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Town Planning Report

11 – 13 Spring Street, Fitzroy

Prepared for Antipodean Land Developments Pty Ltd

May 2026



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1. Introduction

This town planning report has been prepared by DHP Urban Consultants (town planners) for Antipodean Land Developments Pty Ltd to accompany a planning permit application submitted under Clause 53.25 (Great Design Fast Track) pathway of the Yarra Planning Scheme.

The report provides:

- A description of the proposal.
- A description of the site and surrounds.
- An outline of the relevant statutory planning framework of the Yarra Planning Scheme.
- An assessment of the proposal against the relevant provisions of the Yarra Planning Scheme.
- A Clause 58 assessment (Apartment Developments)

The report should be read in conjunction with the following plans and reports:

- Architectural drawings prepared by Edition Office.
- Great Design Fast Track (GDFT) Report, December 2025, by Edition Office. The report includes an urban context report, historic framework, design response and response to the GDFT Design Principles.
- Land survey by Helliard McFarland.
- Landscape Drawings by Open Work.
- Transport Impact Assessment by One Mile Grid.
- Waste Management Plan by One Mile Grid.
- Memorandum of Heritage Advice by Bryce Raworth.
- Sustainability Management Plan by Stantec.
- Acoustic Report by Enfield Acoustics.
- Flood Risk Review and Advice by Engeny.
- Environmental Wind Assessment by MEL Consultants.
- Detailed Environmental Site Assessment by Arc Environmental.

2. Proposal

The proposal involves partial demolition of two contributory heritage buildings and, construction of an apartment building, ranging in height from 7 to 8 storeys, containing 13 x 3 bedroom apartments and 12 car parking spaces.

The proposal also includes ground floor communal indoor and outdoor landscaped space and secure bicycle parking for 19 resident and 7 visitors. There is also a circular landscaped roof top space on level 7.

The proposal seeks a planning permit under the Yarra Planning Scheme for:

- Clause 32.04-7: Construction and extension of two or more dwellings on a lot (Mixed Use Zone).
- Clause 43.02-2: Buildings and works (DDO40).
- Clause 43.01-1: Demolish or remove a building and construct a building or construct and carry out works (HO334).

The requirements under the following clauses also apply to any permit issued:

- Clause 45.06: Development Contributions Plan Overlay – Schedule 1 (DCPO1).
- Clause 45.03: Environmental Audit Overlay.

Details of the proposal are illustrated in the drawings prepared by Edition Office.

3. The Site and Surrounds

3.1. The site

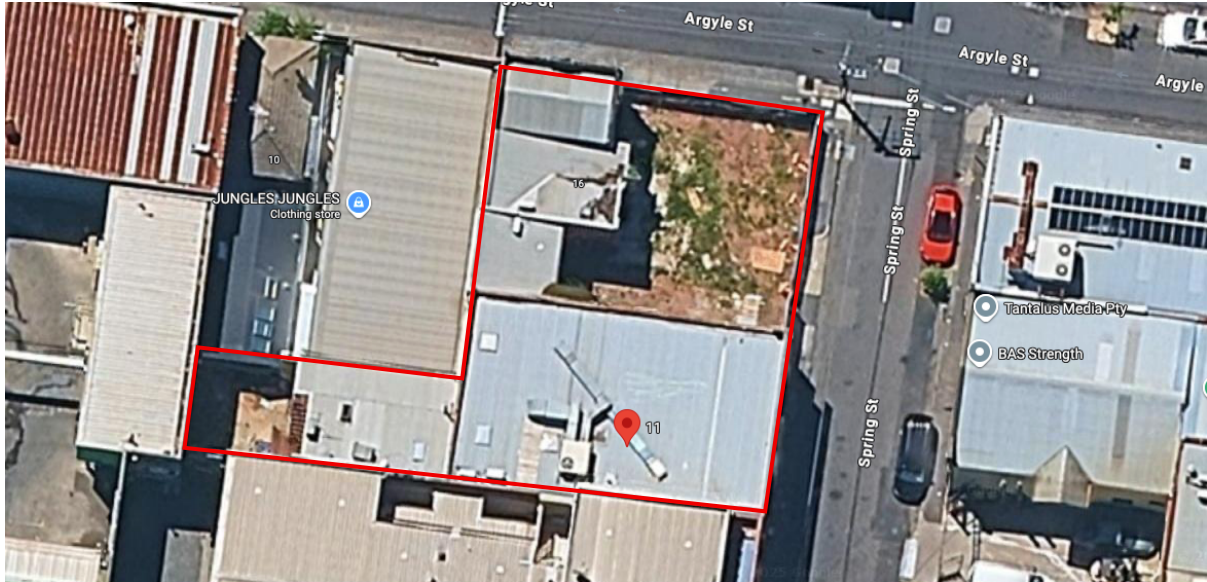


Figure 1 – The subject site (red outline)

The subject site is located on the south-west corner of Spring Street and Argyle Street in Fitzroy.

The site is irregular in shape, with a frontage to Spring Street of 25.12m, a frontage to Argyle Street of 18.45m and a frontage to an adjoining laneway to the rear/south (Johnston Place) of 2.54m. The total site area is 554 sqm.

The site currently contains a two storey warehouse/commercial building fronting Spring Street and a two storey former terrace house fronting Argyle Street with associated at-grade parking. Both buildings are identified as 'contributory' heritage places and were previously used for office space before their current vacant status. Non-contributory extensions to the Argyle Street building were demolished as part of commencement of a previous planning permit.

Vehicle access to the site is taken from three vehicle crossovers, one double crossover on Argyle Street and two single width crossovers on Spring Street, including one providing access to the contributory warehouse/commercial building.

There is an electricity pole with attached signage and street lighting on the corner of Argyle and Spring Streets, with overhead powerlines above the footpath along both street frontages.

The existing contributory heritage places on the site have been subject to graffiti/street art in recent years, as have numerous similar street fronting buildings nearby.

3.2. Surrounding Neighbourhood

Surrounding development is a mix of land uses and built form types. Land uses include commercial, residential, light industrial/service trades and, in the broader area, on Johnston Street and Nicholson Street, include specialty retail, restaurants, cafes, bars, a supermarket, gym, petrol station and public housing.

Built form includes two storey terraces, former warehouse/industrial buildings and apartment buildings of between 5 and 9 storeys primarily along Argyle Street and Johnston Street.

The site and surrounding area are detailed in section 3 (neighbourhood analysis) of the Great Design Fast Track (GDFT) Report prepared by Edition Office.

The immediate context includes:

North

- Opposite Argyle Street are 2-3 storey converted warehouse style apartments.
- Diagonally opposite, on the north-east corner of Spring and Argyle Streets is an open car park.

East

- A 2 storey former warehouse/industrial building containing a metal sculpture manufacturing and restoration business and a small gym.
- Diagonally south-east is a row of 2 storey terrace houses fronting Spring Street.

South

- A 4 storey apartment building, at 5 Spring Street, including a northern wall constructed on the property boundary and windows facing the subject site.

West

- A single storey former warehouse building currently used as an office, and further west is a single storey dwelling and a 2 storey former warehouse building used for commercial purposes.



Figure 2 – The Surrounding Area (subject site red outline)

The site is well located to all services and facilities, being:

- Within the Brunswick Street Major Activity Centre (MAC) and abutting the Johnston Street Neighbourhood Activity Centre (NAC).
- Within the Principal Public Transport Network Area (PPTN).
- 60m (1 min ride) south to on-road bicycle lanes along Johnston and Elgin Street.
- 60m (1 min walk) south to a range of services, retail and entertainment options on Johnston Street.
- 130m (2min walk) west to the Johnston Street/Nicholson Street tram stop (96 tram).
- 250m (4min walk) west to bus services on Johnston St/Elgin Street (Route 200 and 966 - night bus) to Carlton and the CBD.
- 250m (4 min walk) east to Brunswick Street retail, entertainment and other services.
- Within walking distance to a range of education facilities.

4. Project and Site History

4.1. Planning Permit History

The original planning permit application for an apartment development on this site was submitted to City of Yarra on 12 April 2013 under Planning Application No. PLN 13/0278. The application proposed *“Partial demolition and development of the land with the construction of four buildings, with heights ranging between four and seven (7) storeys (plus basement and roof terrace) with sixteen (16) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.”*

Following public notification of the proposal, the permit applicant lodged an application for review to VCAT (The Tribunal) against Council’s failure to determine the application within the prescribed time under Section 79 of the *Planning and Environment Act 1987* (*Cross Coast Pty Ltd v Yarra CC [2014]*) VCAT 568 (14 May 2014)(VCAT Reference P2028/2103) – Cross Coast Pty Ltd is an earlier entity for the current permit applicant.

At City of Yarra’s Development Approval Committee Meeting dated 19 January 2014, Council’s decision was, 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 a number of conditions – but were in support of the seven storey building height.

A Tribunal hearing was held in February and April 2013, which included a number of objector parties. Plans were amended ahead of the hearing to reduce the maximum building height from 7 to 6 storeys. The decision of the Tribunal issued on 14 May 2014 and no permit was granted. The Tribunal decision made a number of comments in relation to what would be acceptable for a new application on the site at the time.

A new planning permit application was subsequently submitted to City of Yarra on 10 September 2014 under Planning Application No. PLN 14/0846, which sought to address the directions in the Tribunal’s May 2014 decision, including reducing the overall building heights. The application proposed *“Partial demolition and development of the land with the construction of four buildings, ranging between four and five storeys in height (plus basement and roof terrace) for fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.”*

Following public notification of the proposal Council resolved to issue a Notice of Decision to Grant a Planning Permit under PLN 14/086 at its Internal Development Approvals Committee (IDAC) on 10 June 2015.

An application for review was lodged with VCAT by objectors against Council’s decision. The matter was settled between the parties at a Compulsory Conference and the Planning Permit issued in accordance with VCAT Order dated 12 December 2015 (VCAT reference; P1429/2015). A protracted period followed seeking endorsement of plans and reports under the permit and extensions of time to the permit.

A Section 87A Application to amend planning permit PLN14/0846 was lodged with VCAT in March 2022 which sought to amend the endorsed plans to: respond to changes in market conditions for a different apartment type; improve buildability; update and unify the building appearance; reconfigure and reduce car parking provision from 15 cars in triple stackers on ground level to 13 cars primarily within an enlarged basement; provide fewer apartments (reduced from 14 to 13) with improved internal dimensions, private open space provision and amenity in accordance with current best practice Better Apartment Design Standards; revise finished floor levels to minimise changes to levels between buildings; internalise and rationalise common circulation space; rearrange built form to move height and built form from the south west corner towards the centre of the site.

The amendment application was notified to neighbours and no objections received. The amendments were agreed with Council at a Compulsory Conference on 23 June 2022 and an amended permit issued that day.

A Section 72 amendment was subsequently lodged with City of Yarra on 1 December 2023 to: amend the car lift design in the basement back to stackers on ground level; amend the lift core and fire stair in response to changing fire engineering requirements; amend the demolition, salvage and construction methodology for the reconstructed side walls of the contributory heritage buildings; amend one apartment from 2 bedrooms to 3 bedrooms; reduce the car parking spaces by one, from 13 to 12; plus numerous other minor amendments in response to services and construction requirements.

The Section 72 amendment was notified to neighbours and received one objection. No appeals were lodged, and the amended permit was issued by Yarra City Council on 20 January 2025.

Plans under that permit have been endorsed and a secondary consent amendment related to the ground floor ramps for the car stacker were approved and endorsed by Council on 10 June 2025.

Construction commenced under this latest amended permit within time via a Stage 1 building permit for demolition of portion 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. Only stage 1 demolition was able to be completed under the permit. This is due to the demolition methodology under the permit conditions being overly onerous and requiring amendment before the remainder could be complete. The plans also required amendment to remove the basement car park and relocate parking back into stackers on ground level due to constructability concerns with the heritage facades. These issues were finally resolved, but the permit has since expired.

The current proposal builds upon the positive elements of the previous permit. It is only one storey taller than the 7 storey proposal originally supported by Yarra City Council in 2014 and is a much higher quality design. It is now more engaged with the neighbourhood at street level with communal spaces on ground floor, resilient to local flooding, and is more sustainable – increasing the previous 6 star average NatHERS rating to 8 stars, and with no individual apartment less than 6.5 stars.

4.2. Changes to Context

Since the original permit was decided by VCAT over 10 years ago, there have been ongoing multiple changes to planning policy and built form context on and around the subject site.

4.3 Changes to Policy

The changes to planning policy and controls applying to the subject site and area over the past 11 years are too numerous to list. The key changes have been:

- Introduction of DD040 (on an interim basis, expiring 30 June 2026) with preferred 2 storey street wall and 4 storey preferred maximum height on the site.
- Introduction of DDO32 (on an interim basis, recently expired but sought to be reinstated via Planning Scheme Amendment C27Iyarra) to the west and south of the site with preferred building heights ranging from 24m – 30m (approximately 8 – 9 storeys).
- Introduction of Clause 58 (Better Apartment Design Standards).
- Introduction of Canopy Tree requirements under Clause 52.37 (Amendment VC289 in September 2025).
- Amendment to Car Parking requirements under Clause 52.06 (Amendment VC277 in December 2025).
- Introduction of 7 star minimum NatHERS rating.

The site has also been identified by the Council as being located in a future area to be designated as liable to flooding under Regulation 153 of the Building Regulations. Flood mapping has been undertaken by City of Yarra and Melbourne Water which indicates a nominated future flood level of 26.29m AHD (or 26.30m AHD for the year 2100 according to Melbourne Water), with finished floor levels to be 300mm above this.

The flood levels are not current statutory controls, but we understand that it is intended to designate the area under Regulation 153 at some stage in the immediate future, at which time it would affect building permits.

4.4 Changes to Surrounding Area

When the decision was made by VCAT on the original permit, there were no other apartment buildings in the immediate area other than the abutting 4 storey development to the south of the site, and the public housing towers opposite Nicholson Street visible at the end of Argyle Street.

In the time since the building envelope and height were determined by the VCAT decision, the site context and particularly the scale of development in the surrounding area has increased considerably from primarily one and two storey development to primarily 6 and 8 storey apartment development.

The change to current built scale, and the proposed future scale intended under proposed DDO32 adjoining, as well as recent permit activity, enables taller development to be accommodated on the subject site as part of a considered design response. There are no compelling strategic or heritage reasons for a reduction in height to 4 storeys (discretionary height) as contemplated by the current DD040 interim controls when surrounding building heights are intended to be double that at 8 – 9 storeys and where existing 6 to 8 storey development successfully integrates 2 storey heritage buildings within their designs.

5. Great Design Fast Track

The Great Design Fast Track (GDFT) is a recent planning approval pathway introduced in April this year under Clause 53.25 of the Victorian Planning Provisions. Proposals that meet the specified 7 design principles for good design and sustainability can access this accelerate pathway, which is administered by the Department of Transport and Planning (DTP) and led by the Office of the Victorian Government Architect (OVGA). The ultimate decision-maker for a GDFT proposal is the Minister for Planning.

The purpose to the GDFT is:

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

5.1. Application

Having regard to the application requirements for eligibility into the GDFT pathway at Clause 53.25-1, we confirm the proposal meets the requirements as provided below:

- The applicant has submitted written confirmation that the application is an application for which this clause applies.
- The application includes the construction of at least 8 dwellings (13 proposed).
- The proposed building contains at least 2 storeys and is not more than 8 storeys (8 storeys maximum proposed).
- The proposed development achieves a minimum NatHERS rating of:
 - 8 stars average, with no individual dwelling less than 6.5 stars for this apartment development.
- 100% of the apartments are provided with effective natural ventilation in the form of natural cross-ventilation.
- The proposal meets the purpose of Clause 53.25 as follows:
 - It facilitates innovative apartment development.
 - Facilitates an increase in density and diversity of dwellings in Fitzroy.
 - Facilitates the development of dwellings with convenient access to public transport (i.e. tram on Nicholson Street and bus routes on Johnston Street) and to community,

retail, entertainment and other services within the Brunswick Street Major Activity Centre and adjoining Johnston Street Neighbourhood Activity Centre.

- Facilitates development that is of a high quality design, is liveable and sustainable.
- The proposal has been designed to meet the 7 design principles published by the Minister for Planning on the Department's website.
- The location of the development has convenient access to jobs, services, infrastructure and community facilities within Fitzroy, the adjoining suburbs of Collingwood and Carlton and the CBD.
- Information submitted by the permit applicant demonstrates the likely feasibility of the proposed development, with written advice received from Invest Victoria.

5.2. Planning scheme requirements

The GDFT pathway provides that responsible authority may waive or vary any of the following in relation to an application or proposed use or development:

- *A minimum garden area requirement.*
- *Any building height or setback requirement.*
- *A condition opposite a use in Section 2 in a zone or a schedule to a zone.*

The responsible authority may also waive or vary any of the requirements of clauses 45.09 (Parking Overlay), 52.06 (Car Parking) and 52.34 (Bicycle Facilities) in relation to an application or a proposed use or development.

An application is also exempt from an application requirement in the planning scheme if the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

In respect of the above requirements, in relation to the proposed development:

- No minimum garden area requirement applies in the Mixed Use Zone.
- Discretionary building heights and setbacks apply in the interim DDO40. Variations to the preferred upper level setbacks and preferred building height are required. These are detailed in the planning assessment for DDO40.

There are no mandatory planning controls sought to be waived or varied.

5.3. Exemption from review

Clause 53.25-4 of the GDFT pathway provides:

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1),(2) and (3), and the review rights of section 82(1) of the Act.

6.2. Overlays



Figure 4 – Development Contributions Plan Overlay – Schedule 1 (DCPO1)

The subject site is affected by the **Development Contributions Plan Overlay – Schedule 1 (DCPO1)**.

The purpose of the DCPO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Permit Requirements

A permit granted under Clause 45.06-1 must:

- Be consistent with the provision of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

The subject site is located within 'Charge area 5 – Fitzroy' of the Development Contributions Plan (DCP).



Figure 6 – Environmental Audit Overlay (EAO)

The subject site is affected by the **Environmental Audit Overlay (EAO)**.

The purpose of the EAO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Requirement (Clause 45.03-1)

Before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 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 Environment Protection Act 2017 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 Environment Protection Act 1970; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

A Detailed Site Investigation 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.



Figure 7 – Heritage Overlay (HO334)

The subject site is affected by the **Heritage Overlay – HO334: South Fitzroy Precinct.**

The purpose of the heritage overlay is:

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

Permit requirements

A permit is required under Clause 43.01-1 to:

- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
 - ...
 - Externally alter a building by structural work, rendering, sandblasting or in any other way.
 - Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.

HO334 includes an Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014.

6.3. Particular Provisions

The particular provisions relevant to the proposal are:

- **Car parking (Clause 52.06)**

Permit requirement

The subject site is located within the “Category 4” map area for car parking requirements under Clause 52.06, which requires a maximum of 2 car parking spaces per dwelling.

The proposal is 12 car spaces for 13 dwellings, providing a car parking rate of 0.92 spaces per dwelling which is below the maximum car parking requirement.

- **Bicycle facilities (Clause 52.34)**

No permit required. The proposed bicycle parking satisfies this clause.

- **Canopy Trees (Clause 52.37)**

The number of canopy trees on the site should meet the canopy tree requirements under this Clause.

- **Great Design Fast Track (Clause 53.25)**

All application requirements at Clause 53.25-1 must be met for entry into this pathway.

- **Apartment Developments (Clause 58)**

This clause applies 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 of five or more storeys in the Mixed Use Zone (amongst others).

Application requirements

Clause 58.01-1 requires an application to be accompanied by:

- An urban context report.
- A design response

These are provided within the GDFT Report prepared by Edition Office.

6.4. General Provisions

The general provisions relevant to the proposal are:

- **Decision Guidelines (Clause 65)**

Before deciding on an application the responsible authority is required to decide whether the proposal will provide acceptable outcomes under the decision guidelines of Clause 65.01.

6.5. Municipal Planning Strategy

The following clauses of the Municipal Planning Strategy contained within the Yarra Planning Scheme are applicable to the application:

- CONTEXT (Clause 02)
 - Location (Clause 02.02-1)
 - Community and population growth (Clause 02.01-2)
 - Activity centres (Clause 02.01-3)
 - Climate change (Clause 02.01-5)
 - Built environment and heritage (Clause 02.01-6)
 - Housing (Clause 02.01-7)
- VISION (Clause 02.02)
- STRATEGIC DIRECTIONS (Clause 02.03)
 - Settlement – Activity centres (Clause 02.03-1)
 - Environmental risks and amenity – Climate change (Clause 02.03-3)
 - Built environment and heritage (Clause 02.03-4)
 - Housing (Clause 02.03-5)
 - Transport (Clause 02.03-7)
- STRATEGIC FRAMEWORK PLAN (Clause 02.04)

6.6. Planning Policy Framework

The following clauses of the Planning Policy Framework contained within the Yarra Planning Scheme are applicable to the application:

- SETTLEMENT (Clause 11)
 - Settlement – Metropolitan Melbourne (Clause 11.01-1R)
 - Activity centres and precincts (Clause 11.03-1S)
 - Activity centres (Clause 11.03-1L)
- ENVIRONMENTAL AND LANDSCAPE VALUES (Clause 12)
 - Sustainable environment (Clause 12.06)
- ENVIRONMENTAL RISKS AND AMENITY (Clause 13)
 - Natural hazards and climate change (Clause 13.01-1S)
 - Urban heat (Clause 13.01-3S)
 - Floodplain management (Clause 13.03-1S)

- Contaminated and potentially contaminated land (Clause 13.04-1S)
- Noise management (Clause 13.05-1S)
- Land use compatibility (Clause 13.07-1S)
- Interfaces and amenity (Clause 13.07-1L-01)
- BUILT ENVIRONMENT AND HERITAGE (Clause 15)
 - Urban design (Clause 15.01-1S)
 - Urban design – Metropolitan Melbourne (Clause 15.01-1R)
 - Urban design (Clause 15.01-1L)
 - Building design (Clause 15.01-2S)
 - Building design (Clause 15.01-2L)
 - Environmentally sustainable development (Clause 15.01-2L-01)
 - Healthy neighbourhoods (Clause 15.01-4S)
 - Heritage conservation (Clause 15.03-1S)
 - Heritage (Clause 15.03-1L)
- HOUSING (Clause 16)
 - Housing supply (Clause 16.01-S)
 - Housing supply – Metropolitan Melbourne (Clause 16.01-1R)
 - Location of residential development (Clause 16.01-1L)
 - Housing affordability (Clause 16.01-2S)
- TRANSPORT (Clause 18)
 - Land use and transport integration (Clause 18.01-1S)
 - Sustainable transport (Clause 18.01-3L)
 - Walking (Clause 18.02-1S)
 - Walking (Clause 18.02-1L)
 - Cycling (Clause 18.02-2S)
 - Cycling (Clause 18.02-2L)
 - Principal Public Transport Network (Clause 18.03-3R)
 - Roads (Clause 18.02-4S)
 - Road system (Clause 18.02-4L)
 - Car parking (Clause 18.02-4L-01)
- INFRASTRUCTURE (Clause 19)
 - Renewable energy – Metropolitan Melbourne (Clause 19.01-2R)

- Development and infrastructure contributions plans (Clause 19.03-1S)
- Infrastructure contributions (Clause 19.03-2L)
- Integrated water management (Clause 19.03-3S)
- Water sensitive urban design (Clause 19.03-3L)
- Waste (Clause 19.03-5L)

7. Planning Assessment

An assessment of the proposed development requires analysis of the following key matters:

- The strategic support for the proposal having regard to the applicable Municipal Strategic Statement and Planning Policy Framework.
- The appropriateness of the design response to built environment and heritage having regard to the relevant provisions of the Yarra Planning Scheme.
- Environmental and amenity considerations including assessment of on-site and off-site amenity and public realm.
- Transport access, bicycle parking, traffic and car parking and waste management arrangements.

An assessment of these matters is provided below.

7.1. Strategic Planning Policy

The relevant strategies under Clause 11 (Settlement) seek to encourage a form and density of settlements that support sustainable transport, limit urban sprawl, promote and capitalise on opportunities for urban renewal and infill development, and to develop compact areas that are based in and around activity centres to maximise accessibility to facilities and transport.

The subject site is identified as being located within the Brunswick Street Major Activity Centre and at the edge of the Johnston Street Neighbourhood Activity at Clause 02.04 (Strategic Framework Plan).

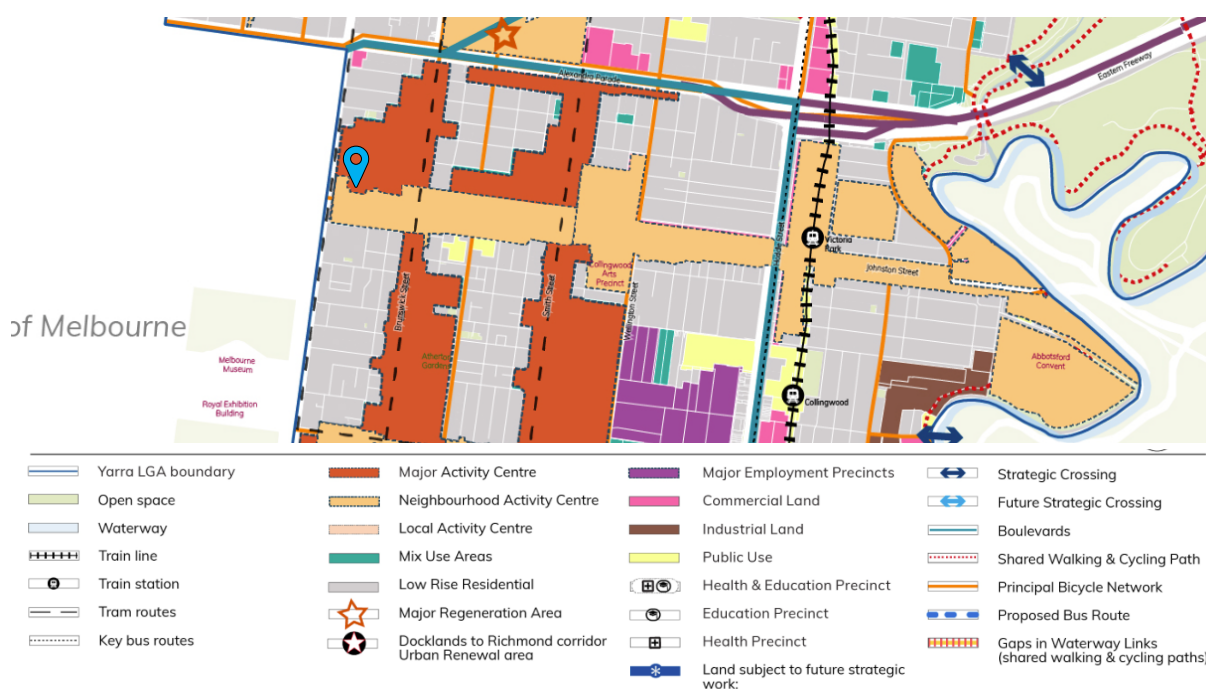


Figure 8 – Extract of Strategic Framework Plan (subject site is blue marker)

The Activity Centres policy at Clause 02.03-1 identifies, amongst other things that:

Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

Clause 11.03-1L (Activity Centres) also places the site within the Brunswick Street MAC and abutting the Johnston Street (west) NAC.



Figure 9 – Major and Neighbourhood Activity Centres in Fitzroy/Collingwood Plan (subject site blue marker)

The local policy for 'Location of residential development' at Clause 16.01-1L positions the site within an incremental change area, with a moderate change area along Johnston Street to the south and land within the abutting Commercial 1 Zone to the west being 'non-residential/uncategorised'.

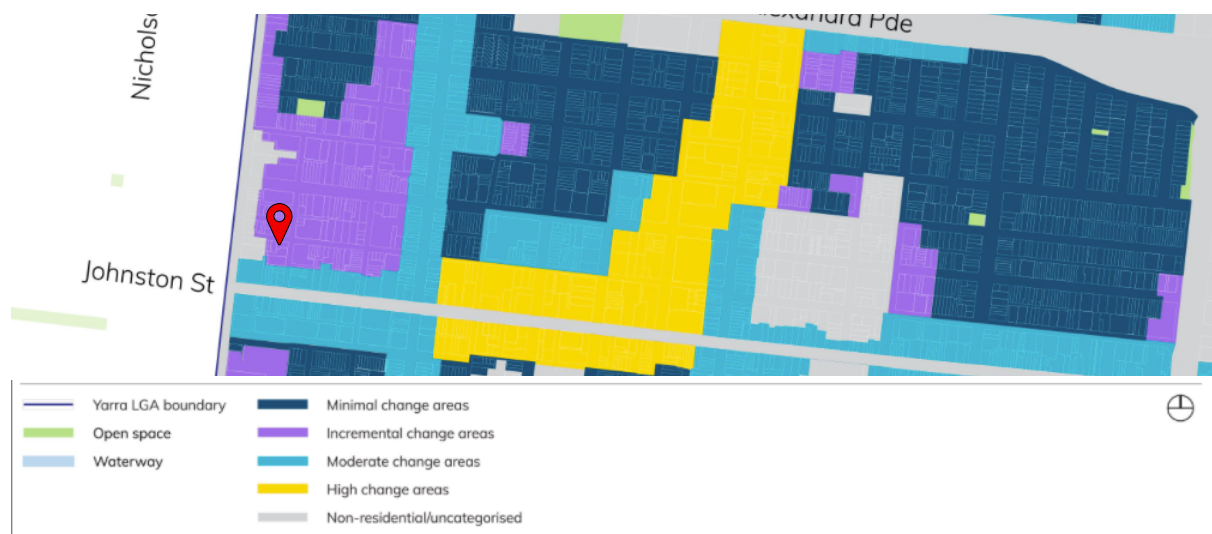


Figure 10 – Extract of Strategic housing framework plan – Fitzroy and Collingwood (subject site marked)

Strategies under this local policy seek, amongst other things, for incremental change areas to encourage development “That respects the fine-grain subdivision pattern, neighbourhood or streetscape character and identified heritage significance.” The proposal responds to this through the collection of three slender building elements on the site that reflect the laneway character of the area and the spacing and frontage width of the heritage buildings on the site, rather than through development of a typically squat, bulky, horizontally massed and stepped building that tends to result from insistence on low street walls and heights with gradually stepped upper levels.

The non-residential/uncategorised land to the west of the subject site, shown in the framework plan above, and wrapping around to the south following the alignment of the Johnston Street (west) NAC, falls within a proposed DDO32 under Planning Scheme Amendment C27Iyarra. The Yarra City Council, at its meeting on 14 October 2025, requested that the Minister for Planning refer the draft Planning Scheme Amendment and all public submissions on the amendment to the Standing Advisory Committee, with a date requested for the week commencing 13 April 2026. The Committee Hearing was held from 8 April 2026 to 24 April 2026. At the time of writing, the Committee is currently preparing a report for the Minister for Planning. It is therefore ‘seriously entertained’.

Proposed DDO32 seeks mandatory maximum building heights directly abutting the western boundary of the subject site of 8 storeys/27.2m and up to 9 storeys/30.4m over the current petrol station site on the corner of Nicholson Street and Johnston street – diagonally opposite Johnston Place from the subject site.

Map 1: Building and street wall heights



Figure 11 – Proposed DDO32 building and street wall heights from proposed C27Iyarra (subject site red outline)

The proposed development is mid-rise, at 8 storeys, and is a scale commensurate with its location within a Major Activity Centre and in a location where mixed use and apartment development of 6 – 8 storeys has been developed or recently approved – often incorporating heritage buildings as part of their design – as is proposed for the subject site. It is also a scale of development which is only one storey taller than originally supported for an apartment development on this site by the Yarra City Council in 2014 (subsequently reduced in scale in response to VCAT appeal). That decision was at a time when the predominant surrounding scale of development was much lower.

Since that time, the context and scale of development has increased considerably from primarily one and two storey development to primarily 6 to 8 storey apartment development.

The change to the current built scale, and the proposed future building heights of 8 – 9 storeys proposed by Yarra City Council under DDO32 abutting and close to the site, and recent permit activity nearby, enables taller development to be accommodated on the subject site as part of a considered design response. There is strong strategic support for increased housing choice, diversity and density in this location.

7.2. Built Environment and Heritage

The built environment and heritage considerations for the proposal are assessed below.

Heritage (Clause 15.03, 15.03-1L and HO334)

Local heritage policy strategies under Clause 15.03-1L for “new development, alterations or additions” seek to retain and enhance individually significant and contributory buildings.

Demolition of any part of an individually significant or contributory building is required to demonstrate:

- *The demolition will not adversely affect the significance of the heritage place.*
- *The partial demolition will contribute to the long-term conservation of the heritage place.*
- *The fabric does not contribute to the significance of the place or the area of demolition is not visible from the street frontage.*
- *The demolition of part of the building allows its three-dimensional form to be retained and does not result in the retention of only the visible façade of the building and demolishing the remainder.*
- *The replacement building is of a high quality design.*

The facades and visible side walls of the contributory heritage buildings continue to be retained by this proposal, including the gable side walls of the Argyle Street building. The façade and side wall returns are retained so that these buildings continue to be viewed as a three dimensional building in the streetscape. These retained walls will be repaired and refurbished consistent with the previous permit on the subject site.

The extent of demolition to the existing buildings and the relationship to the proposed new buildings has been assessed and is supported by expert heritage advice.

Design and Development Overlay (DDO40)

The current Design and Development Overlay – Schedule 40, applies to Fitzroy West. It was introduced into the Yarra Planning scheme on an interim basis in October 2021 and is due to expire on 30 June 2026. Planning Scheme Amendment C271 seeks to make DDO40 a permanent control with a preferred maximum street wall height of 2 storeys and a preferred maximum building height of 4 storeys/14.4m applying to the subject site.

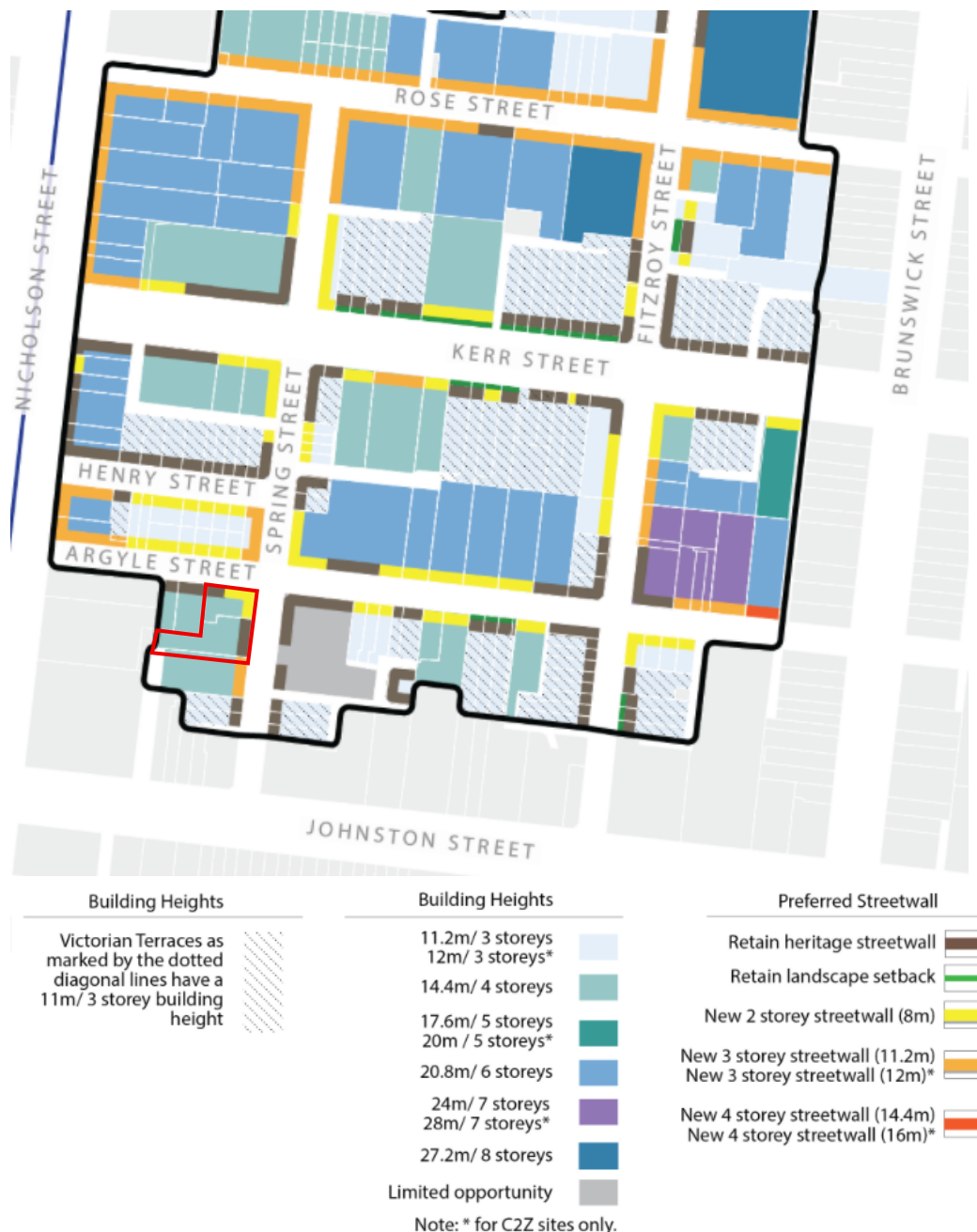


Figure 12 – Extract from DDO40 Map 1 – Street wall heights and building heights (subject site red outline)

Objectives

The DDO40 objectives seek:

To ensure development responds to the mixed typology and heritage character in the streetscape by supporting:

- *a mid-rise character (ranging from 3 to 8 storeys) in the mixed use precinct of Fitzroy West which ensures the varied but low heritage wall remains the visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development ...*
- *...*

To ensure the façade composition and articulation of development responds to:

- *the prominent heritage character of mixed industrial and residential heritage buildings within the streetscape of Fitzroy West ...*
- *...*

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on opposite side of streets and public spaces.

...

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

The proposed development supports the objectives for DDO40 through its mid-rise character of 7 and 8 storeys, while retaining and repairing the front and visible side walls of the contributory heritage buildings, ensuring they remain enduring elements in the streetscape.

The upper levels above the Argyle Street former residential terrace are set back approximately 3.9m for clear visual distinction between the lower street wall and upper level development. For the Spring Street contributory warehouse building, the approach is different, with the new building following the alignment of the walls on this building and visual separation provided by a change in fenestration above the parapet of the retained heritage façade.

The taller corner building is separated from the Argyle and Spring Street heritage buildings through deep recesses that expose their side walls and retain their identity and prominence in the streetscape, rather than abutting and setting back upper levels at a lower scale.

The building design also promotes pedestrian activity and a high quality public realm through minor widening of the footpath and provision of seating, set within the landscaped plinth around the base of the corner building.

Passive surveillance is provided by numerous windows, balconies, the open stair well and communal space at ground level.

Overshadowing of the footpath on the opposite side of Spring Street is managed and minimised via a reduction in height of the Spring Street facing building to 7 storeys. The reduction in height, and the reduced depth of this building, and the introduction of openings in the southern boundary wall towards the street all contribute to the sense of transition to the lower scaled four storey apartment development abutting to the south. The combination of these design elements also protects these properties from unreasonable overlooking, overshadowing and visual bulk.

General Requirements

Street wall height and setback requirements (clause 2.2)

This clause identifies a preferred 2 storey (8m) street wall and retention of the existing heritage street walls to the frontages on Argyle and Spring Street and a corner splay of 1m at the corner.

The proposed design retains the existing 2 storey heritage street walls. The new building to the corner has a zero setback up to 8 storeys and provides an open aspect through the corner, with landscaped planter below, as an alternative design approach to a 1m splay.

The zero setback for the corner building, with recesses provided between this building and the heritage buildings either side, is a successful alternative design approach to achieve visual prominence of the heritage street walls and return facades, as sought by this clause.

The Spring Street building is also provided with a zero setback for the upper levels, having a 7 storey streetwall. Separation for this building element is via a change in fenestration of the level above the parapet of the existing building.

Visual prominence of the heritage building is maintained in the streetscape, as is the heritage fabric of the return façade, visible through the main pedestrian entry of the building

Upper level setback requirements (Clause 2.4)

The preferred upper level setback for the subject site is 6m for heritage buildings and for the corner of Spring and Argyle Street. There is no upper level setback requirement to Johnston Place, since it is a laneway (as defined by Clause 2.1 of DDO40) which has no upper level setback requirement under this clause.

For development over 16.4m this clause requires that the top most upper level above a heritage building should be set back a further 3.2 metres from the principal frontage.

For the subject site, the upper level of the Argyle Street fronting building is approximately 3.9m, which is 2.1m less than preferred (for up to 16.4m) but is nonetheless appropriately recessive to ensure the building does not overwhelm the heritage streetscape.

For the corner building and Spring Street fronting building, the zero setbacks proposed are consistent with the setbacks approved under previous permits for this site and are an appropriate alternative design response to the particular circumstances and constraints of the site.

The purpose of the upper level setbacks under this clause is to ensure new buildings do not detract from the historic streetscape. The proposed new buildings, including their building setbacks and heights do not detract from the existing heritage buildings, as supported by expert heritage advice. They remain prominent elements in the streetscape in a location where mid-rise apartment development is actively encouraged by strategic planning policy.

Overall building height requirements (Clause 2.5)

The discretionary/preferred building height for the subject site is shown as 4 storeys at Map 1 of DDO40 – with exceptions allowed for services equipment and similar building elements all having certain requirements to allow for them over the preferred height.

The drafting of the clause in this way is written as though it is a mandatory height control with particular exceptions to go ‘over height’. However, as this is a discretionary height control, which may be varied by the responsible authority with a permit having regard to the overarching objectives of the DDO, there is greater scope to vary the height than suggested in the clause.

We find support for the building height of up to 8 storeys, notwithstanding the preferred 4 storey height on the map, because mid-rise building scale of up to 8 storeys is expressly supported under the objectives for the DDO. Where that scale can be achieved without adverse impact on the heritage streetscapes and without unreasonable adverse impact on neighbouring properties or the public realm, and in a location where existing taller development exists and is desired in the surrounding immediate context, the proposed height can be supported.

Interface requirements (Clause 2.6)

DDO40 requires that development on a rear boundary adjoining a MUZ/C1Z/C2Z should have a wall height not exceeding 11.2m – whether or not separated by a laneway.

As the subject site is on a corner it has side boundaries to the east and south. Spring Street is the ‘primary’ frontage as it includes the main entry to the building, but a ‘rear boundary’ is not defined by DDO40. The rear boundary in this instance may be taken as the western-most boundary wall abutting 256 Nicholson Street in the C1Z. The wall height on that boundary is measured at 5.83m, well below 11.2m under this clause.

Overshadowing (Clause 2.7)

This clause appears to be missing text as currently drafted, but the inference is that overshadowing is to be avoided to any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

A “kerb outstand” is not defined under the definitions at Clause 2.1 of the DDO but is understood to be a curb extension, which is an extension of the footpath into the roadway, often used to narrow streets at a crossing.

There are no kerb outstands, seating or planting areas within proximity of the subject site requiring protection from overshadowing.

Common boundary and building separation requirements (Clause 2.8)

This clause seeks a minimum setback to neighbouring boundaries of 4.5m where habitable windows or balconies are proposed or exist on the adjacent property and be set back a minimum of 3m where a commercial or non-habitable window facing the common boundary is proposed or exists on the adjacent property.

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 in light wells.

The proposed building is setback over 6.9m from the southern boundary opposite these habitable room windows, well in excess of the minimum under the standard.

Building layout requirements (Clause 2.9)

This clause seeks residential units to show how they can be adapted over time, including how they can be combined or divided without major structural or remedial works. This is similar to the 'adaptable homes' principle under the GDFT pathway. For this particular site, the apartments are 3 bedrooms, which are generous in size and allow for a range of different uses of various rooms. These larger apartments are intended to be homes, rather than shorter term apartments, and provide space and flexibility in the floor plans accordingly. Additionally, there is a purchaser option to be offered¹ for two smaller apartments with flexible floor plans to encourage people at different life stages and/or income levels to co-exist within the same building. The flexibility of the apartment layouts is described under Design Principle 6, at pages 81-85 of the GDFT Report prepared by Edition Office Architects.

This clause also asks that buildings in CIZ and/or MUZ be designed to accommodate commercial activity at the ground floor level and incorporate floor to floor heights suitable for commercial activity of at least 4m at ground floor, where heritage elements are not a constraint.

The proposal provides opportunity for future commercial activity at ground floor in place of or in conjunction with the communal space at ground floor in the corner building. This space has been thoughtfully designed to enable a separate future commercial entry from Argyle Street through the harbour by dismantling the brick plinth in front of it and replacing it with an additional flood gated pedestrian entry – separating commercial traffic from the secure, private resident lobby. The floor to floor height for this space is 3.93m and includes an accessible WC and kitchenette.

Façade design requirements (Clause 2.10)

The proposed façade design supports this clause. There is an active frontage at ground level to create a pedestrian oriented environment with passive surveillance towards the street.

In summary, the development facades:

- Incorporate a lattice work façade that is vertically proportioned, with different spacing to the corner building façade, while also clearly defining each floor level with horizontal bands generated by expressed floors, balustrades and consistent window/balustrade heights. The façade articulation and position and height of the floor levels respond to the heritage facades.
- Create a suitable ratio of solid and void elements.
- Create visual interest through the lattice façade, the variation of column spacing between buildings and the variation of concrete pigment between the corner building and the buildings either side.

¹ An amendment to the permit would be required in response to purchaser(s) taking up this option.

- Avoid overly busy facades with a multitude of materials and colours. There is a limited materials palette of predominantly pigmented/coloured concrete and steelwork in soft tones. There are no harsh contrasting colours or excessive use of multiple materials.
- Maintain the heights of heritage buildings and avoid new floors that cut through window openings in the heritage buildings.
- Retain solid built form behind the retained heritage facades and avoid balconies behind existing openings.
- Are simple building forms that do not compete with the heritage buildings on the site or on adjoining sites.
- Avoid large expanses of glazing with a horizontal emphasis.
- Contain balconies, services and other architectural features within the primary building envelope so that they do not dominate the façade.

Building services and cabinets on the street frontage are minimised and, where required by service authorities, are integrated into the design of the building.

Access, Parking and Loading Area Requirements (Clause 2.11)

The pedestrian access on Spring Street is clearly visible, secured by a sliding gate and has an identifiable sense of address. The lobby is of a size that reflects the small number of apartments and is naturally lit and ventilated via the perforated metal screen element extending from ground level up the full height of the central stair.

Resident and visitor bicycle parking is located to be secure and is conveniently accessible from the street on ground level adjacent the lobby.

Car parking is concealed from the public realm within the Spring Street building, and the vehicle entry/exit utilises the existing garage opening in the façade of this building. Two redundant vehicle crossovers are to be reinstated with footpath, kerb and gutter in accordance with this clause.

Environmentally Sustainable Development (Clause 15.01-2L-01)

The objective of this clause is to achieve best practice environmentally sustainable development from the design stage through to construction and operation.

The Sustainability Management Plan (SMP) prepared for the application includes an assessment using BESS and the recently introduced Blue Factor tools (replacing STORM).

The first rate energy rating for the development identifies an average 8 star NatHERS rating and a minimum 7.2 star rating for any individual apartment. This comfortably meets the 6.5 star minimum for an individual apartment, required for eligibility into the GDFT pathway.

The proposal also achieves a BESS score of 68% which is higher range best practice (between 50 – 70% is considered best practice) and achieves a Blue Factor score of 117%, with a score of 100% being best practice.

The ESD commitments are provided in the SMP prepared by Stantec, submitted with the application, and have also been incorporated into the architectural drawing set.

7.3. Environmental Risks and Amenity

The proposal seeks to prevent and minimise risk of harm to the environment, human health and amenity through ensuring land use compatibility and managing environmental risks.

Climate change (Clause 02.03-3)

The proposal supports the Municipal Planning strategy policies aimed at mitigating greenhouse gas emissions and increased climate resilience through environmentally sustainable development. The proposed development responds positively to climate change policies by:

- Increasing housing growth in the activity centre, near employment and public transport.
- Promoting a shift to sustainable modes of transport – walking, cycling and public transport use through: setting in the ground floor plinth of the corner building to increased footpath width (allowing for pedestrians to comfortably pass one another in front of the building); promoting bicycle use by locating bike parking on ground level adjacent the lobby; and encouraging public transport use by reducing car parking provision on site.
- Embedding sustainable environmental design elements into the building design to: reduce costs over the life of the building; improve affordability through reduced running and maintenance costs; improve amenity and liveability with comfortable apartments all year; reduce greenhouse gas emissions with highly energy efficient all-electric apartments with roof-top solar, and reuse of water collected from clean roofs for toilet flushing and irrigation.
- Mitigating the impacts of climate change and local flood events through the use of a flood barrier and self-actuate flood gates around the building perimeter.

Floodplain management (Clause 13.03)

Melbourne Water has recently released updated flood maps for the Yarra area to better identify locations at risk of flooding as part of the Greater Melbourne Flood Information Program.

The current risk of flooding for the subject site by Melbourne Water is identified as the lowest risk category H1: (depth up to 0.3m or speed up to 2.0m/s). It indicates shallower, slower-moving water. The maximum current flood level nominated is 26.03m AHD.

The projected 2100 year flood level predicts the impact of future flooding, accounting for climate change. This information is intended to be used to guide long-term planning, including Council regulations on land use. The maximum flood level nominated for the year 2100 is 26.30m AHD. This is similar to the flood level identified by the Council at 26.29m AHD.

The flood mapping released is currently in a consultation phase and, at the time of writing this report, is not yet implemented as a declared area subject to flooding under the Building Regulations or via an SBO (or similar) in the Yarra Planning Scheme.

The proposed building design seeks to mitigate against future flood risk based on the current information available by introducing a raised plinth as a flood barrier around the base of the proposed new buildings on ground level, with self-actuated flood gates at the building entries. This has been designed in consultation with expert flood engineering advice, which is submitted with the application.

The proposed plinth design, rather than elevating the entire building above flood level, is a particular design response to the constraints of this site. This, together with removal of any apartments on ground level and raising of key infrastructure above the flood level, minimises flood risk. The design also enables the building levels to continue to align with the heritage facades to integrate and not dominate those retained buildings, removes the need for stairs and accessible lifts for ease of access and provides for an improved pedestrian experience with seating and, landscaping and communal spaces all at ground level.

Contaminated land (Clause 13.04-IS)

The subject site is located within an Environmental Audit Overlay (EAO). Preliminary and detailed environmental site assessment reports have been prepared for the site, confirming the land will be suitable for the proposed use prior to commencement of the use of the land in accordance with the requirements of the EAO.

Interfaces and amenity (Clause 13.07-IL-01)

This policy applies to applications for accommodation within a residential zone that is within 30m of an existing commercial or industrial zone (amongst other triggers).

An acoustic assessment has been prepared for the proposal which considers the impact of noise from nearby non-residential uses. The report concludes that no additional noise attenuation is required to the building to mitigate against noise.

Urban forests (Clause 12.06-IS)

The proposal contributes towards achieving 30% per cent tree canopy for urban areas by planting three new canopy trees on a site where there are currently none. The proposal also adds to greening of this highly urbanised area through the use of planters on balconies creating exuberant vertical green façade elements that enliven and soften the uniformity of the lattice structure. A series of landscaped arbours are also proposed, as a creative (yet practical) and whimsical alternative to trees, one of which, fronting Argyle street appears to poke out between the buildings. The roof top circular arbour also creates an uplifting element of interest, glimpsed from the street, which also breaks the otherwise regular geometry of the building and the utilitarian appearance of service screened roof tops common with apartment development.

Canopy trees (Clause 52.37)

A permit is required to remove, destroy or lop a canopy tree in the Mixed Use Zone (amongst others) under Clause 52.37.2 (Permit requirement). No permit is required under this Clause as there are no existing trees on site.

Clause 52.37-3 (Canopy tree requirement) identifies that the number of canopy trees on the site should meet the minimum canopy tree requirements specified in Table 1 of the clause.

For a site area of 554 sqm, the minimum canopy tree requirement is 4 trees. A new canopy tree means a canopy tree that will, at maturity, have an expected height of 6m above ground level and an expected canopy diameter of at least 4 metres. Soil area requirements for a planter to accommodate each tree is 12 cubic metres with a minimum depth of at least 0.8m of planter soil.

The landscape plans propose 3 x Type A canopy trees (4m minimum diameter and 5m mature height) at the western end of the level 1 private terrace, in line of sight of Johnston Street at the end of Johnston Place. The trees are to be planted in a 1m deep planter with minimum dimension of 2.8m and comprising 15 cubic metres of soil at that 1m depth. The planter is also connected to two larger, lower 400mm deep planters.

Elsewhere, on ground floor, first floor, second floor and the rooftop, landscaped arbours have been used in favour of trees given the growing conditions and building structure, both of which are not conducive to substantial tree planting and canopy growth. The arbours provide a more effective green 'canopy' appropriate and feasible for the site and surrounding context. The covered area of these arbours is at greater than a fourth canopy tree, and more effective. The arbour areas are:

- Ground Floor: 5.05 sqm
- Level 1: 9.95 sqm
- Level 2: 10.65 sqm
- Level 7 (roof): 25.60 sqm
- TOTAL: 51.25 sqm of 'green canopy'.

By comparison, a single Type A canopy tree meeting the requirement would have a canopy area of 12.6sqm.

Having regard to the canopy tree (discretionary) requirements, the proposed development includes 1 less canopy tree than required at 1m lower mature height than required and are planted in 15 cubic metres of soil rather than 36 sqm required. The soil volume has been calculated by the landscape architect using the Elke Soil Volume Simulator, which confirms that the area of soil is suitable and appropriate to sustain the trees proposed.

Having regard to the decision guidelines, we note:

- There are no trees on the site currently. The proposed development adds 3 small canopy trees and four landscaped arbours that provide a green canopy in the exposed portions of the building, responsive to the local environment, to support greener and cooler areas in accordance with the purpose of Clause 52.37.
- The trees proposed are native, drought hardy, and bird attracting.
- The soil conditions prevent in-ground planting of canopy trees.
- The planter soil volume and depth are appropriate for the trees selected and the reduced soil volume will not affect the viability of the canopy tree growth.
- The species of canopy trees are suited to the conditions of the site.
- Landscaped arbours are used to supplement the canopy trees on ground, first and second floor plus rooftop as these will provide a more effective and substantial means of landscape cover and more usable spaces than trees would achieve in these locations.

7.4. Apartment Standards

The development is subject to the requirements of Clause 58 (Apartment Design) of the Yarra Planning Scheme, including assessment under the Better Apartment Design Standards. This includes consideration of internal and off-site amenity.

A complete assessment against Clause 58 has been included in the Appendix to this report.

The Urban Context Report and Design Response required by Clause 58.1 is provided by Edition Office Architects under headings 3.0 to 5.0 of the GDFT Report.

7.5. Transport and Waste

Transport Impact Assessment

The Transport Impact Assessment prepared by One Mile Grid traffic consultants assesses the sustainable transport options, bicycle parking, car parking, traffic and vehicle access for the site against the Yarra Planning Scheme.

In summary:

Sustainable Transport (Clause 18.01-3L, 18.02-1S, 18.02-1L, 18.02-2S, 18.02-2L, 18.02-3S, 18.02-3R)

- The site has excellent public transport accessibility, with numerous tram and bus routes servicing the immediate vicinity of the site being located within the Principal Public Transport Network (PPTN) area. In addition, Parliament station is located approximately 1.5km south of the subject which provides access to the majority of Metropolitan Melbourne train lines and is easily access with the 96 tram service nearby on Nicholson Street.
- A number of formal on-road and off-road bicycle lanes are provided within the immediate vicinity of the site including along Elgin Street (west of Nicholson Street) and Johnston Street, which provides strong bicycle connections to the wider bicycle network.
- There are many car share options within close proximity of the site, with the nearest on Nicholson Street at the end of Argyle Street.
- The site has a Walk Score rating of 99/100 which is a “walkers paradise”, with all daily errands able to be accomplished on foot.

Bicycle Parking (Clause 52.34)

- The bicycle requirements at Clause 52.34 require a total of 3 resident spaces and 1 visitor space (4 total). It is proposed to provide a total of 26 bicycle spaces on ground level. 19 resident spaces are located within a secure room adjacent the pedestrian entry, including 4 spaces for cargo bikes, and 7 visitor spaces are located directly opposite. A bike repair station is also provided. These are designed in accordance with Australian Standards and are in excess of the minimum number of spaces provided.

Car parking (Clause 18.02-4L-01 and Clause 52.06)

- Car parking requirements at Clause 52.06 place the site within a “Category 4” area on the car parking maps, which requires a maximum of 2 car parking spaces per dwelling. It is proposed to provide 12 car parking spaces on-site in a mechanical stacker arrangement on ground level. A turntable is also proposed to be installed within the ground level car park to ensure all vehicles may exit the site in a forward direction. One parking space is intended to be allocated to each of the 3-bedroom apartments, except for one which will have no car parking space. This provides a rate of 0.92 spaces per dwelling, which is well below the 2 car maximum requirement.
- Vehicle access and car park design is assessed in the traffic report under the relevant design standards of Clause 52.06 and is considered appropriate as proposed.

The transport report concludes:

It is proposed to seek approval for a new development scheme to allow a residential development comprising 13 dwellings, with a ground floor car park consisting of 12 carparking spaces within mechanical parking systems..

Considering the analysis presented above, it is concluded that:

- *The proposed car parking and access design is considered appropriate;*
- *The bicycle design is in accordance with the Australian Standard;*
- *The proposed provision of resident and visitor bicycle parking exceeds the requirements of the Planning Scheme, and is therefore considered appropriate;*
- *The proposed supply of car parking is appropriate for the proposed development and falls below the maximum provision requirements from Clause 52.06.*
- *The anticipated traffic volumes generated by the development is not expected to have an impact on the operation of the surrounding road network; and*
- *There are no traffic engineering reasons which would preclude a permit from being issued for this proposal.*

Waste Management (Clause 19.03-5L)

The waste management plan for the project makes an assessment against the waste and recycling objectives for residential developments of four or more storeys under Clause 57.05-5 and Clause 58.06-3.

It is proposed to use a private contractor to manage the collection and disposal of all waste streams. Waste bins will be stored within a dedicated bin storage area on the ground level for four waste streams (with all dwellings utilising a 4 bin system). A dual chute system will be utilised for garbage and recycling. The location of the waste collection area and the method of waste collection from the Spring Street frontage remains unchanged from the previous apartment permit on this site.

8. Conclusion

Having considered the above assessment, we conclude that the proposal represents an appropriate, high quality, well-designed, sustainable development outcome for the site. In particular:

- The proposed development is consistent with and strategically supported by the Municipal Planning Strategy and the Planning Policy Framework.
- The proposed development will sit comfortably within the built form context and provide for increased housing growth, density and diversity within the Brunswick Street Major Activity Centre and at the edge of the Johnston Street Neighbourhood Activity Centre and within this highly walkable location, which is also within the Principal Public Transport Network (PPTN) area.
- The proposed design, including building setbacks, height and massing, will ensure the development will not unreasonably impact upon the amenity of adjoining residential properties.
- The proposed development provides a very high level of amenity on site for future residents in terms of daylight access, ventilation, open space provision, communal spaces, landscape and sustainability. The apartments have been designed to meet current best practice under the Better Apartment Design Standards (Clause 58) and achieves best practice sustainable design with an 8 star average NatHERS rating, minimising ongoing costs for future owners and reduced energy and water demands on the environment.
- The ground floor connection to the public realm is inviting, attractive, landscaped and visually permeable.
- The proposal provides ample bicycle parking with 19 resident spaces and 7 visitor spaces in a highly accessible position on ground level adjacent the lobby/communal space to promote cycling as a sustainable travel mode, coupled with a low rate of car parking provision of 0.92 spaces per dwelling in accordance with Clause 52.06 car parking requirements.

Overall, the proposal achieves very high quality development outcome. It provides well-designed, high quality housing that is sustainable, functional, and liveable for future residents. It respects and responds to the existing heritage context while also responding to and anticipating the desired future built character for this particular corner of Fitzroy West through building scale, materials, siting, landscape and façade design.

Appendix A: Clause 58 Assessment

(Apartment Developments)

CLAUSE AND TITLE	STANDARD	COMPLIES WITH THE STANDARD	ACHIEVES THE OBJECTIVE
58.02-1: Urban context	D1	✓	✓
58.02-2: Residential policy	D2	✓	✓
58.02-3: Dwelling diversity	D3	✓	✓
58.02-4: Infrastructure	D4	✓	✓
58.02-5: Integration with the Street	D5	✓	✓
58.03-1: Energy efficiency	D6	✓	✓
58.03-2: Communal open space	D7	✓	✓
58.03-3: Solar access to communal open space	D8	Variation	✓
58.03-4: Safety	D9	✓	✓
58.03-5: Landscaping	D10	Variation	✓
58.03-6: Access	D11	✓	✓
58.03-7: Parking location	D12	✓	✓
58.03-8: Integrated water and stormwater management	D13	✓	✓
58.04-1: Building setback	D14	✓	✓
58.04-2: Internal views	D15	✓	✓
58.04-3: Noise impacts	D16	✓	✓
58.04-4: Wind impacts	D17	✓	✓
58.05-1: Accessibility	D18	✓	✓
58.05-2: Building entry and circulation	D19	✓	✓
58.05-3: Private open space	D20	✓	✓
58.05-4: Storage	D21	✓	✓
58.06-1: Common property	D22	✓	✓
58.06-2: Site services	D23	✓	✓
58.06-3: Waste and recycling	D24	✓	✓
58.06-4: External walls and materials	D25	✓	✓
58.07-1: Functional layout	D26	Variation	✓
58.07-2: Room depth	D27	✓	✓
58.07-3: Windows	D28	✓	✓
58.07-4: Natural ventilation	D29	✓	✓

Clause 58.02: Urban Context

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
Clause 58.02-1 Urban context 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.	D1 The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site.	Complies The proposal has been designed to respond positively to the existing urban context at ground level while also contributing to the preferred future development of the area in terms of building appearance and overall height and scale. For a detailed assessment please refer to the 'Built Form and Heritage' section of the town planning report.
Clause 58.02-2 Residential policy 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.	D2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Complies The site is a good candidate for infill apartment development, as proposed, given its location within the Brunswick Street Major Activity Centre (MAC), adjacent the Johnston Street Neighbourhood Activity Centre (NAC) and within the Principal Public Transport Network (PPTN) area. Increased housing density and diversity is supported in this location, close to public transport services (tram along Nicholson Street), in a highly walkable area with a wide range of community, retail, health and entertainment options nearby on nearby Johnston and Brunswick Streets. The site is also a short walk to open space in Carlton Gardens. For a detailed assessment please refer to 'Strategic Planning Policy' assessment in the town planning report.

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Clause 58.02-3 Dwelling diversity To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	D3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	Complies There is a total of 13 x 3 bedroom apartments proposed. There are 6 different apartment layouts, orientations and sizes for the 3 bedroom apartment types, also with varying sizes and orientations of private open space provision. This provides a diversity of housing sizes and types to accommodate a wide range of residents notwithstanding they are all 3 bedroom. There is also a purchaser option proposed for an alternative 2 bedroom and 1 bedroom apartment layout on level 4. This would require one owner to purchase two or two separate owners to purchase these apartments to enable an application to amend the proposal for this level prior to construction.
Clause 58.02-4 Infrastructure 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.	D4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity. 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	Complies The subject site is well serviced due to its inner suburban location and will not unreasonably overload the capacity of utility services and infrastructure. The design includes provision on site for all essential infrastructure required to accommodate the needs of the building, determined in consultation with services engineers.

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	mitigation of the impact on services or infrastructure.	
Clause 58.02-5 Integration with the street To integrate the layout of development with the street. To support development that activates street frontage.	D5 Development should be oriented to front existing and proposed streets. Along street frontage, development should: • Incorporate pedestrian entries, windows, balconies or other active spaces. • Limit blank walls. • Limit high fencing, unless consistent with the existing urban context. • Provide low and visually permeable front fences, where proposed. • Conceal car parking and internal waste collection areas from the street. Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.	Complies The development is oriented to front both Argyle and Spring Streets. Along the street frontages, the development: • Incorporates the pedestrian entry to Spring Street and communal indoor and outdoor spaces activating Spring and Argyle Streets. • There are no blank walls to the primary street frontages. A wall and access door are provided to the rear laneway at the end of Johnston Place. • No fencing is proposed. A visually permeable mesh screen is proposed around the perimeter of the ground floor communal area fronting Argyle Street, providing security with visibility, passive surveillance and opportunity for interaction. • The space used for car parking is minimised in a stacker arrangement, concealed within the building, accessed from Spring Street, as is the waste collection area. The development is not located adjacent existing public open space but is designed to facilitate passive surveillance of the

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		surrounding streets, including openings in the side walls of street-facing balconies, providing oblique views along Spring and Argyle Streets.

Clause 58.03: Site Layout

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Clause 58.03-1 Energy efficiency To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency.	D6 Buildings should be: • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in Table D1 Cooling load.	Complies The Sustainable 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 Track planning pathway. All dwellings achieve a cooling load of 30MJ/m² or less in accordance with the standard. Apartments have been designed to either have a northerly orientation or an east-west orientation to reduce energy use and make appropriate use of daylight and solar energy. There are no south facing apartments proposed. The building has been designed with a large 'void' in the centre of the site, commencing from level 2 and extending to the western boundary, with no built form more than half the depth of the allotment along the southern property boundary. This is in response to lightwells and north facing windows close to the southern boundary of the subject site within the abutting apartment building to the south at 5 Spring Street. Shadow analysis provided by the project Architects confirms the extent of overshadowing to these windows is consistent with the previous permit issued for this site by VCAT in permit number PLN14/086. We note that while the sunlight access is maintained relative to that previous decision, the time of day for sunlight

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		access changes from the morning hours to the equivalent afternoon hours. The shadow diagrams show minor additional overshadowing of one skylight at 9am to 10 Argyle Street relative to the previous permit. All skylights for that dwelling receive sunlight from 10am onwards. The 7 storey Spring Street building (southern building) has also been designed at this height to ensure that no additional shadow is cast over the terrace houses diagonally opposite at 2-6 Spring Street between 9am and 2pm on the spring equinox. Accordingly, the energy efficiency of existing dwellings on adjoining lots will not be unreasonably reduced.
Clause 58.03-2 Communal open space To provide communal open space that meets the recreational 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	D7 A development with 10 or more dwellings should provide a minimum area of communal 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 lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.	Complies The development proposes 13 dwellings, requiring a communal open space area of 30 sqm under the standard. There are three areas of communal open space proposed. These are: • A roof top outdoor open space on level seven of 46.58 sqm, with circular planter, arbour and BBQ facilities. • Ground level north facing communal outdoor open space of 30.5 sqm, including landscaped planters and arbour. • Ground level indoor communal space connected to the ground level outdoor open space of 76.91

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enhances resident amenity.	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.	sqm with kitchen facilities and accessible WC. In total, there is 153.99 sqm of communal space, comprising 77.08 sqm of communal outdoor open space and 76.91 sqm of indoor communal space proposed for resident use. All communal space is: • Accessible to all residents. • Usable size, shape and dimension. • Capable of efficient management. • Located to: - Provide passive surveillance of Argyle and Spring Street via the ground level space. - Provide outlook from the roof top space. - Avoid overlooking into adjoining dwellings or their P.O.S. - Minimise noise impacts to new and existing dwellings. • All communal outdoor open space is landscaped with canopy cover provided by landscaped arbours. This is in lieu of trees which require larger heavy soil requirements adding to less efficient structure for the roof top space. At ground level the arbour minimises potential future impact of tree roots damaging the adjoining heritage façade and allows for additional flexibility, with the arbour designed to be

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		convertible to a future pedestrian entry off Argyle Street if desired.
Clause 58.03-3 Solar access to communal open space To allow solar access into communal outdoor open space.	D8 The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 percent 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.	Variation The communal outdoor open space on ground level is north facing and under cover. The primary communal roof top space is on top of the southern Spring Street building which is partially overshadowed by the taller corner building on 21 June, achieving at least 47.7% in sun at 9am and 32% at 10am, which is less than the standard. The likelihood of an enjoyable roof top experience and ample warm sunlight on a typical Melbourne day on 21 June is, however, very low. More relevant for this space is the spring equinox (22 September), when the weather is likely to be more favourable and resident use more frequent. At this time, the shadow diagrams for the equinox demonstrate that the roof top space is predominantly in sun for all hours between 9am and 3pm, with some shading from the building on the north side and dappled shade provided by the landscaped circular harbour, which is welcome through to the summer months.
Clause 58.03-4 Safety To ensure the layout of development provides for the safety and	D9 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.	Complies There is a direct line of sight from Spring St street through the main building entrance to the lobby and lift on ground floor. At the upper levels, dwelling entries are visible

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security of residents and property.	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.	from the common walkway. The common stair is also visible from Spring Street, providing no entries that are obscure from the street. Planting around the perimeter of the site and within the common spaces do not create any hidden spaces or entrapment spots.
Clause 58.03-5 Landscaping To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the street streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.	D10 Development should retain existing trees and canopy cover. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Development should: • Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. • Provide canopy cover through canopy trees that are: - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. - Consistent with the canopy diameter and	Variation There are no trees currently on the subject site. The tree canopy requirements for a 554 sqm site are: • 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. The proposal responds to the standard for canopy trees as follows: • 3 x Type A trees are provided within the first floor terrace of apartment 102. • The total canopy cover for three Type A trees is 37.71 sqm, exceeding 5% canopy cover. • The standard allows a 5% reduction of soil volume where the trees are in the same section of soil. Therefore, the volume

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	height at maturity specified in Table D4. - Located in a 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	required for three Type A trees is 32.49 cubic metres. A total of 28.28 cubic metres of soil is provided on the terrace. 15 cubic metres of soil is provided in a 1m planter in the location of the Type A trees, plus an additional 13.28 cubic metres at lower 400mm depth around the remainder of the terrace (33.2sqm at 400mm depth). A variation is therefore sought to reduce the soil volume under the standard. Notwithstanding the above, the landscape architect for the project has confirmed that, where more than one tree share the same soil volume, the 12 cubic metre requirement can be further relaxed. Using the Elke Soil Volume Simulator www.elkeh.com.au/soils/ for the specified trees, the recommended soil volume is only 5 cubic metres, which is comfortably met. The landscape plan also includes a range of shrubs, creepers and ground covers, including hardy drought tolerant and natives species. Decorative steel arbours covered in climbing plants are proposed to each open space on communal ground level, first floor and second floor private terraces and the communal roof top, providing dappled shade and protection. Together, these

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	species), irrigation systems, paving and lighting.	arbours provide an additional 51.25 sqm of green canopy. All planters are irrigated, connected to rainwater. Lighting will emphasise landscaped spaces and illuminate useable areas. Final lighting details can be provided as a permit condition, with future consent of the responsible authority.
Clause 58.03-6 Access 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.	D11 Vehicle crossovers should be minimised. Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. Pedestrian and cyclist access should be clearly delineated from vehicle access. The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. Developments must provide for access for service, emergency and delivery vehicles.	Complies The development removes two vehicle crossovers (one from Argyle Street and another from Spring Street) and consolidates the vehicle entry to an existing modified crossover on Spring Street (approximately 3m wide) with footpath and crossover grade changes approved by Yarra City Council separately under VicSmart permit No. PLN/18/0618 (current expiry for commencement 30 August 2026). Separate pedestrian and cyclist access is via the main building entry. The location of the vehicle crossover maximises pedestrian safety, removes two existing vehicle crossovers and maintains on-street parking.
Clause 58.03-7 Parking location To provide convenient parking for resident and visitor vehicles.	D12 Car parking facilities should: • Be reasonably close and convenient to dwellings. • Be secure. • Be well ventilated if enclosed.	Complies The proposed car park is close and convenient to dwellings, secure, and ventilated. There are no shared accessways or car parks of other dwellings adjacent to the parking area.

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To protect residents from vehicular noise within developments.	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.	
Clause 58.03-8 Integrated water and stormwater management To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to its discharge from the site.	D13 Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. The stormwater management system should be: - Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater – Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee 1999). - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.	Complies The Water Sensitive Urban Design (WSUD) strategy provided in the Sustainability Management Plan (SMP) includes 5,000L of rainwater tanks collecting stormwater from clean roofs with a catchment area of 311.63 sqm for reuse in toilet flushing and landscape irrigation. The design achieves a best practice Blue Factor score of 117%.

Clause 58.04: Amenity Impacts

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
Clause 58.04-1 Building setback 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.	D14 The built form of the development must respect the existing or preferred urban context and respond to the features of the site. Buildings should be setback 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.	Complies The built form responds appropriately to the preferred urban context, where mid-rise apartment development exists and is encouraged in Major Activity Centres. The building, as in previous permits on this site, has a zero setback to the corner with the tallest building element (8 storeys) at this north-east corner, managing overshadowing and reinforcing the corner. To the west, the Argyle Street facing building is also 8 storeys, marginally lower, and set back from the contributory heritage façade, maintaining the side gable ends to this building. For the Spring Street frontage, the building has a zero setback, extending the form of the existing contributory heritage warehouse building form upward but is visually separated from it through change of window and column placement above the parapet line and also separated visually from the corner building by the open stair and entry. This Spring Street building is lower, at 7 storeys, to manage overshadowing of the street, and is also shallower in depth in response to the existing windows facing the subject site from apartments to the south, at 5 Spring Street. Direct views to habitable rooms and private open space are managed via privacy shelves and planters. These allow for outlook

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		while preventing direct downward views to neighbours. The 'requirements' under Clause 58 provides for Clause 58.04-1 (Building setback): • If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out in Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for the building setback in the overlay applies. Further assessment of building setbacks is provided under the heading of "Built form and Heritage" in the town planning report.
Clause 58.04-2 Internal views To limit views into the secluded private open space and habitable room windows of dwellings within a development.	D15 Windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.	Complies All apartment windows are designed to prevent overlooking of more than 50% of the P.O.S of the level 1 and 2 terraces directly below through the use of internal overlooking shelves with obscure glazing up to a shelf at 1.4m high and 337mm wide. This lifts the eye level to allow for outlook while preventing downward views. All windows within the development that look toward one another on each level are standing views while internal overlooking shelves with obscure glazing up to the shelf height. There are limited views between the habitable room windows of upper and lower level apartments on oblique views within the

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		development. The standard does not require no views to habitable room windows within the development,. The objective seeks only to limit them. The design provides these limited views and an appropriate balance between privacy and outlook. Any additional privacy desired by residents beyond the objective can be managed themselves via sheer curtains during the day and blinds at night.
Clause 58.04-3 Noise impacts To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.	D16 Noise sources, such as mechanical plant 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 area 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.	Complies Air conditioning units and other mechanical plant are positioned on the roof of the Argyle Street building in the north-west portion of the site, furthest removed from the closest neighbouring dwellings to the south. Rooms have been located and designed to avoid noise transmission from the lift, car parking areas, communal areas and other dwellings. The building is not within a noise influence area as specified in Table D5 and does not technically trigger an acoustic assessment related to traffic noise under this standard. The acoustic report prepared for the proposal considers nearby external non-residential noise sources including Meridian Sculpture, 7-Eleven and Tankerville Arms Hotel. The Espresso Carwash to the south of the site is currently vacant and not in use.

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	Buildings within a noise influence area specified in Table D5 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.	Traffic noise, mechanical plant, air conditioning and car park noise impacts have also been considered. The report concludes that the development can achieve satisfactory noise levels in accordance with Standard D16 with minimum forms of modern glazing construction.
Clause 58.04-4 Wind impacts To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.	D17 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	Complies The building has been designed in accordance with an expert environmental wind assessment report submitted with the proposal so that it does not cause unsafe wind conditions and will achieve comfortable wind conditions as specified in Table D6.

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	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.	

Clause 58.05: On-Site Amenity and Facilities

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
Clause 58.05-1 Accessibility To ensure the design of dwellings meets the needs of people with limited mobility.	D18 At least 50 per cent of dwellings should have: • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom • At least one adaptable bathroom that meets all of the requirements of Design A or Design B specified in Table D7.	Complies A total of 7 apartments (i.e. 53%) have been designed as accessible in accordance with this standard.
Clause 58.05-2 Building entry and circulation To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provides for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation.	D19 Entries to dwellings and buildings should: • Be visible and easily identifiable. • Provide shelter, a sense of personal address and a transitional space around the entry. The layout and design of buildings should: • Clearly distinguish entrances to residential and non-residential areas. • Provide windows to building entrances and lift areas. • Provide visible, safe and attractive stairs from the entry level to encourage use by residents. • Provide common areas and corridors that:	Complies All building entries are visible and easily identifiable from the street. The main pedestrian entry is designed with architectural features and landscaping to provide a unique sense of address, with transitional space around the entry. There is also opportunity for a separate second entry to the communal ground floor space with minimal modification from Argyle Street frontage if desired in the future. The common stair is open and visible to/from Spring Street for visual connection and passive surveillance. Natural light and ventilation to the stair and

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	- Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines.	common walkways is provided via the perforated metal screen on the stair.
Clause 58.05-3 Private open space To provide adequate private open space for the reasonable recreation and service needs of residents.	D20 A dwelling should have private open space consisting of at least one of the following: • An area of 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 dimension specified in Table D8 and convenient access from a living room. • An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres 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	Complies For balconies, the standard requires: • All north facing dwellings to have 8sqm of P.O.S with 1.7m min dimension. • For any other direction: - 1 bed: 8sqm, 1.8m min dimension. - 2 bed: 8sqm, 2m min dimension. - 3+ bed: 12sqm, 2.4m min dimension. The proposal provides: • All 7 north facing dwellings (3 bedrooms) with at least 14sqm of usable P.O.S. (balcony) and 1.9m min dimension. Exceeding the minimum standard. • One east-west 3 bedroom dwelling (Apt 1.02) with a landscaped terrace of 81.13sqm and minimum dimension of 5.4m, exceeding the minimum standard for podium P.O.S. • 5 east facing dwellings (3 bedroom) with minimum balcony area of 12sqm and 2.49m min dimension, exceeding the minimum dimension and meeting the

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	specified in Table D11 or Table D12 in Standard D25.	minimum area under the standard.
Clause 58.05-4 Storage To provide adequate storage facilities for each dwelling.	D21 Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10: <i>Studio</i> • Total minimum storage volume: 8 cubic metres • Minimum storage volume within the dwelling: 5 cubic metres <i>1 bedroom dwelling</i> • Total minimum storage volume: 10 cubic metres • Minimum storage volume within the dwelling: 6 cubic metres <i>2 bedroom dwelling</i> • Total minimum storage volume: 14 cubic metres • Minimum storage volume within the dwelling: 9 cubic metres <i>3 or more bedroom dwelling</i> • Total minimum storage volume: 18 cubic metres • Minimum storage volume within the dwelling: 12 cubic metres	Complies Storage is provided as follows: • 3 beds: at least 25.29 cubic metres within the dwelling, exceeding the minimum standard.

Clause 58.06: Detailed Design

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
Clause 58.06-1 Common property 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.	D22 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	Complies All common areas are clearly delineated from private areas and can be readily managed by the future Owners Corporation.
Clause 58.06-1 Site services 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.	D23 Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	Complies Adequate space has been provided for all site services to be installed and maintained, in consultation with services engineers and relevant service authorities. Externally located services, such as the fire booster, are integrated into the building envelope. Mailboxes are inside the lobby where they are weather protected and provide convenient access.
Clause 58.06-3 Waste and recycling To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive.	D24 Development should include dedicated areas for: - Waste and recycling enclosures which are: - Adequate in size, durable, waterproof and blend in with the development. - Adequately ventilated.	Complies A waste storage room is located on ground level adjacent the car park for convenient access for collection. A waste chute is provided to dedicated garbage and recycling bins in the waste room.

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.	- Located and designed for convenient access by residents and made easily accessible to people with limited mobility. • Adequate area and facilities for bin washing. These areas should be adequately ventilated. • Collection, separation and storage of general waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. • Collection, storage and reuse of garden waste, including opportunities for on-site treatment (where appropriate), or off-site removal for reprocessing. • Adequate circulation area for waste collection vehicles that allows waste vehicles to enter and leave the site without reversing. • Adequate internal storage space within each dwelling to enable the separation of recyclables, residual waste 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 design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019). • Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and	A waste management plan has been prepared for the project which confirms waste streams, sizing, cleaning, ventilation, storage and collection in accordance with current best practice.

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
	hazards associated with waste collection vehicle movements.	
Clause 58.06-4 External walls and materials 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.	D25 External walls should be finished with materials that: • Do not easily deteriorate or stain. • Weather well over time. • Are resilient to the wear and tear from their intended use. External wall design should facilitate safe and convenient access from maintenance.	Complies The proposed external materials are predominantly pigmented concrete walls with steel for window frames, balustrades, screens and other architectural details. These are robust materials that will not easily deteriorate and will weather well over time with low maintenance. The external wall design is simple, with few 'steps' of projecting elements, providing safe, convenient and efficient access for maintenance.

Clause 58.07: Internal Amenity

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
Clause 58.07-1 Functional layout To ensure dwellings provide functional areas that meet the needs of residents.	D26 Bedrooms should: • Meet the minimum internal room dimensions specified in Table D11: • Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. <i>Main bedroom</i> • Minimum width: 3 metres • Minimum depth: 3.4 metres <i>All other bedrooms</i> • Minimum width: 3 metres • Minimum depth: 3 metres Living area (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12: <i>Studio and 1 bedroom dwelling</i> • Minimum width: 3.3 metres • Minimum area: 10 sqm <i>2 or more bedroom dwelling</i> • Minimum width: 3.6 metres • Minimum area: 12 sqm	Variation All main bedrooms meet the minimum requirements of 3m x 3.4m. All third bedrooms meet the minimum requirement of 3m x 3m. The second bedrooms do not meet the minimum dimension for all apartments except for Apt 1.01. This is due to minor encroachments from structure into the minimum 3 x 3 dimension. Having regard to the Decision guidelines, we note that these encroachments do not impact the usability or functionality or amenity of these bedrooms. They can continue to be furnished with a typical queen sized bed and bedside tables with comfortable walking space around the bed. Additional areas are provided for wardrobes in each bedroom. For living areas, the minimum width is 3.6m (3.4m depth) with 12.24sqm minimum area.

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
Clause 58.07-2 Room depth To allow adequate daylight into single aspect habitable rooms.	D27 Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. The room depth should be measured from the external surface of the rear wall of the room.	Complies 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 depth of 8.78m, meeting the standard. This apartment is also provided with skylights within the living area to ensure adequate daylight throughout the space.
Clause 58.07-3 Windows To allow adequate daylight into new habitable room windows.	D28 Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be: • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.	Complies All habitable room windows have a window to an external wall of the building. No secondary area is used for daylight access.
Clause 58.07-4 Natural ventilation To encourage natural ventilation of dwellings. To allow occupants to effectively	D29 The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in an external wall of the building, where appropriate. At least 40 per cent of dwellings should provide effective cross ventilation that has:	Complies Natural cross ventilation is provided to all apartments (100%). This comfortably exceeds the minimum 40% under the standard.

TITLE AND OBJECTIVE	STANDARD	COMPLIANCE
manage natural ventilation of dwellings.	• 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.	

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