diversity objective

Clause 57.03-1	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	Met
<b>Standard E3-1</b> Developments should include at least: <ul style="list-style-type: none"> <li>One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level for every 10 dwellings.</li> <li>One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.</li> <li>One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.</li> </ul>	Complies

## Liveability

### Dwelling diversity objective

Clause 57.03-1	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	N/A
<b>Standard B3-1</b> <ul style="list-style-type: none"> <li>Developments include at least:               <ul style="list-style-type: none"> <li>One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at round floor level for every 10 dwellings.</li> <li>One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.</li> <li>One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.</li> </ul> </li> </ul>	

## Parking location objectives

Clause 57.03-2	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To minimise the impact of vehicular noise within developments on residents.</li> </ul>	Met
<b>Standard B3-2</b> <ul style="list-style-type: none"> <li>Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:               <ul style="list-style-type: none"> <li>1.5 metres; or</li> <li>If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or</li> <li>1 metre where window sills are at least 1.5 metres above ground level.</li> </ul> </li> <li>This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.</li> </ul>	<b>Variation</b> The ground floor rooms are proposed to be studies (habitable room). Notwithstanding, these are secondary habitable rooms, noting that the primary habitable rooms (bedrooms, living room, etc) are located on the first and second floors of the townhouses. On this basis, the impact of vehicular noise on residents will be minimised and the proposal achieves the objectives of Clause 57.03-2.



## Street integration objectives

Clause 55.03-3	Assessment
<b>Objectives</b> <ul style="list-style-type: none"><li>To integrate the layout of development with the street to support the safety and amenity of residents.</li></ul>	Met
<b>Standard B3-3</b> <ul style="list-style-type: none"><li>Where a development fronts a street, a vehicle accessway or abuts public open space:<ul style="list-style-type: none"><li>Passive surveillance is provided by a direct view from a balcony or a habitable room windows to each street, vehicle accessway and public open space.</li><li>The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.</li></ul></li><li>Lighting is provided to all external accessways and paths.</li><li>Mailboxes are provided for each dwelling and can be communally located.</li></ul>	<b>Variation</b> <p>The development provides passive surveillance to the vehicle accessway via habitable room windows at first and second floor level, as well as from the rooftop terraces. The southernmost townhouse provides direct surveillance to Victoria Street. Site services, lighting and mailboxes will be designed and located in accordance with Standard E3-3, ensuring safe and functional access for residents and visitors.</p>

## Entry objective

Clause 57.03-4	Assessment
<b>Objective</b> <ul style="list-style-type: none"><li>To provide each dwelling, apartment development or residential building with its own sense of identity.</li><li>To provide entries with weather protection, safe design, natural light and ventilation.</li></ul>	Met
<b>Standard E3-4</b> <b>Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings</b> <ul style="list-style-type: none"><li>Each dwelling and each residential building has a ground level entry door that:<ul style="list-style-type: none"><li>Has a direct line of sight from a street, accessway or shared walkway.</li><li>Is not accessed through a garage.</li><li>Has an external covered area of at least 1.44 square metres with a minimum dimension of at least 1.2 metres over the entry door.</li></ul></li></ul> <b>Apartment development and residential building with a shared entry</b> <ul style="list-style-type: none"><li>An apartment development and each residential building has:<ul style="list-style-type: none"><li>A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway.</li><li>An external covered area of at least 144 square metres with a minimum dimension of at least 1.2 metres over the entry door of the building.</li><li>Shared corridors and common areas have at least one source of natural light and natural ventilation.</li></ul></li></ul>	<b>Complies</b> <p>Each dwelling presents a clear and identifiable entry, providing an individual sense of address. A ground level screen door provides access to an undercover, semi-enclosed lobby area, followed by a secondary main entry door into the dwelling. Entries have direct lines of sight to either the adjoining laneway or Victoria Street and are not accessed through a garage, supporting legibility, safety and functional access in accordance with the standard.</p>

## Private open space objective

Clause 57.03-5	Assessment
<b>Objective</b> <ul style="list-style-type: none"><li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li></ul>	Met



**Standard B3-5**

A dwelling or residential building should have private open space with direct access from a living area, dining area or kitchen consisting of:

- An area of 25 square metres of secluded private open space, with a minimum dimension of 3 metres width; or
- An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or
- A balcony with at least the area and dimensions specified in Table E3-5; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If a cooling or heating unit is located in the secluded private open space or private open space the required area should increase by 1.5 square metres.

Where ground level private open space is provided an area for clothes drying should be provided.

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 dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 bedroom dwelling	12 square metres	2.4 metres

**Complies**

Each proposed dwelling has private open space on a roof in excess of 10 sqm, as required by Standard E3-5.

**Solar access to open space objective**

**Clause 57.03-6**

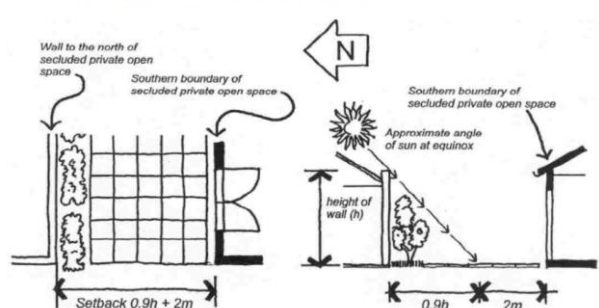
**Objective**

- To allow solar access into the secluded private open space of new dwellings and residential buildings.

**Standard E3-6**

- The southern boundary of secluded private open space should be set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

Diagram E3-6 Solar access to open space



**Assessment**

**Met**

**Complies**

The southern boundary of the secluded private open space of each dwelling is setback from any wall on the north of each space in excess of the minimum distance as required by Standard E3-6. Further, all areas of POS are located on the rooftop and will have ample solar access.

**Functional layout objective**

**Clause 57.03-7**

**Assessment**



**Objectives**

- To ensure dwellings provide functional areas that meet the needs of residents.

**Met**

**Standard E3-7**

- Bedrooms:
  - Meet the minimum internal room dimensions specified in Table E3-7.1; and
  - Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

**Variation**

Each bedroom provides a minimum internal width of 3 metres, with depths varying between 3.0 and 3.2 metres. While this does not strictly comply with the 'main bedroom' depth requirement under Standard E3-7, the dwellings are designed with bedrooms of comparable size and no designated main bedroom. The inclusion of a ground floor study area provides additional flexible space to support working from home and other functional needs.

Table E3-7.1 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

The primary living areas measure approximately 3.1 metres by 3.6 metres, representing a minor variation to the standard dimensions. However, the kitchen and dining areas are proportionately generous for a two-bedroom dwelling, and each dwelling benefits from a spacious rooftop terrace that exceeds private open space expectations.

- Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table E3-7.2.

Table E3-7.2 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

On balance, the internal layouts are considered functional and capable of meeting the day-to-day needs of future residents. The objective of the standard is satisfied.

**Room depth objective**

**Clause 57.03-8**

**Assessment**

**Objective**

- To allow adequate daylight into single aspect habitable rooms.

**Met**

**Standard E3-8**

- The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.
  - The room combines the living area, dining area and kitchen; and
  - The kitchen is located furthest from the window; and
  - 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; and
  - An overhang extends no more than 2m beyond the window of the single aspect habitable room.
- In Clause 57.03-8 a single aspect habitable room is a habitable room with windows on only one wall.

**Complies**

The depth of each single aspect habitable room does not exceed the maximum depth specified in Standard E3-8.



## Daylight to new windows objective

Clause 57.03-9	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<b>Met</b>
<b>Standard E3-9</b> <b>Dwelling (other than a dwelling in or forming part of an apartment development)</b> <ul style="list-style-type: none"> <li>A window in an external wall of the building is provided to all habitable rooms.</li> <li>Habitable rooms in a dwelling have a window that faces:               <ul style="list-style-type: none"> <li>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>A verandah provided it is open for at least one third of its perimeter, or</li> <li>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul> </li> </ul> <b>Dwelling in or forming part of an apartment development</b> <ul style="list-style-type: none"> <li>A window in an external wall of the building is provided to all habitable rooms.</li> <li>Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:               <ul style="list-style-type: none"> <li>A minimum width of 1.2 metres.</li> <li>A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> <li>A window clear to the sky.</li> </ul> </li> </ul>	<b>Complies</b> Each habitable room window faces an outdoor space clear to the sky.

## Natural ventilation objectives

Clause 57.03-10	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To encourage natural ventilation of dwellings.</li> <li>To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul>	<b>Met</b>
<b>Standard E3-10</b> <b>Dwelling (other than a dwelling in or forming part of an apartment development)</b> <ul style="list-style-type: none"> <li>Dwellings have operable windows, doors or other ventilation devices in external walls of the building that provide;               <ul style="list-style-type: none"> <li>A maximum breeze path through the dwelling of 18 metres.</li> <li>A minimum breeze path through the dwelling of 5 metres.</li> <li>Ventilation openings with approximately the same area.</li> </ul> </li> <li>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</li> </ul> <b>Dwelling in or forming part of an apartment development</b> <ul style="list-style-type: none"> <li>At least 40 percent of dwellings have operable windows, doors or other ventilation devices in external walls of the building that provide:               <ul style="list-style-type: none"> <li>A maximum breeze path through the dwelling of 18 metres.</li> <li>A minimum breeze path through the dwelling of 5</li> </ul> </li> </ul>	<b>Variation</b> Each dwelling incorporates large operable windows at Levels 1 and 2 to facilitate natural ventilation. The southernmost dwelling achieves dual-aspect ventilation (west and south) and complies with Standard E3-10. The two northern dwellings are single-aspect and therefore do not strictly meet the standard. However, given the constrained urban site, boundary-to-boundary interfaces and established built form context, this outcome is considered reasonable. Adequate ventilation is achieved through appropriately sized operable windows and internal layout design. On balance, the response is considered acceptable.



- metres.
- Ventilation openings with approximately the same area.
- The breeze path is measured between the ventilation openings on different orientations of the dwelling.

## Storage objective

Clause 57.03-11	Assessment														
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To provide adequate storage facilities for each dwelling.</li> </ul>	<b>Met</b> <p>Each dwelling provides dedicated storage areas integrated within the internal layout. Townhouses 2 and 3 comply with the minimum storage volumes required under Standard E3-11.</p> <p>Townhouse 1 falls short of the total minimum storage volume by 1.73 cubic metres. However, it meets the minimum internal storage requirement and provides an additional 1.89 cubic metre storage cabinet within the garage area.</p> <p>Having regard to the overall functionality of the dwelling and the provision of supplementary storage space, the variation is minor and the objective of the standard is considered to be met.</p>														
<b>Standard E3-11</b> <p><b>Dwelling (other than a dwelling in or forming part of an apartment development)</b></p> <ul style="list-style-type: none"> <li>• Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.</li> </ul> <p><b>Dwelling in or forming part of an apartment development</b></p> <ul style="list-style-type: none"> <li>• Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table e3-11.</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <caption style="text-align: center; font-weight: normal;">Table E3-11 Storage</caption> <thead> <tr style="background-color: #e0e0e0;"> <th style="text-align: left;">Dwelling type</th> <th style="text-align: center;">Total minimum storage volume</th> <th style="text-align: center;">Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td style="text-align: center;">8 cubic metres</td> <td style="text-align: center;">5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td style="text-align: center;">10 cubic metres</td> <td style="text-align: center;">6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td style="text-align: center;">14 cubic metres</td> <td style="text-align: center;">9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td style="text-align: center;">18 cubic metres</td> <td style="text-align: center;">12 cubic metres</td> </tr> </tbody> </table>		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
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													

## Accessibility for apartment developments objective

Clause 57.03-12	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>• To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>	N/A
<b>Standard B3-12</b> <ul style="list-style-type: none"> <li>• At least 50 per cent of dwellings in or forming part of an apartment development have:               <ul style="list-style-type: none"> <li>○ A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>○ 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.</li> <li>○ A main bedroom with access to an adaptable bathroom.</li> <li>○ At least on adaptable bathroom that meets all of the requirements of either Design A or Design B</li> </ul> </li> </ul>	



specified in Table E3-12.

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	
Door design	Either: <ul style="list-style-type: none"> <li>■ A slide door, or</li> <li>■ A door that opens outwards, or</li> <li>■ A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>■ A slide door, or</li> <li>■ A door that opens outwards, or</li> <li>■ A door that opens inwards that has readily removable hinges.</li> </ul>
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> <li>■ A minimum area of 1.2 metres by 1.2 metres.</li> <li>■ Located in front of the shower and the toilet.</li> <li>■ Clear of the toilet, basin and the door swing.</li> </ul> The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> <li>■ A minimum width of 1 metre.</li> <li>■ The full length of the bathroom and a minimum length of 1.2 metres.</li> <li>■ Clear of the toilet and basin.</li> </ul> The circulation area can include the 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 with a removable shower screen 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.

## External Amenity

### Daylight to existing windows objective

Clause 57.04-1	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>• To allow adequate daylight into existing habitable room windows.</li> </ul>	<b>Met</b>
<b>Standard E4-1</b> <ul style="list-style-type: none"> <li>• Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</li> <li>• Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</li> <li>• Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</li> </ul>	<b>Complies</b> <p>A secondary window to a habitable room is located on the second floor of the westernmost apartment at 9 Victoria Street. This window appears to be non-openable and serves as a secondary source of light. The primary outlook and access to daylight and ventilation for the room is provided via a north-facing window and adjoining balcony area. No other existing habitable room windows are affected by the proposal. On balance, the development will not result in unreasonable impacts to daylight access for adjoining dwellings and satisfies the objective of the standard.</p>

### Existing north-facing windows objective

Clause 57.04-2	Assessment
Objective	N/A



- To allow adequate solar access to existing north-facing habitable room windows.

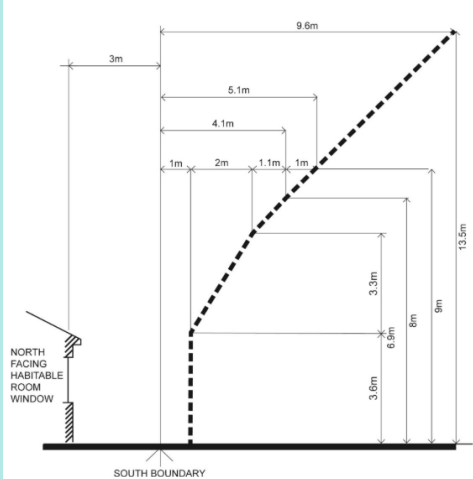
**Standard E4-2.1**

Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:

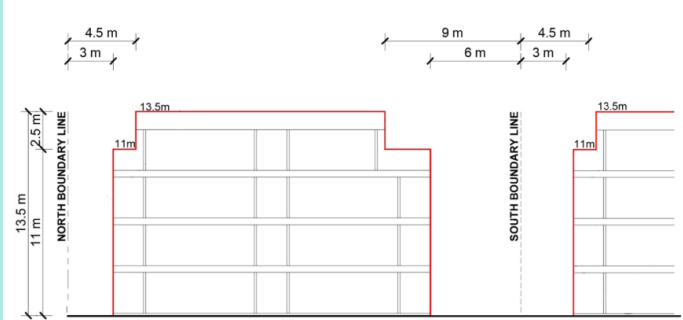
- A new building should be set back from the boundary by at least 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.
- For new buildings that meet the Standard E2-3.2 setback, the building should be set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.

**Diagram E4-2.1 North-facing windows**



**Diagram E4-2.2 North-facing windows**



**Overshadowing secluded open space objective**

Clause 57.04-3	Assessment
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p>



**Standard E4-3**

- *The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.*
- *If existing sunlight to the secluded private open space of an existing dwelling or a small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.*

Shadow diagrams prepared by DKO demonstrate that the secluded open space located to the east of the site at third floor level of 9 Victoria Street is already partially overshadowed by the existing built form of that development. The proposal is not expected to result in significant additional overshadowing beyond the existing condition.

Accordingly, the development will not cause unreasonable overshadowing of adjoining secluded private open space and satisfies the objective of the standard.

**Overlooking objective**

**Clause 57.04-4**

**Objective**

- *To limit views into existing secluded private open space and habitable room windows.*

**Standard B4-4**

- *In Clause 57.04-4 a habitable room does not include a bedroom.*
- *A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*
- *A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:*
  - *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or*
  - *Has sill heights of at least 1.7 metres above floor level; or*
  - *Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level.*
  - *Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.*
  - *Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.*
- *Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.*
- *Screens used to obscure a view are:*
  - *Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.*
  - *Permanent, fixed and durable.*
  - *Designed and coloured to blend in with the development.*
- *This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.*

**Assessment**

**Met**

**Complies subject to conditions**

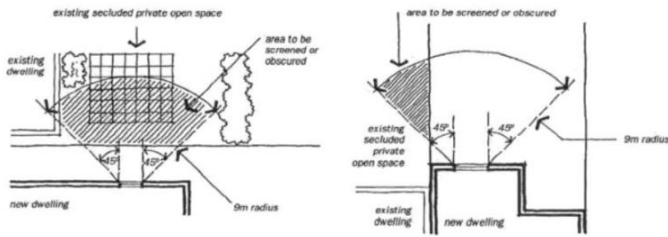
No windows or openings are proposed on the eastern elevation of the dwellings. The rooftop terrace of the northernmost dwelling is open along its northern and part of its eastern edges and incorporates transparent balustrades. This configuration may enable oblique views toward the private open space associated with the north-facing terrace of Unit 11/19 Victoria Street (9 Victoria Street).

Having regard to the angle of potential views and a separation distance of approximately 8–9 metres, the risk of unreasonable overlooking is limited. Notwithstanding this, a permit condition is recommended requiring further detail to demonstrate that overlooking to the balcony at 19 Victoria Street is appropriately mitigated, if necessary through screening measures.

Subject to this condition, the proposal satisfies the objective of the standard.



**Diagram E4-4 Overlooking**



## Internal views objective

Clause 57.04-5	Assessment
<b>Objective</b>	<b>Met</b>
<ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	
<b>Standard B4-5</b>	<b>Complies</b>
<ul style="list-style-type: none"> <li>In Clause 57.04-5 a habitable room does not include a bedroom.</li> <li>Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:               <ul style="list-style-type: none"> <li>Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or</li> <li>Has a sill height of at least 1.7 metres above floor level; or</li> <li>Has a fixed, visually obscure balustrade to at least 1.7 metres above floor level; or</li> <li>Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.</li> </ul> </li> <li>Direct views are managed at a height of 1.7 metres above floor level and within:               <ul style="list-style-type: none"> <li>A 45 degree horizontal angle from the edge of the new window or balcony.</li> <li>A 45 degree angle in the downward direction.</li> </ul> </li> <li>Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.</li> </ul>	<p>No dwelling has direct views into the secluded private open space of another dwelling within the development.</p>

## Sustainability

### Permeability and stormwater management objective

Clause 57.05-1	Assessment
<b>Objectives</b>	<b>Met</b>
<ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.</li> <li>To facilitate on-site stormwater infiltration.</li> <li>To encourage stormwater management that maximises the retention and reuse of stormwater.</li> <li>To contribute to urban cooling.</li> </ul>	
<b>Standard E5-1</b>	<b>Complies</b>
<ul style="list-style-type: none"> <li>The site area covered by the pervious surfaces is at least 20 percent of the site.</li> <li>The development includes a stormwater management system designed to:               <ul style="list-style-type: none"> <li>Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:                   <ul style="list-style-type: none"> <li>Suspended solids 80% reduction in mean annual load.</li> </ul> </li> </ul> </li> </ul>	<p>The proposal provides for a 2 kL rainwater tank in the car port of each dwelling, which will collect rainwater from the roof for reuse in toilet flushing to reduce and manage stormwater run-off.</p>



- Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
- Litter 70% reduction of mean annual load.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

**Note:**

A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective – Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.

- Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

## Overshadowing domestic solar energy systems objective

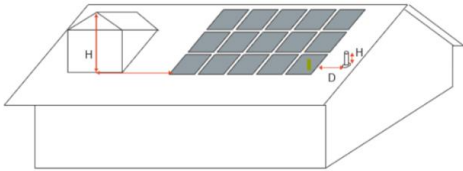
Clause 57.05-2	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>● To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.</li> </ul>	N/A
<b>Standard E5-2</b> <ul style="list-style-type: none"> <li>● Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every meter of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> <li>● This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.</li> <li>● In Clause 57.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.</li> </ul>	

## Rooftop solar energy generation area objective

Clause 55.05-3	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>● To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.</li> </ul>	Met
<b>Standard E5-3</b> <ul style="list-style-type: none"> <li>● In Clause 57.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.</li> <li>● An area on the roof is capable of siting on a rooftop solar energy area for each dwelling which:               <ul style="list-style-type: none"> <li>○ Has a minimum dimension of 1.7 metres.</li> <li>○ Has a minimum area in accordance with Table B5-3</li> <li>○ Is orientated to the north, west or east.</li> <li>○ Is positioned on the top two thirds of a pitched roof.</li> <li>○ Can be a contiguous area or multiple smaller areas</li> <li>○ Is free from obstructions on the roof of the dwelling within twice</li> </ul> </li> </ul>	<b>Complies</b> The proposal provides for rooftop solar energy area with a minimum dimension of 2m above the stairwell/toilet/undercover BBQ area at the rooftop. The proposal allows for up to 10 kW solar PV system for the southern and central dwellings, and up to 6kW for the northern dwelling which is appropriate for the size and location of the dwelling.

the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

Diagram E5-3 Space should be provided between obstructions and the rooftop solar energy area



- Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

Table E5-3 Minimum rooftop solar energy generation area

Number of bedrooms	Minimum roof area
1 bedroom dwelling	15 square metres
2 or 3 bedroom dwelling	26 square metres
4 or more bedroom dwelling	34 square metres

## Solar protection to new north-facing windows objective

Clause 57.05-4	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>• To encourage external shading of north facing windows to minimise summer heat gain.</li> </ul>	N/A
<b>Standard B5-4</b> <ul style="list-style-type: none"> <li>• North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.</li> </ul>	

## Waste and recycling objectives

Clause 57.05-5	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To ensure dwellings are designed to facilitate waste recycling.</li> <li>• To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.</li> <li>• To ensure that waste and recycling facilities are designed and</li> </ul>	Met

managed to minimise impacts on residential amenity.

### Standard E5-5

#### Dwelling (other than a dwelling in or forming part of an apartment development)

- The development includes an individual bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table E5-5.1.

Table E5-5.1 Bin storage

Type of bin storage area	Minimum area	Minimum depth	Minimum height
Individual bin storage area for a dwelling.	1.8 square metres	0.8 metre	1.8 metres
Shared bin storage area for 3 dwellings or less.	5.4 square metres	0.8 metre	1.8 metres
Shared bin storage area for 4 or more dwellings.	1 square metre per dwelling plus 4 square metres	0.8 metre	1.8 metres

- If the development includes a shared bin storage area:
  - The shared bin storage area:
    - Is located within 40 metres of a kerbside collection point.
    - Includes a tap for bin washing.
  - There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.
- Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.
- Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.

#### Dwelling in or forming part of an apartment development

- The development includes a shared bin storage area for by each dwelling of at least the applicable area, depth and height specified in Table E5-5.2.

Table E5-5.2 Apartment bin storage

Number of dwellings	Minimum area	Minimum depth	Minimum height
15 or less dwellings	0.7 square metres per dwelling in a shared waste storage area	0.8 metres	2.7 metres
16 to 55 dwellings	0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area.	1 metre	2.7 metres
56 or more dwellings	0.5 square metres per dwelling in a shared waste storage area.	1 metre	2.7 metres

- Enclosed bin storage areas are ventilated by:
  - Natural ventilation openings to the external air with an area of at least 5 per cent of the area for the bin storage area; or
  - A mechanical exhaust ventilation system.
- A tap and drain is provided to wash bins.
- A continuous path of travel is provided from each dwelling to bin storage areas.
- Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250

### Complies

The individual bin storage areas are located in the garages and exceed the minimum dimensions as specified in Standard

E5-5

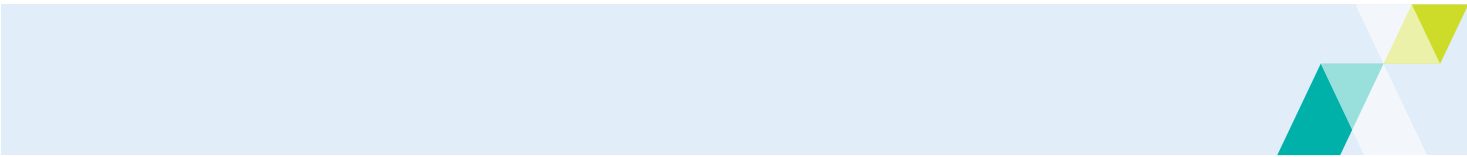
millimetres.

## Noise impacts objective

Clause 57.05-6	Assessment
<b>Objectives</b> <ul style="list-style-type: none"><li>To minimise the impact of mechanical plant noise located in the development.</li></ul>	N/A
<b>Standard E5-6</b> <ul style="list-style-type: none"><li>Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.</li></ul>	

## Energy efficiency for apartment development objectives

Clause 57.05-7	Assessment																		
<b>Objectives</b> <ul style="list-style-type: none"><li>To achieve energy efficient dwellings and buildings.</li><li>To ensure dwellings achieve adequate thermal efficiency.</li></ul>																			
<b>Standard B5-7</b> <ul style="list-style-type: none"><li>Dwellings in or forming part of an apartment development located in a climate zone identified Table E5-7 do not exceed the maximum NatHERS annual cooling load.</li></ul>	Not applicable – pursuant to Clause 57, the objectives contained in clauses 57.05-7 do not apply to the construction or extension of a dwelling that is not in, or does not form part of, an apartment development.																		
<table border="1"><thead><tr><th>NatHERS climate zone</th><th>NatHERS maximum cooling load MJ/M<sup>2</sup> per annum</th></tr></thead><tbody><tr><td>Climate zone 21 Melbourne</td><td>30</td></tr><tr><td>Climate zone 22 East Sale</td><td>22</td></tr><tr><td>Climate zone 27 Mildura</td><td>69</td></tr><tr><td>Climate zone 60 Tullamarine</td><td>22</td></tr><tr><td>Climate zone 62 Moorabbin</td><td>21</td></tr><tr><td>Climate zone 63 Warrnambool</td><td>21</td></tr><tr><td>Climate zone 64 Cape Otway</td><td>19</td></tr><tr><td>Climate zone 66 Ballarat</td><td>23</td></tr></tbody></table>	NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> 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	
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Climate zone 66 Ballarat	23																		
<b>Note:</b> <ul style="list-style-type: none"><li>Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</li></ul>																			



# Appendix 2: Clause 58 Assessment (Better Apartments Design Standards)

## Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none"> <li>An application must be accompanied by:                             <ul style="list-style-type: none"> <li>An urban context report.</li> <li>A design response.</li> </ul> </li> </ul>	The application is supported by a Urban Context Report and Architectural package prepare by DKO Architects, and a Town Planning Report prepare by Tract.

## Urban context report

Clause 58.01-2	Assessment
<ul style="list-style-type: none"> <li>The urban context report may use a site plan, photographs or other techniques and must include:</li> <li>An accurate description of:                             <ul style="list-style-type: none"> <li>Site shape, size, orientation and easements.</li> <li>Levels and contours of the site and the difference in levels between the site and surrounding properties.</li> <li>The location and height of existing buildings on the site and surrounding properties.</li> <li>The use of surrounding buildings.</li> <li>The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</li> <li>Solar access to the site and to surrounding properties.</li> <li>Views to and from the site.</li> <li>Street frontage features such as poles, street trees and kerb crossovers.</li> <li>The location of local shops, public transport services and public open spaces within walking distance.</li> <li>Movement systems through and around the site.</li> <li>Any other notable feature or characteristic of the site.</li> </ul> </li> <li>An assessment of the characteristics of the area including:                             <ul style="list-style-type: none"> <li>Any environmental features such as vegetation, topography and significant views.</li> <li>The pattern of subdivision.</li> <li>Street design and landscape.</li> <li>The pattern of development.</li> <li>Building form, scale and rhythm.</li> <li>Connection to the public realm.</li> <li>Architectural style, building details and materials.</li> <li>Off-site noise sources.</li> <li>The relevant NatHERS climate zones (as identified in Clause 58.03-1).</li> <li>Social and economic activity.</li> <li>Any other notable or cultural characteristics of the area.</li> </ul> </li> </ul>	The application is supported by a Urban Context Report and Architectural package prepare by DKO Architects, and a Town Planning Report prepare by Tract.

## Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none"> <li>The design response must explain how the proposed design:                             <ul style="list-style-type: none"> <li>Responds to any relevant planning provision that applies to the land.</li> <li>Meets the objectives of Clause 58.</li> <li>Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</li> <li>Derives from and responds to the urban context report.</li> </ul> </li> <li>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 waive or reduce the requirement.</li> </ul>	<p><b>Complies</b></p> <p>A satisfactory assessment of how the policy responds to the PPF, Clause 58, relevant housing, urban design and landscape policy has been provided in the urban context report prepared by DKO architects and planning report prepared by Tract</p>



## Urban context objectives

Clause 58.02-1	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<b>Met</b>
<b>Standard D1</b> <ul style="list-style-type: none"> <li>The design response must be appropriate to the urban context and the site.</li> <li>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</li> </ul>	<b>Complies</b> The proposed design of the built form is considered to respond to the preferred context of the surrounding area, refer to assessment within the report above.

## Residential policy objectives

Clause 58.02-2	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul>	<b>Met</b>
<b>Standard D2</b> <ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Complies</b> A satisfactory assessment of how the proposal responds to the PPF, Clause 58, relevant housing, urban design and landscape policy has been provided in the Town Planning Report prepared by Tract.

## Dwelling diversity objectives

Clause 58.02-3	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</li> </ul>	<b>Met</b>
<b>Standard D3</b> <ul style="list-style-type: none"> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</li> </ul>	<b>Complies</b> The proposal includes a total of 57 dwellings, comprising: <ul style="list-style-type: none"> <li>4 one-bedroom apartments (approximately 7.0%)</li> <li>18 two-bedroom apartments (approximately 31.6%)</li> <li>35 three-bedroom apartments (approximately 61.4%)</li> </ul> <p>The dwelling mix provides a strong emphasis on larger, family-sized apartments, with a range of dwelling sizes, layouts and aspects that are suitable for different household types. On this basis, the proposal provides an appropriate housing mix and complies with the standard.</p>



## Infrastructure objectives

Clause 58.02-4	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<b>Met</b>
<b>Standard D4</b> <ul style="list-style-type: none"> <li>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</li> <li>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>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</li> </ul>	<b>Complies</b> The proposed development will be located within an urban area which is well serviced and has connections to appropriate utility services and infrastructure.

## Integration with the street objective

Clause 58.02-5	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<b>Met</b>
<b>Standard D5</b> <ul style="list-style-type: none"> <li>Developments should be oriented to front existing and proposed streets.</li> <li>Along street frontage, development should:               <ul style="list-style-type: none"> <li>Incorporate pedestrian entries, windows, balconies or other active spaces.</li> <li>Limit blank walls.</li> <li>Limit high front fencing, unless consistent with the existing urban context.</li> <li>Provide low and visually permeable front fences, where proposed.</li> <li>Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.</li> </ul> </li> <li>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</li> </ul>	<b>Complies</b> The proposal fronts Victoria Street with car parking discreetly located at the rear of the Site so as to maximise active commercial frontages and opportunities for passive surveillance at ground and upper levels along Victoria Street. Dwellings fronting Victoria Street at the ground floor have been designed to incorporate an elevated 'stoop' entrance layout consistent with heritage terrace typologies to balance privacy and activation along this interface. Along the rear laneway, glazing to the semi-open communal amenities area and north-facing residential terraces provide an activated interface.

## Energy efficiency objectives

Clause 58.03-1	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>To ensure dwellings achieve adequate thermal efficiency.</li> </ul>	<b>Met</b>
<b>Standard D6</b> <ul style="list-style-type: none"> <li>Buildings should be:               <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> </li> <li>Living areas and private open space should be located on the north side of the development, if practicable.</li> <li>Developments should be designed so that solar access to north-facing windows is optimised.</li> <li>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</li> </ul>	<b>Complies</b> The proposal complies with the standard as follows: <ul style="list-style-type: none"> <li>Buildings are sited to incorporate space for solar PV panels and to maximise passive heating and cooling.</li> <li>Where possible, living spaces are sited to provide for northern aspect, noting that the Site's context – specifically</li> <li>with respect to nearby live music premises, as well as the availability of city-views to the south – has resulted in this not being</li> </ul>



Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> 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).

adopted across the board.

- All apartments comply with the relevant maximum cooling load.

## Communal open space objective

Clause 58.03-2	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide communal open space that meets the recreation and amenity needs of residents.</li> <li>• To ensure that communal open space is accessible, practical, attractive, easily maintained.</li> <li>• To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard D7</b></p> <ul style="list-style-type: none"> <li>• A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</li> <li>• 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.</li> <li>• Each area of communal open space should be:             <ul style="list-style-type: none"> <li>○ Accessible to all residents.</li> <li>○ A useable size, shape and dimension.</li> <li>○ Capable of efficient management.</li> <li>○ Located to:                 <ul style="list-style-type: none"> <li>- Provide passive surveillance opportunities, where appropriate.</li> <li>- Provide outlook for as many dwellings as practicable.</li> <li>- Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>- Minimise noise impacts to new and existing dwellings.</li> </ul> </li> </ul> </li> <li>• Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</li> </ul>	<p><b>Complies</b></p> <p>The proposal includes a total of 151.2sqm of communal residential amenity areas, comprised of 51.2sqm of semiopen communal space on the ground floor with a northern interface to the rear laneway, and 100 sqm of open rooftop terrace space for health and wellness.</p> <p>Per Miller Pacific Investments Pty Ltd v Yarra CC [2025] VCAT 275, the Tribunal considered that provided a communal area is open on at least one side undercroft areas such as the semi-open communal space proposed can be considered as outdoor areas.</p> <p>Overall, the proposal exceeds the 142.5sqm of communal open space required to achieve Standard D7, and the areas will be accessible, practical, attractive and easy to maintain whilst appropriately responding to the built form constraints of the Site.</p> <p>It is further noted that the generous private open space areas in each apartment exceed the standards, and the Site's proximity to Carlton Gardens (5 minute walk / 450m to the south) will continue to afford ample open space opportunities to residents.</p>



## Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space</li> </ul>	<b>Met</b>
<b>Standard D8</b> <ul style="list-style-type: none"> <li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li> <li>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.</li> </ul>	<b>Complies</b> The outdoor rooftop open space will exceed the requirements under Standard D8.

## Safety objective

Clause 58.03-4	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property</li> </ul>	<b>Met</b>
<b>Standard D9</b> <ul style="list-style-type: none"> <li>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</li> <li>Planting which creates unsafe spaces along streets and accessways should be avoided.</li> <li>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</li> </ul>	<b>Complies</b> The proposal provides excellent safety for both residents and the public. Primary pedestrian entrances to the ground floor dwellings fronting Victoria Street and the balance of the apartment building are accessed from Victoria Street and are highly visible from the public realm and from passive surveillance within the building. Landscaping and planting will contribute to high amenity outcomes and will be maintained so as to avoid obstructing visibility. The rear laneway interface provides a central pedestrian access that can be passively surveilled from the semi-open communal amenities area and by dwellings fronting the rear laneway. Landscaping screening and management of finished floor heights at this interface provide an additional level of privacy.

## Landscaping objectives

Clause 58.03-5	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</li> <li>To preserve existing canopy cover and support the provision of new canopy cover.</li> <li>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</li> </ul>	<b>Met</b>
<b>Standard D10</b> <ul style="list-style-type: none"> <li>Development should retain existing trees and canopy cover.</li> <li>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</li> <li>Development should:               <ul style="list-style-type: none"> <li>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.</li> <li>Provide canopy cover through canopy trees that are:</li> </ul> </li> </ul>	<b>Variation</b> The proposal delivers a clear improvement to the existing condition of the Site, which currently provides minimal landscaping and limited canopy cover. The landscaping response has been developed having regard to the Site's constraints, including the adaptive reuse of a heritage building and the high site coverage within the surrounding streetscape.  Notwithstanding these constraints, the proposal



- 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.
- o Comprise smaller trees, shrubs and ground cover, including flowering native species.
- o Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- o 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.
- o Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- o Protect any predominant landscape features of the area.
- o Take into account the soil type and drainage patterns of the site.
- o Provide a safe, attractive and functional environment for residents.
- o Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
- o 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)	28 cubic metres (min. plan dimension of 4.5)	1 metre

achieves the objectives of Clause 58.03-5 by introducing new landscaping at ground level and on structure, including within communal areas and along the street interface. The landscaping is designed to be hardy, low-maintenance and climate-responsive, contributing to residential amenity, visual relief and passive shading.

Two Type A canopy trees are provided at ground level in compliant soil volumes, including one adjacent to the communal area and rear pedestrian entrance and one within the eastern void, consistent with Tables D2–D4. Additional planting includes smaller trees, shrubs and groundcovers, supporting biodiversity and improving the public realm response along Victoria Street.

Landscaping is integrated within communal outdoor open space and common areas, with planter-based planting provided where deep soil is constrained. The design responds to site conditions, drainage and long-term landscape viability and will be supported by appropriate irrigation.



	metres)	metres)	
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
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</li> <li>• To ensure the vehicle crossovers are designed and located to minimise visual impact.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard D11</b></p> <ul style="list-style-type: none"> <li>• Vehicle crossovers should be minimised.</li> <li>• 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.</li> <li>• Pedestrian and cyclist access should be clearly delineated from vehicle access.</li> <li>• The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</li> <li>• Developments must provide for access for service, emergency and delivery vehicles.</li> </ul>	<p><b>Complies</b></p> <p>A single crossover is proposed to the rear laneway, where the vehicle entry has been designed to be discrete and setback behind the building façade, thereby decreasing its prominence.</p> <p>Pedestrian and cyclist access is clearly differentiated from vehicular access via the prominent pedestrian entrance to Victoria Street which provides a high-quality public realm transitional zone. Separate secondary cyclist and pedestrian access is also provided via the rear laneway, noting that this is expected to be a secondary access.</p>

## Parking location objectives

Clause 58.03-7	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide convenient parking for resident and visitor vehicles.</li> <li>• To protect residents from vehicular noise within developments.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard D12</b></p> <ul style="list-style-type: none"> <li>• Car parking facilities should: <ul style="list-style-type: none"> <li>○ Be reasonably close and convenient to dwellings.</li> <li>○ Be secure.</li> <li>○ Be well ventilated if enclosed.</li> </ul> </li> <li>• 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.</li> </ul>	<p><b>Complies</b></p> <p>Car parking for residents is provided in the basement car park, for safety and convenience, whilst protecting dwellings from any potential amenity impacts associated with the car park.</p>



## Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>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.</li> </ul>	<b>Met</b>
<b>Standard D13</b> <ul style="list-style-type: none"> <li>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</li> <li>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</li> <li>The stormwater management system should be:               <ul style="list-style-type: none"> <li>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).</li> <li>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul> </li> </ul>	<b>Complies</b> <p>The proposal is accompanied by an integrated stormwater management strategy comprising:</p> <ul style="list-style-type: none"> <li>A 22,000 litre rainwater tank that will harvest rainwater from all roofed areas and be connected to toilets.</li> <li>An 8sqm raingarden to treat stormwater.</li> <li>Permeable landscaped areas throughout the development.</li> </ul> <p>The proposed development achieves a STORM rating of 101%.</p>

## Building setback objectives

Clause 58.04-1	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>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.</li> <li>To allow adequate daylight into new dwellings.</li> <li>To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>To provide a reasonable outlook from new dwellings.</li> <li>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul>	<b>Met</b>
<b>Standard D14</b> <ul style="list-style-type: none"> <li>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</li> <li>Buildings should be set back from side and rear boundaries, and other buildings within the site to:               <ul style="list-style-type: none"> <li>Ensure adequate daylight into new habitable room windows.</li> <li>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.</li> <li>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul> </li> </ul>	<b>Complies</b> <p>As discussed within the body of the report.</p>

## Internal views objective

Clause 58.04-2	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul>	<b>Met</b>

### 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.*

### Complies

The proposed apartments have been sited and oriented to minimise direct views into the private open space and habitable rooms of other dwellings within the development. Specifically, this has ensured that all windows and balconies are designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below.

## Noise impacts objectives

### Clause 58.04-3

#### Objectives

- *To contain noise sources in developments that may affect existing dwellings.*
- *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.*

**Table D5 Noise influence area**

Noise source	Noise influence area
<b>Zone interface</b>	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
<b>Roads</b>	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
<b>Railways</b>	
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	135 metres from the

### Assessment

#### Met

### Complies

The Site is within 50m of a number of operating live music and entertainment venues, food and drink premises, bars and nightclubs fronting Johnston Street directly opposite the rear laneway abutting the Site.

With incorporation of the acoustic advice provided by Renzo Tonin & Associates in their Acoustic Assessment of the proposal, it is understood that the development can provide suitable residential amenity with respect to acoustic comfort levels and be occupied/operate without adverse impact on the area subject to the application of standard planning permit conditions.



Melbourne	centre of the nearest track	
<b>Note:</b>		
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				
<b>Objective</b> <ul style="list-style-type: none"> <li>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</li> </ul>	<b>Met</b>				
<b>Standard D17</b> <ul style="list-style-type: none"> <li>Development of five or more storeys, excluding a basement should:               <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> <li>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.</li> <li>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.</li> </ul>	<b>Complies</b> <p>The proposal is supported by an informed by a Pedestrian Wind Environment Statement prepared by Windtech (May 2025), which identifies the potential wind impacts associated with the development and recommends mitigation measures to manage these effects.</p> <p>The recommended strategies include the incorporation of both impermeable and permeable balustrades, as well as appropriately located planters, all of which have been integrated into the architectural design. On this basis, and subject to implementation of these measures, the development is not expected to result in unreasonable or unacceptable wind conditions within the public realm.</p>				
<b>Table D6 Wind conditions</b> <table border="1"> <thead> <tr> <th>Unsafe</th> <th>Comfortable</th> </tr> </thead> <tbody> <tr> <td>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.</td> <td>           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:           <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul> </td> </tr> </tbody> </table>		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: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul>
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: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul>				

## Accessibility objective

Clause 58.05-1	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>	<b>Met</b>
<b>Standard D18</b> <ul style="list-style-type: none"> <li>At least 50 per cent of dwellings should have:               <ul style="list-style-type: none"> <li>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>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.</li> <li>A main bedroom with access to an adaptable bathroom.</li> <li>At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</li> </ul> </li> </ul>	<b>Complies</b> <p>67% (38/57) of dwellings comply with Standard D18.</p>
<b>Table D7 Bathroom design:</b>	



	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: <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> <li>• A minimum area of 1.2 metres by 1.2 metres.</li> <li>• Located in front of the shower and the toilet.</li> <li>• Clear of the toilet, basin and the door swing.</li> </ul> The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> <li>• A minimum width of 1 metre.</li> <li>• The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>• Clear of the toilet and basin.</li> </ul> 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
<b>Objectives</b> <ul style="list-style-type: none"> <li>• <i>To provide each dwelling and building with its own sense of identity.</i></li> <li>• <i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i></li> <li>• <i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i></li> </ul>	<b>Met</b>
<b>Standard D19</b> <ul style="list-style-type: none"> <li>• <i>Entries to dwellings and buildings should:</i> <ul style="list-style-type: none"> <li>○ <i>Be visible and easily identifiable.</i></li> <li>○ <i>Provide shelter, a sense of personal address and a transitional</i></li> </ul> </li> </ul>	<b>Complies</b> All dwellings have a clear entrance either from within the building via the main lobby, or via Victoria Street direct to the ground floor dwellings fronting Victoria



- 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.*

Street. The ground floor lobby provides shelter and a sense of entry and will be clearly legible within the streetscape given its siting adjacent the retained heritage fabric within a vertically recessed break in the street wall.

## Private open space objective

Clause 58.05-3	Assessment																						
<b>Objective</b> <ul style="list-style-type: none"> <li>• <i>To provide adequate private open space for the reasonable recreation and service needs of residents</i></li> </ul>	<b>Met</b>																						
<b>Standard D20</b> <ul style="list-style-type: none"> <li>• <i>A dwelling should have private open space consisting of at least one of the following:</i> <ul style="list-style-type: none"> <li>○ <i>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.</i></li> <li>○ <i>A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.</i></li> <li>○ <i>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.</i></li> <li>○ <i>An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.</i></li> </ul> </li> <li>• <i>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.</i></li> <li>• <i>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.</i></li> </ul> <div style="text-align: center; margin-top: 10px;"> <b>Table D8 Balcony size</b> </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #009688; color: white;">Orientation of dwelling</th> <th style="background-color: #009688; color: white;">Dwelling type</th> <th style="background-color: #009688; color: white;">Minimum area</th> <th style="background-color: #009688; color: white;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>North (between north 20 degrees west to north 30 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.7 metres</td> </tr> <tr> <td>South (between south 30 degrees west to south 20 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.2 metres</td> </tr> <tr> <td rowspan="3">Any other orientation</td> <td>Studio or 1 bedroom</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 square metres</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom</td> <td>12 square metres</td> <td>2.4 metres</td> </tr> </tbody> </table>	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	<b>Complies</b> All dwellings exceed the private open space requirements under Standard D20.
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															
<b>Objective</b> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling</li> </ul>	<b>Met</b>															
<b>Standard D21</b> <ul style="list-style-type: none"> <li>Each dwelling should have convenient access to usable and secure storage space.</li> <li>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.</li> </ul> <table border="1" data-bbox="148 801 896 1061"> <caption>Table D10 Storage</caption> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>	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	<b>Complies</b> All dwellings exceed the minimum storage requirements under Standard D21.
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														

## Common property objectives

Clause 58.06-1	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<b>Met</b>
<b>Standard D22</b> <ul style="list-style-type: none"> <li>Developments should clearly delineate public, communal and private areas.</li> <li>Common property, where provided, should be functional and capable of efficient management.</li> </ul>	<b>Complies</b> The proposal complies with the standard as follows: <ul style="list-style-type: none"> <li>All private and communal areas are clearly delineated and identified, while maintaining appropriate transitional spaces between these areas through the development.</li> <li>All areas of common property are capable of efficient management, including the semi-open communal area on the ground floor.</li> </ul>

## Site services objectives

Clause 58.06-2	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that site services are accessible and can be installed and maintained.</li> <li>To ensure that site services and facilities are visually integrated into the building design or landscape.</li> </ul>	<b>Met</b>
<b>Standard D23</b> <ul style="list-style-type: none"> <li>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</li> </ul>	<b>Complies</b> The proposal complies with the standard as follows: <ul style="list-style-type: none"> <li>Site services have been appropriately integrated within the façade and internal</li> </ul>

- *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.*

areas of the building, providing for convenient access while minimising their impact on the public realm and streetscape.

- It provides opportunity for mailboxes and parcel rooms to be integrated within the lobby areas and appropriately sized to account for the scale of the development.

## Waste and recycling objectives

Clause 58.06-3	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• <i>To ensure dwellings are designed to encourage waste recycling.</i></li> <li>• <i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i></li> <li>• <i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i></li> </ul>	<b>Met</b>
<b>Standard D24</b> <ul style="list-style-type: none"> <li>• <i>Developments should include dedicated areas for:</i> <ul style="list-style-type: none"> <li>○ <i>Waste and recycling enclosures which are:</i> <ul style="list-style-type: none"> <li>- <i>Adequate in size, durable, waterproof and blend in with the development.</i></li> <li>- <i>Adequately ventilated.</i></li> <li>- <i>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</i></li> </ul> </li> <li>○ <i>Adequate facilities for bin washing. These areas should be adequately ventilated.</i></li> <li>○ <i>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.</i></li> <li>○ <i>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</i></li> <li>○ <i>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</i></li> <li>○ <i>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</i></li> </ul> </li> <li>• <i>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</i> <ul style="list-style-type: none"> <li>○ <i>Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</i></li> <li>○ <i>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</i></li> </ul> </li> </ul>	<b>Complies</b> <b>As discussed within the body of the report.</b>

## External walls and materials objective

Clause 58.06-4	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• <i>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</i></li> <li>• <i>To ensure external walls endure and retain their attractiveness.</i></li> </ul>	<b>Met</b>
<b>Standard D25</b> <ul style="list-style-type: none"> <li>• <i>External walls should be finished with materials that:</i></li> </ul>	<b>Complies</b> The design response prioritise hardy and attractive



- 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.

materials that will weather over time and develop patina rather than deteriorate. These include a range of tonal pre-cast and textured concrete elements, perforated and folded metal treatments, mesh and tensile wires, powder coated metal, and timber.

## Functional layout objective

Clause 58.07-1	Assessment																		
<b>Objective</b> <ul style="list-style-type: none"> <li>• To ensure dwellings provide functional areas that meet the needs of residents</li> </ul>	<b>Met</b>																		
<b>Standard D26</b> <ul style="list-style-type: none"> <li>• Bedrooms should:               <ul style="list-style-type: none"> <li>○ Meet the minimum internal room dimensions specified in Table D11.</li> <li>○ Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> </li> </ul> <table border="1" style="margin: 10px auto;"> <caption>Table D11 Bedroom dimensions</caption> <thead> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>• Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.</li> </ul> <table border="1" style="margin: 10px auto;"> <caption>Table D12 Living area dimensions</caption> <thead> <tr> <th>Dwelling type</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 sqm</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 sqm</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	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	<b>Complies</b> All of the dwellings meet or exceed the requirements of Standard D26
Bedroom type	Minimum width	Minimum depth																	
Main bedroom	3 metres	3.4 metres																	
All other bedrooms	3 metres	3 metres																	
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																	

## Room depth objective

Clause 58.07-2	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>• To allow adequate daylight into single aspect habitable rooms</li> </ul>	<b>Met</b>
<b>Standard D27</b> <ul style="list-style-type: none"> <li>• Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</li> <li>• The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:               <ul style="list-style-type: none"> <li>○ The room combines the living area, dining area and kitchen.</li> <li>○ The kitchen is located furthest from the window.</li> <li>○ 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.</li> </ul> </li> <li>• The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</li> </ul>	<b>Variation</b> 55/57 (96%) of all dwellings comply with the Standard.  The two dwellings which do not achieve this Standard are Lofts 2 and 3, where the bedrooms overlooking the void are 6.59m away from an external window, noting that at the wall furthest from this window the distance exceeds 9m.  Notwithstanding, the outlook over this void area and the generous light received in this double-height space is submitted to continue to ensure that adequate daylight is provided into these single aspect habitable rooms.

## Windows objective

Clause 58.07-3	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<b>Met</b>
<b>Standard D28</b> <ul style="list-style-type: none"> <li>Habitable rooms should have a window in an external wall of the building.</li> <li>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</li> <li>The secondary area should be: <ul style="list-style-type: none"> <li>A minimum width of 1.2 metres.</li> <li>A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul> </li> </ul>	<b>Variation</b> <p>All habitable rooms in single level apartment typologies have a window in an external wall of the building. Where windows provide daylight through a secondary area (Type 2B2b Type 1) the secondary area complies with the requirements of the standard.</p> <p>It is noted that some loft apartments (Loft Type 2, Loft Type 3) include loft bedrooms which have a window only to the void above the living area and not to an external wall of the building. On balance, these apartments will still achieve an excellent amenity outcome overall as a result of the increased spaciousness, ceiling height and outlook from the living area, whilst balancing the heritage requirements around retention of the heritage façade. In effect, the trade off for a higher quality living area (with ample daylight in the double-height space) is appropriate and will continue to achieve the objectives of ensuring adequate daylight into the bedrooms, given the primary function of these areas is for sleeping.</p>

## Natural ventilation objectives

Clause 58.07-4	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To encourage natural ventilation of dwellings.</li> <li>To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul>	<b>Met</b>
<b>Standard D29</b> <ul style="list-style-type: none"> <li>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</li> <li>At least 40 per cent of dwellings should provide effective cross ventilation that has: <ul style="list-style-type: none"> <li>A maximum breeze path through the dwelling of 18 metres.</li> <li>A minimum breeze path through the dwelling of 5 metres.</li> <li>Ventilation openings with approximately the same area.</li> </ul> </li> <li>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</li> </ul>	<b>Complies</b> <p>58% of the proposed dwellings (33/57) achieve natural cross-ventilation.</p>

# Appendix 3 – Response to submissions

Issue Raised in Submissions	DTP Assessment Response
Loss of heritage fabric and impacts on the historic character of Victoria Street	The site is subject to the Heritage Overlay and has been assessed against Clause 15.03-1L and the Heritage Overlay objectives. The proposal retains and restores the most significant contributory heritage fabric along Victoria Street, including the primary façade and key architectural elements. Demolition is limited to later additions assessed as having lower heritage significance. The new built form is clearly contemporary and setback above the heritage street wall to remain visually subordinate. A Conservation Management Plan and a Façade Strategy are required by permit condition to ensure detailed heritage outcomes are appropriately resolved and implemented. Subject to these conditions, the heritage impacts are considered acceptable.
Building height, scale and visual dominance	Submissions raise concerns regarding the overall height, scale and visual prominence of the development. There is no mandatory or preferred height control applying to the site, and the proposal has therefore been assessed on a first-principles basis, having regard to the Mixed Use Zone, the heritage context and the emerging built form character along Victoria Street. The development provides a consistent street wall aligned with adjoining heritage buildings and incorporates upper-level setbacks to reduce visual prominence from the public realm. The proposal is supported by a high-quality architectural response, including articulated façades, material variation and carefully resolved massing, which mitigates bulk and visual dominance. On balance, the height and scale are considered acceptable in this location and context.
Overshadowing and reduced solar access to neighbouring properties and the public realm	Overshadowing has been assessed through submitted shadow diagrams. While the proposal will result in some additional shadowing consistent with an inner-city infill development, impacts to the public footpath and nearby properties are limited in extent and duration and are not considered unreasonable. The proposal achieves an appropriate balance between development intensity and solar access outcomes. No additional permit conditions are required beyond compliance with the endorsed plans.
Amenity impacts including overlooking	Potential overlooking impacts have been assessed against Clause 58 objectives. The proposal incorporates setbacks, building separation distances and screening measures to limit unreasonable overlooking to adjoining properties. Permit conditions require the installation and ongoing maintenance of privacy screens and other overlooking mitigation measures in accordance with the endorsed plans, ensuring acceptable amenity outcomes.
Amenity impacts including acoustic impacts	Submissions raise concerns regarding noise impacts associated with surrounding commercial and entertainment uses. The proposal is supported by an acoustic assessment. Permit conditions require an endorsed Acoustic Report, including any necessary mitigation measures to achieve appropriate internal and balcony noise levels, and require ongoing compliance with relevant EPA noise standards. Subject to these conditions, acoustic impacts are considered manageable and acceptable.
Laneway interface, servicing and waste impacts	Concerns have been raised regarding the laneway interface, including servicing, waste collection and vehicle movements. These matters have been assessed having regard to the submitted swept path diagrams and servicing arrangements. Permit conditions require detailed swept path assessments, waste management arrangements and construction of access and service areas in accordance with the endorsed plans, ensuring vehicle movements can occur safely and without unreasonable impacts on adjoining properties or the laneway.
Traffic, parking and density impacts within the local area	Traffic impacts have been assessed having regard to the site's inner-city location and submitted traffic information. Traffic generation is expected to be modest and capable of being accommodated within the existing road network. Car parking has been assessed under the amended Clause 52.06 introduced by Amendment VC277. The site is located within a Category 4 area where maximum car parking rates apply. The proposed car parking provision does not exceed the maximum rate, and accordingly no car parking reduction is required. Permit conditions apply to ensure car parking areas are constructed and operated in accordance with the endorsed plans. Overall, the proposal is acceptable from a traffic and parking perspective.
Construction-related amenity impacts	Some submissions raise concerns regarding construction impacts. Construction impacts are not a determinative planning consideration; however, a Construction Management Plan is required by permit condition to manage construction traffic, noise, dust, waste and public safety impacts during works.