



VICTORIA
State
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Department
of Transport
and Planning

Delegate Report

 PA2604415

11-13 Spring Street, Fitzroy



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Contents

Summary	2
Site and Surrounds	3
Site Description	3
Site Surrounds	3
Permit Triggers	8
Referral and Notice	12
Referrals	12
Notice	12
Submissions	12
Assessment	14
Municipal Planning Strategy	14
Planning Policy Framework	14
Strategic Direction	15
Planning Policy Framework	15
Land Use	Error! Bookmark not defined.
Buildings and Works	16
Building Height	16
Setbacks	17
Design Detail	19
Public Realm	20
Landscaping	24
Access, Traffic Movement and Vehicle Circulation	25
Environmental Risks	26
Sustainability	27
Clause 55/57/58	28
Affordable Housing	Error! Bookmark not defined.
Recommendation	31

Summary

Table 1 - Summary

Key Information	Details
Application No:	PA2604415
Applicant:	DHP Urban Consultants
Planning Scheme:	Yarra
Land Address:	11-13 Spring Street, Fitzroy
Development Value:	\$ 10.25 m
Why is the Minister responsible?	In accordance with 72.01, the Minister for Planning is the responsible authority for responsible Authority for this application because the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to use or development to which clause 53.25 (Great Design Fast Track) applies.
Why is a permit required?	Planning Scheme Clause Matter for which the permit has been granted
Zone:	Clause 32.04-7 Construction and extension of two or more dwellings on a lot
Overlays:	Clause 43.01-1 Construct a building or construct or carry out works Demolish or remove a building
Delegates List:	Approval to determine under delegation received on 24 September 2026 .

Site and Surrounds

Site Description

1. The subject site is located on the south-western corner of Spring Street and Argyle Street, Fitzroy.
2. The site is an irregular "L" shape, with a frontage of 25.12m to Spring Street, 18.45m to Argyle Street and 2.54m to the adjoining laneway to the rear/south (Johnston Place), yielding a total site area of approximately 554sqm.
3. The site is currently occupied by a double storey warehouse/commercial building fronting Spring Street and, a double storey terrace housing fronting Argyle Street with associated car parking. Both buildings are identified as 'contributory' heritage places in accordance with the HO334 (South Fitzroy Precinct). Vehicle access is provided via one double crossover on Argyle Street and two single width crossovers on Spring Street.



4. The site is formally described as comprising the following land parcels:
 - Lot 1 and 2 on Plan of Subdivision 328183L.
5. There are no easements, restrictions or reserves on the site.

Site Surrounds

6. Consistent with the expectations of the Mixed-Use Zone, development surrounding the subject site comprises a diverse mix of land uses and built form, including commercial, residential and light industrial development. The surrounding built form generally consists of double-storey terraces and apartment buildings ranging in height from five to nine storeys.
7. Development surrounding the site can be described as follows:

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- To the north, the site has a direct interface with Argyle Street. Dwellings to the north of Argyle Street comprise of 2-3 storey converted warehouses.
 - To the east, a double storey former warehouse/industrial building containing a gym.
 - To the south, a four-storey apartment building directly abuts the site at 5 Spring Street, including a northern wall constructed along the property boundary.
 - To the west, is a single storey former warehouse building currently used as an office. Further west is Nicholson Street which provides convenient access to the Brunswick Major Activity Centre and Johnston Street Neighbourhood Activity Centre, the 96 tram and bus services.



History

- On 12 April 2013, Planning Application No. PLN13/0278 was lodged with Yarra City Council seeking approval for the partial demolition and development of the land for four buildings ranging in height from four to seven storeys (plus basement and roof terrace), accommodating sixteen dwellings (with no permit required for the dwelling use) and a reduction in the statutory car parking requirement.
- Pursuant to section 79 of the *Planning and Environment Act 1987*, the permit applicant lodged an application for review with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the prescribed timeframe.
- On 19 January 2014, Council resolved that, had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit, subject to conditions. Council supported the proposed seven-storey building height.
- On 14 May 2014, VCAT refused the application - [Cross Coast Pty Ltd v Yarra CC \[2014\] VCAT 568 \(14 May 2014\)](#)
- On 10 September 2014, Planning Application No. PLN14/0846 was lodged in response to the VCAT decision. The revised proposal sought approval for the partial demolition and development of the land comprising four buildings ranging from four to five storeys in height (plus basement and roof terrace), containing fourteen dwellings and a reduction in the car parking requirement.
- On 10 June 2015, Council's Internal Development Approvals Committee (IDAC) resolved to issue a Notice of Decision to Grant a Planning Permit for Application No. PLN14/0846.
- Subsequently, objectors lodged an application for review with VCAT against Council's decision. The matter was resolved at a compulsory conference, and a planning permit was issued in accordance with VCAT Order P1429/2015, dated 12 December 2015.
- In March 2022, a section 87A application was lodged with VCAT seeking amendments to Planning Permit PLN14/0846. The proposed amendments were agreed to by Council at a compulsory conference held on 23 June 2022, and an amended permit was issued on the same date.
- A further amendment under section 72 of the *Planning and Environment Act 1987* was lodged with Yarra City Council on 1 December 2023. No review application was lodged, and Council issued the amended permit on 20 January 2025.
- Plans pursuant to the amended permit have since been endorsed. In addition, a secondary consent amendment relating to the ground-floor car stacker ramps was approved and endorsed by Council on 10 June 2025.
- Development commenced under the current permit within the required timeframe through the issue of a Stage 1 Building Permit for the demolition of part of the contributory heritage buildings, in accordance with the planning permit, on 12 December 2022. The completion date under the permit is 12 December 2025.

Proposal

8. The proposal can be summarised as follows:
 - Partial demolition of two contributory heritage buildings comprising:

- 11-13 Spring Street: Demolition is proposed to all built form except the front wall and a portion of the northern side wall to a depth of 4.6m.
- 11-16 Argyle Street: Demolition is proposed to all built form except the front wall and both side walls to a depth of 4.6m.
- The sides walls are to be reconstructed/reinstated as part of the buildings and works.
- Construction of an apartment building ranging in height from 7 to 8 storeys and containing 13 x 3-bedroom apartments
- A total of 153.99 sqm of communal open space comprising of a roof top open space on level seven of 46.58sqm, a ground level north facing communal outdoor open space of 30.5sqm and ground level indoor communal open space of 76.91sqm.
- A total of 12 car spaces is to be provided for the development via a car stacker at ground floor. Vehicle access is proposed via a single crossover to Spring Street.
- A total of 26 bicycle parking spaces are proposed at ground floor, including 19 resident spaces located within a secure room adjacent to the pedestrian entry and 7 visitor spaces located directly opposite.

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

Milestone	Date
Application lodgement	20 May 2026
Further information requested	10 June 2026
Further information received	19 June 2026
Decision Plans	- Architectural drawings prepared by Edition Office.
Other Assessment Documents	- Titles - MPL certificate dated 14 April 2026 - Planning Report prepared by DHP dated May 2026. - Heritage Impact Statement prepared by Bryce Raworth dated 18 June 2026 - Great Design Fast Track (GDFT) Report by Edition Office dated May 2026 - Land survey by Helliard McFarland dated 20 October 2022 - Landscape Drawings by Open Work dated 13 May 2026 - Transport Impact Assessment by One Mile Grid dated 18 May 2026 - Waste Management Plan by One Mile Grid dated 14 May 2026 - Memorandum of Heritage Advice by Bryce Raworth - Sustainability Management Plan by Stantec dated 19 May 2026 - Acoustic Report by Enfield Acoustics dated 14 May 2026 - Flood Risk Review and Advice by Engeny dated 28 November 2025 - Environmental Wind Assessment by MEL Consultants dated 18 May 2026 - Detailed Environmental Site Assessment by Arc Environmental dated 15 May 2026 - Green Travel Plan prepared by One Mile Grid dated 14 May 2026

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



Permit Triggers

Table 2 - Permit triggers

Clause	Permit trigger	Notice provisions
Mixed Use Zone	No permit required Use - Pursuant to 32.04-2, a dwelling is a section 1 use, therefore a permit isn't required. Permit required Buildings and Works - Pursuant to Clause 32.04-7, a permit is required to construct two or more dwellings on a lot. An apartment development of 8 storeys, excluding a basement, must meet the requirements of Clause 58.	Not exempt
Development Contribution Plan Overlay – Schedule 1	No permit required Pursuant to Clause 45.06-1, a permit granted must be consistent with the provisions of the relevant development contributions plan and include any conditions required to give effect to any contributions or levies imposed. The site is located within Area 5 of Clause 1.0 of the DCPO1. Conditions have been included within the recommendation to give effect to the DCPO1.	N/a
Built Form Overlay – Schedule 23	No permit required. Pursuant to Clause 13 of the BFO23, the requirements of Clause 43.06 and the BFO23 do not apply to an application made before the approval date of Amendment C271yara to this planning scheme.. Given the application was lodged on 20 May 2026, and C271yara was gazetted on 30 July 2026, the requirements of the BFO23 do not apply to this application. Despite this, the transitional provisions state that the DDO40 continues to apply to applications to which this transitional provision applies.	N/a
Design and Development Overlay – Schedule 40	Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works.	Not exempt
Environmental Audit Overlay	No permit required. Pursuant to Clause 45.03-1, before a sensitive use commences or before the construction or carrying out of buildings and works associated with these uses commences: - A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must be issued stating that an environmental audit is not required for the use or the proposed use; or - An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use; or - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i>; or - A statement of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i> stating that the environmental conditions of the land are suitable for the use or proposed use. Conditions have been included within the recommendation to give effect to the EAO.	N/a

Heritage Overlay – Schedule 334	Permit required. Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building or construct a building or construct or carry out works.						Not exempt.													
Particular Provisions																				
52.06 - Car parking	No permit required. The subject site is located within a Category 4 area under Clause 52.06, where a maximum of two car parking spaces may be provided per dwelling. The proposal incorporates 12 car parking spaces for 13 dwellings, equating to a provision rate of 0.92 spaces per dwelling. Accordingly, the proposal remains below the maximum car parking rate permitted by Clause 52.06.						N/a													
52.34 - Bicycle parking	No permit required 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.						N/a													
	<table><tr><th>Use</th><th>Size/No.</th><th>Employee/Resident</th><th>Requirement</th><th>Visitor/Shopper/Student</th><th>Requirement</th><th>Total</th></tr><tr><td>Dwelling</td><td>13</td><td>In developments of four or more storeys, 1 to each 5 dwellings.</td><td>2</td><td>In developments of four or more storeys, 1 to each 10 dwellings</td><td>1</td><td>3</td></tr></table>	Use	Size/No.	Employee/Resident	Requirement	Visitor/Shopper/Student	Requirement	Total	Dwelling	13	In developments of four or more storeys, 1 to each 5 dwellings.	2	In developments of four or more storeys, 1 to each 10 dwellings	1	3					
Use	Size/No.	Employee/Resident	Requirement	Visitor/Shopper/Student	Requirement	Total														
Dwelling	13	In developments of four or more storeys, 1 to each 5 dwellings.	2	In developments of four or more storeys, 1 to each 10 dwellings	1	3														
A statutory requirement of 3 bicycle spaces is required in accordance with Clause 53.34-5. A total of 26 bicycle parking spaces is provided at ground floor including 19 resident spaces and 7 visitor spaces, therefore a planning permit isn't required under Clause 52.34.																				
53.03 – Residential Reticulated Gas Service Connection	Permit condition required 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.						N/a													
53.18 – Stormwater Management in Urban Development	Pursuant to Clause 53.18-1, 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.						N/a													
53.25 (Great Design Fast Track)	Pursuant to Clause 53.25-1, this clause applies to an application under any provision of this planning scheme for the development of land, or the use and development of land, (other than the subdivision of land), if all of the following are met: <table><tr><td>The applicant submits written confirmation that the application is an application to which this clause applies.</td><td>The Planning Report includes written confirmation that the application is an application to which Clause 53.25 applies.</td></tr><tr><td>The application includes the construction of at least eight dwellings.</td><td>The application includes the construction of 13 dwellings.</td></tr><tr><td>Any proposed building contains at least two storeys and not more than eight storeys.</td><td>The proposal includes a maximum height of 8 storeys.</td></tr><tr><td>The proposed development achieves a minimum NatHERS rating of:</td><td>The application was supported by an ESD report which confirms that the proposal achieves a minimum NatHERS rating of 8 stars with no dwelling less than 6.5 stars.</td></tr></table>						The applicant submits written confirmation that the application is an application to which this clause applies.	The Planning Report includes written confirmation that the application is an application to which Clause 53.25 applies.	The application includes the construction of at least eight dwellings.	The application includes the construction of 13 dwellings.	Any proposed building contains at least two storeys and not more than eight storeys.	The proposal includes a maximum height of 8 storeys.	The proposed development achieves a minimum NatHERS rating of:	The application was supported by an ESD report which confirms that the proposal achieves a minimum NatHERS rating of 8 stars with no dwelling less than 6.5 stars.						
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The proposed development achieves a minimum NatHERS rating of:	The application was supported by an ESD report which confirms that the proposal achieves a minimum NatHERS rating of 8 stars with no dwelling less than 6.5 stars.																			



	○ 8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments. ○ 7.5 stars for all other dwellings.	
	Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.	100% of the apartments are provided with natural cross-ventilation.
	The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to: ○ The purpose of clause 53.25. ○ Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of clause 53.25 ('the design principles'). ○ The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities	On 12 March 2025, under delegation from the Minister for Planning, the eligibility letter for the proposal confirmed that the proposal was: - Consistent with the purpose of Clause 53.25 (Great Design Fast Track) - The proposed development has convenient access to jobs, services, infrastructure and community facilities. - The quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning, as advised by the Office of the Victorian Government Architect (OVGA) on 30/01/2026.
	Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.	On 30 January 2026, the OVGA confirmed that <i>'the proposal has been reviewed by the OVGA against the Great Design Fast Track design principles as outlined in our report dated 30 January 2026. The OVGA has determined that the proposal meets the design principles and support this proposal for entry into the Great Design Fast Track planning pathway'.</i>
	Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from a Deputy Secretary of the Department of Jobs, Skills, Industry and Regions or delegate to the satisfaction of the Minister for Planning.	On 4 February 2026, Invest Victoria provided written advice noting <i>that Invest Victoria considers that there is some likelihood that the 11-13 Spring Street, Fitzroy project could be feasible. We have concerns about the sponsor's funding strategy, which we have highlighted with the Department of Transport and Planning. Information</i>
58- Apartment Developments	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 Mixed Use Zone.	N/a
62.05 – Demolition	A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.	N/a
Other		
Cultural Heritage	The site isn't located within an area of mapped Cultural Heritage Sensitivity.	



Referral and Notice

Referrals

11. No statutory referral of the application was required to be undertaken.

Notice

As outlined above, 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) and the review rights of section 82(1) of the Planning and Environment Act 1987.

Table 3 – Notice

Notice	Organisation/Group	Response Received
Section 52(1)(a)	Property owners and occupiers adjacent to the subject site and signs on the site.	6 submissions were received.
Section 52(1)(b)	Yarra City Council	On 3 June 2026 Council requested further information regarding the application. On 28 July 2026, the application was considered at Council's Planning Decisions Committee. Council resolved to object to the proposal on the following grounds: - The proposal is inconsistent with the objectives of Clause 43.01 (Heritage Overlay) as it presents as a single dominant built form of excessive height, scale and massing, does not maintain or enhance the historic subdivision pattern, and would erode the late nineteenth and early twentieth century character that contributes to the significance of the South Fitzroy Heritage Precinct; - The proposal is inconsistent with the objectives and built form outcomes of Clause 43.02 (Design and Development Overlay – Schedule 40) and does not comply with the draft Built Form Overlay – Schedule 23; - The proposal is inconsistent with Clauses 02.03-4 (Built Environment and Heritage), 15.01-1L (Urban Design) and 15.01-2L (Building Design) as the height, scale, massing and architectural expression do not respond appropriately to the site context and result in a visually dominant built form that fails to achieve a high standard of urban design; and - The proposal is inconsistent with Clause 16.01-1L (Location of Residential Development) as the scale and intensity of development is not consistent with the level of change envisaged for an Incremental Change Area.
Section 52(1)(c)	N/a	N/a
Section 52(1)(d)	N/a	N/a

Submissions

12. At the time of writing this report, a total of 6 submissions have been received from surrounding owner/occupiers. The following key issues have been raised:

Table 4 – Submissions

Issue	DTP officer assessment
Overshadowing/Loss of Sunlight	An assessment of overshadowing is provided in detail below – refer to Clause 58 assessment.
Height/visual bulk	Height and visual bulk have been assessed in detail below.
Character	The proposal is considered to provide an appropriate response to the emerging character of the area – refer to buildings and works assessment.
Construction impacts and disruptions	A condition requiring a construction management plan has been included within the recommendation.
Traffic and parking	An assessment of traffic and parking is provided in detail below.
Privacy and overlooking	An assessment of overlooking is provided in detail below – refer to Clause 58 assessment.
Precedent/Cumulative Impacts	Planning applications are assessed on a case-by-case basis, having regard to the particular circumstances of the site and proposal and the relevant planning policy framework. Accordingly, the outcome of this application does not determine or guarantee the outcome of future applications, which must each be considered on their own merits.
Amenity	Clause 58 assessment provided below.
Lack of alignment with GGFT Principles	As outlined above, the OVGA has considered the application and determined that the proposal meets the GDFT principles.
Inconsistent with the DDO40	The DDO40 was removed from the subject site under C271yara on 30 July 2026.
Reduction in property value	It is established in planning case law that impact on property values is not a relevant consideration when determining whether a planning permit should be issued

Planning Scheme Amendments

13. On 30 July 2026, Amendment C271yara to the Yarra Planning Scheme was gazetted. The amendment implements built form and heritage controls for activity centres in Fitzroy and Collingwood by replacing interim and redundant Design and Development Overlay schedules with Schedules 12 to 23 of the Built Form Overlay (BFO), applying the Heritage Overlay to two places, updating local policy within the Planning Policy Framework, and making other consequential changes to the Yarra Planning Scheme as part of the Train and Tram Zone Activity Centres Program.
14. Relevant to this application, Amendment C271yara deleted Design and Development Overlay Schedule 40 (DDO40) from the subject land and replaced it with Built Form Overlay Schedule 23 (BFO23). However, transitional provisions apply to BFO23, with the effect that the built form controls contained within BFO23 do not currently apply to this application. Despite this, the DDO40, as in force in relation to the land immediately before the approval date of Amendment C271yara, continues to apply to the application.
15. Notwithstanding the above, an assessment of the proposal against the BFO23 is provided below, noting that one of Council's ground for objection is that the proposal is *inconsistent with the objectives and built form outcomes of Clause 43.02 (Design and Development Overlay – Schedule 40) and does not comply with the draft Built Form Overlay – Schedule 23*. Any references to the BFO23 within this assessment are included for guidance purposes only.

Assessment

Municipal Planning Strategy

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

Table 5

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement – Docklands
02.03-3	Amenity, Safety, Noise

Planning Policy Framework

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

Table 6

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne

Clause 13	Environmental Risks and Amenity
15.01-1S	Urban Design
15.01-1L	Urban Design
15.01-1R	Urban Design – Metropolitan Melbourne
15.01-2S	Building Design
15.01-2L	Building Design
15.04-4S	Healthy Neighbourhoods
15.01-5S	Neighbourhood Character
Clause 16	Housing
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.02-2S	Housing Affordability
Clause 18	Transport
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
Clause 19	Infrastructure
19.03-3S	Integrated Water Management
19.03-52	Waste and resource recovery

Strategic Direction

18. Victoria's Housing Statement: The Decade Ahead 2024–2034 (DPC, 2023) and Plan for Victoria (DTP, 2025) together establish the State's strategic framework for accommodating population and employment growth by significantly increasing housing supply in well-serviced locations. Both policies prioritise streamlined planning and the concentration of higher-density housing within activity centres and areas with strong access to public transport, jobs and essential services, aligning land use planning with major infrastructure investment to support liveable and sustainable communities.
19. Consistent with these directions, the Yarra has been allocated a municipal housing target of approximately 44,000 additional dwellings by 2051, reflecting its high level of accessibility, established infrastructure and strategic importance within Melbourne's urban area.

Planning Policy Framework

20. The *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.

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21. Policy generally encourages intensification of development and compatible land uses in appropriate areas with proximity to key services, infrastructure, and the Principal Public Transport Network (Clause 11.01-1S-Settlement) and high-quality design that responds to the context of the surrounding area is encouraged (Clause 15 - Built Environment and Heritage).
 22. The proposal will support contribute to the delivery of housing on a site that is well located in relation to jobs, services and public transport (Clause 11.01R – Settlement – Metropolitan Melbourne and Clause 16.01 - Residential Development).
 23. The subject site has access to public transport and includes car parking in accordance with Clause 52.06, as well as the provision of on-site bicycle parking (Clause 18.01-1S – Land use and transport integration, Clause 18.02-2S – Cycling, Clause 18.02-2R Cycling – Metropolitan Melbourne). The proposal will contribute to a 20-minute neighbourhood (Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne). Assessment of the car and bicycle parking is detailed below.
 24. The proposal responds to the existing and preferred built form character of the area through its siting, scale, height, setbacks, articulation and materiality. The proposal is considered to achieve an appropriate urban design outcome and will contribute positively to the streetscape and surrounding built environment (Clause 15.01-1S – Urban Design, 15.01-1L – Urban Design, 15.01-2S – Building Design, 15.01-2L – Building Design).
 25. The proposal responds to environmentally sustainable design (ESD) initiatives with the provision of high-performance materials, energy efficient building services, bicycle facilities, sustainable waste management, and stormwater reuse and treatment measures (Clause 19.03-3S – Integrated Water Management and Clause 19.03-5S – Water and Resource Recovery). Assessment of the ESD response is detailed below.
 26. The proposed use and development are compatible with surrounding development and has been appropriately designed (including orientation and layout) to appropriately manage environmental risks and off-site amenity impacts (Clause 13.05-1S – Noise management, Clause 13.06-1S – Air quality management, and Clauses 13.07-1S – Land use compatibility). Conditions will be included on any permit issued to ensure that potentially contaminated land is appropriately remediated in accordance with Clause 13.04-1S (Contaminated and potentially contaminated land).

Buildings and Works

27. Council included the following ground of objection

The proposal is inconsistent with Clauses 02.03-4 (Built Environment and Heritage), 15.01-1L (Urban Design) and 15.01-2L (Building Design) as the height, scale, massing and architectural expression do not respond appropriately to the site context and result in a visually dominant built form that fails to achieve a high standard of urban design

28. The following assessment provides a detailed assessment of the height, scale, massing and architectural expression of the built form.

Building Height

29. The proposal seeks approval for a building height of 8 storeys (28.74m including roof plant and services) with the building stepping down to 7 storeys along Spring Street.



30. Council resolved to not support the built form of the application concluding that the proposal was inconsistent with:

- *the DDO40 and the draft BFO23;*
- *Clause 15.01-1L (Urban Design) and 15.01-L(Building Design) as the height, scale, massing and architectural expression do not respond appropriately to the site context and result in a visually dominant built form that fails to achieve a high standard of urban design; and*
- *Clause 16.01-1L (Location of Residential Development) as the scale and intensity of development is not consistent with the level of change envisaged for an Incremental Change Area.*

31. DTP has considered the application and supports the proposed height noting:

- The DDO40 includes a discretionary maximum building height of four storeys (14.4m). Services/equipment may exceed the height provided that it does not cause additional overshadowing, is no higher than 2.6m above the proposed height and occupies less than 50% of the roof area. Whilst the proposal represents a built form almost double the discretionary height of the DDO40, it is noted that it is discretionary and the proposal provides for an appropriate response to the existing and emerging built form. As outlined below, the proposal does not result in any unreasonable offsite amenity impacts.
- .
- The application was considered by the OVGA who concluded that the *overall building height is acceptable for the local area and steps down to the south to effectively transition to the lower height of the adjacent buildings.*
- Clause 16.01-1L identifies the subject site as being within an Incremental Change Area. However, it is relevant to note that the site benefits from a previous planning approval for a four to five storey development, demonstrating that a level of increased density and built form has already been considered appropriate in this location. Furthermore, the policy context has evolved since that approval, including the introduction of the Victorian Housing Statement and Built Form Overlay Schedule 23 (BFO23), both of which seek to facilitate increased housing density in well-served locations while ensuring high-quality urban design and amenity outcomes. In this regard, the site's proximity to public transport, services and other infrastructure supports a more intensive form of development.

Street Wall Height

In accordance with the DDO40, a discretionary maximum street wall height of 2 storeys (8m) applies to the site. In addition, the DDO40 states infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser. The development maintains the existing heritage street wall height to Argyle Street but introduces a 23.03m high street wall atop the heritage façade to Spring Street, and an 8 storey / 27.13m high street wall at the corner of Argyle and Spring Street.

32. The proposed street wall height is considered acceptable having regard to the site's corner location, the retention of the heritage façades, and the emerging built form character of the surrounding area. While the proposal exceeds the discretionary preferred street wall height, the additional height is appropriately managed through the architectural articulation of the building, the integration of heritage fabric, and the



contemporary design response. The overall form contributes positively to the evolving urban context and is not considered to result in unreasonable visual bulk or dominate the public realm.

Setbacks

33. The DDO40 applies a discretionary upper-level setback of 6m for all heritage buildings. In addition, for development over 16.4m, DDO40 requires that the top most upper level above a heritage building should be set back a further 3.2 metres (a total of 9.2m) from the principal frontage. Also, upper levels should be visually recessive, not detract from the character of the streetscape and provide no more than two steps in the massing of the built form.
34. The proposal includes no upper-level setbacks above the primary street frontage (Spring Street), including the contributory graded heritage building. A 3.9m setback above the contributory graded heritage building on Argyle Street is provided.
35. The OVGA noted that the building line is typically hard against the footpath, which is reflective of the inner urban streetscape condition and built form within the heritage precinct.
36. DTP considers the proposed setbacks to be acceptable. While the upper levels remain visible from the public realm, they are appropriately moderated through the use of recessive materials, articulation and façade treatment, ensuring they do not visually dominate the retained heritage buildings or overwhelm the established character of the area. The proposal also reflects the site's strategic location within an Activity Centre, where increased built form intensity is anticipated, and the setback response is broadly consistent with the previously approved four to five storey development on the land. Accordingly, the development achieves an appropriate balance between heritage conservation and urban consolidation objectives.
37. In addition, DDO40 states that a wall on a rear boundary should not exceed a maximum height of 11.2m. In this instance, the 'rear' boundary has been taken to be the western boundary to 246 Nicholson Street which includes a 1 storey / 5.83m, complying with DDO40. Whilst Council raised concerns with the western boundary wall to 12 Argyle Street (8 storeys / 26.71m) and 5 Spring Street (7 storeys / 22.95m), DTP consider these to be side boundaries and therefore, the DDO requirement is not applicable.
38. In addition, Council recommended a condition to require the building provide a corner splay at a minimum of 1x1m at the site's corner boundaries, as required by the BFO23 DTP has not sought to adopt this outcome, noting that a key design feature recognised by the OVGA was the ability for the proposal *to hold the corner of a post industrial neighbourhood block, forming a prominent and welcoming address*.

Building Separation

39. The DDO40 requires that where a development shares a common side boundary within the overlay, upper level development should be setback:
 - A minimum of 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjoining property.
 - A minimum of 3 metres from the common boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjoining property.
40. The proposal does not meet the preferred boundary setbacks, with development extending to the western boundary adjacent to 12 Argyle Street (8 storeys / 26.71m) and 5 Spring Street (7 storeys / 22.95m).

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41. Both DTP and Council consider that the wall on boundary interface to be acceptable noting that the existing neighbourhood character demonstrates extensive wall on boundary development.
 42. The abutting site to the south, at 5 Spring Street includes habitable windows facing the common boundary at the third storey. The second storey also includes habitable windows facing the site, but these are behind a wall on the boundary.
 43. The proposed building is setback 6.956m from the habitable room windows/lightwells at 5 Spring Street, meeting the requirement. As such, DTP has not sought to adopt Council's condition which required sill heights to AHD of windows at the second level of 5 Spring Street be shown to demonstrate that building separation requirements are met.

Design Detail

44. The application was supported by an Urban Context Report which concluded that the proposal utilised predominantly pigmented/coloured concrete, steelwork and glazing, with the colour palette reflective of the surrounding heritage precinct. The architectural expression adopts a strong grid-based form, providing a contemporary interpretation of the area's industrial and heritage context while contributing to a cohesive and enduring built form outcome.
45. The OVGA considered that the proposal uses a carefully considered material palette to establish a strong building identity, resulting in a restrained architectural expression that will endure over time. The selected colours reference and complement the surrounding heritage context, while the use of durable external materials will minimise maintenance requirements and support the long-term quality of the development.
46. DTP considers that the proposal provides an appropriate response to 15.01-2L which seeks to ensure that proposals utilise a simple palette of durable materials that responds to the streetscape character through type, colour, finish and contrast. In addition, the proposal is generally consistent with facade design requirements of the DDO40 which seeks to ensure that proposal achieves an appropriate built form outcome through a well-articulated façade design, balanced solid-to-void proportions, and a restrained material palette.
47. In addition, DDO40 seeks to ensure development achieves active frontages at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm. The proposal responds appropriately by providing active frontages and passive surveillance through glazing associated with the communal open space, while incorporating clearly defined entrances along the Spring Street frontage.
48. The site is within the Mixed Use Zone and the proposal provides a ground floor with a floor to-floor height of 3.93m, along with a communal space that could accommodate future commercial use. This generally meets the intent of the building layout requirements of DDO40
49. Clause 15.01-2S and 15.01-2L also seeks to discourage detriment to nearby properties when using reflective materials, consistent with PPN96, a condition has been included within the recommendation requiring the preparation of a façade strategy (generally consistent with Council's recommendation) which includes a requirement for glazing materials does not reflect more than 20% visible light, when measured at an angle of 90 degrees to the glass surface.
50. The elevations show that the rooftop plant, services and equipment is partially visible. A standard condition has been included in the recommendation to require it to be fully screened.

Overshadowing

51. Clause 15.01-2S seeks to ensure that new development minimises any overshadowing impacts on neighbouring properties and the public realm.
52. The proponent submitted that the proposal incorporates a number of design responses to minimise overshadowing impacts. Overshadowing impacts are limited and generally consistent with the previously approved development. The proposal results in only minor additional overshadowing to a skylight at 10 Argyle Street between 9am and 10am, with sunlight access maintained from 10am onwards. The southern building has been designed to avoid additional overshadowing of the dwellings at 2–6 Spring Street between 9am and 2pm on 22 September and overshadowing to neighbouring apartments at 5 Spring Street remains comparable to that approved under the previous VCAT permit.
53. DDO40 includes a discretionary overshadowing requirement to ensure that “new development should not overshadow any opposite kerb, outstands, seating and/or planting areas (as applicable) between 10am and 2pm on 22 September”. Given there are no kerb outstands, seating or planting within the public realm surrounding the site, the overshadowing requirement does not apply. The submitted shadow diagrams indicate a minor increase in shadowing of the opposite footpath along Spring Street between 1pm and 2pm. However, the extent of additional shadowing is limited and broadly comparable to the previously approved four to five storey development. Having regard to the previous planning permit approval on the site and the fact that DDO40 contemplates built form of up to four storeys, the resulting shadow impact is considered acceptable.
54. In addition, DDO40 includes a discretionary overshadowing requirement that applies to buildings on the opposite side of streets, requiring that development does not result in any additional overshadowing between 10am and 2pm on 22 September from the first floor upwards.
55. Council concluded that it was unclear from the shadow diagrams if there would be shadowing from the first floor upwards at 2pm on 22 September and included this as a refusal ground.
56. DTP is satisfied that the proposal provides an acceptable level of amenity for surrounding properties given the overshadowing requirement applies only to the eastern side of Spring Street, and the submitted shadow diagrams demonstrate that any additional overshadowing is limited to a short period between 1pm and 2pm on 22 September. This conclusion is reinforced by the prevailing built form context, with development on the eastern side of Spring Street generally comprising one and two storey commercial buildings. Accordingly, the limited additional overshadowing is not expected to result in material impacts on habitable room windows or residential amenity.

Public Realm

57. The application includes minor public realm upgrades including widening of the footpath and the provision of seating, within the landscaped plinth around the base of the corner building.
58. Council is not supportive of the public realm outcome and recommended that following outcomes be addressed:

Council Recommendation	DTP Response
Spring Street / Argyle Street Corner Redesign the corner interface to avoid seating or perching opportunities that would obstruct the narrow footpath.	DTP have not adopted Council’s recommendation to remove the seating in this location, noting that this outcome was supported by OVGA who concluded that the bench seating along the footpath edge provides a good urban design



Council Recommendation	DTP Response
- Increase the planter/plinth height to at least 800 mm above footpath level to discourage seating. - Retain the 200 mm setback at ground level to accommodate cascading planting.	outcome. DTP does not consider that seating in this location would obstruct the narrow footpath noting it is located within the title boundary. DTP have not sought to adopt Council's condition requiring main entrance to be setback a minimum 1.8m from the title boundary to allow for people to wait off the footpath. The 1.2m provided is considered sufficient for a development of this density.
Argyle Street Interface - Reconfigure the communal space to allow multiple groups to use it simultaneously. - Design the arbour so it cannot be climbed from the street. - Replace the proposed tensile mesh with bifold windows or a similar weather-protection solution.	DTP does not support the inclusion of the proposed conditions relating to the Argyle Street interface for the following reasons: • The conditions would require alterations to the communal open space, which are not considered warranted having regard to the relatively modest scale of the development and limited number of dwellings proposed. • The arbor fronting Argyle Street is clad in tensile mesh that extends from the adjacent communal open space and is not readily climbable. • The tensile mesh is located at the edge of the outdoor communal open space and adjoins perimeter planters containing climbing vegetation, contributing to the greening of the interface and softening views from the street. • The provision of additional weather protection or windows in this location is not considered necessary or desirable. The outdoor communal space is intended to remain open in character, while sheltered indoor communal areas are already provided within the building directly behind this space.
Johnston Place Interface - Introduce a planter with hardy climbing vegetation, with integrated irrigation and drainage. - Design the level 1 balustrade to improve passive surveillance while maintaining views of landscaping from the laneway. - Incorporate ambient lighting that improves amenity without causing light spill to neighbouring properties.	DTP support the recommendations to Johnston Place which are considered to improve the urban design outcomes and safety of the built form.
Street tree planting A number of opportunities are identified for additional street tree planting and these are included as conditions in the recommendation.	The subject site and surrounding street network contain limited street tree planting. While DTP supports Council's broader objective of increasing urban tree canopy cover, the responsibility for delivering street tree planting rests with Council. Importantly, the proposed development does not



Council Recommendation	DTP Response
A developer contribution of \$26,400 (including GST) for the provision of street trees, low-cover planting and two years of establishment maintenance is also included in the recommended conditions.	require the removal of, or result in any impact to, existing Council-owned street trees which should be off-set.

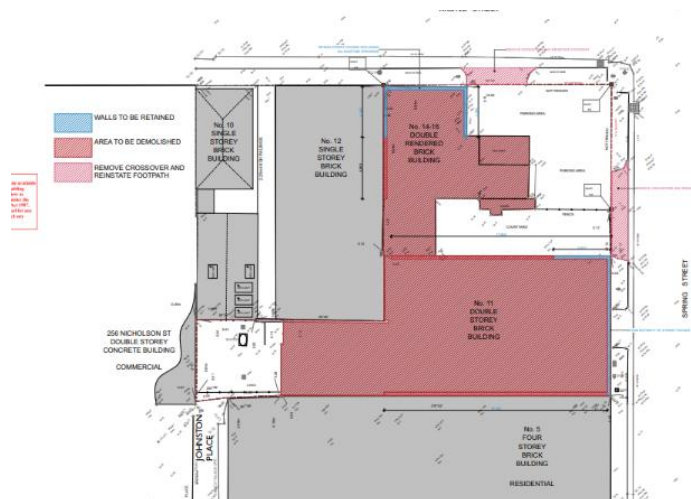
59. DTP is satisfied that, subject to conditions outlined above, the proposal provides an appropriate response to Clause 15.01-1S which seeks to ensure that the interface between the private and public realm protects and enhances personal safety, whilst supporting the amenity, attractiveness and safety of the public realm. Council recommended a standalone Public Realm Plan be provided. DTP has not adopted this condition, noting that the extent of public realm works associated with the proposal is limited to footpath upgrades, which can be appropriately addressed through standard civil works conditions. Any additional design details matters within the title boundary have been included within the amended plans condition including door openings, title boundaries and footpath width.

Heritage

60. The application was supported by a Heritage Impact Assessment.

Demolition

- 11-13 Spring Street: Demolition is proposed to all built form (including door and window frames) except the front wall. A portion of the northern side wall to a depth of 4.6m will be demolished and reconstructed/reinstated.
- Jubilee House, 14-16 Argyle Street: Demolition is proposed to all built form except the front wall and side wall to a depth of 4.6m. A portion of the other side wall to a depth of 4.065m will be demolished and reconstructed/reinstated.



61. Council's heritage advisor considered the application and generally noted that the proposed extent of demolition broadly followed the previously approved scheme, with some incremental increases to:

- An additional 1.7 metres of the north wall at 11-13 Spring Street being removed (4.6m in lieu of the previously approved 6.3m), with only approximately 25% of its original length retained.
- An additional 5 metres of the west wall at Jubilee House, 14-16 Argyle Street being removed.

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62. Council's Heritage Advisor reviewed the proposal and noted that no meaningful portion of the original internal room layout or form of either building would be retained. Notwithstanding this, the Heritage Advisor ultimately considered the demolition acceptable on balance, having regard to the site's planning history and the limited visibility of the retained fabric from the street frontages.
63. The heritage impact statement concluded that the proposed demolition would not adversely impact on the significance of the heritage place, being the South Fitzroy Precinct (HO334) given the extent of demolition is generally kept to areas that are not visible from the street frontage or would not be visible within the context of the development proposal more generally.
64. DTP considers the proposed demolition to be acceptable having regard to the objectives and decision guidelines of Clause 15.03-1L and Clause 43.01-8. The demolition is not considered to diminish the significance of the heritage place and facilitates a high-quality redevelopment that retains and celebrates the heritage façades, while delivering a contemporary design response that respects the heritage values of the site and surrounding precinct.
65. DTP have included a conservation management plan condition, consistent with the recommendations of both the Council and heritage consultant that will specifically require a methodology to undertake the reconstruction/reinstatement of side walls. In addition, the structural report condition, to protect the retention of heritage fabric during demolition and construction (as recommended by Council), has been included.

Building and works

66. The proposed built form is outlined above.
67. One of Council's key grounds for objection are that the proposal is inconsistent with the objectives of Clause 43.01 as it presents as a single dominant built form of excessive height, scale and massing, does not maintain or enhance the historic subdivision pattern, and would erode the late nineteenth and early twentieth century character that contributes to the significance of the South Fitzroy Heritage Precinct.
68. Specifically, Council's heritage advisor concluded that the proposal cannot be supported on heritage grounds noting that:
- *It substantially exceeds the maximum building height of the site as previously tested by VCAT.*
 - *Will result in the appearance of a single, substantially dominant building of consistent architectural treatment, materiality and massing.*
 - *Will not maintain or enhance the historic subdivision pattern and will erode the late nineteenth and early twentieth century character that forms part of the significance of the South Fitzroy Precinct.*
69. The Heritage Impact Statement concluded that the proposal has been carefully designed around the retained heritage buildings, to ensure that the heritage façades remain visually prominent within the streetscape, with the new development providing a respectful backdrop and clear distinction between old and new built form. Although aspects of the proposal do not strictly align with all heritage policy requirements relating to upper-level setbacks, the heritage assessment concludes that the development avoids a facadism outcome, maintains appreciation of the heritage buildings' three-dimensional form, and achieves a high-quality design response that is sympathetic to the significance and character of the heritage precinct.

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70. The OVGA generally supported the heritage response noting that the architectural design appropriately retains and celebrates the significant heritage fabric of the site, with the existing heritage façades successfully integrated into the contemporary architectural design. The setback of new built form behind the Argyle Street façade enables partial retention of the front roof form, reinforcing the original building volume and character. Along Spring Street, the arrangement of vertical elements and façade bays assists in achieving an appropriate transition between the retained heritage fabric and the new development. The retention and expression of the reinstated wall that returns into the site from Spring Street further enhances the legibility of the original structure and its relationship to the new works. In addition, the proposed material palette draws on and complements the colours and character of surrounding heritage buildings, contributing to a respectful and cohesive heritage outcome.
71. Overall, DTP agree with the assessment provided by both the heritage consultant and OVGA. As such, DTP is satisfied that the proposal provides an acceptable response with respect to the decision guidelines of the Clause 15.03-1L and the Heritage Overlay which generally seek to promote development that is high quality and respectful in its design response.

Landscaping

72. The submitted Landscape Plan seeks to deliver a high-quality landscape outcome through the integration of planter boxes within balconies and private open space areas, together with arbors designed to support climbing vegetation. The proposal incorporates a predominantly indigenous and native planting palette, intended to enhance biodiversity and contribute to the site's landscape character, while the use of robust, durable materials will assist in achieving a cohesive and long-lasting design outcome.
73. DTP ultimately support the landscaping outcome provided noting:
- a. OVGA supported the landscaping response acknowledging that the landscape design provides a thoughtful response to the site's context and character. A diverse native planting palette is proposed throughout the development, complementing the architecture and enhancing visual amenity and biodiversity. While the proposal does not provide connected deep soil areas and includes limited canopy tree planting, the incorporation of planter boxes, arbours, mesh frames and climbing vegetation will contribute to substantial greening and soften the appearance of the built form. Overall, the landscaping is expected to achieve a high-quality and attractive landscape outcome.
 - b. The Detailed Site Investigation noted that "the site is not considered suitable for redevelopment into a low-density residential use with access to soils in its current state". The proposal appropriately responds to the identified contamination risks by limiting direct access to on-site soils and incorporating landscaping within raised planter boxes, thereby providing a suitable and safe landscape outcome for future residents.
 - c. An assessment against Clause 58 Standard D10 (Landscaping) is provided below and considered acceptable.
74. Despite the above, Council's City Strategy Parks and Public Open Space Unit does not support the proposal in its current form and has requested amendments to the landscape design. Key concerns relate to the functionality of communal spaces, the extent and viability of planting, planter depths and soil volumes, structural capacity, irrigation and drainage arrangements, and the need for more detailed landscape documentation, including planting schedules and ongoing maintenance requirements. Overall, further refinement is required to ensure the landscape outcome is functional, sustainable and capable of long-term success.

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75. DTP recommends adoption of a number of Council's recommended conditions requiring the submission of an amended Landscape Plan to provide additional detail for endorsement, including planter dimensions and soil volumes, confirmation of structural load-bearing capacity, detailed landscape drawings, irrigation requirements, a maintenance schedule, and a comprehensive planting schedule. However, DTP does not support Council's recommendations to increase the extent of landscaping or planter depths, as the proposal is considered to provide an acceptable landscape outcome and an appropriate response to the site's constraints, as discussed above.
76. Subject to the conditions outlined above, the landscaping response is considered to enhance the built form, create safe and attractive spaces and support cooling and greening of urban areas consistent with Clause 15.01-2S (Building Design).

Access, Traffic Movement and Vehicle Circulation

77. Vehicle access is proposed via the existing double width crossover fronting Spring Street.
78. The application was supported by a TIA which concluded that the anticipated traffic volumes (less than one movement every three minutes in peak hours) is not expected to have an impact on the operation of the surrounding road network. Council as the relevant road manager, supported this conclusion.

Car parking

79. As previously outlined, the proposal meets the statutory car parking requirements outlined in Clause 52.06.
80. A total of 12 car parking spaces will be provided for resident use only within a ground level car park, via a 5-level (2 up, 3 down) semi-automated car stacker. A vehicle turn table is also proposed within the site to assist vehicles exiting the site on to Spring Street in a forward direction.
81. Council raised no concerns with the detailed design of the car parking including access, car stacker (clearance and turntable), gradients and vehicle entry/exit. DTP is satisfied that the Traffic Report and decision plans confirm that the proposed car parking layout and access arrangements comply with Clause 52.06-8 (Design Standards for Car Parking) and the relevant Australian Standards. In addition, the proposed car parking arrangement is generally consistent with the outcomes envisaged by the access, parking and loading areas requirements of the DDO40 which seek to ensure that vehicle access is provided on side streets, noting the site is on a corner and the location is considered acceptable.
82. Council recommended a standard condition requiring all car parking spaces to be constructed and line marked. DTP has not adopted this condition, as the proposed parking arrangement relies on a turntable and car stacker system, rather than conventional at-grade parking spaces. In this context, the condition would be unnecessary.
83. DTP has included Council's standard civil works conditions relating to the redundant vehicle crossovers, damage to infrastructure and footpath reconstruction.

Bicycle Facilities

84. A total of 26 bicycle spaces are proposed on the ground level, for both resident and visitor use. The resident spaces (19 spaces, including 4 cargo bike spaces) are located within a secure room adjacent to the building's pedestrian entry from Spring Street, with the visitor spaces (7 spaces) located opposite the entry to the resident bicycle parking room.



85. Council requested a condition to be included within the recommendation requiring 30 resident bicycle parking spaces to be provided and at least 1 electric bicycle charging point. The proposal meets the statutory requirements for bicycle parking in accordance with Clause 53.34-5, as such, DTP has not sought to adopt Council's recommended conditions. In addition, the proposal meets the requirements for bicycle parking envisaged by access, parking and loading areas requirements of the DDO40 which seek to ensure that bicycle parking is located and designed to be secure and conveniently accessible from the street and associated uses.
86. DTP recommend a standard condition requiring the bicycle spaces to be provided in accordance with Clause 52.34-6 (Design of bicycle spaces) and 52.34-7 (Bicycle Signage).
87. In addition, a standard condition has been included requiring the endorsement of the Green Travel Plan in accordance with 15.01-2L-01.

Loading

88. Clause 65.01 states that consideration must be given to the adequacy of loading and unloading facilities and associated amenity, traffic flow and road safety impacts.
89. The proposal does not incorporate any on-site loading facilities. Given the modest scale of the development, comprising 13 dwellings, DTP considers that dedicated loading infrastructure is not warranted. Occasional loading activities associated with residential move-ins, move-outs and deliveries can be accommodated within the existing on-street parking and loading opportunities without resulting in unreasonable impacts on the surrounding road network, traffic operation or residential amenity. Accordingly, the absence of on-site loading arrangements is considered acceptable in the circumstances of this proposal.

Waste

90. A Waste Management Plan (WMP) was submitted with the application. The WMP proposes private waste collection. The proposal incorporates waste chutes within the building, discharging to a secure basement waste area accessible to authorised personnel only.
91. The council identified a number of clarifications to ensure that the WMP was clear that it relied on private waste collection and removed any reference to Council waste.
92. DTP accepts council's recommendations and is satisfied that these matters can be appropriately addressed through permit conditions. Subject to conditions applied to the permit requiring the specified updates, the waste provisions are considered acceptable in accordance with Clause 19.03-5S (Waste and resource recovery).
93. In addition, the proposal is considered to provide an appropriate response to access, loading and parking requirements of the DDO40 which seek to ensure that building services and loading services are not located on the primary frontage.

Environmental Risks

Flood Mitigation

94. The subject site is not affected by any statutory flood-related overlays. Nevertheless, Melbourne Water has recently released updated flood mapping through the Greater Melbourne Flood Information Program to better identify areas susceptible to flooding. Under this mapping, the site is identified as being within the lowest flood risk category, H1, which represents relatively shallow and slow-moving floodwaters (depths up



to 0.3 metres or velocities up to 2.0 metres per second). Melbourne Water identifies a maximum flood level of 26.03 metres AHD for the site, which is broadly consistent with Council's identified flood level of 26.29 metres AHD.

95. The application is supported by a Flood Risk Assessment, which concludes that the proposed development has appropriately considered the identified flood risk. In response, the development incorporates flood mitigation measures, including a raised plinth around the base of the building and self-actuating flood gates at ground-level entries to minimise flood impacts and protect occupants and property.
96. Having regard to Clause 13.03, DTP considers the proposed flood response to be acceptable. While there is no statutory planning requirement to address flooding on the site, the proposal has proactively incorporated appropriate flood resilience measures, and any residual flooding considerations will be further addressed through the building permit process and compliance with the relevant building regulations.

Contamination

97. The site is subject to an EAO. A Detailed Site Investigation (DSI) has been undertaken for the site by Arc Environmental, which confirms that high-density residential development can be supported on this site. An Environmental Management Plan is recommended to avoid exposure for workers and residents to contaminated soil.
98. Standard conditions have been included within the recommendation pertaining to the EAO, noting that the PPN30 does not recommend the use of a DSI.

Sustainability

Environmentally Sustainable Design (ESD)

99. The application was supported by a Sustainability Management Plan (SMP) prepared by Stantec. The proposal includes the following ESD performance outcomes:
- Average 8 Star NatHERS thermal energy rating, no dwelling less than 6.5 Stars.
 - Cooling loads all meet BADS requirements.
 - Fossil fuel free development with no reticulated gas and 100% renewable energy purchasing
 - 7 kW of solar PV on rooftop supplied directly to dwellings.
 - Energy efficiency heating/cooling, hot water and lighting.
 - Good access to daylight and natural ventilation to all dwellings.
 - Low VOC paints, sealants, carpets and adhesives.
 - Water efficient taps, fixtures and fittings.
 - 19 secure bicycle parking spaces for 13 dwellings, including 4 cargo bike spaces and repair station. 7 additional visitor spaces also provided.
 - EV charge capability to all spaces within car stackers.
 - 80% recycling target for construction and demolition waste.
 - ~20% of site area vegetated landscaping to terraces and rooftop.
 - All timber FSC certified sustainable.
100. Council's ESD advisor noted that the ESD report largely met Council's ESD standards, however recommended minor amendments to address the following deficiencies:

The commitment to GreenPower on page 10 is unclear. As current network regulations require 100% renewable energy to be supplied to all dwellings connected to the embedded network, the SMP should be updated to confirm the proposed GreenPower arrangements and clarify the commitment.



101. DTP support the conditions recommended by Council in relation to ESD outcomes which have been included within the recommendation. DTP has not sought to adopt Council's ESD recommendation requiring further solar PV array noting that this is not a requirement of the planning scheme.

102. In addition, a standard condition has also been included within the recommendation in accordance with Clause 53.03 to ensure that the development is not connected to a reticulated gas service.

Water Sensitive Urban Design (WSUD)

103. Clause 19.03-3S (Integrated Water Management) seeks to manage water supply and demand through an integrated water management approach whilst Clause 53.18 (Stormwater Management in Urban Development) includes objectives and standards in relation to stormwater management, management of stormwater during construction, and cooling and local habitat improvements.

104. WSUD measures have been considered as part of the submitted SMP including a Blue Factor assessment of 117%. The SMP confirms that the development will incorporate 5,000 litres of rainwater storage for toilet flushing and irrigation.

105. DTP is satisfied that, subject to appropriate permit conditions to implement the SMP, the proposed WSUD response will achieve an acceptable environmental performance outcome.

Clause 58

106. The assessment against Clauses 58 (refer to Appendix 1) confirms that the proposed development is able to meet all relevant objectives and most of the standards other than those outlined in detail below:

Standard D3 (Dwelling Diversity)

107. The proposal comprises 13 three-bedroom apartments. While the dwellings vary in their layout, orientation and floor area, the development does not provide diversity in bedroom numbers. Notwithstanding this, the proposal is considered to achieve an acceptable outcome against the objectives of Clause 58.02-3, which seek to encourage a range of dwelling sizes and types in developments of ten or more dwellings. The exclusive provision of three-bedroom apartments will contribute to housing choice by accommodating larger households, including families, downsizers seeking additional space and multi-generational living arrangements. Accordingly, despite the lack of variation in bedroom numbers, the proposal is considered to make a positive contribution to housing diversity within the municipality and is therefore an acceptable response to the objectives of Clause 58.02-3.

Standard D8 (Solar Access to Communal Open Space)

108. Standard D8 requires that at least 50% or 125sqm of the primary communal outdoor open space should receive at least a minimum of two hours of sunlight between 9am and 3pm on 21 June.

109. The proposal seeks a variation to this standard. While the ground-level communal open space is north-facing, it is located beneath the upper levels of the building and therefore receives limited direct sunlight. The primary communal open space is located on the rooftop of the southern Spring Street building and is subject to overshadowing from the taller built form at the corner of Spring and Argyle Streets. As a result, solar access modelling demonstrates that 47.7 per cent of the communal open space receives the required sunlight at 9.00am, reducing to 32 per cent at 10.00am. Despite this shortfall, the extent of sunlight access is influenced by the site context and surrounding built form, and the communal open space is considered to provide an acceptable level of amenity for residents.

Standard D10 (Landscaping)

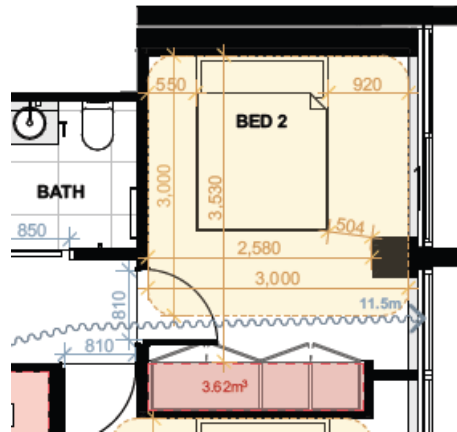
110. Standard D10 seeks the following requirements for landscaping in accordance with Table D2:

	Canopy Cover	Canopy Cover	Deep Soil
Requirement	5% of site area (27.7sqm)	Include at least 1 Type A Tree (4m min canopy diameter and 6m min height).	Deep soil for the Type A tree of 12 sqm (2.5m min plan dimension) or 0.8m deep planter of 12 cubic metres and 2.5m min plan dimension.
Proposal	Complies. 37.71 sqm, exceeding 5% canopy cover.	Complies. 3 x Type A trees are provided within the first-floor terrace of apartment 102.	Variation. The standard permits a 5% reduction in soil volume where trees share the same soil zone, resulting in a requirement of 32.49m ³ for the three Type A trees. The proposal provides a total of 28.28m ³ of soil, comprising 15m ³ within a 1m deep planter for the Type A trees and 13.28m ³ at a depth of 400mm across the remainder of the terrace. A variation is therefore sought to the minimum soil volume requirement.

111. A variation to the minimum soil volume requirement is supported. While the proposal provides 28.28m³ of soil compared to the standard requirement of 32.49m³, the landscape architect has advised that the prescribed soil volumes can be reduced where multiple trees share the same soil volume. Based on modelling undertaken using the Elke Soil Volume Simulator, the nominated Type A tree species require approximately 5m³ of soil each, which can be accommodated within the shared soil volume provided.
112. In addition, the proposal delivers a substantial landscaping outcome through a mix of canopy trees, shrubs, creepers and groundcovers, including native and drought-tolerant species. Decorative steel arbours supporting climbing plants are proposed throughout the development, including communal and private open space areas, providing an additional 51.25m² of vegetated canopy and shade. All planting will be supported by an irrigation system connected to rainwater storage. Collectively, these measures are considered to achieve the landscaping and canopy objectives of the standard notwithstanding the variation to the prescribed soil volume requirement.

Standard D26 (Functional Layout)

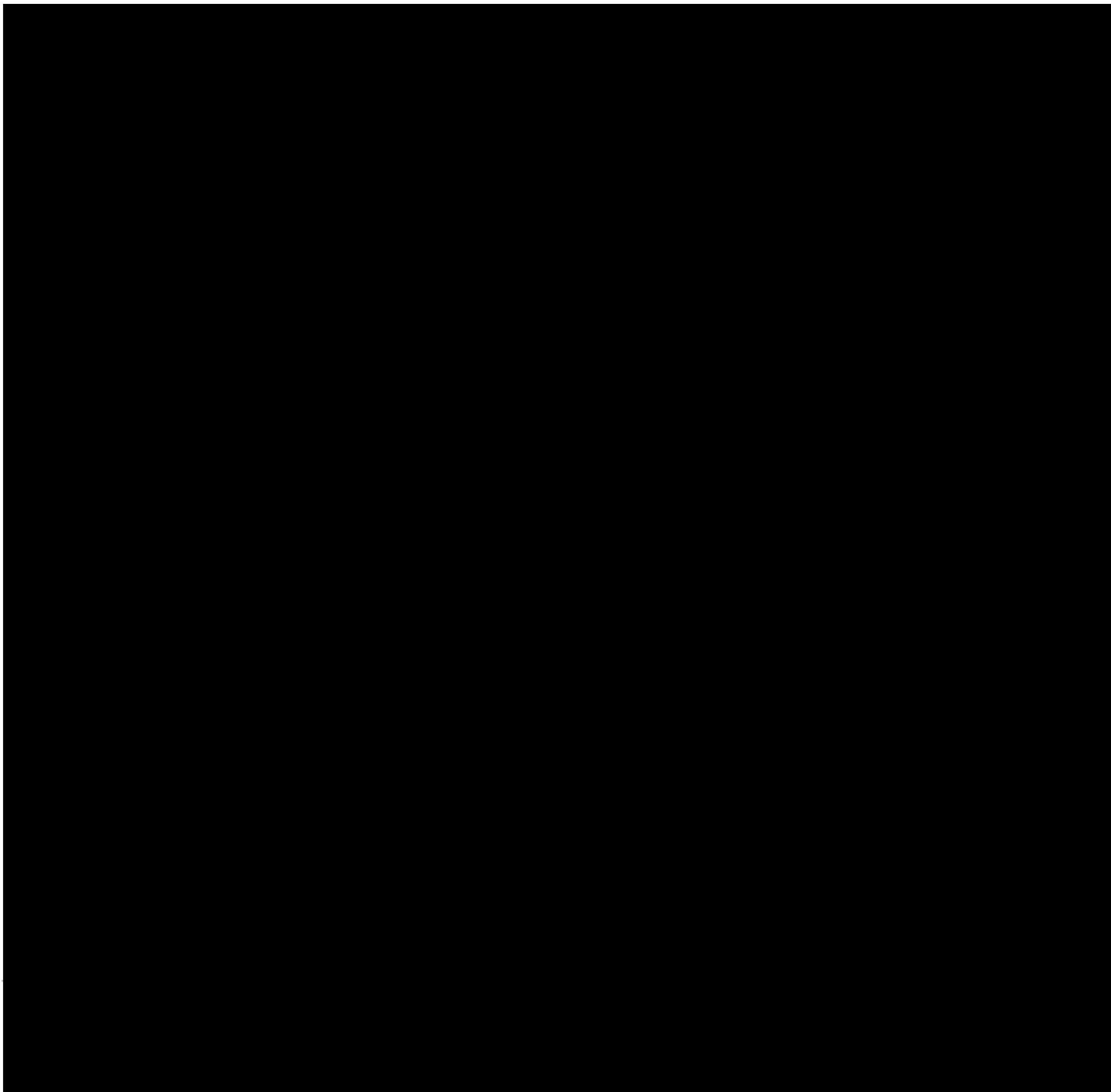
113. All main bedrooms comply with the minimum dimension requirement of 3 metres by 3.4 metres, and all third bedrooms meet the minimum 3 metres by 3 metres standard. The second bedrooms within Apartments 202, 302, 402, 502 and 602 do not strictly comply due to minor structural encroachments into the required 3 metre by 3 metre area. Notwithstanding this, the encroachments are limited in nature and the bedrooms are considered to remain functional and capable of accommodating the needs of future residents in accordance with Standard D26.





Recommendation

114. As outlined in the body of the report, 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 area.
- It is recommended that Planning Permit No. PA2604415 for 11-13 Spring Street, Fitzroy be issued subject to conditions.



Appendix 1: Clause 58 Assessment

Application requirements

Clause 58.01-1	
Objective	Assessment
• An application must be accompanied by: ◦ <i>An urban context report.</i> • A design response.	☒ Met ☐ Not Met. Full assessment provided in the body of the report Complies. Application was supported by a Great Design Fast Track (GDFT) Report by Edition Office dated May 2026 and Planning Report prepared by DHP dated May 2026.

Urban context report

Clause 58.01-2	
Objective	Assessment
• <i>The urban context report may use a site plan, photographs or other techniques and must include:</i> • <i>An accurate description of:</i> ◦ <i>Site shape, size, orientation and easements.</i> ◦ <i>Levels and contours of the site and the difference in levels between the site and surrounding properties.</i> ◦ <i>The location and height of existing buildings on the site and surrounding properties.</i> ◦ <i>The use of surrounding buildings.</i> ◦ <i>The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</i> ◦ <i>Solar access to the site and to surrounding properties.</i> ◦ <i>Views to and from the site.</i> ◦ <i>Street frontage features such as poles, street trees and kerb crossovers.</i> ◦ <i>The location of local shops, public transport services and public open spaces within walking distance.</i> ◦ <i>Movement systems through and around the site.</i> ◦ <i>Any other notable feature or characteristic of the site.</i> • <i>An assessment of the characteristics of the area including:</i> ◦ <i>Any environmental features such as vegetation, topography and significant views.</i> ◦ <i>The pattern of subdivision.</i> ◦ <i>Street design and landscape.</i> ◦ <i>The pattern of development.</i> ◦ <i>Building form, scale and rhythm.</i> ◦ <i>Connection to the public realm.</i> ◦ <i>Architectural style, building details and materials.</i> ◦ <i>Off-site noise sources.</i>	☒ Met ☐ Not Met. Full assessment provided in the body of the report Complies. Application was supported by a Great Design Fast Track (GDFT) Report by Edition Office dated May 2026 and Planning Report prepared by DHP dated May 2026.

- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Design response

Clause 58.01-3

Objective	Assessment
• The design response must explain how the proposed design: ○ Responds to any relevant planning provision that applies to the land. ○ Meets the objectives of Clause 58. ○ Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. ○ Derives from and responds to the urban context report. • The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	☒ Met ☐ Not Met. Full assessment provided in the body of the report Complies. Application was supported by a Great Design Fast Track (GDFT) Report by Edition Office dated May 2026 and Planning Report prepared by DHP dated May 2026.

Urban context objectives

Clause 58.02-1

Objective	Standard D1	Assessment
• To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. • To ensure that development responds to the features of the site and the surrounding area.	• The design response must be appropriate to the urban context and the site. • The proposed design must respect the existing or preferred urban context and respond to the features of the site.	☒ Met ☐ Not Met. Full assessment provided in the body of the report The application is considered to provide an appropriate response to the existing and preferred character of the area – a full assessment is provided in the body of the report regarding built form and heritage.

Residential policy objectives

Clause 58.02-2

Objectives	Standard D2	Assessment
- To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. - To support higher density residential development where development can take advantage of public and community infrastructure and services.	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.	☒ Met ☐ Not Met. Full assessment provided in the body of the report The proposal is appropriately located within the Brunswick Major Activity Centre and is in a location close to public transport and services.

Dwelling diversity objectives

Clause 58.02-3		
Objective	Standard D3	Assessment
To encourage a range of dwelling sizes and types in developments of ten or more dwellings	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	☒ Met ☒ Not Met. Full assessment provided in the body of the report

Infrastructure objectives

Clause 58.02-4		
Objectives	Standard D4	Assessment
- To ensure development is provided with appropriate utility services and infrastructure. - To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	- Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. - Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. - In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure	☒ Met ☐ Not Met. Full assessment provided in the body of the report The proposal is located within a well serviced area with access to utility services and infrastructure.

Integration with the street objective

Clause 58.02-5		
Objective	Standard D5	Assessment
To integrate the layout of development with the street.	- Developments should be oriented to front existing and proposed streets. - Along street frontage, development should:	☒ Met ☐ Not Met. Full assessment provided



	○ <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> ○ <i>Limit blank walls.</i> ○ <i>Limit high front fencing, unless consistent with the existing urban context.</i> ○ <i>Provide low and visually permeable front fences, where proposed.</i> ○ <i>Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i> • <i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i>	in the body of the report The proposal has been appropriately oriented to both Spring and Argyle Street. Specifically, the proposal includes: - Ground level communal open space fronting Argyle and Spring Street - Pedestrian entry to Spring Street - There are no blank walls or front fences - Car parking and waste has been appropriately consolidated to a single location - There is no adjoining public open space.
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Energy efficiency objectives

Clause 58.03-1		
Objective	Standard D6	Assessment
• <i>To achieve and protect energy efficient dwellings and buildings.</i> • <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i> • <i>To ensure dwellings achieve adequate thermal efficiency.</i>	• <i>Buildings should be:</i> ○ <i>Oriented to make appropriate use of solar energy.</i> ○ <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> • <i>Living areas and private open space should be located on the north side of the development, if practicable.</i> • <i>Developments should be designed so that solar access to north-facing windows is optimised.</i> • <i>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</i>	☒ Met ☐ Not Met. Full assessment provided in the body of the report The Sustainability Management Plan (SMP) submitted with the application confirms that the building achieves a best practice average NatHERS rating of 8 stars, with no individual apartment having less than 6.5 stars – a requirement of eligibility into the Great Design Fast



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

Note:

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

Track planning pathway. All dwellings achieve a cooling load of 30MJ/m² or less in accordance with the standard.

Living and private open space areas have been oriented north, where possible. In other instances they make use of an east-west orientation which is considered acceptable.

Communal open space objective

Clause 58.03-2

Objective	Standard D7	Assessment
- To provide communal open space that meets the recreation and amenity needs of residents. - To ensure that communal open space is accessible, practical, attractive, easily maintained. - To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.	- A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. - If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. - Each area of communal open space should be: - Accessible to all residents. - A useable size, shape and dimension. - Capable of efficient management. - Located to: - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. Any area of communal outdoor open space should be landscaped and include canopy cover and trees.	☒ Met ☐ Not Met. Full assessment provided in the body of the report Requirement: 62.5sqm of communal open space. Proposal: 153.99 sqm of communal space, comprising 77.08 sqm of communal outdoor open space (46.58sqm of roof top outdoor open space and 30.5sqm of ground level north facing open space) and 76.91 sqm of indoor communal space at ground level. The roof top, ground level (north and indoor) open space is



		considered to be accessible, useable, can be efficiently managed and located to provide passive surveillance whilst avoiding overlooking. In addition, the open space is located to avoid noise impacts on new and nearby existing dwellings. All outdoor open space includes appropriate landscaping.
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Solar access to communal outdoor open space objective

Clause 58-03-3		
Objective	Standard D8	Assessment
To allow solar access into communal outdoor open space	- The communal outdoor open space should be located on the north side of a building, if appropriate. - At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.	☐ Met ☒ Not Met. Full assessment provided in the body of the report

Safety objective

Clause 58.03-4		
Objective	Standard D9	Assessment
To ensure the layout of development provides for the safety and security of residents and property	- Entrances to dwellings should not be obscured or isolated from the street and internal accessways. - Planting which creates unsafe spaces along streets and accessways should be avoided. - Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. - Private spaces within developments should be protected from inappropriate use as public thoroughfares.	☒ Met ☐ Not Met. Full assessment provided in the body of the report The proposal incorporates Crime Prevention Through Environmental Design (CPTED) principles by ensuring dwelling entrances are visible and well connected to the street, maintaining clear sightlines and passive surveillance to Spring Street. A condition has been



		included within the recommendation requiring a lighting to be shown at the pedestrian and vehicle entries. Landscaping and access arrangements are designed to avoid creating concealed or unsafe spaces. The development also appropriately delineates private and communal areas to protect resident amenity and prevent unintended public access through private spaces. The above assessment generally addresses the requirements of access, parking and loading areas in accordance with the DDO40 which seeks to ensure pedestrian access and areas are legible and safe. A condition has been included within the recommendation to require screening to a height of 1.5m to the balcony of Apartment 202 to prevent overlooking.
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Landscaping objectives

Clause 58.03-5		
Objectives	Standard D10	Assessment
To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.	- Development should retain existing trees and canopy cover. - Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. - Development should:	☐ Met ☒ Not Met. Full assessment provided in the body of the report

- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

- Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4.
 - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres	7.5% of site area

	Include at least 1 Type B tree	
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres	10% of site area
	Include at least 2 Type B trees or 1 Type C tree	
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres	15% of site area
	Include at least 2 Type B trees or 1 Type C tree	

Table D3 Soil requirements for trees

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

Note:

- Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table D4 Tree types

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



	C	12 metres	12 metres	
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Access objectives

Clause 58.03-6		
Objectives	Standard D11	Assessment
- To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. - To ensure the vehicle crossovers are designed and located to minimise visual impact.	- Vehicle crossovers should be minimised. - Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. - Pedestrian and cyclist access should be clearly delineated from vehicle access. - The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. - Developments must provide for access for service, emergency and delivery vehicles.	☒ Met ☐ Not Met. Full assessment provided in the body of the report A single crossover is provided to Spring Street, removing two other existing vehicle crossovers from Argyle and Spring Street. Separate pedestrian and cyclist access is via the main building entry, to ensure that safety is considered in the design.

Parking location objectives

Clause 58.03-7		
Objectives	Standard D12	Assessment
- To provide convenient parking for resident and visitor vehicles. - To protect residents from vehicular noise within developments.	- Car parking facilities should: - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. - Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway	☒ Met ☐ Not Met. Full assessment provided in the body of the report. Car parking is provided at ground level and is considered to be close and convenient to dwellings.

Integrated water and stormwater management objectives

Clause 58.03-8		
Objectives	Standard D13	Assessment
To encourage the use of alternative water sources such as rainwater,	Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.	☒ Met ☐ Not Met. Full assessment provided



stormwater and recycled water. - To facilitate stormwater collection, utilisation and infiltration within the development. - To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.	- Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. - The stormwater management system should be: - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.	in the body of the report The Water Sensitive Urban Design (WSUD) strategy provided in the Sustainability Management Plan (SMP) includes 5,000L of rainwater tanks.
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Building setback objectives

Clause 58.04-1		
Objectives	Standard D14	Assessment
- To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. - To allow adequate daylight into new dwellings. - To limit views into habitable room windows and private open space of new and existing dwellings. - To provide a reasonable outlook from new dwellings. - To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.	- The built form of the development must respect the existing or preferred urban context and respond to the features of the site. - Buildings should be set back from side and rear boundaries, and other buildings within the site to: - Ensure adequate daylight into new habitable room windows. - Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. - Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. - Ensure the dwellings are designed to meet the objectives of Clause 58.	☒ Met ☐ Not Met. Full assessment provided in the body of the report Assessment of setbacks provided in the body of this report, noting that BFO23 does not apply to this application

Internal views objective

Clause 58.04-2		
Objectives	Standard D15	Assessment
To limit views into the private open space and habitable room windows of dwellings within a development.	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.	☒ Met ☐ Not Met. Full assessment provided in the body of the report

Noise impacts objectives

Clause 58.04-3																				
Objectives	Standard D16	Assessment																		
- To contain noise sources in developments that may affect existing dwellings. - To protect residents from external and internal noise sources.	- 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<table><tr><th>Noise source</th><th>Noise influence area</th></tr><tr><td colspan="2">Zone interface</td></tr><tr><td>Industry</td><td>300 metres from the Industrial 1, 2 and 3 zone boundary</td></tr><tr><td colspan="2">Roads</td></tr><tr><td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td><td>300 metres from the nearest trafficable lane</td></tr><tr><td colspan="2">Railways</td></tr><tr><td>Railway servicing passengers in Victoria</td><td>80 metres from the centre of the nearest track</td></tr><tr><td>Railway servicing freight outside Metropolitan Melbourne</td><td>80 metres from the centre of the nearest track</td></tr><tr><td>Railway servicing freight in Metropolitan Melbourne</td><td>135 metres from the centre of the nearest track</td></tr></table> Note:	Noise source	Noise influence area	Zone interface		Industry	300 metres from the Industrial 1, 2 and 3 zone boundary	Roads		Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane	Railways		Railway servicing passengers in Victoria	80 metres from the centre of the nearest track	Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track	Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track	☒ Met ☐ Not Met. Full assessment provided in the body of the report The application was supported by an Acoustic Report prepared by Enfield Acoustics dated 14 May 2026 The submitted acoustic assessment concludes that the development can achieve the required internal noise levels with standard glazing treatments and that noise emissions from surrounding land uses comply with relevant standards. No significant noise impacts are anticipated from nearby commercial uses, the proposed car park, or on-site plant and equipment, subject to detailed assessment at the design stage. Accordingly, the report supports the approval of the proposal, subject to its recommendations being implemented. Council recommended that the Acoustic Report be amended to assess noise and vibration impacts from the vehicle entrance gate, turntable and
Noise source	Noise influence area																			
Zone interface																				
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary																			
Roads																				
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane																			
Railways																				
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track																			
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track																			
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track																			



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

stackers. DTP is satisfied that an assessment has been undertaken in relation to the car park and associated car stacker/roller door in Page 10 of the submitted report.

As such, a standard condition has been included within the recommendation requiring the report to be endorsed.

Wind impacts objective

Clause 58.04-4

Objective	Standard D17	Assessment				
To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.	- Development of five or more storeys, excluding a basement should: - not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and - achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. - Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. - Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area. Table D6 Wind conditions <table><tr><th>Unsafe</th><th>Comfortable</th></tr><tr><td>Annual maximum 3 second gust wind speed exceeding 20 metres per second with a</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:</td></tr></table>	Unsafe	Comfortable	Annual maximum 3 second gust wind speed exceeding 20 metres per second with a	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:	☒ Met ☐ Not Met. Full assessment provided in the body of the report The application was supported by a Wind Assessment prepared by MEL dated 18 May 2026. The report made the following conclusions and did not recommend any wind mitigation measures: - Surrounding streetscapes have been assessed as satisfying the walking comfort criterion. - Private open spaces have been assessed as meeting sitting, standing, and walking comfort criteria depending on the proximity to the northeast
Unsafe	Comfortable					
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a	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:					



	probability of exceedance of 0.1% considering at least 16 wind directions. • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.	corner of the development. - Main entrance on Spring Street has been assessed as achieving the standing comfort criterion. - Private balconies have been assessed as achieving the standing comfort criterion. - First and second floor terraces have been assessed as achieving the standing comfort criterion. - Seventh floor terraces have been assessed as achieving the standing comfort criterion. - There would be expected to be no exceedances of the pedestrian safety criterion. A condition has been included within the recommendation requiring that the proposal undergo a wind tunnel test and that any recommended mitigation measures are implemented..
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Accessibility objective

Clause 58.05-1		
Objective	Standard D18	Assessment
• To ensure the design of dwellings meets the needs of people with limited mobility.	• At least 50 per cent of dwellings should have: ○ A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. ○ A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.	☒ Met ☐ Not Met. Full assessment provided in the body of the report

- *A main bedroom with access to an adaptable bathroom.*
- *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower

7 apartments (53%) meet the accessibility standards in accordance with Table D7.

		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		
Objectives	Standard D19	Assessment
- To provide each dwelling and building with its own sense of identity. - To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. - To ensure internal communal areas provide adequate access to daylight and natural ventilation.	- Entries to dwellings and buildings should: - Be visible and easily identifiable. - Provide shelter, a sense of personal address and a transitional space around the entry. - The layout and design of buildings should: - Clearly distinguish entrances to residential and non-residential areas. - Provide windows to building entrances and lift areas. - Provide visible, safe and attractive stairs from the entry level to encourage use by residents. - Provide common areas and corridors that: - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines.	☒ Met ☐ Not Met. Full assessment provided in the body of the report The main building entry is visible and clearly identified from Spring Street. The main stair is open and visible to Spring Street and provides passive surveillance. Common areas at ground floor include windows for natural light and passive surveillance.

Private open space objective

Clause 58.05-3		
Objective	Standard D20	Assessment
To provide adequate private open space for the reasonable recreation and service needs of residents	- A dwelling should have private open space consisting of at least one of the following: - An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. - A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room. - An area on a podium or other similar base of at least 15 square metres, with a minimum	☒ Met ☐ Not Met. Full assessment provided in the body of the report All balconies provided meet the following requirements of Standard D20.

dimension of 3 metres and convenient access from a living room.

- An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.
- If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

All north facing dwellings to have 8sqm of P.O.S with 1.7m min dimension.

For any other direction:

3+ bed: 12sqm, 2.4m min dimension.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4																	
Objective	Standard D21	Assessment															
To provide adequate storage facilities for each dwelling	- Each dwelling should have convenient access to usable and secure storage space. - The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10. Table D10 Storage <table> <tr> <th>Dwelling type</th><th>Total minimum storage volume</th><th>Minimum storage volume within the dwelling</th></tr> <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> </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	☒ Met ☐ Not Met. Full assessment provided in the body of the report A minimum of 25 cubic metres of storage is provided within the dwelling, exceeding the minimum standard of 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															

Common property objectives

Clause 58.06-1		
Objectives	Standard D22	Assessment
- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. - To avoid future management difficulties in areas of common ownership.	- Developments should clearly delineate public, communal and private areas. - Common property, where provided, should be functional and capable of efficient management.	☒ Met ☐ Not Met. Full assessment provided in the body of the report All common areas are clearly delineated from private areas and can be readily managed by the future Owners Corporation.

Site services objectives

Clause 58.06-2		
Objectives	Standard D23	Assessment
- To ensure that site services are accessible and can be installed and maintained. - To ensure that site services and facilities are visually integrated into the building design or landscape.	- Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. - Meters and utility services should be designed as an integrated component of the building or landscape. - Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	☒ Met ☐ Not Met. Full assessment provided in the body of the report Adequate provision has been made for site services, with service infrastructure integrated into the building design where appropriate. Externally located services are incorporated within the building envelope, and mailboxes are conveniently located within the lobby, providing weather-protected access for residents.

Waste and recycling objectives

Clause 58.06-3		
Objectives	Standard D24	Assessment
- To ensure dwellings are designed to encourage waste recycling. - To ensure that waste and recycling facilities are accessible, adequate and attractive. - To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.	- Developments should include dedicated areas for: - Waste and recycling enclosures which are: - Adequate in size, durable, waterproof and blend in with the development. - Adequately ventilated. - Located and designed for convenient access by residents and made easily accessible to people with limited mobility. - Adequate facilities for bin washing. These areas should be adequately ventilated. - Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. - Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.	☒ Met ☐ Not Met. Full assessment provided in the body of the report The application was supported by a WMP which has been considered in the body of this report.



	○ Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. ○ Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. • Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and: ○ Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. • Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.	
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External walls and materials objective

Clause 58.06-4		
Objectives	Standard D25	Assessment
• To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. • To ensure external walls endure and retain their attractiveness.	• External walls should be finished with materials that: ○ Do not easily deteriorate or stain. ○ Weather well over time. ○ Are resilient to the wear and tear from their intended use. • External wall design should facilitate safe and convenient access for maintenance.	☒ Met ☐ Not Met. Full assessment provided in the body of the report Considered in the body of the report - The proposal incorporates a material palette comprising pigmented concrete wall finishes and steel elements, including window frames, balustrades and screens. As discussed above, these materials are considered robust, durable and capable of maintaining their appearance and performance over time, contributing to a high-quality built form outcome.

Functional layout objective

Clause 58.07-1																				
Objective	Standard D26	Assessment																		
To ensure dwellings provide functional areas that meet the needs of residents	- Bedrooms should: - Meet the minimum internal room dimensions specified in Table D11. - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. Table D11 Bedroom dimensions <table> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> <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> </table> - Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13. Table D12 Living area dimensions <table> <tr> <th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr> <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> </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	☐ Met ☒ Not Met. Full assessment provided in the body of the report
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		
Objective	Standard D27	Assessment
To allow adequate daylight into single aspect habitable rooms	- Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. - The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: - The room combines the living area, dining area and kitchen. - The kitchen is located furthest from the window. - The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.	☒ Met ☐ Not Met. Full assessment provided in the body of the report There is only one dwelling with a single aspect living/kitchen/dining room (Apt 1.02). This has a ceiling height of at least 2.7m and room



- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

depth of 8.78m, meeting the standard.

Windows objective

Clause 58.07-3		
Objective	Standard D28	Assessment
• To allow adequate daylight into new habitable room windows.	• Habitable rooms should have a window in an external wall of the building. • A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. • The secondary area should be: ◦ A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.	☒ Met ☐ Not Met. Full assessment provided in the body of the report All habitable room windows have a window to an external wall of the building.

Natural ventilation objectives

Clause 58.07-4		
Objectives	Standard D29	Assessment
• To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings.	• The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. • At least 40 per cent of dwellings should provide effective cross ventilation that has: ◦ A maximum breeze path through the dwelling of 18 metres. ◦ A minimum breeze path through the dwelling of 5 metres. ◦ Ventilation openings with approximately the same area. • The breeze path is measured between the ventilation openings on different orientations of the dwelling.	☒ Met ☐ Not Met. Full assessment provided in the body of the report 100% of dwellings achieve natural cross ventilation.



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