Assessment Officer Report

PA2604524 – 57-71 Stephenson Street Cremorne



Officer Assessment Report
Development Assessment

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Executive Summary

Key Information	Details		
Application No:	PA2604524		
Received:	10 July 2026		
Statutory Days:	101 days as of 28 October 2026		
Applicant:	Endor Development Pty Ltd c/- Tract		
Planning Scheme:	Yarra		
Land Address:	57-71 Stephenson Street Cremorne		
Proposal:	Construction of a fifteen (15) storey, timber structure office building with food and drink (café) tenancies and shared communal spaces associated with the office.		
Development Value:	$ 68 m		
Why is the Minister responsible?	In accordance with Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the responsible authority for use and development to which clause 53.22 applies.		
DFP eligibility criteria in accordance with 53.22	**Category**		1
	Sector		Office
	Land use		Office
	Location		Metropolitan Melbourne
	Alignment with the DFP threshold/criteria		*The combined gross floor area of all buildings associated with the proposed use or development must be at least 10,000 square metres if any part of the land is in metropolitan Melbourne.*
	OVGA		Yes
	Invest Victoria		Yes
	Quantity Surveyor Report		Yes
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 34.02-1	Commercial 2 Zone (C2Z)	Use the land for a food and drink premises (exceeding 100sqm)
	Clause 34.02-4	Commercial 2 Zone (C2Z)	Construct a building or construct or carry out works
Overlays:	Clause 45.06	Development Contributions Overlay Schedule 1	N/A
	Clause 43.02-2	Design and Development Overlay, Schedule 51 (DDO51)	To construct a building or construct or carry out works (Area CW-C)
Particular Provisions:	Clause 52.06-3	Car Parking	N/A

Cultural Heritage:	The site is not in an area of cultural heritage sensitivity.		
Total Site Area:	1616 m²		
Gross Floor Area:	21,671 m² (including basement)		
Net Leasable Area:	13,145 m²		
Height:	15	Storeys (excluding mezzanine)	
	62.425 57.9	Metres (to the top of architectural screen) Metres (excluding plant)	
Land Uses:	**Office**	**Communal**	**Retail**
	12,791 m²	996.9 m²	353.60 m² (4x food and drink premise tenancies)

Parking:	**Cars**	**Motorcycles**	**Bicycles**
	72 (including 2x DDA spaces and 3x electric vehicle charging spaces)	0	96 on-site employee spaces 24 visitor spaces

Referral Authorities:	Head, Transport for Victoria (S55 no objection subject to conditions) Yarra City Council (s52 – notice) VicTrack (s52 – notice)
Advice sought:	The Office of the Victorian Government Architect (OVGA)
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Department of Transport and Planning under delegation to the Minister for Planning. 6 objections have been received as of **28 October 2026**.
Delegates List:	Approval to determine under delegation received on **22 October 2026.**

Proposal

Application Process

1. The application has gone through the Clause 53.22 (Significant Economic Development) Development Facilitation Program process, involving substantial pre-application review including consultation with the OVGA.

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

Milestone	Date
Pre-application lodgement	28 November 2024
Application lodgement	10 July 2026
Further information requested	N/A
Further information received	N/A
Decision Plans	Architectural Plans, prepared by Edition Office, dated 16 June 2026. Urban Context Report, prepared by Edition Office, dated 16 June 2026 including Landscape Plans, prepared by Openwork.
Other Assessment Documents	Public Benefit Cost Summary, prepared by Vettex, dated 09 June 2026. Sustainability Management Plan, prepared by Finding Infinity, dated 10 June 2026. Transport Impact Assessment, prepared by Ratio, dated 29 June 2026. Waste Management Plan, prepared by Ratio, dated 19 June 2026. Green Travel Plan, prepared by Ratio, dated 29 June 2026. Stormwater Management Plan, prepared by Aecom, dated 09 July 2026. Acoustic Report, prepared by DDEG, dated 11 June 2026. Wind Impact Assessment, prepared by MEL Consultants, dated 03 October 2026. Glint and Glare Assessment, prepared by Spaces at Night, dated 03 June 2026. Design Advice Letter, prepared by Carbon Fire Engineering, dated 09 June 2026. Feature and Level Survey, prepared by Linear Land Surveying, dated 09 May 2025. Preliminary Planning Cost Plan, prepared by Napier & Blakeley, dated 06 July 2026.

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

Proposal Summary

4. The proposal seeks approval for a 15-storey office building with a mezzanine level. According to the applicant, the development incorporates a range of sustainability initiatives, including extensive rooftop solar infrastructure and a high-performance building envelope, with the stated objective of achieving a low embodied energy outcome and PassivHaus-aligned performance.

5. The applicant describes the proposal as a high-quality commercial development that places a strong emphasis on environmental sustainability, innovation and occupant wellbeing. The proposal incorporates a number of measures that extend beyond minimum planning and building requirements, including public realm improvements to Stephenson Street, opportunities to support activation of the adjoining service laneway, enhanced environmentally sustainable design outcomes supported by third-party certification pathways, active ground-floor frontages and uses, a varied ground-plane experience incorporating double and triple-height void spaces, rooftop garden areas, and provision for a community tenancy on a peppercorn lease to a not-for-profit organisation.

6. The key metrics of the proposal can be summarised as follows:

Key Information	Details
Gross Floor Area:	21,671.51 m²
Net Leasable Area:	**Café**: 353.60 m² **Office**: 12,791.28 m²
Height:	57.9 metres (excluding roof plant) 62.425 metres (to top of architectural screen)
Setbacks:	North (from centreline of northern laneway): - Approximately 3 metres. Varies due to angled title boundary. South (adjacent 77 Stephenson Street): - *Ground floor up to 5m*: Zero (0) metres - *Above 5m*: 3.343m (façade screens project 565mm into the setback). East (from centreline of rear laneway and railway corridor): - 0 – 3.9 metres. Varies due to angled title boundary. West (Stephenson Street): - *Up to the four-storey podium* – 1.725m to 1.84m to structural columns. Screens project 2.335m into this setback and overhangs footpath by 1175mm. - *Above the four-storey podium* – 1.2m setback to building face. Screens project 1.394m into this setback and overhangs footpath by 194mm.

7. Key features of the proposed use and development are:

Uses

- The proposed development seeks to accommodate a range of office uses (no permit required) including a community tenancy. Four (4) food and drink premise (café) tenancies are proposed at ground floor level.
- Shared amenity spaces associated with office use are located on the ground floor (reception, lounge, end of trip facilities), mezzanine (exercise room, bike store) and first floor (multi-faith room, carer's room).
- Ground floor and level 1 include publicly accessible spaces (839.91 m² total) that are accessible to visitors during standard operating hours – refer to blue 'security line' markers in Figure 1 to identify the point at which the building can be secured outside standard operating hours.
- The top level will also include a communal rooftop garden area associated with office use.

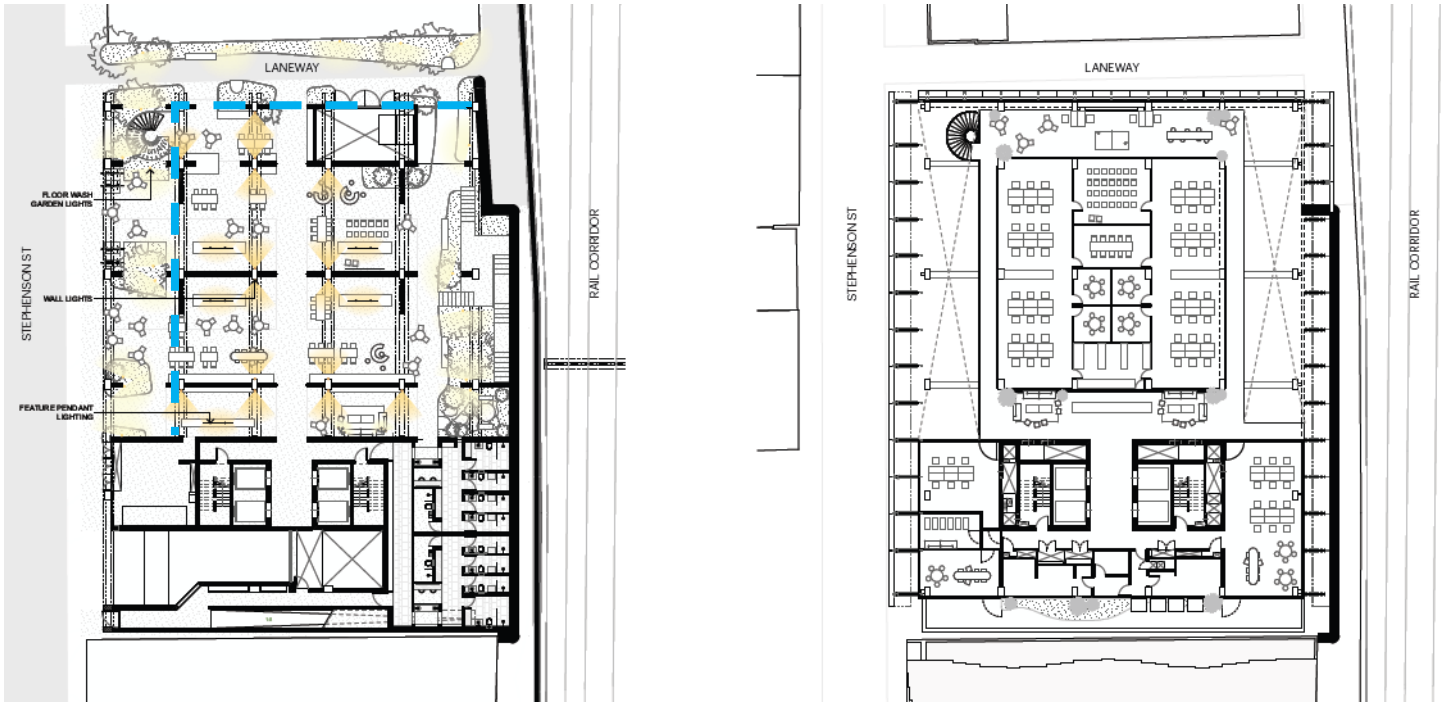


Figure 1 Indicative fit-out of ground floor plan and first floor plan (publicly accessible areas) (Source: Urban Context Report, page 88)

Development and Landscaping

- Ground Floor, Mezzanine and Level 1 is designed as a 'porous' and activated ground plane with amenities and active hospitality uses to create an open, human-scaled and visually connected environment. Design elements that facilitate this includes generous double and triple-height void spaces, landscaping treatment, small café tenancies, a feature staircase connecting Ground Floor to Level 1, and open publicly accessible areas which are accessed via a range of inset building entrances from the laneway and Stephenson Street.
- Levels 1 to 14 (in total, 14 office levels) consist of core workspaces, office services and amenities, and a 'wide-band conditioned workspace' that wraps around the core of the building creating a second 'filter' from the external environment. Each office floor includes a minimum 3.75m floor-to-floor ceiling heights.

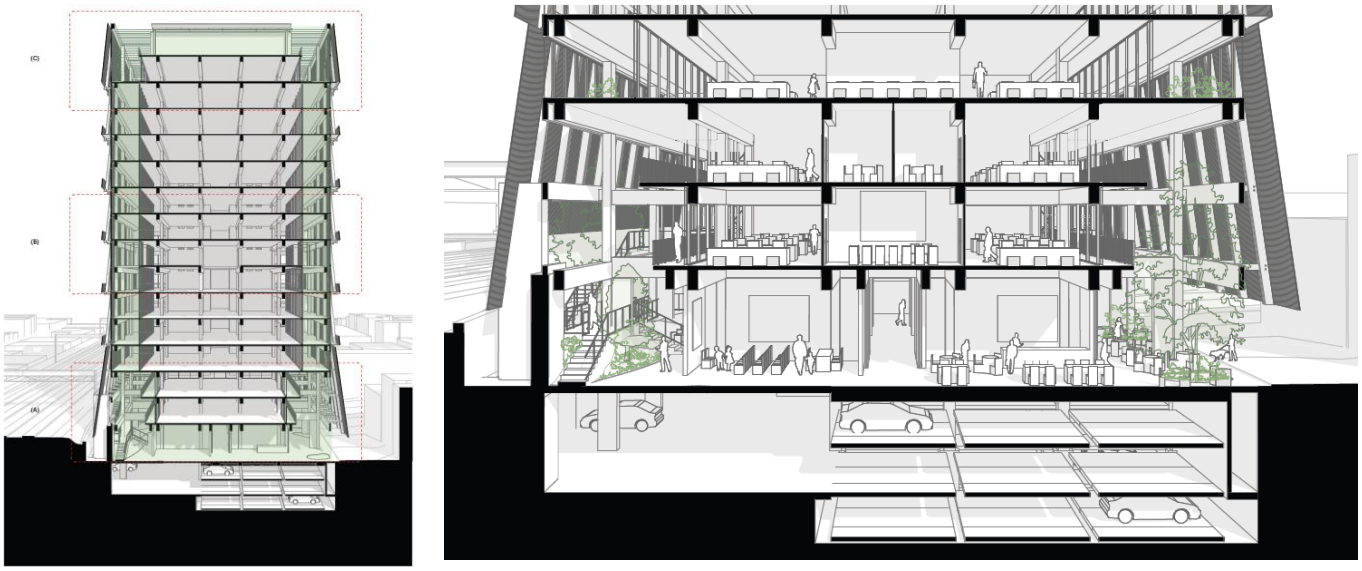


Figure 2 Sectional perspective diagram illustrating building and podium expression (Source: Urban Context Report, page 59, 79)

- Communal rooftop garden amenities on Level 14 are accessed via lifts and stairs. Recessed upper levels, roof plant and building services are concealed behind double-height architectural screens.



Figure 3 Sectional perspective diagram illustrating rooftop (Source: Urban Context Report, page 95)

Detailed design

- Building projections in the form of angled architectural screens overhang the footpath and public land:
    - An awning from Level 3 projects up to 1.176 metres outside of the Stephenson Street front title boundary with a minimum clearance height of 4.2m above the footpath, and
    - An awning from Level 3 projects up to 1.273 metres outside of the title boundary onto the rear laneway abutting the railway corridor.

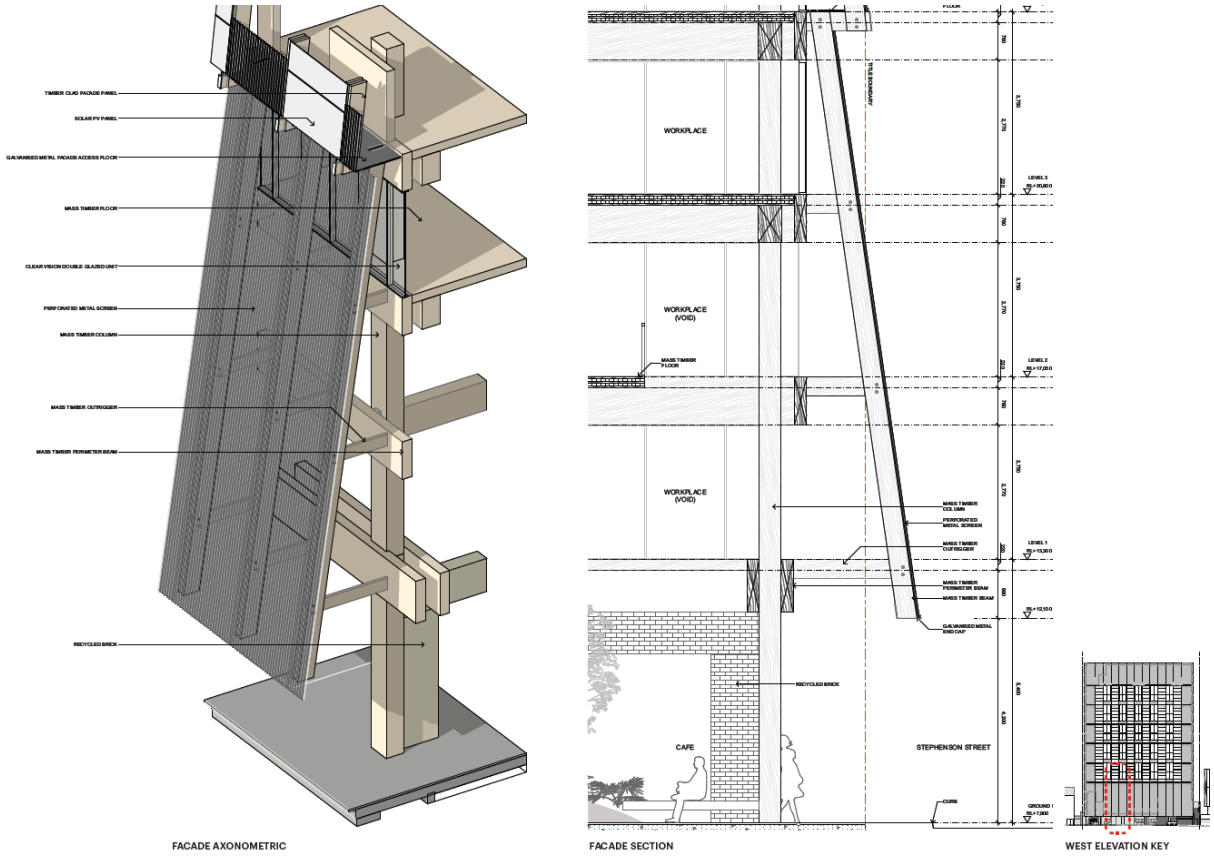


Figure 4 Sectional diagram on facade at street level (Source: Urban Context Report, page 98)

- Construction materials and finishes comprising mass timber (timber structure), recycled brick, galvanised perforated metal and integrated solar PV on the roof and external façade system.



Figure 5 Material Schedule (Source: Urban Context Report, page 102)

- Large angled architectural screens (perforated metal screen shingles) with alternating solid (solar panel) and open (metalwork) elements to provide vertical and horizontal articulation that break down the building scale and creates a façade with a sense of proportion and legibility.

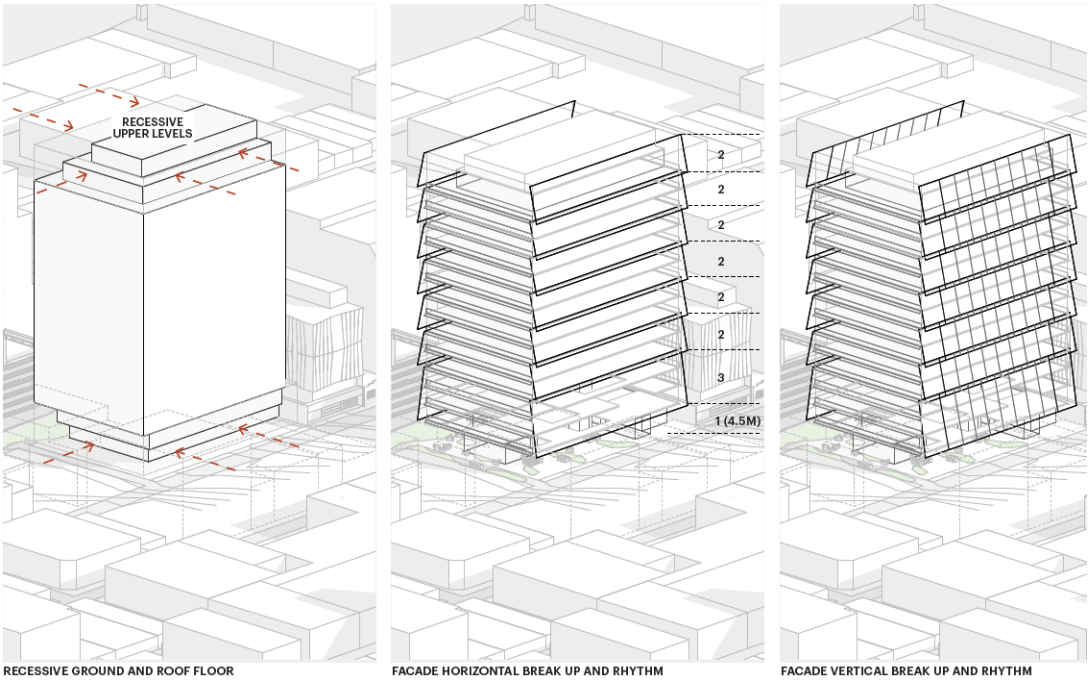


Figure 6 Design response concept diagram (Source: Urban Context Report, page 58)

Car, Bicycle Parking, Waste and Access

- Basement carparking is accessed via a 6.46m wide access ramp located to the south of Stephenson Street. Entry to the end of trip bicycle facilities is proposed via a separate entrance adjacent to the basement entry.
- A total of 120 bicycle parking spaces (8x on-grade visitor spaces at ground floor and 82 bicycle stacker spaces, on-grade bicycle stacker spaces at mezzanine and 16 vertical visitor bicycle spaces at mezzanine level) and ten (10) end-of-trip facilities are proposed.

- Basement 01 includes bin room and car park with 20x 3-tier car stackers (Klaus Trendvario 6300/225 with pit depth 2250mm, Lower and ground floor vehicle height of 2m to 70% of spaces, and electric vehicle charging capability), 12x standard car parking spaces (including 1x DDA parking and 3x vehicle-to-grid EV charging stations) for a total of 72 car parking spaces.

Public realm

- Footpath widening along the entirety of the street frontage to Stephenson Street (1.5m ground floor setback)
- Indicative works within the northern laneway and interface seeks to redefine the site boundary as an active and permeable interface and enhance pedestrian amenity through a generous, welcoming and safe public realm that encourages incidental gathering and social interaction (subject to Council approval):
    - Upgraded concrete paved laneway with access into the building from the north.
    - Indicative planting over deep soil zones.
    - Installation of street furniture and integrated public realm lighting.
    - Installation of a new gate to the eastern end of the laneway to pedestrianise the laneway.
    - Widening along the entirety of the frontage to northern laneway (1.5m ground floor setback) with exception of crash wall which abuts the title boundary.



Figure 7 Public Realm Floor Plan (Source: Urban Context Report, page 67)

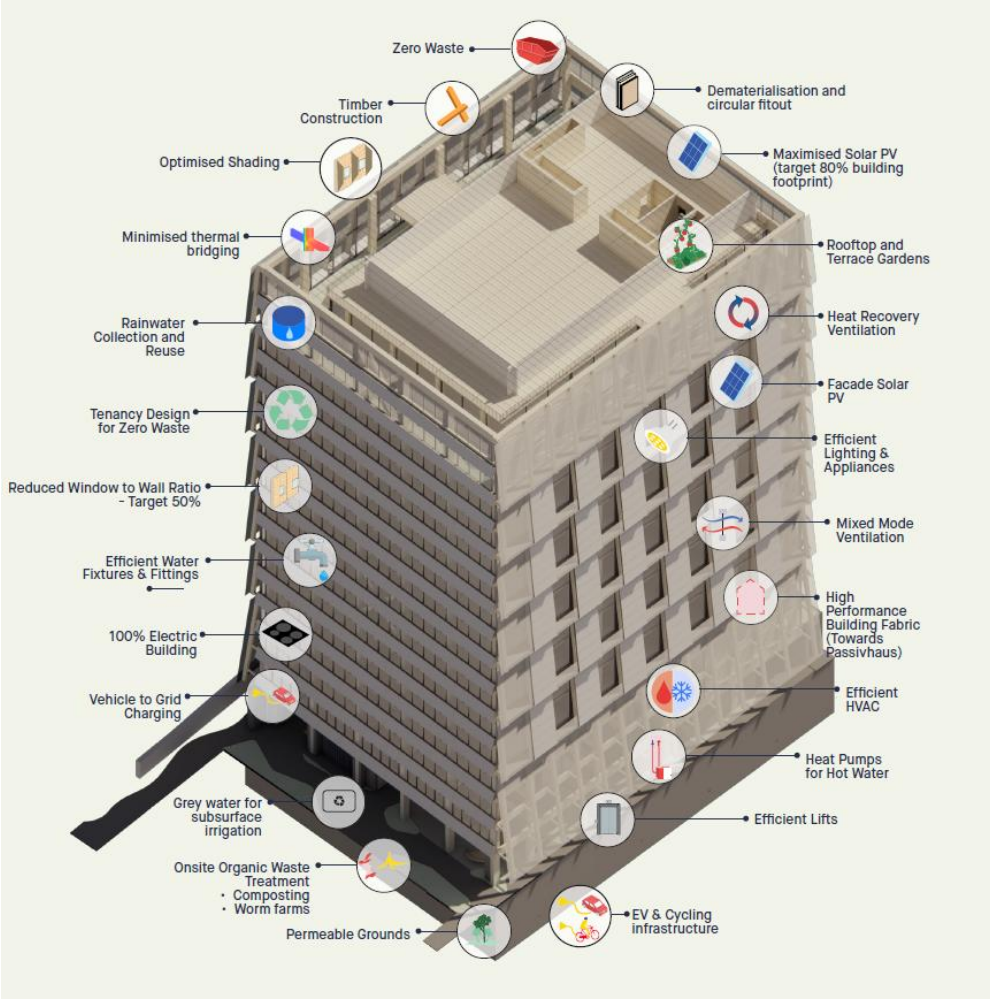
Public infrastructure upgrades

- Removal of existing power poles on Stephenson Street and replacement with underground power lines.
- Extension of Council stormwater water main from Balmain Street to subject site (approximately 100m).
- Associated renewal of street lights (subject to Council approval) and removal of redundant crossovers.

Sustainability

- Solar panels to the external façade and rooftop of between 400-600kW, designed principally to service and offset the operational energy demand generated by the development[1].
- The SMP commits to obtaining the following third party ESD certifications:
    - 6 Star Greenstar Building Certification
    - NABERS 6 star energy rating.
    - NABERS 4 star Embodied Carbon Rating.
    - Passivhaus certification
    - Climate Active Carbon Neutral Certification
- Other environmentally sustainable design (ESD) initiatives incorporated into the design includes:
    - A Built Environment Sustainability Scorecard (BESS) score of 73%, equating to 'ESD Excellence'.
    - 2x 12.5 kL rainwater tank collected from rainwater and fire system water for toilet flushing and irrigation, achieving a STORM rating of 164%.
    - Net positive on-site energy generation via the façade and rooftop 400-600kW photovoltaic solar system.
    - High-performance building fabric and HVAC systems (committing to Passivhaus certification).
    - Energy-efficient LED lighting with daylight and motion sensors and timers in common areas.
    - Energy- and water-efficient fixtures, fittings and appliances.
    - A fully electric, fossil-fuel-free building with no gas connection.
    - Acoustic insulation to external walls and double glazed windows.
    - Mixed-mode ventilation (natural and mechanical), CO^2 monitoring, heat recovery ventilation and maximising access to natural light with effective shading.
    - Net improvements to biodiversity, including water efficient landscaping at ground plane and rooftop and onsite organic waste treatment (composting, worm farms) at Level 1 terrace.
    - Optimised shading, minimised thermal bridging, and reduced window to wall ratio.
    - Materials selected to minimise embodied energy (timber) and adverse health and environmental impacts.
    - Provision of electric vehicle charging facilities (minimum 3 vehicle-to-grid vehicle charging points, and car stackers with standard EV chargers) and oversupply of cycling infrastructure.
    - Minimum 90% of construction and demolition waste diverted from landfill.
    - Minimum of 529sqm communal space is provided at ground, mezzanine, level 1 and rooftop.
    - Separate electricity, water and rainwater metering to all individual tenancies and major communal uses.

[1] It is not proposed as a standalone facility for the generation and distribution of renewable energy, however, the SMP ambition is to target a grid interactive system in line with Green Star Buildings V1.1 Credit 21.



Project Commitments

6 Star Greenstar Buildings Certification

40% reduction in mains water

BESS 80% water rating
5 L/min showers
3 L/min taps
3.5 L/flush toilets
Rainwater collection from all roof area and reuse for toilet flushing

>70% reduction in waste to landfill

BESS 100% waste score
Landfill, commingled recycling, paper and cardboard, glass, e-waste, organics, hard rubbish
Resources room for sorting and storage
90% avoidance of construction / demolition waste

40% reduction in energy consumption, with ~40% of the remainder supplied on-site

Passivhaus certification
NABERS 6 star energy
BESS 70% energy score
Climate Active Carbon Neutral Certification
400-600 kW of solar PV

Setting a new benchmark for new office buildings in terms of embodied carbon
Minimum NABERS 4 star embodied carbon

Timber structure
Timber framed facade
Circular and low carbon materials

Figure 8 ESD Initiatives, Commitments and Ambitions (Source: Urban Context Report, page 15, 18)

8. The applicant has provided the following concept renders of the ground plane and public realm upgrades:



Figure 9: Public Realm Upgrade to northern laneway (Source: Urban Context Report, page 80)



Figure 10 Concept render – Public Realm Upgrade to the northern laneway (Source: Urban Context Report, page 80)



Figure 11 Concept render – Internal stairs and crash wall (Source: Urban Context Report, page 85)



Figure 12 Concept render – Stephenson St interface at ground level (Source: Urban Context Report, page 81)



Figure 13 Concept render – Ground plane at Stephenson St (Source: Urban Context Report, page 83)

9. The applicant has provided the following concept external renders of the proposed development:

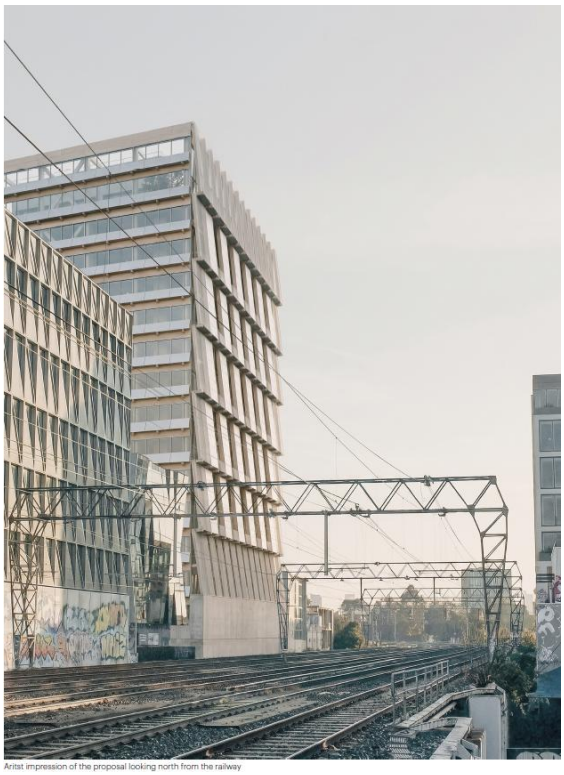


Figure 14 Exterior Render - Railway *(Source: UCR, page 105)*



Figure 15 Exterior Render - Cubitt St (Source: UCR, page 106)



Figure 16 Stephenson St looking south (Source: UCR, page 107)



Figure 17 Stephenson St looking north (Source: UCR, page 109)



Figure 18 Green Street looking north west (Source: UCR, page 110)



Figure 19 Stephenson Street looking south (Source: UCR, page 108)



Figure 20 Stephenson St looking south at night (Source: UCR, page 111)



Figure 21 Cubitt Street at night (Source: UCR, page 112)

Subject Site and Surrounds

Site Description

10. The Site is a rectangular shaped group of land parcels located at 57-59, 61-69 and 69-71 Stephenson Street, Cremorne. The site has a total area of approximately 1616 m^2. Stephenson Street frontage is approximately 45m with a stepped interface to northern laneway of approximately 36.2m, and a stepped rear interface to the eastern laneway and railway corridor of approximately 47m.



Figure 22 Aerial Plan excerpt from Applicant Planning Report (Source: Nearmap, April 2026)

11. The land is formally identified on Certificates of Title as follows:

- Lot 1 on Title Plan 602392G – Volume 10086 Folio 362 (57-59 Stephenson St, Cremorne).
- Lot 1 on Title Plan 754267N – Volume 04265 Folio 803 (61-67 Stephenson St, Cremorne).
- Lot 1 on Title Plan 603444N – Volume 12096 Folio 496 (69-71 Stephenson St, Cremorne).
- Lot 1 on Plan of Subdivision 713397T – Volume 11427 Folio 060 (69-71 Stephenson St, Cremorne).

12. An easement is located on the eastern side of Lot 1 on Title Plan (TP\754267N) (refer to Figure 23 below).

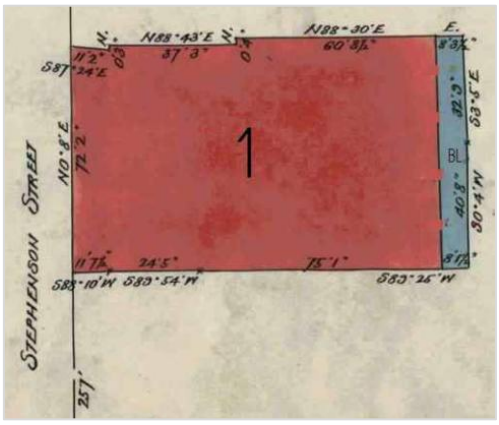


Figure 23. Lot 1 on Title Plan 754267N

13. The Site is currently occupied by three buildings as follows:
    - 57-59 Stephenson Street: single storey brick building, used as a café and coffee wholesaler.
    - 61-67 Stephenson Street: single storey rendered building, occupied by advertising agency Mustard Creative.
    - 69-71 Stephenson Street: single storey brick warehouse, currently operating as a mechanic.

14. The Site has four existing vehicle crossovers, one of which is redundant.

Site Surrounds

15. The site is located within a commercial and light industrial precinct characterised by a mix of warehouse/factory buildings and contemporary medium-high density development.

16. Regarding land use, the site is in the Cremorne West sub-precinct of the Cremorne Enterprise Precinct in Commercial 2 zoned land designated for office/commercial uses. Residential uses interface to the north-east across the railway line. To the north of the site is the Swan Street retail corridor, and to the northwest are educational uses such as Kangan Institute.

17. The site is proximate to a range of amenities (open space, recreation and shopping) within walking distance, and is accessible via a wide range of rail, tram, bus, bicycle and road infrastructure.



Figure 24 Context Plan (Source: Applicant Report, page 22)

18. Development surrounding the site is as follows:

- **North**: Adjoining the Site to the north is a 3-metre-wide laneway running from Stephenson Street through to the railway corridor retaining wall. The laneway is largely unmade, without a splay and leads to a narrower section of laneway running north-south along the railway corridor, abutting the east boundary of 57-59 Stephenson Street and several properties sited further north, including:

    - 51-55 Stephenson Street, a 566sqm lot accommodating a contemporary three-storey office building. Car parking is provided at ground level via a crossover to Stephenson Street .
    - 49 Stephenson Street, a 574sqm lot currently occupied by a single storey brown brick warehouse building with car parking and some vegetation within the front setback. Planning Permit PLN22/0316 allows for construction of a nine-storey development with secondary pedestrian access/egress provided to the rear laneway (described on endorsed plans as 'earthen walkway').
    - 43, 45, 47 Stephenson Street, Cremorne are approximately 230-300sqm lots each accommodating semi-attached 3-storey office building with separate ground floor entrances and onsite car parking (4 tandem car spaces spaces). Vehicle gates to Stephenson Street and the rear laneway are located to each premise, with primary vehicle access and egress from Stephenson Street.

- **South**: Situated immediately south of the Site is 77 Stephenson Street, a 553sqm lot accommodating a recently constructed seven-storey glass office building. Car parking is accommodated on the ground floor.

- **East**: Immediately east is partially the 3m wide laneway and railway corridor accommodating the Cranbourne, Frankston, Pakenham and Sandringham lines between Richmond Station and South Yarra Station. The rail reserve is approximately 30 metres wide and comprises six individual tracks.

- **West**: Immediately west of the Site is Stephenson Street, a local street of approximately 9 metres in width with one-way traffic (heading north) from Balmain Street to Dunn Street. One lane of on-street parking is accommodated on the western side of Stephenson Street. The context further west includes:

    - 90 Stephenson Street, a 200 square metre lot accommodating a single storey brick building.
    - 92 and 94 Stepheson Street, two(2) 160sqm lots (320sqm total) occupied by a three-storey office building. Vehicle access is provided via Gwynne Street.
    - 96 Stephenson Street, a 177 square metre lot occupied by a three-storey concrete office building. Vehicle access is provided via Gwynne Street.
    - 98-100 Stephenson Street, a 305 square metre lot occupied by a two-storey office building. Vehicle access is provided via Gwynne Street.
    - 102, 102A, 104 and 106 Stephenson Street: a large vacant site comprising four separate parcels ranging in area from 126 square metres to 144 square metres.

19. A site inspection of the subject site and surrounds was undertaken in September 2026, which confirmed the accuracy of the site photos contained in the Applicant's Town Planning report (see Figure 25-39).



Figure 25 57-59 Stephenson St, Cremorne (subject site)



Figure 26 61-67 Stephenson St, Cremorne (subject site)



Figure 27 69-71 Stephenson St, Cremorne (subject site)

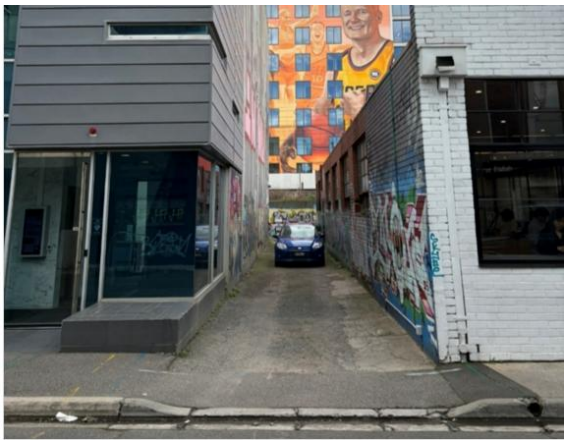


Figure 28 Northern laneway adjoining 57-59 Stephenson St, Cremorne

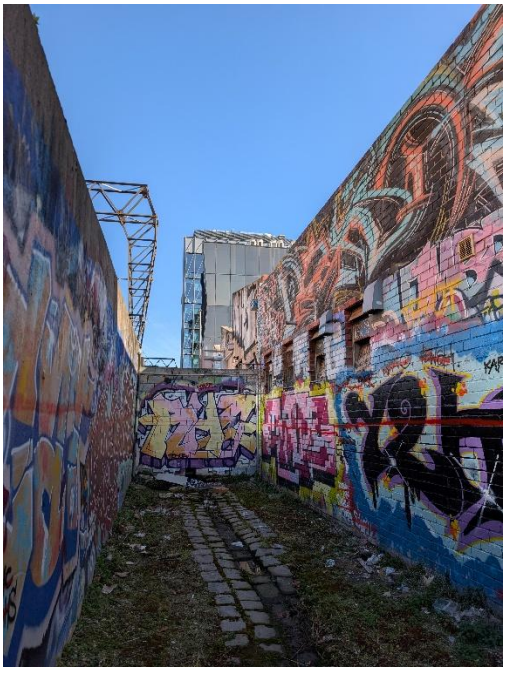


Figure 29 Eastern end of northern laneway

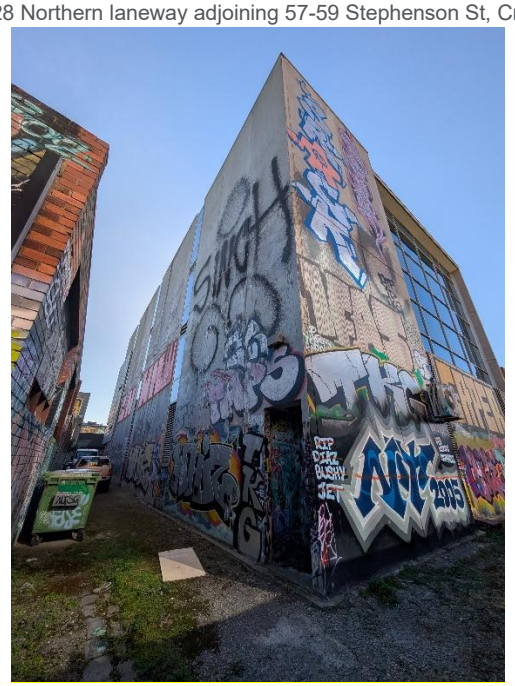


Figure 30 Northern laneway facing west



Figure 31 Rear laneway interface of 43, 45, 47 Stephenson Street, Cremorne

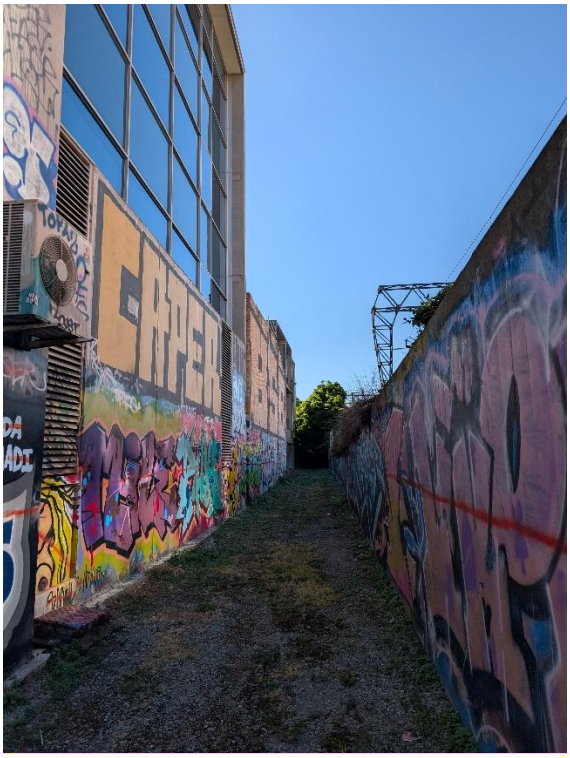


Figure 32 Rear laneway interface of 43, 45, 47, 49 and 51-55 Stephenson Street, Cremorne

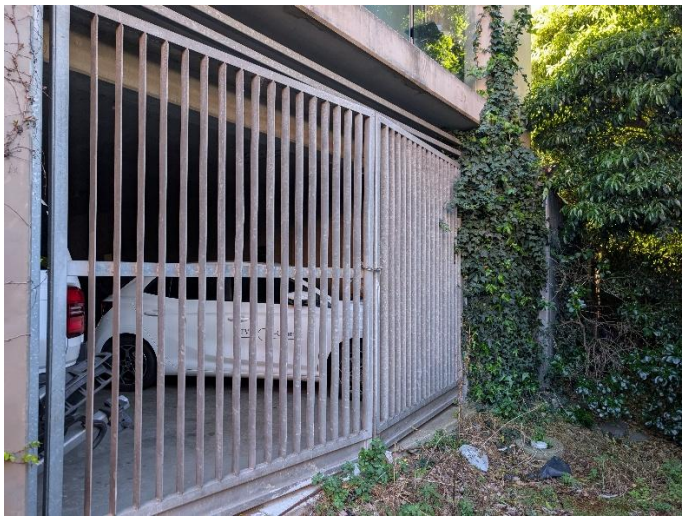


Figure 33 Close-up of rear vehicle gate of 43 Stephenson Street, Cremorne

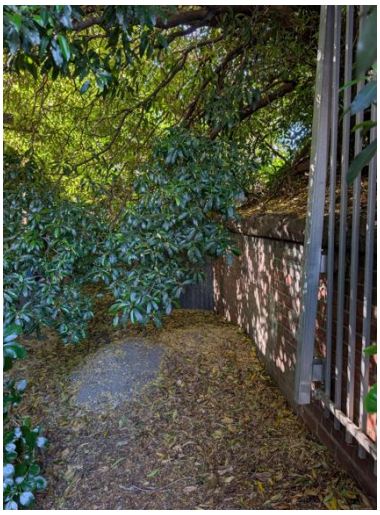


Figure 34 Close-up of the northern end of right of way at 43 Stephenson Street, Cremorne



Figure 35 Stephenson Street facing south - 43, 45, 47, 49, 51-55 Stephenson St in foreground of the subject site



Figure 36 Stephenson Street facing north - 77 Stephenson St in foreground of the subject site

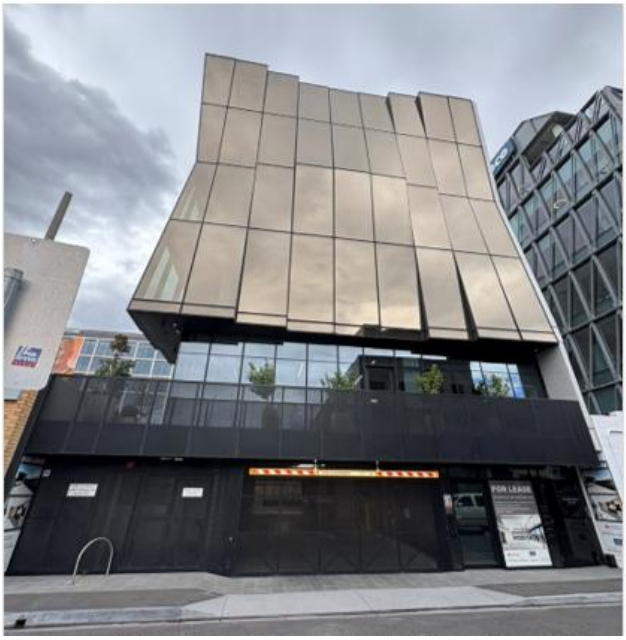


Figure 37 77 Stephenson St, Cremorne



Figure 38 49 Stephenson St, Cremorne



Figure 12. Left: 90 Stephenson Street; right: 92-94 and 96 Stephenson Street.



Figure 13. left: 98-100 Stephenson Street, looking west; right: 92-94 and 1102-106 Stephenson Street, looking east from Gwynne Street (toward the Site).

Figure 39 Site photos on western side of Stephenson St (Source: Applicant Planning Report, Figures 12-13, page 20)

20. The surrounding area in Cremorne is undergoing significant transformation including the following notable developments in the vicinity of the Site:

- 49-51 Balmain Street (9 storeys, approved, maximum building height of 32.175m - PA2503512).
- 57 Balmain Street (7 storeys, completed).
- 79-83 Balmain Street and 116-122 Chestnut Street, Cremorne (13 storeys, approved, maximum building height of 40.85m – PA2503933).
- 100 Balmain Street (11 storeys, under assessment).
- 9-11 Cremorne Street (8 storeys, completed (2019)).
- 14-18 Cremorne Street (12 storeys, approved).
- 24 Cremorne Street (11 storeys, under assessment).
- 31-53 Cremorne Street (10 storeys, completed).
- 30-32 Cremorne Street and 23 Jessie Street (9 storeys, approved).
- 34 Cremorne Street (9 storeys, approved).
- 38-42 Cremorne Street (8 storeys, approved).
- 60 Cremorne Street (7 storeys, completed).
- 101 Cremorne Street (12 storeys, approved, maximum building height of 53.7m - PA2403110).
- 116-130 Cremorne Street (10 storeys, under construction).

- 4-6 Cubitt Street & 13 Dover Street (12 storeys, completed).
- 12 Dover Street (8 storeys, approved).
- 65-81 Dover Street (9 storeys, completed).
- 2-6 Fitzgibbon Street & 49-55 Dover Street (8 storeys, completed).
- 68-88 Green Street (8 storeys, under construction).
- 99 Green Street (9 storeys, under construction).
- 2-6 Gwynne Street (7 storeys, completed).
- 8 Gwynne Street (8 storeys, completed).
- 70-80 Gwynne Street (10 storeys, approved).
- 77 Stephenson Street (7 storeys, completed).
- 49 Stephenson Street (9 storeys, approved).
- 28-30 Stephenson Street (13 storeys, approved, maximum building height of 54 metres - PA2503781).

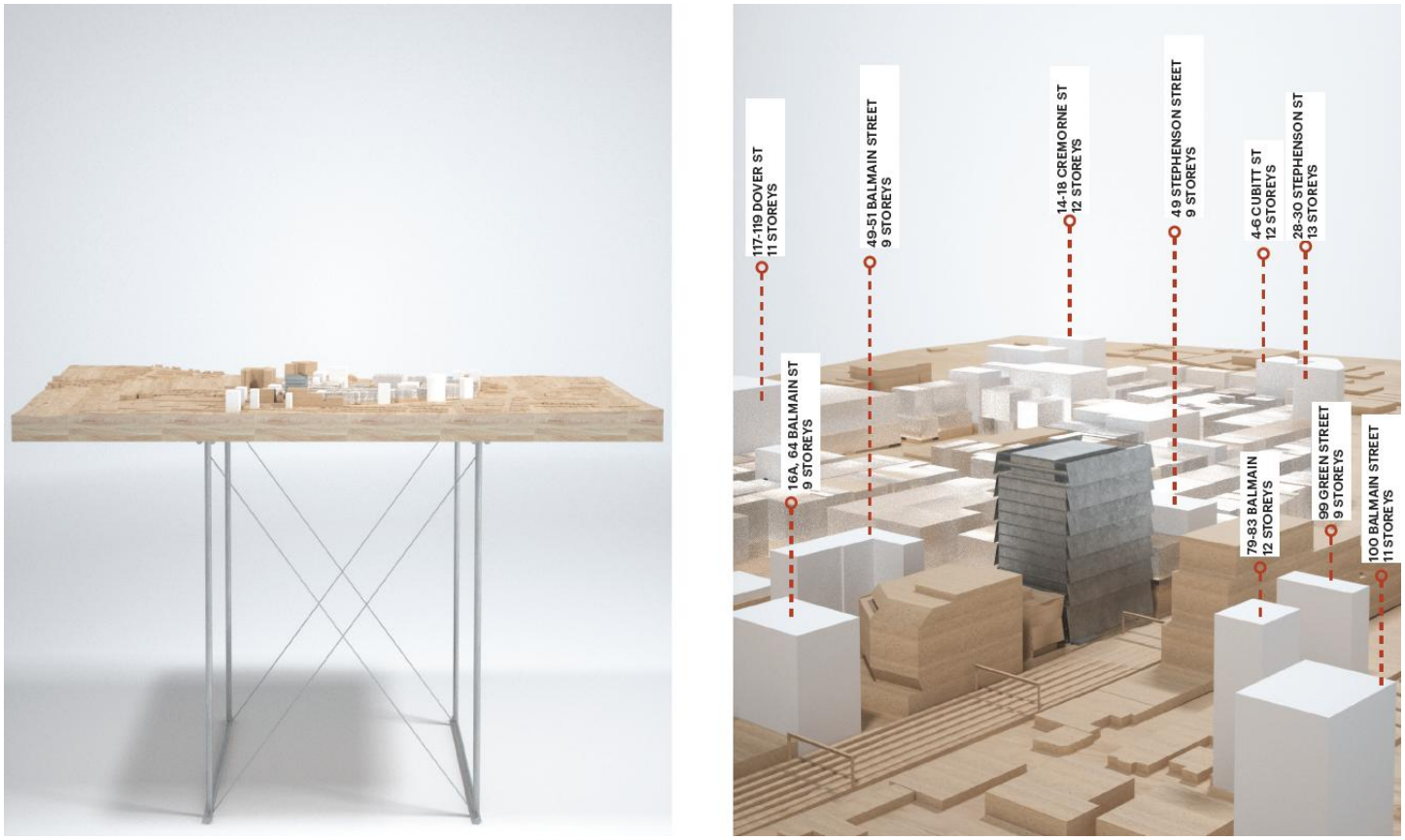


Figure 40 Building height context plan (Source: Urban Context Report, page 51)

Planning Provisions

Municipal Planning Strategy

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

Table 1 Municipal Planning Strategy relevant clauses

Clause	Description
02.01	Context
02.02	Vision
02.03-3	Amenity, Safety, Noise
02.03-4	Built environment and heritage
02.03-6	Economic development
02.03-7	Transport

Planning Policy Framework

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

Table 2 Planning Policy Framework relevant clauses

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of urban land
Clause 13	**Environmental Risks and Amenity**
13.05-1S	Noise management
13.07-1S	Land use compatibility
13.07-1L-01	Interfaces and amenity
Clause 15	**Built Environment and Heritage**
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L	Urban design
15.01-2S	Building design
15.01-2L	Building design
15.01-2L-01	Environmentally sustainable development
15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods – Metropolitan Melbourne
15.01-5S	Neighbourhood character
Clause 17	**Economic Development**
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Metropolitan Melbourne
17.01-1R	Diversified economy – Metropolitan Melbourne – Inner Metro Region

17.01-1L	Employment
17.01-2S	Innovation and research
17.02-1S	Business
17.02-1L	Retail
Clause 18	**Transport**
18.01-1S	Land use and transport integration
18.02-3S	Public transport
18.01-3L	Sustainable and safe transport – Metropolitan Melbourne
18.02-1S	Walking
18.02-1L	Walking
18.02-2S	Cycling
18.02-2R	Cycling – Metropolitan Melbourne
18.02-2L	Cycling
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
18.02-4L	Road system
18.02-4L-01	Car parking
Clause 19	**Infrastructure**
19.01-1S	Energy supply
19.01-2S	Renewable energy
19.03-1S	Development and infrastructure contributions plans
19.03-3S	Integrated water management
19.03-3L	Water sensitive urban design
19.03-5S	Waste and resource recovery
19.03-5L	Waste

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

Zoning and Overlays

Applicable Zone/s

Commercial 2 Zone

24. A permit is required to construct a building or construct or carry out works in accordance with Clause 34.02-4.
25. The purpose of the Commercial 2 Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

26. A planning permit is also required to use land for a food and drink premise (exceeding 100sqm leasable floor area) in accordance with Clause 34.02-1.

27. A permit is not required to use land for an office in the Commercial 2 Zone.

28. Pursuant to Clause 34.02-7 an application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Applicable Overlay/s

Development Contributions Overlay – Schedule 1 (Area 11) – Yarra Development Contributions Plan

29. Pursuant to Clause 45.06-1 a permit granted must:

- Be consistent with the provisions 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.

30. The Yarra Development Contributions Plan (DCP) applies to any proposal for increased commercial and retail floor area. A Development Infrastructure Levy is required under the DCP and is to be required as a condition of permit.

Design and Development Overlay – Schedule 51 (DDO51) – Cremorne Enterprise Precinct – Cremorne West

31. Pursuant to clause 43.02-2, a permit is required to construct a building or construct or carry out works.

32. The Site is covered by DDO51, an interim built form control that was gazetted into the Yarra Planning Scheme on 25 September 2025 via Amendment C317yara.

33. The design objectives of DDO51 are as follows:

- *To create a thriving enterprise precinct which delivers high quality, innovative and environmentally sustainable development to support commercial and employment opportunities.*
- *To support mid-rise built form with taller built form on Cremorne Street and the northern portion of Stephenson Street, transitioning to a lower built form on narrow streets and interfaces with adjoining low rise residential areas.*
- *To reinforce the fine grain industrial character of the precinct through a mix of well-designed new buildings and protection and adaptation of heritage and character buildings.*
- *To ensure development enhances the public realm and contributes to a network of pedestrian orientated streets through street activation, human scale development, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.*
- *To ensure development responds to interfaces with residential precincts to minimise amenity impacts such as visual bulk, overlooking and overshadowing through appropriate scaling and transition of built form.*

34. DDO51 outlines several discretionary design requirements that apply to an application to construct a building or construct or carry out works. These generally reflect objectives of the Cremorne Urban Design Framework.

35. The Site is identified in Area CW-C on the '2.6 Cremorne West precinct heights, setbacks and interface plan'.

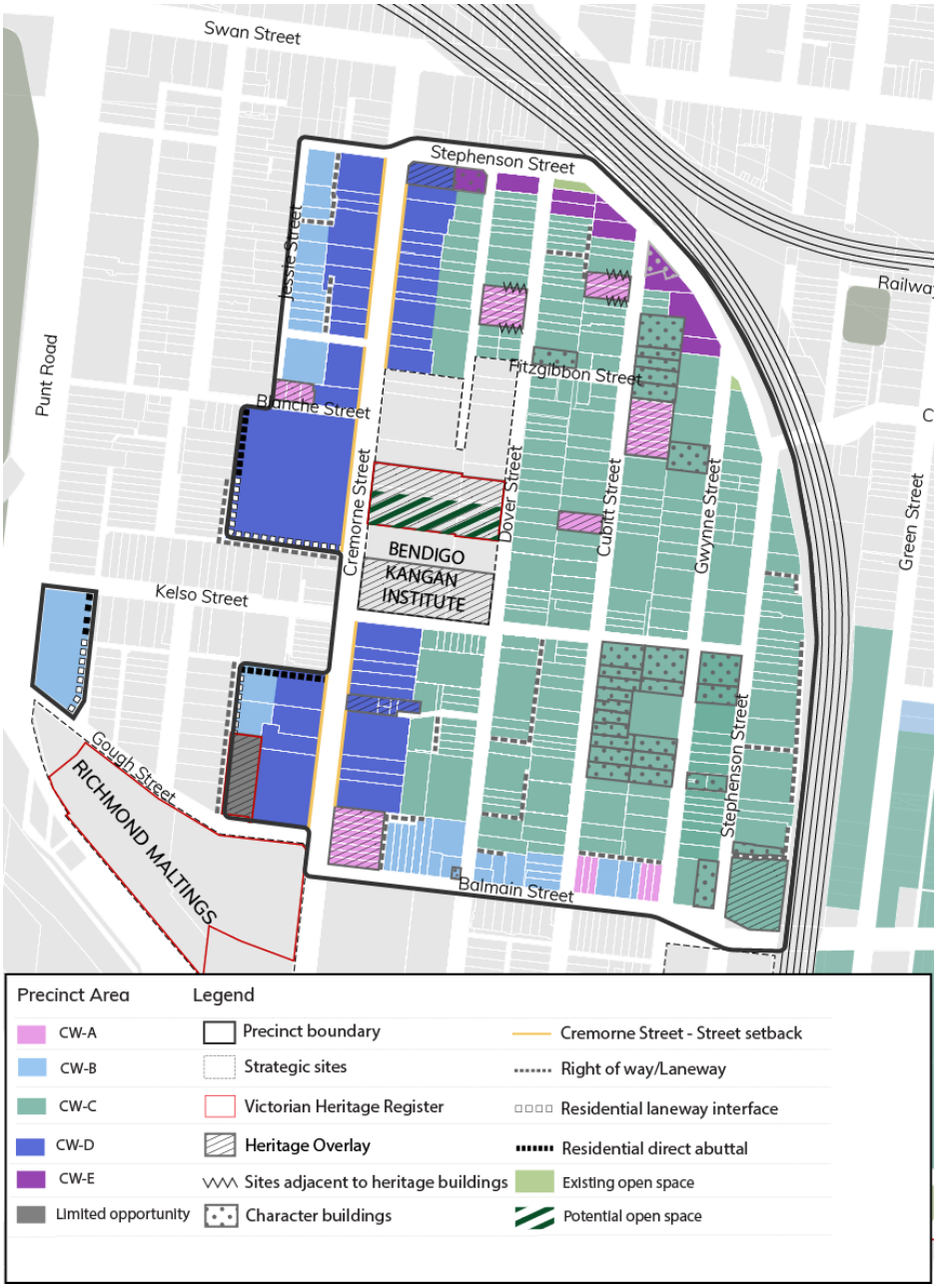


Figure 41 Cremorne West precinct heights, setbacks and interface plan

36. Precinct CW-C has preferred requirements as set out below.

Table 3 Summary of Precinct CW-C preferred requirements

Built Form	Preferred Requirement	Mandatory Requirement
Maximum building height	28m	None specified
Maximum and minimum street wall setback	None specified	None specified
Maximum street wall height	12m	None specified

Minimum upper level setback	3m	None specified
Maximum boundary wall height	20m	None specified
Minimum side setback	None specified	None specified
Building separation requirements for frontages of 20m or more	Development that is 1-3 levels above the boundary wall height should be set back a minimum of 3 metres from the common property boundary or laneway centreline. Development that is 4 or more levels above the boundary wall height should be set back a minimum of 4.5 metres from the common property boundary or laneway centreline.	None specified
Overshadowing	A permit should not be granted to construct a building or construct or carry out works which casts any additional overshadowing of the following spaces between 10am and 2pm on 22 September: -The northern and southern portions of the Balmain Street Plaza (defined as the area within the bollards).	None specified

37. Pursuant to subclause 2.15, an application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Particular, General and Operational Provisions

Provisions that Require, Enable or Exempt a Permit

Car parking

38. Clause 52.06 specifies that before a new use commences, the number of car parking spaces must be provided to the satisfaction of the responsible authority and sets out the requirements for the provision of car parking for a variety of uses at Tabe 1 of Clause 52.06-5.

39. The site is now within Category 2 (Minimum requirement) following changes to parking provisions introduced under VC277. The proposal now requires a total of 64 spaces. Car parking provision is discussed further in the report.

Bicycle facilities

40. Clause 52.34 specifies that a new use must not commence until the required bicycle facilities have been provided on the land and sets out the requirements for the provision and design of bicycle parking for a variety of uses at Table 1 to Clause 52.34. Bicycle parking provision are discussed in the report.

General Requirements and Performance Standards

Stormwater Management in Urban Development

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

Significant Economic Development

42. Clause 53.22 Significant Economic Development seeks to facilitate the planning, assessment and delivery of project that will make a significant contribution to Victoria's economy and provide substantial public benefit. The application seeks approval under this provision. The proposal falls under Category 1.

43. The clause allows the responsibility to waive or vary any building height or setback requirements and application requirements of the planning scheme and also exempts applications from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Act*.

44. The decision guidelines relevant to this proposal are:

    - The purpose of the clause.
    - The views of the Office of the Victorian Government Architect, as appropriate.

Decision Guidelines

45. Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65 Decision Guidelines and specifically Clause 65.01 Approval of an Application or Plan.

Operation of this Planning Scheme

Clause 71.02-3 (Integrated Decision Making)

46. Clause 71.02-3 outlines inter alia that the responsible authority should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Relevant Strategic Plan / Background Documents

Plan for Victoria

47. Plan for Victoria is the state-wide vision and strategic plan to guide how Victoria will grow over time. Although not yet introduced formally into planning schemes, the plan will eventually supersede Plan Melbourne 2017-2050 through future amendments.

48. The plan is structured around five pillars: Self-determination and caring for Country, Housing for all Victorians, Accessible jobs and services, Great places, suburbs and towns, and Sustainable environments.

49. Under the pillar of 'accessible jobs and services', Economic Growth Victoria (a new government agency) has developed the 'Economic Growth Statement' which identifies the following priority sectors for Victoria: advanced manufacturing, health technology and medical research, the clean and circular economy, digital technologies and agribusiness. The vision for 'sustainable environments' includes designing and building liveable and resilient workplaces and electrifying the built environment through a renewable energy transition.

Spatial Economic and Employment Strategy (SEES) (2018)

50. The City of Yarra's SEES (prepared by SGS Economics and Planning) identifies Yarra's critical contribution to Metropolitan Melbourne's economic output including with respect to Yarra's mixed employment precincts such as Cremorne. The Strategy notes that '*recent decades employment in Yarra has become increasingly knowledge intensive and services oriented with an economy that benefits from a well-connected, inner city location with access to workers, customers and other businesses*' being a major factor alongside a range of macro-scale drivers in the number of knowledge workers in Yarra increases from 18,300 to around 44,000 between 1996 and 2016.

51. The Strategy estimates demand over the next 15 years for 389,000sqm of additional commercial floor space, with the Cremorne/Church Street South precinct having been 'identified as having significant floor space capacity if existing lower scale development is replaced by multi-storey development' It is noted that in the Cremorne precinct, commercial office rents are approaching CBD rates, indicating a need to provide an appropriate level of supply to ensure affordability and accessibility for the current mix of businesses is maintained.

Cremorne Urban Design Framework

52. This work in 2022-23 informed the interim DDO51 that seeks a preferred height of 28m for the subject site.

Recycling Victoria

53. Recycling Victoria is the State government's circular economy policy, which sets out a 10-year plan for waste and recycling. The policy aims to transform how the economy uses materials, reuses, repairs and recycles to reduce waste, cut pollution and establish a strong recycling system. It acknowledges the need for businesses, government and individuals to collaborate to realise the benefits of a circular economy.

Cremorne Place Implementation Plan (December 2020)

54. The Cremorne Place Implementation Plan was developed by the VPA in consultation with City of Yarra, DTP, the DJPR and the Cremorne community following the release of the Issues and Opportunities Paper (discussed below). The plan seeks to guide investment and growth in Cremorne around the following themes: Economy and innovation, Transport and movement, Public and open space, Buildings and development.

55. The Plan sets out the following vision for Cremorne:

    Cremorne is a global innovation precinct with a vibrant village feel, new sustainable development, quality public spaces, active transport options, set within narrow streets and historic industrial buildings and workers cottages.

City of Yarra Climate Emergency Declaration and Climate Emergency Plan 2024-2030

56. The City of Yarra was one of the first local governments in the world to declare a climate emergency. The declaration recognises that climate change is the single greatest threat of our time and that the need to reduce carbon emissions to restore a safe climate is urgent.

Victoria's Climate Change Strategy (DEECA, 2021)

57. Victoria's Climate Change Strategy is the first in a series of five-yearly roadmaps to help achieve net-zero emissions and climate resilience by 2045.

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

58. The MICLUP was prepared by the Department of Environment, Land, Water and Planning (DELWP, 2020) and seeks to put in place a planning framework to support state and local government to plan more effectively for future employment and industry needs and better inform future strategic directions.

59. The MICLUP seeks to facilitate a more diverse industrial and commercial base, while also providing long-term economic investment and employment opportunities.

60. The MICLUP is listed as a policy document at Clause 17.03-3S (State Significant Industrial Land) of the Maribyrnong Planning Scheme.

Strategic Documents and Planning Scheme Amendments

61. Draft amendments C317yarra and C318yarra seek to introduce interim and permanent (respectively) built form controls to the Yarra Planning Scheme, via a new Schedule 51 to the Design and Development Overlay (Cremorne West Precinct). The amendments are underpinned by the *Revised Cremorne Urban Design Framework* (UDF)

(September 2023) which provides the strategic basis for the proposed DDO's across Cremorne and is an action from the *Cremorne Place Implementation Plan* (2020).

62. C317yara was approved by the Minister for Planning on 25 September 2025 and applied DDO51 to the site on an interim basis (expiring on 27 January 2027).

63. Draft Amendment C318yara which proposes permanent controls, revises the UDF and proposes a new local policy Clause 11.03-6L (Cremorne Precinct) finalised exhibition on 8 December 2025 and has been referred to the Yarra Activity Centre Standing Advisory Committee for an independent review.

64. C318yara seeks to, among others, introduce permanent planning controls applying to Cremorne West (DDO51), a Parking Overlay, and new planning policy to support Cremorne as a vibrant, diverse, accessible and high amenity enterprise precinct. This will include specific policy on land use, built form, access and movement, open space and the public realm.

65. The application was received on 10 July 2026. Accordingly, the requirements of DDO51 apply to the proposal and are considered in the assessment of the application.

66. In accordance with section 60(1A)(g) and (j) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider (g) any strategic plan, policy, statement, code or guideline which has been adopted by a municipal council and (j) any other relevant matter.

67. This provision in the Act applies to the Revised UDF and proposed Local Policy. While consideration should be given to the overarching strategic vision and key directions of the *Revised Cremorne Urban Design Framework*, the more prescriptive built form controls proposed by the UDF are formalised in the interim DDO51. Notwithstanding consideration of the application against the Revised UDF and draft Clause 11.03-6L-01 is undertaken in Appendix 1. Cremorne Enterprise Precinct (Cremorne Place Implementation Plan).

Referrals and Notice

Referrals

Section 55 Referrals

68. The application has been reviewed by referral authorities pursuant to Section 55 of the Planning and Environment Act 1987 ('the PE Act').

69. Pursuant to Section 62(1)(a) of the PE Act, the responsible authority must include any condition that a determining referral authority requires to be included.

70. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining *Clause 66.02-11 Land use and transport integration for an application to construct a building or construct or carry out works for an office development of 10,000 or more square metres of leasable floor area.*	Head, Transport for Victoria (Head, TfV)	**No objection subject to conditions – 7 September 2026**

Informal Referrals

71. Informal (non-statutory) referrals to external agencies and the municipal council have also been undertaken in accordance with Section 52(1)(b) and (d) of the PE Act, as follows:

Referral authority status	Organisation	Summary of response and date received
Notice in accordance with Section 52(1)(b)	Yarra City Council Municipal council.	**Objection – 23 September 2026** Draft conditions provided.
Notice in accordance with Section 52(1)(c)	VicTrack Landowner of abutting railway corridor land and manager of rail land, infrastructure and assets on behalf of the State (under Transport Integration Act 2010).	**Support – 28 August 2026** VicTrack has no objection and supports the evidently high-quality outcome.
Informal Referral	Office of the Victorian Government Architect (OVGA)	**Support, subject to conditions – 27 August 2026**

72. Consideration of Section 55 referral authority response, Council's response, and informal referrals (including technical advice and recommended conditions) are considered in an integrated manner in this report.

Municipal Council Comments

73. The Yarra City Council (the Council) considered the application at their committee meeting on 22 September 2026.

74. The Council position is that the proposal is not supported on the following grounds.

- *The scale of the development fails to recognise and reinforce the pattern of development and character of the street and does not meet the design objectives and building envelope requirements of Schedule 51 to the Design and Development Overlay (DDO51).*
- *The proposed vehicle access arrangement would detract from streetscape activation and pedestrian amenity along Stephenson Street, contrary to the design objectives of DDO51.*
- *The ground floor layout is poor, with two tenancies lacking street frontage, poor wayfinding and sense of address, and a poorly defined and non-functional rear outdoor space.*

75. The Council also recommended that DTP obtain expert advice in relation to review and verification of the wind assessment and assessment of potential noise impacts to/from the site.

76. Council provided a list of recommended permit conditions should one be granted, including, among others:

    - Reduction of building height by deletion of 5 storeys.
    - Compliance with the building separation requirements of the DDO51 for southern elevation.
    - Redesign of the ground floor plane including deletion of spiral staircase.
    - Deletion of all works within northern laneway and the ground floor setback along northern laneway.
    - Redesign of vehicle entry to basement off the northern laneway.
    - Remove built form projections such as awnings and architectural projections.
    - Increase northern ground floor setback to achieve a minimum laneway width of 6.1m.

77. Council's recommended conditions are discussed further in the report in an integrated manner.

Notice, Decision and Review Rights

78. Under Clause 53.22, the application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), of the *Planning and Environment Act 1987* (PE Act).

79. The applicant was directed to give notice in accordance with Section 52 of the *Planning and Environment Act 1987*, by way of erecting signs on the site frontages (Stephenson Street, northern laneway and eastern laneway) and notifying adjoining owners and occupiers by letters/post.

80. Pursuant to Clause 53.22 Significant Economic Development, 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 sections 82(1) of the Act.

81. Six (6) objections were received, raising the following issues:

    - Building height and departure from the DDO51 preferred built form controls
    - Built form, scale and visual bulk
    - Impacts to village character and sense of place
    - Public realm outcomes
    - Overshadowing, wind impacts and pedestrian amenity
    - Transition to surrounding developments
    - Traffic and vehicle movements
    - Strategic justification and demonstration of exceptional outcomes and public benefit
    - Cumulative impact and planning precedent
    - Procedural matters related to public notification
    - Inadequate building separation and amenity impacts to 77 Stephenson Street, Cremorne

82. Appendix 2 provides a response to the objections received and is discussed further in an integrated manner.

Key Considerations

84. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Whether the proposal is aligned with the Municipal Planning Strategy and Planning Policy Framework of the Yarra Planning Scheme.
- Whether the proposal is consistent with the objectives and decision guidelines of the Commercial 2 Zone and Design and Development Overlay Schedule 51 including interfaces with the public realm.
- Whether the proposal can adequately manages potential impact to amenity and microclimate.
- Whether proposal provides adequate vehicle and bicycle parking, loading, access, waste management and other service facilities.
- Whether the proposal is aligned with the purpose of Clause 53.22 Significant Economic Development and the views of the OVGA, as appropriate.
- Whether the proposal balances conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Strategic Direction and Land Use

Plan for Victoria

85. The proposal is generally consistent with the emerging directions of the Plan for Victoria. It supports the pillar of Accessible Jobs and Services by contributing to employment opportunities and economic activity, consistent with the Plan's focus on economic growth and priority industry sectors such as the clean and circular economy.

86. The proposal also aligns with the vision for sustainable environments by supporting the delivery of resilient workplaces and facilitating the transition towards an electrified built environment powered by renewable energy. Accordingly, the proposal responds positively to the strategic objectives of the Plan for Victoria by supporting economic growth and sustainable development outcomes.

Municipal Planning Strategy

87. The particular MPS policies that apply are assessed as follows:

- The proposal is consistent with the Vision of the Yarra Planning Scheme, which seeks to facilitate a local economy that includes businesses and creative industries seeking to locate in popular employment precincts.
- The proposal is a satisfactory response to Strategic Directions (Clause 02.03) including:
    - Directing mid-rise buildings to appropriate locations within employment areas and creating people-oriented places with high standards of amenity (Clause 02.03-4).
    - Growing the Yarra's major employment precincts (MEC) by supporting the economic primacy of MECs, including Cremorne (Clause 02.03-3, 02.03-6).
    - Using sustainable environmental practices in the building design (Clause 02.03-3).
    - Creating compact, walkable, pedestrian-oriented, mixed use communities proximate to train stations (Clause 02.03-7).
    - Providing reduced carparking and increased bicycle facilities (Clause 02.03-3, 02.03-7).
- The proposal will create additional supply of office floorspace in an area identified for future strategic growth, and a premier destination for creative design in tech and digital technologies, supporting Cremorne's role as an

enterprise precinct. The proposal is consistent with the role of the precinct where large global companies can sit 'side by side' with smaller firms, start-ups and co-working spaces (Clause 02.01, 02.03-6 and 02.04).

Planning Policy Framework

88. The *Planning Policy Framework* encourages appropriate land use and development that enhance the built environment, supports economic growth, and meets community expectations for commercial and retail provision, and integrates transport and infrastructure planning. In this regard:

- The proposal is consistent with the strategic directions for the growth and intensification of the Cremorne Major Employment Precinct and will support its role as a key employment destination for office, innovation and creative industries. By delivering substantial commercial floorspace within an established employment area, the proposal will facilitate ongoing investment, employment growth and access to jobs in an inner-city location (Clauses 11.01-1S, 11.02-1S, 17.01-1S, 17.01-1R and 17.01-1L).
- The proposal provides high-quality amenity for workers and incorporates supporting retail uses that complement and serve the employment function of the precinct, consistent with the intended economic role of the area (Clauses 17.01-1L and 17.02-1S).
- The proposal supports the creation of a 20-minute neighbourhood by providing employment opportunities in a location that is readily accessible by walking, cycling and public transport, consistent with the transport hierarchy that prioritises sustainable modes over private vehicle reliance (Clause 15.01-4R and Clauses 18.01-3L, 18.02-1S, 18.02-2S, 18.02-3S and 18.02-4L-01).
- The proposal is consistent with land use compatibility objectives, with the proposed office and supporting retail uses complementing the established and emerging employment character of the area while appropriately managing interfaces and amenity impacts (Clauses 13.07-1S and 13.07-1L-01).
- The proposal delivers a high-quality mid-rise building that demonstrates architectural excellence and responds positively to Cremorne's evolving urban character. The building incorporates a carefully resolved form, scale, massing and façade composition that minimises visual bulk, responds to the surrounding streetscape and reinforces the emerging character of the precinct (Clauses 15.01-1S, 15.01-1R, 15.01-2S and 15.01-2L).
- The proposal delivers a generous and activated public realm interface through publicly accessible spaces, active frontages and a high-quality laneway response that strengthens pedestrian connectivity, enhances safety and surveillance, and respects the character, scale and function of adjoining laneways. The development further supports public realm amenity through its consideration of wind conditions, weather protection, landscaping and the interface between the public and private realm (Clauses 15.01-1S and 15.01-1L).
- The proposal demonstrates best-practice environmentally sustainable development through its high-performance building design, renewable energy initiatives, water sensitive urban design measures and integrated waste management response, subject to conditions (Clauses 15.01-2L-01, 19.01-1S, 19.01-2S, 19.03-3L and 19.03-5L).
- Subject to the implementation of the recommended acoustic attenuation measures, the proposal can achieve acceptable noise outcomes and appropriately responding to potential noise sources in accordance with noise management policy (Clause 13.05-1S).

Commercial 2 Zone - Land Use

89. A planning permit is required for the food and drink premise (café) use given the leasable floor area exceeds 100 square metres. A planning permit is not required for use of the land for office.

90. An assessment of the C2Z decision guidelines relevant to land use is set out below:

Table 4 Assessment against C2Z decision guidelines (land use)

C2Z Decision Guideline	DTP Assessment
General	
The Municipal Planning Strategy and the Planning	• The proposed food and drink premise use with direct access to Stephenson Street is consistent with the purpose of the C2Z and planning policies encouraging the provision of services for workers in employment areas (Clause 17.01-1L) and complements the existing

Policy Framework.	hospitality offering nearby in an area close to public transport nodes and the Swan Street Major Activity Centre further north. • The provision of renewable energy infrastructure[2] (solar panels) that achieve 100% renewable energy for the building and is targeted to achieve 'net-positive' energy generation with capacity and capability to feed back into the grid is consistent with the purpose of Clause 19.01-1 (Energy supply) and 19.01-2S (Renewable Energy). • Having regard to Clause 13.07-1L (Interfaces and Amenity), the Council recommended conditions restricting the patron numbers and hours of operation be limited to between 7am and 10pm on any day. • The hours of operation are supported. However, maximum patron numbers for each tenancy is not necessary to prescribe, noting that the flexible and open ground plane may lend to tenancy areas changes. As such, a maximum patron number for the total 354sqm net leasable area of 150 patrons will be included as a condition of permit (noting that separate building and liquor licensing requirements apply to maximum patron numbers).
The interface with adjoining zones, especially the relationship with residential areas.	• The proposed use and development provide a satisfactory response to the interface with adjoining zones including residential areas. • The proposed food and drink premise use adjoins C2Z land and railway corridor land zoned Transport Zone 1 (TRZ1). The development has responded to the VicTrack Rail Development Interface Guidelines – see Built form assessment included further below. • A planning permit has been granted for a mixed-use development (including dwellings) opposite the site at 102-106 Stephenson Street, Cremorne – this site is currently vacant. The nearest residentially zoned land is approximately 90 metres south-west of the Site at Balmain Street and approximately 90 metres north-east at Green Street. As such, the proposed use will not unreasonably affect the amenity of surrounding residential uses given the relatively low intensity and scale and can be managed via conditions.

Use	
The effect that existing uses may have on the proposed use.	The Site is located within an established major commercial and employment precinct characterised by commercial, office, service and transport-related activities. The proposed office and ancillary food and drink premises are compatible with existing uses in the area.
The drainage of the land.	The proposed use and development is supported by engineering input in relation to site drainage and stormwater management. Appropriate drainage infrastructure can be provided as part of the use and development, subject to conditions.
The availability of and connection to services.	The proposed use and development can be adequately serviced by existing service infrastructure, subject to conditions.
The effect of traffic to be generated on roads.	The proposal is supported by a Transport Impact Assessment prepared by Ratio which assesses the traffic likely to be generated by the development and its effect on the surrounding road network. The assessment concludes that the surrounding road network can accommodate the anticipated traffic generated by the proposal.

Buildings and Works

91. The proposal is assessed as a satisfactory response to the objectives and decision guidelines of the Commercial 2 Zone, Schedule 51 to the Design and Development Overlay, and to the objectives of current and proposed planning policy for the Cremorne major employment precinct.

[2] This is not considered to constitute a Renewable Energy Facility land use, as the renewable energy infrastructure is principally used to supply energy for the use of land.

DDO51 Built Form Controls

92. The proposal seeks to vary the discretionary (preferred) building height and setback requirements and built form controls that assume an orthodox 'street wall and upper level setback' response, as set out below.

Table 5 Overview of assessment against DDO51 built form controls

Built form	Cremorne West Precinct (DDO51) Sub-precinct CW-C	Decision Plans	Assessment
Maximum building height	28 metres (preferred maximum)	57.9m (excluding roof plant and architectural screen to roof services) (62.425m to top of architectural screen)	**Variation Required**
Minimum and maximum street wall setback	None specified	Stephenson Street: • Ground: 1.725m-1.84m to structural columns, services and bicycle accessway. • Note: Ground level setback of approximately 7m is proposed to the remaining face of the building (café). Northern Laneway: • Ground level: 1.503m-2.327m • Ground level: 0m to crash wall.	N/A
Maximum street wall[3] height	12 metres (preferred maximum)	56.7m	**Variation Required**
Minimum upper level (street) setback	3 metres (preferred minimum)	**Ground to Level 4:** -0.94m (Maximum projection onto public footpath at the bottom of awning of 940mm). **Above Level 4:** -0.051m-1.28m (51mm projection onto public land at bottom of each screen due to angled façade screen system)	**Variation Required**
Minimum side setback	Not applicable.	• **North**: Ground level side setback to northern boundary of 1.5m-2.1m proposed to structural columns. • **South**: Ground level largely built to the boundary to the south, except for a 612mm setback in the south-west part of the Site and 1.21m setback from southern boundary of the dog leg in the south-east corner of the Site.	N/A
Maximum boundary wall height	20 metres (preferred maximum)	South: 5m	Complies
Building separation above 20m (i.e. to centreline of northern laneway and southern boundary with 77 Stephenson	For sites with a frontage of 20m or more, upper level development at common side and rear property boundaries should be set back above the boundary wall height: • 3m at 1-3 levels above maximum boundary wall height • 4.5m at 4 or more levels above	North: • Above ground: approx. 3m – 3.6m from centreline of laneway to the face of the building / structural columns. The façade screen projects 563mm into this setback. South: • South: 3.343 metres (to the face of the	North: **Variation required for Levels 9 and above.** East: **Variation required for Levels 9 and above.**

[3] Defined in DDO51 as a 'façade of a building at or near the street boundary'

Built form	Cremorne West Precinct (DDO51) Sub-precinct CW-C	Decision Plans	Assessment
Street)	maximum boundary wall height	building / structural columns). The façade screen projects 563mm into this setback.	
Overshadowing (discretionary)	A permit should not be granted to construct a building or construct or carry out works which casts any additional overshadowing of the following spaces between 10am and 2pm on 22 September: • The northern and southern portions of the Balmain Street Plaza (defined as the area within the bollards).	Achieved.	Complies

93. Notwithstanding these provisions, Clause 53.22 provides the Minister for Planning as responsible authority the discretion to waive or vary any building height or setback requirements.

94. The Council's principal ground for objection raises concern with the scale of development failing to recognise and reinforce the pattern of development and character of the street and failing to meet the design objectives of the Design and Development Overlay Schedule 51 (DDO51) applied as interim controls under planning scheme amendment C317yara[4]. Other grounds relate to urban design including detraction from streetscape activation and pedestrian amenity due to vehicle access arrangement from Stephenson St, and poor ground floor layout in terms of café frontages, wayfinding, sense of address and functionality and definition of the rear outdoor space.

95. Objections also raise concerns regarding the proposal's building height, bulk, massing, setbacks, floorplate and integration with the surrounding urban context, including perceived impacts on Cremorne's village character, fine-grain urban form, pedestrian-focused environment and distinctive sense of place.

96. The Council's recommended conditions necessitate significant redesign including, among others, requiring reduction of building height (deletion of 5 storeys), removing projections over public land, relocating vehicle access via the northern laneway, and compliance with the building separation requirements for the southern elevation.

97. It is not considered necessary to implement these design changes. The proposed variations to building height, street wall height, upper-level setbacks, building separation, vehicle access and laneway requirements are considered acceptable and, when assessed holistically, achieve the design objectives of DDO51.

98. While the proposal departs from preferred built form outcomes and raises concerns regarding scale and visual prominence, the planning scheme does not establish a mandatory height limit for the site or indicate that future development should be strictly confined to the scale of existing development. Accordingly, the relevant question is whether the proposal achieves the design objectives of DDO51 and strategic outcomes sought through the MPS and PPF when assessed holistically, having regard to its overall urban design response, sustainability performance, public benefits and contribution to employment growth, innovation and local activation.

99. As set out in the following assessment, the proposal is considered to demonstrate a strong overall alignment with the design objectives of DDO51 notwithstanding the identified built form variations.

[4] There are no metric differences in terms of building height and setbacks in the permanent controls proposed in amendment C318yara.

DDO51 Design Objectives

Table 6 Consideration of DDO51 design objectives

Objective	DTP Assessment
To create a thriving enterprise precinct which delivers high quality, innovative and environmentally sustainable development to support commercial and employment opportunities.	The proposed development makes a substantial contribution to the development of Cremorne West as a 'thriving enterprise precinct' through the delivery of a high quality and innovative mass timber office building that strives to be Australia's lowest embodied carbon office building, generating more solar than any other office building, and designed to meet PassivHaus certification requirements. The proposed development is unique in that whilst the sum of cost-effective, pragmatic ESD initiatives have each been delivered, they have never been combined into one building. The food and drink premise tenancy and office workplace spaces are programmed to support a mixture of commercial and employment opportunities through adaptable floorplates and variety of workspace sizes.
To support mid-rise built form with taller built form on Cremorne Street and the northern portion of Stephenson Street, transitioning to a lower built form on narrow streets and interfaces with adjoining low rise residential areas	The proposed development satisfies this design objective by accommodating a 15-storey built form on a mid-block consolidated site with robust, non-sensitive interfaces to the railway corridor and laneways. These site characteristics are consistent with the objective's support for taller built form in locations such as the northern portion of Stephenson Street. The proposed height and scale are consistent with the emerging pattern of approved taller development within Cremorne ranging from 9 to 13 storeys that also exceed the discretionary preferred maximum building height to varying degrees and therefore represents a logical evolution of built form. Departing from a podium-and-tower typology that typically includes adherence to street wall and upper-level setbacks, the proposed development establishes a balanced composition through a clearly expressed base and upper form. Material variation, glazing, openings and horizontal banding break down the overall mass into distinct architectural elements and assist in reducing perceptions of building bulk when viewed from the public realm. Generous ground floor setbacks, consistent upper-level recesses and an integrated perforated metal screen create a strong street wall expression and pedestrian-scaled frontage. The mass timber structure and incorporation of internal void spaces further break down the building mass, moderate perceptions of scale and provide a greater sense of openness at the pedestrian level.
To reinforce the fine grain industrial character of the precinct through a mix of well-designed new buildings and protection and adaptation of heritage and character buildings.	The proposed development reinforces Cremorne's fine grain industrial character through a well-designed new building that references the precinct's scale, porosity and materiality, particularly at ground and lower levels of the building. A robust material palette comprising recycled brick, metal screening and an expressed timber structure draws from the area's industrial heritage while delivering a contemporary architectural response. Articulated building façades and a porous ground plane further breaks down the building's scale and contribute to the fine grain character of the streetscape.
To ensure development enhances the public realm and contributes to a network of pedestrian orientated streets through street activation, human scale development, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.	The proposed development enhances the public realm and contributes to a pedestrian-oriented streetscape at Stephenson Street and the laneway through a variety of strategies such as an activated ground level, generous setbacks and recessed public access areas, landscaping and improved pedestrian amenity. Small-format café tenancies and interconnected internal spaces further create a human-scaled environment that encourages interaction and passive surveillance. The proposed public realm improvements to the laneway (subject to Council approval) are shown indicatively as future improvements to the public realm. The proposal maintains acceptable sunlight access to Balmain Street and is

	supported by a Wind Impact Assessment which confirms comfortable wind conditions within the public realm.
To ensure development responds to interfaces with residential precincts to minimise amenity impacts such as visual bulk, overlooking and overshadowing through appropriate scaling and transition of built form.	The proposed development satisfies this objective as it does not directly interface with residential precincts. The nearest residential areas are located approximately 90 metres to the north-east at Green Street and to the south-west at Balmain Street, resulting in limited potential for adverse amenity impacts arising from visual bulk, overlooking or overshadowing. As noted above, the proposed scale of development is considered appropriate for the site context, which will allow for a suitable transition to lower-scale built form and residential precincts. It has been accepted that *'the ability to see a taller building does not in itself constitute a negative visual impact'* (C&R Building Pty Ltd v Yarra CC [2024] VCAT 1120) with high-quality architecture and positive contributions to the public realm allowing 'taller buildings' to sit proudly and comfortably in a rapidly evolving Cremorne context.

Building Height

100. The proposal exceeds the preferred 28m preferred maximum building height by 28.7m with a proposed maximum building height of 56.7m (excluding roof plant). Architectural features are permitted to exceed the preferred height.

101. The rooftop level includes service equipment and structures such as shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and solar panels that occupy more than 50% of the roof area and extends higher than 3.6 metres above the maximum building height. The building height to the top of the roof plant is a maximum building height of 62.425m and seeks a variance of 34.425m.

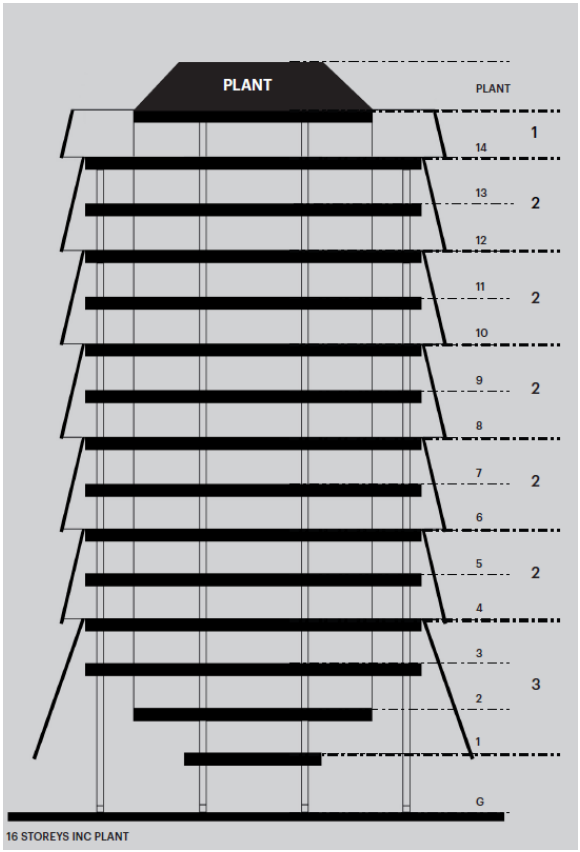
102. DTP Urban Design provided internal advice that supports the proposal as a high-quality, architecturally sophisticated development with a strong design concept, resolved built form response with significant site advantages. Notwithstanding this, further refinement is recommended through a reduction in overall building height and associated adjustments to scale and massing to achieve a more appropriate relationship with Stephenson Street. Further information is also required to clarify the design and operation of the ground plane, publicly accessible areas and building circulation, recognising the importance of these elements in delivering a high-quality pedestrian experience.

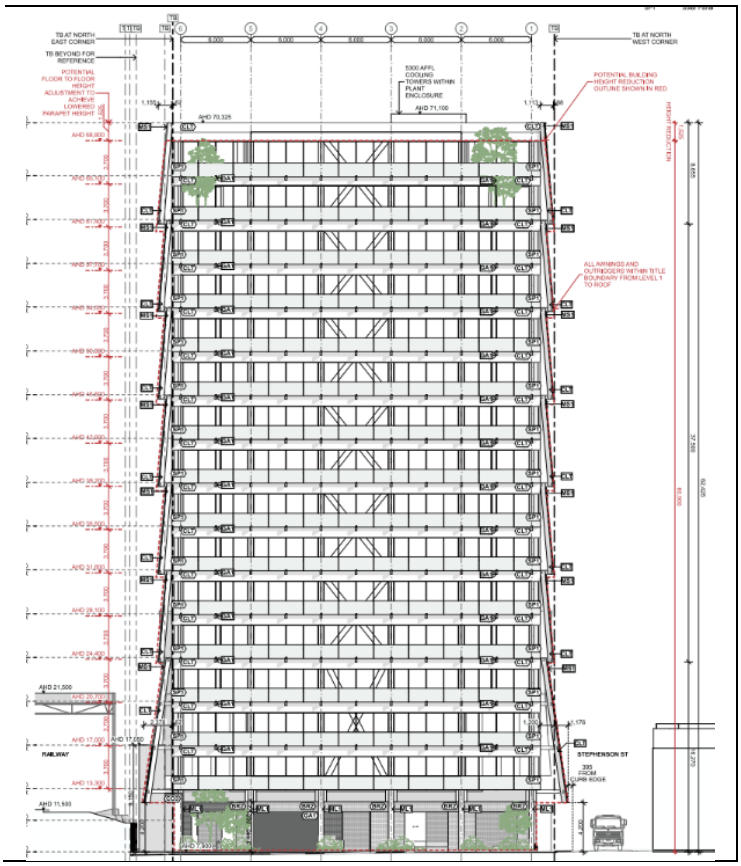
103. The applicant provided without-prejudice sketch plans for consideration on 13 October 2026 that explores opportunities for a reduction for a reduction in building height in response to submissions received, referral responses and internal advice (see Table 7 below).

104. The without-prejudice sketch plans demonstrate that modest reductions may be achievable through refinement of floor-to-floor dimensions and the upper-level architectural feature that screens rooftop plant and services, while retaining a coherent architectural expression, maintaining appropriate screening of the rooftop plant and compromising the delivery of the extensive ESD initiatives, landscaped spaces, public benefits and design outcomes that underpin the design excellence of the proposal.

105. The sketch plans demonstrate a balanced consideration between the integrated decision-making consideration for developments to achieve net community benefit and sustainable development. As such, a condition of permit is included to require reduction in building height to this effect, to the satisfaction of the responsible authority.

Table 7 Excerpt of design options to reduce building height per without-prejudice sketch plans submitted 13 October 2026





106. Overall, the guidelines for exceeding the preferred maximum building height under DDO51 have been considered and is deemed met to the satisfaction of the responsible authority for the following reasons:

- The building elements permitted by the proposed variation (being the built form from Level 8 onwards including roof plant) satisfies the general design objectives in Clause 1.0 of this schedule as per Table 6 above.
- The development achieves design excellence through each of the following:
    - Greater building separation than the discretionary minimum preferred under DDO51 has been achieved at the lower levels adjoining the southern boundary. Specifically, the consistent 3.43 metre setback to the glazing line above the 5-metre boundary wall provides greater separation than would occur under the preferred 20 metre boundary wall outcome. This responds appropriately to the existing interface with the office development at 77 Stephenson Street, which is set back between 1.52 and 2.09 metres from the shared boundary above podium level. While the proposal does not incorporate the preferred upper-level setbacks above 20 metres of 4.5 metres, the consistent setback provides an appropriate contextual response by achieving greater separation at lower levels and maintaining views to the sky.
    - Generous ground floor setbacks and an open ground plane provide publicly accessible spaces that accommodate building entrances, spaces for outdoor dining, landscaping and street level bicycle parking.
    - The proposed development is located away from residentially zoned land and does not result in additional overshadowing of residential properties.
    - While the site does not contain a heritage or character building, the proposal responds to Cremorne's industrial character through the expression of scale, grain and materiality, particularly at ground level.

Street Wall Height

107. The proposal exceeds the preferred 12m preferred maximum street wall height by approximately 50.425m when including the architectural feature screen at the upper levels.

108. The proposed development eschews the typical 'street wall and tower' response and instead incorporates an unconventional 'street wall gesture or podium expression' through generous ground floor setbacks, a stacked timber structure with consistent setbacks to the glazing line at most upper levels, and an angled perforated metal screen across the width of the frontage that begins at Level 4 and projects from the building face to function as an awning above the footpath and ground floor setback.

109. Overall, the guidelines for exceeding the preferred maximum street wall height under DDO51 have been considered and is deemed met to the satisfaction of the responsible authority for the following reasons:

- The built form outcome that results from the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule as per Table 6 above.
- The built form outcome that results from the proposed variation satisfies the design requirements as follows:
    - The projecting façade screens serve similar purposes as shading devices (awning), façade renewable energy infrastructure (solar panels), weather protection to the public realm and building articulation and do not constitute typical building services, balconies, terraces or balustrades.
    - The 'street wall gesture or podium expression' is designed to reinforce a pedestrian scale along Stephenson Street and the northern laneway through generous ground floor setbacks, landscaping, seating, and an awning that invites people into the building, and includes high-quality architectural detailing to provide visual interest to pedestrians.
    - The proposed development provides an expanded public realm through inset building entrances, setbacks at the laneway/Stephenson Street corner (to the structural column), landscaping and integrated seating, consistent with this setback requirement.
    - The proposed development provides ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bicycle parking and landscaping, and provides a similar setback to adjoining sites that have provided a ground level setback.

Upper Level Setback

110. The proposal does not provide the preferred 3m preferred maximum upper-level setback.

111. The proposed development is considered to meet the design requirements for upper-level setbacks as follows:

- Whilst the proposal does not achieve the conventional upper-level setback response envisaged by DDO51, the visual impact of buildings experienced from the Stephenson Street have been reduced through a sophisticated massing and façade response.
- The integrated perforated metal screen and projecting 'awning' element reinforces the street wall expression and improve the pedestrian-scale experience along Stephenson Street.
- The proposed development avoids overwhelming narrow streets and laneways by breaking down the building's perceived scale through horizontal articulation. Angled perforated metal screens, integrated solar panels and recessed glazing create depth and shadow to achieve this. Additionally, a consistent upper-level recesses to the glazing line above the podium expression provide visual relief and reduce the prominence of the upper form.
- The upper levels are further moderated through a rhythmic arrangement of screens in two-storey intervals, creating a more legible and finely-grained elevation that reduces perceptions of bulk. This creates a complementary but distinct architectural treatment that differentiates the upper levels from podium expression.
- The design also avoids excessive stepping of the built form and provides a coherent architectural composition.

- The proposed upper level setback response does not impact any heritage buildings.

Building Separation, Equitable Development and Overshadowing

112. The proposed development does not fully comply with the discretionary building separation requirements. Variations are sought to the northern elevation (laneway interface) and southern elevation (adjoining 77 Stephenson Street, Cremorne). Notwithstanding, the variation is considered acceptable having regard to the commercial context, the existing development pattern and the overall urban design outcomes achieved.

113. Rather than adopting a built form outcome driven solely by equitable development assumptions and boundary wall conditions, the proposal has been designed in the round with a high level of articulation to all elevations. Importantly, development is not proposed on the boundary above the 5-metre boundary wall height, notwithstanding DDO51 would permit a boundary wall height of up to 20 metres.

114. The reduced building separation to the northern laneway interface is acceptable given the non-sensitive nature and provision of a minimum setback of 1.5 metres from the laneway centreline will preserve the opportunity for future laneway widening and continued servicing access as adjoining sites such as 51-55 Stephenson St redevelop.

115. Council's recommended condition seeks compliance with the DDO51 building separation requirements for the southern elevation. The objection received at 77 Stephenson Street also raises concern regarding inadequate building separation and seeks a minimum 4.5m setback to protect amenity and outlook for existing building occupants.

116. Whilst the proposal does not achieve the preferred 4.5 metre setback above 20 metres in height, the consistent setback maintains meaningful separation between buildings, preserves views to the sky and avoids the visual bulk associated with a taller boundary wall condition. The variation sought is limited principally to the built form above Level 8 and equates to an encroachment of approximately 1.15m setback.

117. Additional analysis of solstice sunlight access to 77 Stephenson Street between 9am and 3pm provided by the applicant demonstrates that compliance with the preferred DDO51 envelope would result in negligible improvement to sunlight access for 77 Stephenson Street. Conversely, a compliant envelope would increase built form along the southern interface, reducing outlook, daylight access and views to the sky for occupants of both developments, while requiring substantial redesign of the floorplate, including amendments to the lift core, structural grid and circulation arrangements (see Figure 42). These design impacts are considered disproportionate to the limited planning benefit achieved through strict compliance with DDO51.

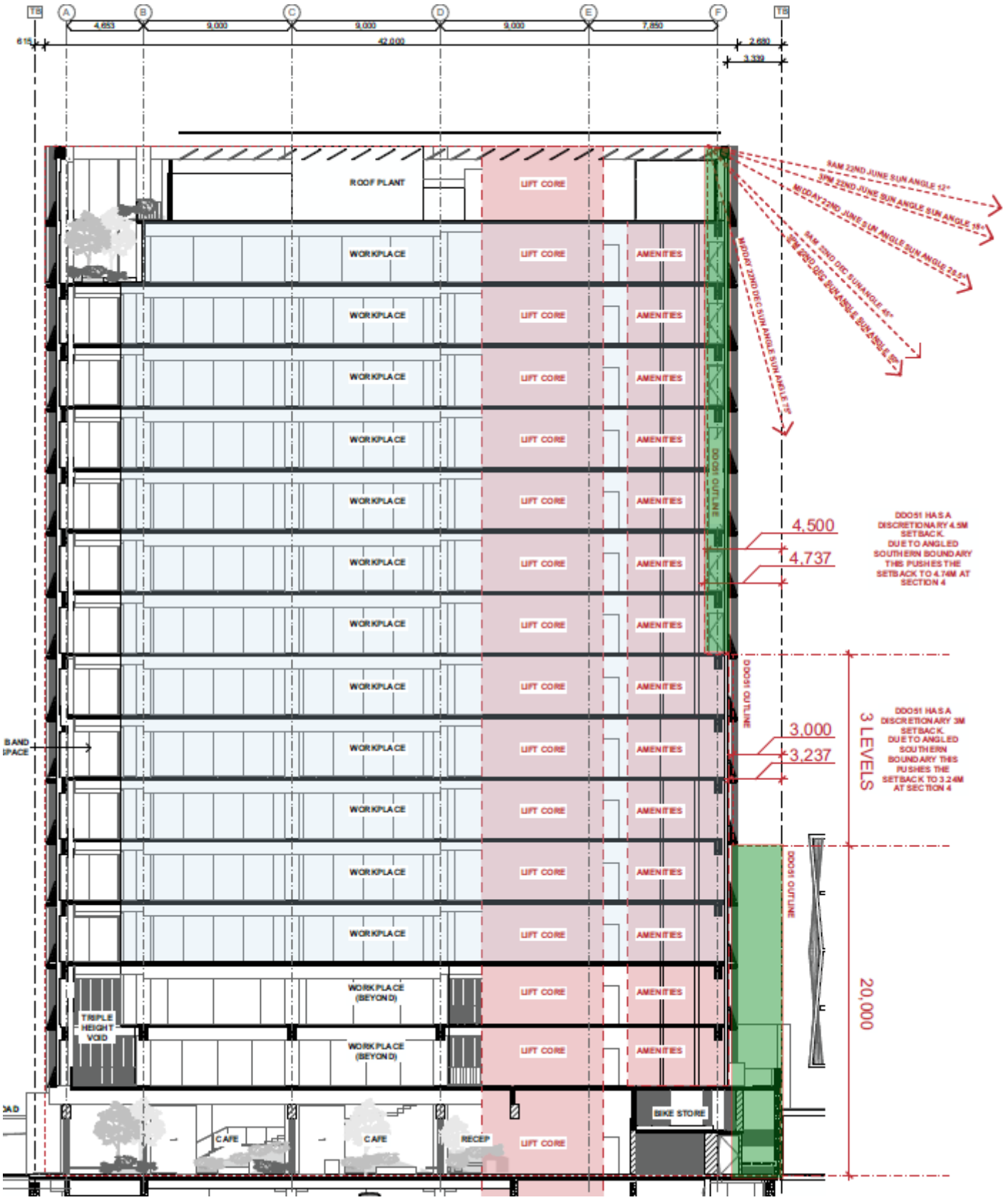


Figure 42 Permissible southern boundary wall envelope contemplated by DDO51 controls outlined in green (provided by Applicant)

118. The southern interface is with an existing commercial building within the Commercial 2 Zone rather than a sensitive residential interface. In this context, the planning framework anticipates ongoing commercial intensification and a different expectation regarding outlook, daylight access and visual separation than would apply in a residential setting. The adjoining building at 77 Stephenson Street was itself approved and constructed with upper-level setbacks of approximately 1.5 metres from the common boundary and benefits from outlook, daylight and solar access from multiple directions. As such, the proposal does not prejudice its ongoing operation or reasonable redevelopment potential.

119. In terms of overshadowing, the proposal will not result in additional overshadowing of the Balmain Street Plaza (defined as the area within the bollards) between 10am and 2pm on 22 September and will maintain solar access to the opposite side of Stephenson Street from midday onwards, as with a compliant DDO51 building envelope (see Figure 43).

120. While the additional building height generates a commensurate increase in shadow extent to other surrounding properties, these impacts must be considered within the highly urbanised commercial context. Future dwellings at 102-106 Stephenson Street and the commercial building at 77 Stephenson Street will continue to retain reasonable access to daylight and solar access (see Figure 43).

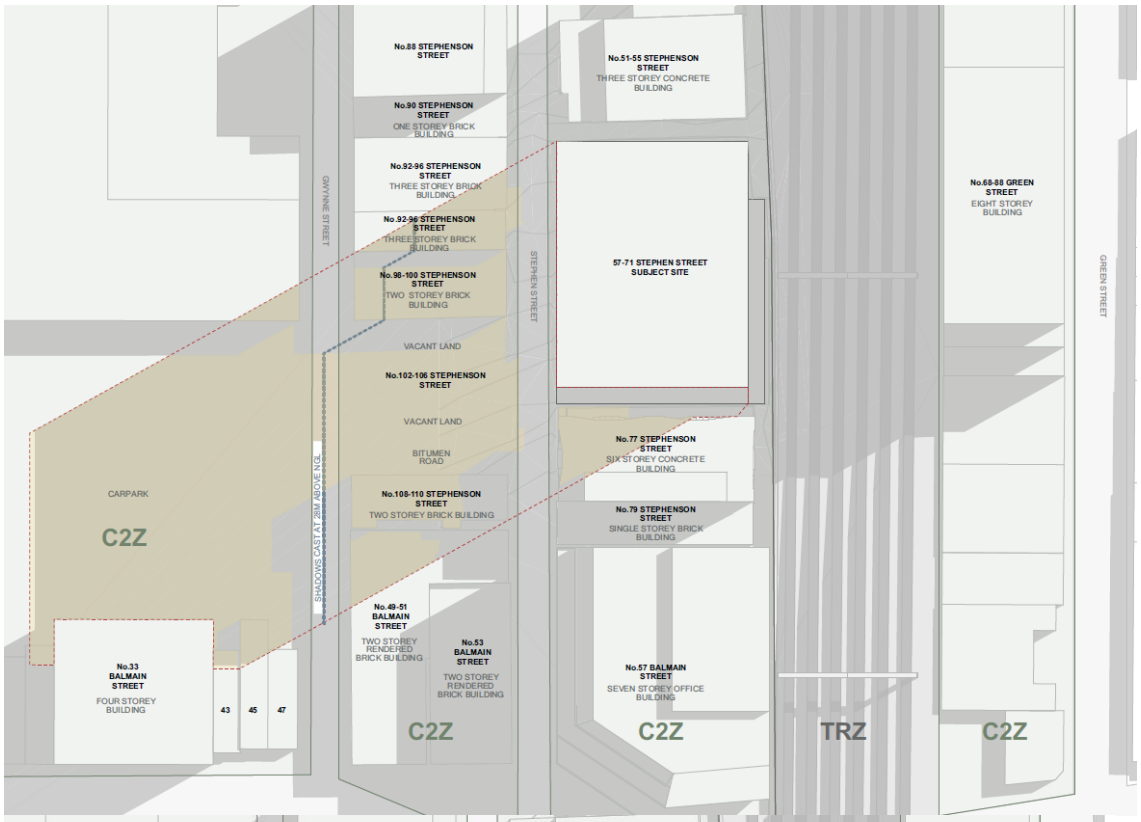
121. Overall, the discretionary requirement for building separation has been met and the equitable development and overshadowing outcomes are considered acceptable as follows:

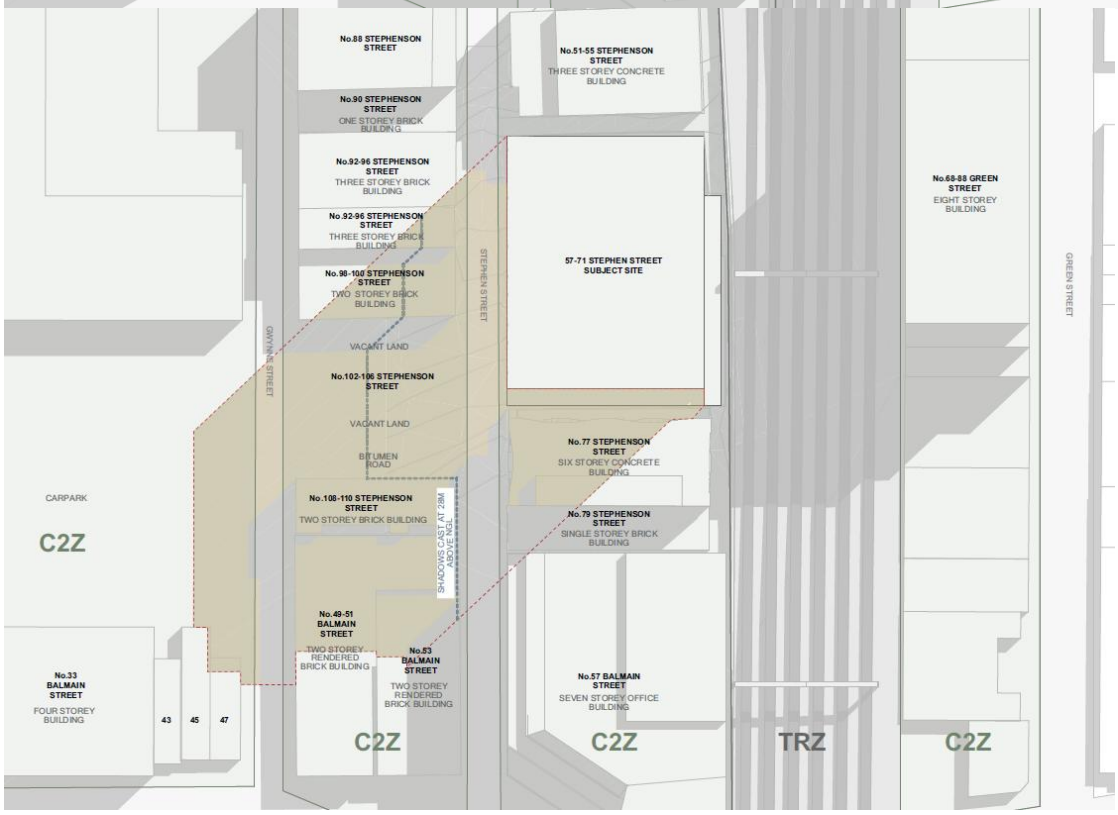
- The development maintains reasonable access to daylight, sunlight, outlook and views to the sky, respects the equitable redevelopment opportunities of adjoining sites and avoids unreasonable amenity impacts. Having regard to the commercial context and the limited planning benefit that would arise from strict compliance with the preferred DDO51 envelope, the variation is considered acceptable.
- The proposed setback to the northern laneway centreline is acceptable given the non-sensitive interface.
- The proposed development respects the equitable development opportunity of adjoining sites as follows.

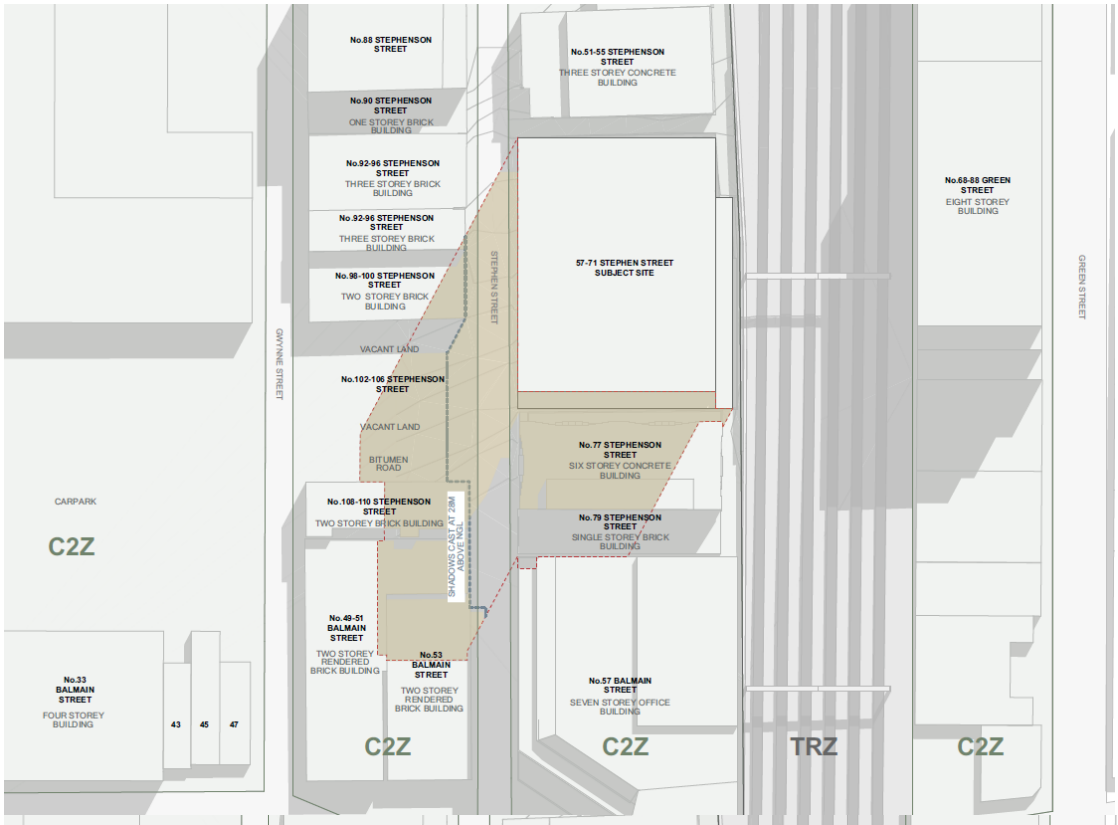
Table 8 Equitable development assessment

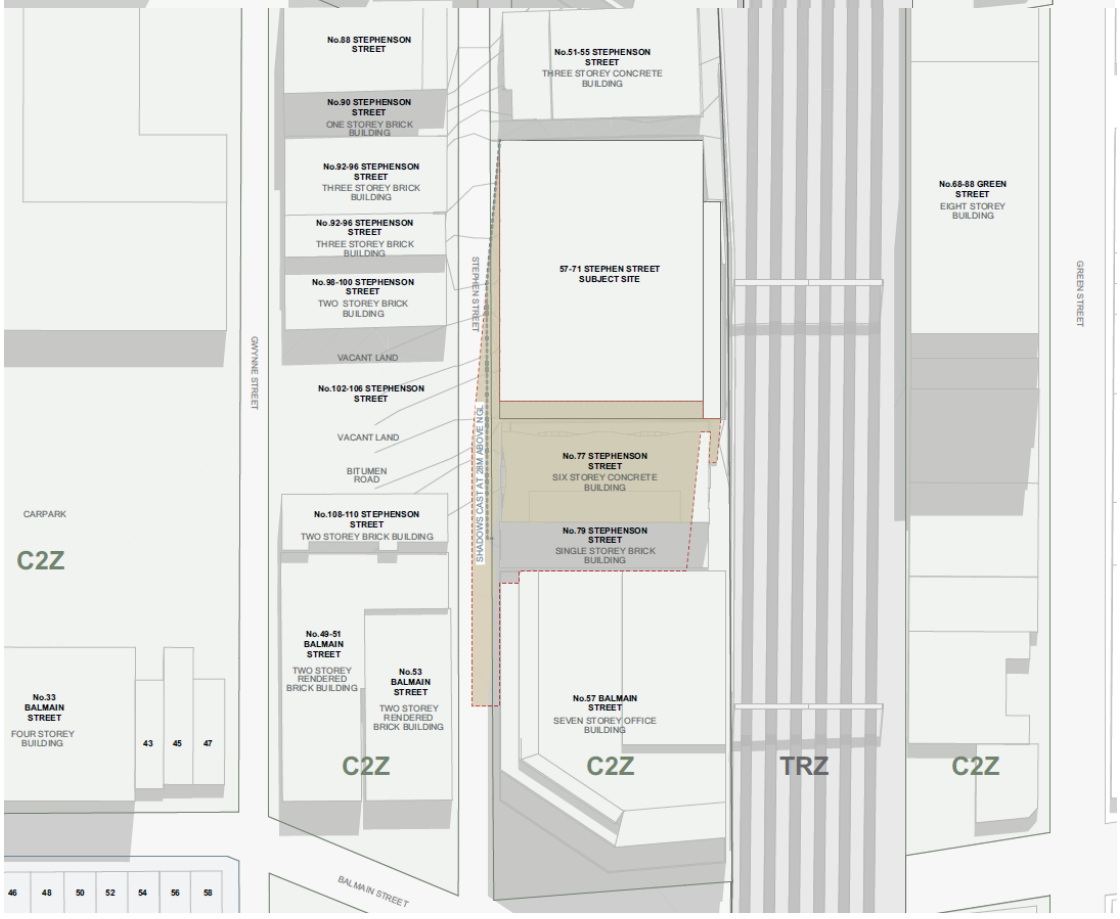
Adjoining Site	DTP Assessment
51-55 Stephenson Street (North)	• The proposal incorporates a minimum setback of 1.5 metres from the laneway centreline. • This preserves the opportunity for future laneway widening to 6.1m and maintains the potential for vehicle access should redevelopment of adjoining sites occur.
77 Stephenson Street (South)	• The development at 77 Stephenson Street was approved and constructed with minimum setbacks of approximately 1.5 metres from the common boundary at upper levels. • The proposed development provides a minimum setback of approximately 3 metres to the southern boundary together with a recessed façade and integrated solar screening system. • The existing first-floor terrace and upper-level windows will continue to receive daylight, outlook and views from multiple directions. • While additional built form will be introduced along the southern interface, the separation achieved and the commercial context ensure impacts are not unreasonable. • The proposal does not prejudice the ongoing operation or reasonable redevelopment expectations of the adjoining site and therefore provides an equitable development outcome.

Figure 43 Excerpt of Overshadowing diagrams (DDO51-compliant building envelope in blue)

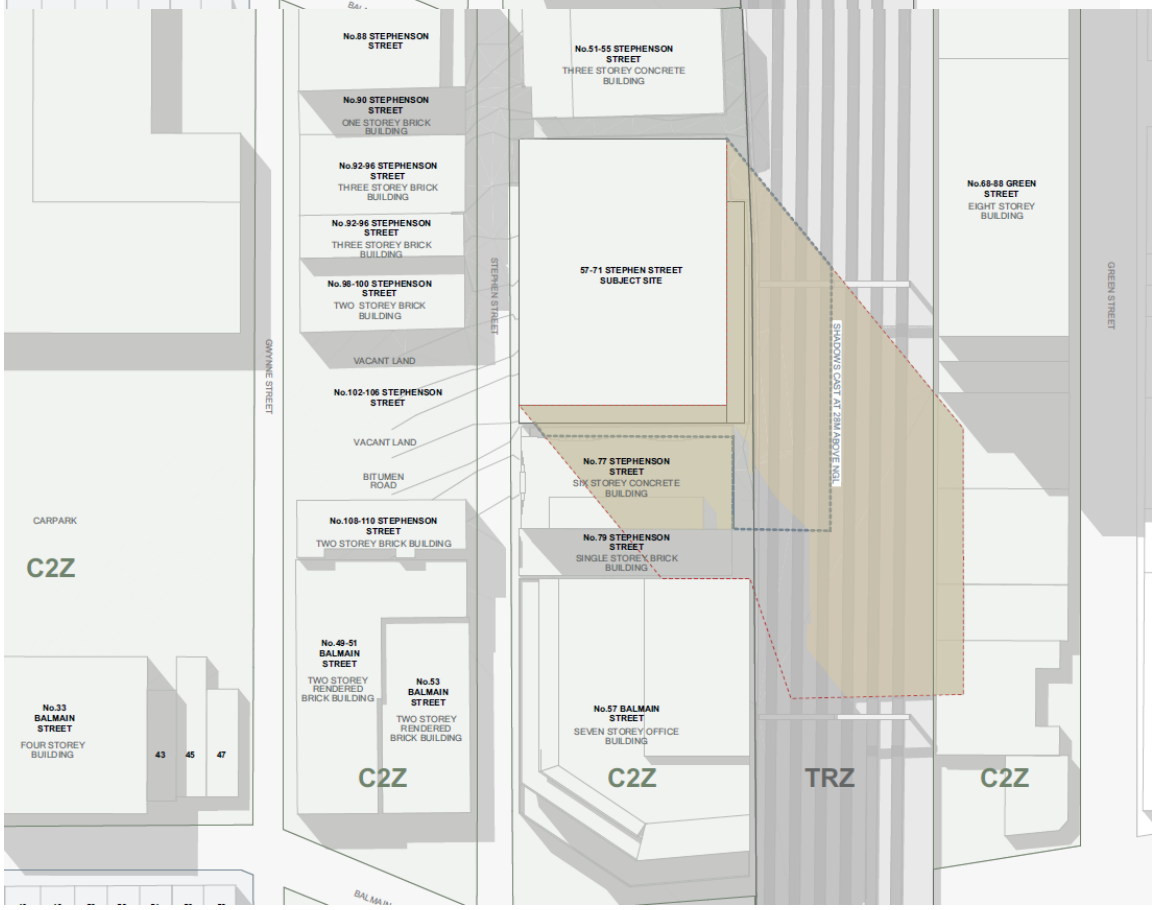


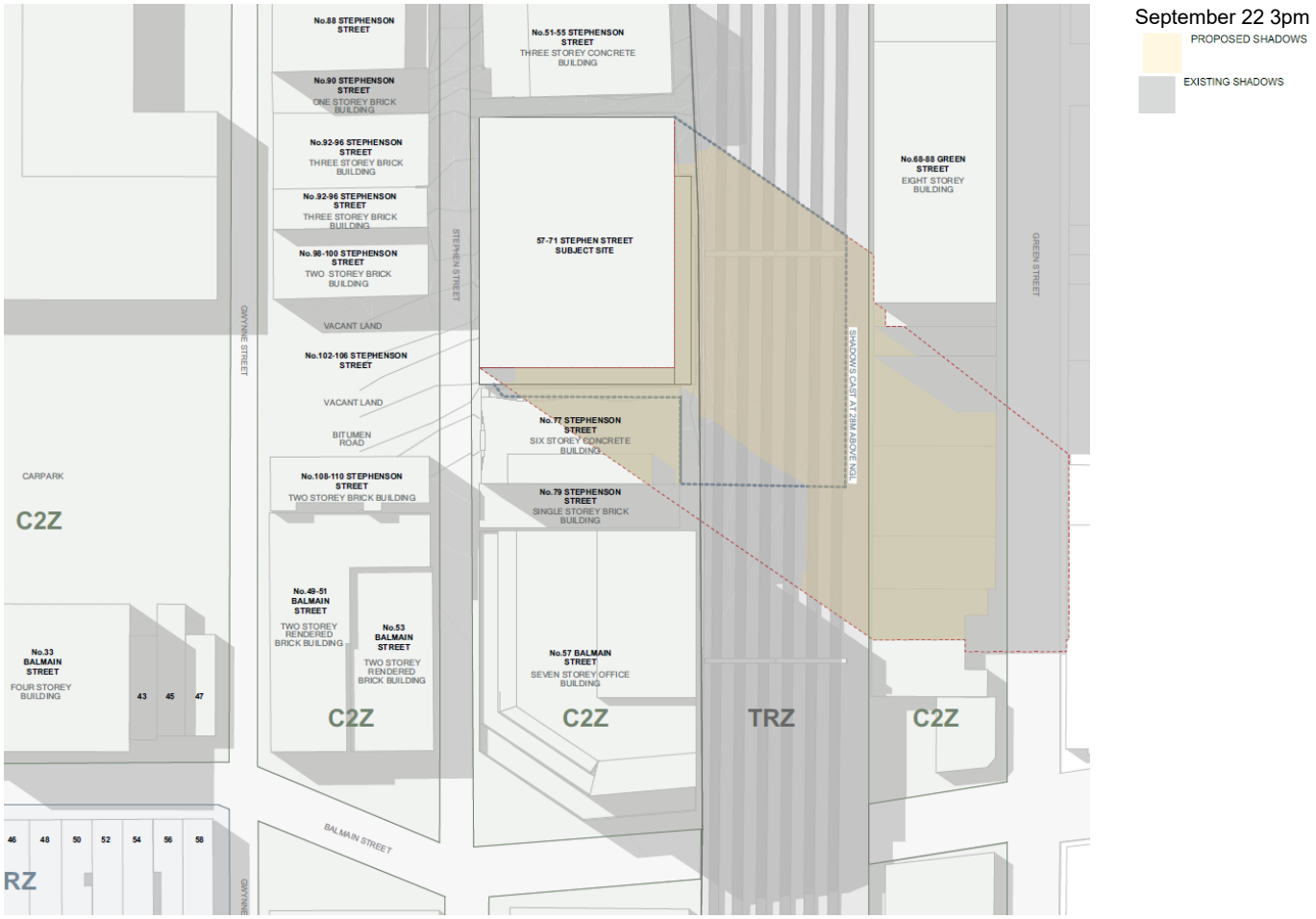



September 22 11am
PROPOSED SHADOWS
EXISTING SHADOWS
No.88 STEPHENSON STREET
No.51-55 STEPHENSON STREET
THREE STOREY CONCRETE BUILDING
No.90 STEPHENSON STREET
ONE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.98-100 STEPHENSON STREET
TWO STOREY BRICK BUILDING
57-71 STEPHEN STREET SUBJECT SITE
No.68-88 GREEN STREET
EIGHT STOREY BUILDING
STEPHEN STREET
GWYNNE STREET
GREEN STREET
VACANT LAND
No.102-106 STEPHENSON STREET
VACANT LAND
BITUMEN ROAD
No.77 STEPHENSON STREET
SIX STOREY CONCRETE BUILDING
CARPARK
C2Z
No.108-110 STEPHENSON STREET
TWO STOREY BRICK BUILDING
No.79 STEPHENSON STREET
SINGLE STOREY BRICK BUILDING
SHADOWS CAST AT 28M ABOVE NGL
No.49-51 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.53 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.33 BALMAIN STREET
FOUR STOREY BUILDING
43
45
47
No.57 BALMAIN STREET
SEVEN STOREY OFFICE BUILDING
C2Z
C2Z
TRZ
C2Z


September 22 12pm
PROPOSED SHADOWS
EXISTING SHADOWS
No.88 STEPHENSON STREET
No.51-55 STEPHENSON STREET
THREE STOREY CONCRETE BUILDING
No.90 STEPHENSON STREET
ONE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.98-100 STEPHENSON STREET
TWO STOREY BRICK BUILDING
57-71 STEPHEN STREET SUBJECT SITE
No.68-88 GREEN STREET
EIGHT STOREY BUILDING
STEPHEN STREET
GWYNNE STREET
GREEN STREET
VACANT LAND
No.102-106 STEPHENSON STREET
VACANT LAND
BITUMEN ROAD
No.77 STEPHENSON STREET
SIX STOREY CONCRETE BUILDING
CARPARK
C2Z
No.108-110 STEPHENSON STREET
TWO STOREY BRICK BUILDING
No.79 STEPHENSON STREET
SINGLE STOREY BRICK BUILDING
SHADOWS CAST AT 28M ABOVE NGL
No.49-51 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.53 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.33 BALMAIN STREET
FOUR STOREY BUILDING
43
45
47
No.57 BALMAIN STREET
SEVEN STOREY OFFICE BUILDING
C2Z
C2Z
TRZ
C2Z
BALMAIN STREET
46
48
50
52
54
56
58


September 22 1pm
PROPOSED SHADOWS
EXISTING SHADOWS
No.88 STEPHENSON STREET
No.51-55 STEPHENSON STREET
THREE STOREY CONCRETE BUILDING
No.90 STEPHENSON STREET
ONE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
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No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.98-100 STEPHENSON STREET
TWO STOREY BRICK BUILDING
VACANT LAND
No.102-106 STEPHENSON STREET
VACANT LAND
BITUMEN ROAD
No.108-110 STEPHENSON STREET
TWO STOREY BRICK BUILDING
No.49-51 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.53 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.33 BALMAIN STREET
FOUR STOREY BUILDING
43
45
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CARPARK
C2Z
GWYNNE STREET
STEPHEN STREET
57-71 STEPHEN STREET SUBJECT SITE
SHADOWS CAST AT 28M ABOVE NGL
No.77 STEPHENSON STREET
SIX STOREY CONCRETE BUILDING
No.79 STEPHENSON STREET
SINGLE STOREY BRICK BUILDING
No.57 BALMAIN STREET
SEVEN STOREY OFFICE BUILDING
No.68-88 GREEN STREET
EIGHT STOREY BUILDING
GREEN STREET
C2Z
C2Z
TRZ
C2Z


September 22 2pm
PROPOSED SHADOWS
EXISTING SHADOWS
No.88 STEPHENSON STREET
No.51-55 STEPHENSON STREET
THREE STOREY CONCRETE BUILDING
No.90 STEPHENSON STREET
ONE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.92-96 STEPHENSON STREET
THREE STOREY BRICK BUILDING
No.98-100 STEPHENSON STREET
TWO STOREY BRICK BUILDING
VACANT LAND
No.102-106 STEPHENSON STREET
VACANT LAND
BITUMEN ROAD
No.108-110 STEPHENSON STREET
TWO STOREY BRICK BUILDING
No.49-51 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.53 BALMAIN STREET
TWO STOREY RENDERED BRICK BUILDING
No.33 BALMAIN STREET
FOUR STOREY BUILDING
43
45
47
CARPARK
C2Z
GWYNNE STREET
STEPHEN STREET
57-71 STEPHEN STREET SUBJECT SITE
SHADOWS CAST AT 28M ABOVE NGL
No.77 STEPHENSON STREET
SIX STOREY CONCRETE BUILDING
No.79 STEPHENSON STREET
SINGLE STOREY BRICK BUILDING
No.57 BALMAIN STREET
SEVEN STOREY OFFICE BUILDING
No.68-88 GREEN STREET
EIGHT STOREY BUILDING
GREEN STREET
C2Z
C2Z
TRZ
C2Z



Building Design (Design Detail)

122. The discretionary requirement for building design has been met as follows:

- The proposal achieves urban design and architectural excellence, and is commended by the OVGA for the project's sustainability ambitions. Internal urban design advice obtained also support the excellence of the architectural expression, which has evidently been informed by a comprehensive understanding of the site's context, built form characteristics and sustainability-led objectives to incorporate leading environmental performance measures in a carefully articulated built form that contributes positively to the precinct.

- The development reinforces Cremorne's industrial character using robust and durable materials, including recycled brick, perforated metalwork, recycled concrete paving and exposed timber elements. These materials draw from the established industrial warehouse vocabulary of the precinct while providing a contemporary architectural expression consistent with the area's ongoing transition. Low-reflectivity materials such as timber, glazing and perforated metal screening minimise the potential for adverse glare impacts on the public realm and surrounding properties.

- The proposal avoids the appearance of a continuous building form through a highly articulated design response. At street level, the building incorporates human-scaled spaces through use of 2-3 storey void spaces, vertical structural expression and recessed pedestrian areas that break down the perceived width and scale of the development. Upper levels are further modulated through setbacks, varied facade treatment, angled screening elements and expressed floor-by-floor articulation. In particular, a high level of design detail is provided at the ground floor and lower levels through high-quality materials and finishes, integrated landscaping areas, and public realm interfaces. These elements contribute to a cleverly designed human-scaled and pedestrian-focused environment.

- The proposed entrance spaces provide a generous transition between the public and private realms. Active commercial and café tenancies, generous setbacks, laneway-style spaces and publicly accessible areas create a welcoming interface that encourages activity and social interaction throughout the day. Opportunities exist to improve this aspect of the building design. Council's recommended conditions to modify and simplify the internal ground floor layout to improve visibility of all tenancies to Stephenson Street and relocation or refinement of the spiral staircase will be included to improve passive surveillance and pedestrian wayfinding and circulation.
- Although the site is not directly adjacent to a heritage building, the proposal incorporates setbacks, screening and facade articulation that reduce the perceived scale and visual bulk of upper levels. These measures assist in integrating the building within its surrounding context and reducing the apparent massing of the development in context with heritage buildings. This is assisted by the material palette which responds appropriately to the prevailing industrial and character attributes of Cremorne while delivering a contemporary architectural outcome.
- The building has been designed as a fully resolved architectural form on all elevations. Facades visible from surrounding vantage points most prominently from the railway corridor or Yarra River, incorporates a consistent design quality, articulated architectural screening, integrated solar array infrastructure and facade modulation, ensuring a cohesive solar architecture outcome from all viewing angles.
- The proposal avoids blank walls visible from the public realm, including through thoughtful design of the crash wall. All elevations incorporate glazing, articulated facade treatments and active interfaces that contribute visual interest and enable access to natural daylight.
- While the development presents as a singular architectural form, its massing and interface treatments are carefully modulated to respond to the finer grain character of Cremorne. The proposal balances a recognisable landmark presence with a human-scaled pedestrian and internal ground plane experience and active street-level engagement.
- The proposed development is supported by an Environmental Wind Study prepared by MEL Consultants which confirm the development will provide comfortable wind conditions within the public realm and communal open spaces. This is discussed in further detail in this report (see Amenity and Microclimate).
- Building services are appropriately integrated within the building design, occupying less than 40% of the ground floor area. Rooftop plant services are concealed behind architectural screening and also minimises visibility of service infrastructure on external facades.
- The development proposes the undergrounding of electricity infrastructure (removal of existing power poles) and locates the substation within the ground-floor layout and is accessed via the laneway.
- The proposed development provides floor to ceiling heights suitable for adaptation for a variety of uses being approximately 3.5 to 3.7 metres across upper levels, together with ground-floor heights exceeding 4.2 metres. Furthermore, floorplates are capable of being subdivided into smaller tenancies and the basement car parking has been designed to support future adaptation through appropriate servicing and ventilation provisions.
- The development maximises access to natural daylight through its building separation, setbacks, glazing, internal voids, floorplate design and generous floor-to-ceiling heights, while balancing energy efficiency and thermal performance objectives.
- A high level of internal amenity is achieved through the incorporation of exposed mass timber construction, mixed-mode ventilation, extensive landscaping better than what existed before, access to natural light and a strong emphasis on occupant wellbeing and environmental performance.
- The proposal incorporates a range of outdoor spaces, including ground-level landscaped areas, upper-level terrace and filter zones, and a rooftop winter garden, providing valuable recreational and amenity benefits for occupants.
- Extensive landscaping and greening are integrated throughout the development, particularly at lower levels and communal areas, contributing to urban cooling, biodiversity outcomes and enhanced occupant amenity.

- The proposal includes rooftop and façade photovoltaic infrastructure and has been designed to maximise onsite renewable energy generation. While some impact on the solar access of panels located at 77 Stephenson Street will occur due to the site's orientation and relative location, solar access will continue to be available during morning and afternoon periods. It is noted that a compliant building envelope of 28m would also have impacted on the solar access of panels located at 77 Stephenson Street.

Views to Landmarks

123. The proposal will not interrupt the significant views identified in the DDO51 to the Nylex Sign from the Morell Bridge or to the Slade Knitwear sign.

Vehicle Access and Laneways

124. Council recommended condition includes relocation of the vehicle access to the northern laneway and associated widening of the laneway to 6.1 metres and associated redesign.

125. Objection received at 77 Stephenson Street, Cremorne also requests the relocation of vehicle access to the northern laneway to reduce traffic conflicts, vehicle movements and associated noise and amenity impacts.

126. Variation to the discretionary requirement for vehicle access to be via a laneway is appropriate and continues to achieve the balance design requirements and design objectives of the DDO51 as follows:

    - The proposed access consolidates vehicle crossover space at the southern end of the Stephenson Street frontage and leaves the balance of the frontage and north-western corner for pedestrians.
    - Vehicle access and egress into the development, including loading facilities and building servicing has satisfactorily been designed to retain continuity of and further enhance the public realm. The proposed access arrangement preserves an urban design opportunity to improve the public realm of the laneway, provide street activation via café frontages and pedestrianise the currently redundant right of way (subject to Council approval). Providing vehicle access via the laneway would conflict with this outcome.
    - From a traffic engineering perspective, the vehicle access ramp is setback 2.5m from the front property boundary to Stephenson Street. This is supported by the Transport Impact Assessment prepared by Ratio dated 29 June 2026. It is also noted that the Council's Strategic Transport Unit did not require relocation of vehicle access to be via the laneway on traffic grounds.
    - The current laneway is too narrow to allow for vehicle access to the rear of properties to the north, noting that the planning approval at 49 Stephenson Street identifies the rear laneway as an 'earthen walkway'. Similarly, whilst openable vehicle gates appear to exist at the rear of 43, 45, 47 Stephenson Street, Cremorne the primary vehicle access and egress is obtained from Stephenson Street. Thus, the proposed development widens the laneway through a 1.5-2.1m ground level setback to the columns.
    - Car parking is located within a basement and is concealed from the public realm.
    - A minimum headroom clearance of 4m between ground and first floor is achieved at the laneway interface.
    - Reinstatement of redundant vehicle access points is proposed and will be facilitated via permit conditions.
    - A 1.5 x 1.725m splay to facilitate pedestrian sightlines between laneway and Stephenson St footpath is provided.

Pedestrian and Bicycle Design

The discretionary requirement for pedestrian and bicycle design has been met as follows:

- Pedestrian entrances to the building and café tenancies are clearly visible, able to be closed and secure at night (outside of operating hours), and have an identifiable sense of address through the threshold spaces within setbacks from the street and proposed landscape design.

- Well-design bicycle infrastructure and end of trip facilities have been provided, being well located across ground floor and mezzanine levels.
- Staff bicycle parking is conveniently located at mezzanine level via a dedicated ramp accessible from Stephenson Street. Visitors may use this secure bicycle parking facility or the conveniently accessible spaces within the front setback to Stephenson Street.
- Council's recommended permit condition to provide a bench seat with back and arm rest along the ground floor setback within the subject site street frontage is supported for inclusion.

DDO51 Decision Guidelines

127. Overall, the proposal is consistent with the decision guidelines of DDO51 as follows:

Table 9 Assessment against DDO and DDO51 decision guidelines

DDO Decision Guideline	DTP Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	*Refer to assessment in Strategic Directions and Land Use.*
The design objectives of the relevant schedule to this overlay.	*Refer to assessment of DDO51 Design Objectives in Table 6.*
The provisions of any relevant policies and urban design guidelines.	*Refer to assessment in Strategic Directions and Land Use.*
Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	The proposed development is in keeping with the character and appearance of the area through a carefully articulated built form and façade composition that substantially reduces the perception of visual bulk. The building employs a refined architectural expression incorporating strong horizontal and vertical modulation, which break down the overall scale and provide a building form that responds appropriately to the prevailing fine-grain urban context. Departing from the common podium and tower typology, the proposal adopts a cohesive built form with a distinct lower-level expression, enabling it to appear in keeping with the streetscape and alongside the emerging character of taller, architecturally refined developments, such as 28-30 Stephenson Street and 49-51 Balmain Street, 108-110 Stephenson Street.
Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.	The proposal does not have direct interface with any heritage places and is therefore not required to closely replicate a particular heritage form or architectural style. Notwithstanding, the proposed form, scale and building proportion is compatible with the scale of the redeveloped heritage place at 57 Balmain Street (seven storey 'Reece' building) at the corner of Stephenson and Balmain Street. The proposal adopts comparable mid-rise proportions and presents an appropriately scaled built form outcome when viewed within the surrounding streetscape.
Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	The proposed landscaping internal to the site will positively contribute to the character and appearance of the area through a generous and permeable ground plane, complementing the placement of structural columns, rhythm of ground-floor tenancies to soften the building interface and reinforce the area's fine-grain industrial character. The proposed landscaping shown indicatively within the public realm laneway is not supported by Council at this time and is conditionally required to be removed.
The layout and appearance of areas set aside for car parking, access and egress,	The layout and appearance of areas set aside for car parking and loading by small vans is discrete, with off-street car parking provided at basement level. This allows the majority of the frontage to be prioritised for pedestrian and bicycle access and egress and is acceptable.

loading and unloading and the location of any proposed off street car parking

DDO51 Decision Guidelines	DTP Assessment
Whether development achieves adaptable and practicable floor plan layouts for different uses.	The development achieves adaptable and practical floor plan layouts for different uses, noting the commercial floor to ceiling heights of each typical 'workplace' floor (approximately 3.5m). In the interim, the flexible floor plans allow for a range of companies to occupy the building, including larger, anchor tenants across multiple levels within the building core and small-scale enterprises in the smaller footprint workplaces (83 sqm) at lower levels.
Whether development provides a high quality public realm interface which activates the street edge and demonstrates a well-designed street interface.	The development provides a high-quality public realm interface that activates the street edge through a publicly accessible ground floor and interconnected lower levels that support a diverse range of uses and encourage community interaction and engagement. The scale, layout and design of the ground-floor tenancies have been informed by Cremorne's established industrial fine-grain and retail character, providing flexibility to accommodate a variety of retail, hospitality and commercial uses over time. The street interface is characterised by active frontages, human-scaled spaces and generous double and triple-height internal void spaces that introduce daylight deep into the ground plane, creating an open, welcoming and accessible environment. The design promotes pedestrian activity and connectivity while maintaining the capacity for secure operation outside business hours. The placement of structural columns, arrangement of retail tenancies and incorporation of recycled cream brick reinforce the site's fine-grain industrial character and deliver a well-resolved and engaging public realm outcome.
Whether the design of the development reflects the industrial character of the precinct.	The design of the development reflects the industrial character of the precinct through its robust timber structure and layering or metalwork and vegetation that work to soften the form.
Whether development supports adaptive re-use of character buildings.	Not applicable.
Whether development is designed to sensitively respond to local and state significant heritage places.	Not applicable.
Whether the design considers glare impacts on the safety of pedestrians and vehicles.	The design has adequately considered glare impacts on the safety of pedestrians and vehicles. The building has been designed to comply with the rail interface guidelines and is supported by a Glint and Glare Assessment. The mixture of materials including timber, glass and perforated metal are expected to have low reflectivity in terms of potential glare.
Whether heritage buildings retain their prominence when viewed from the public realm, including from the opposite side of the street.	Not applicable. The proposal does not have any direct interfaces with places of heritage significance. Notwithstanding, the proposed building form, scale and building proportion is compatible with the scale of the redeveloped heritage place at 57 Balmain Street (7-storey 'Reece' building) at corner of Stephenson and Balmain St.
Whether the street wall height and building height respond to the width and character of the street.	The street wall gesture or podium expression (at an effective height of 16.2m), coupled with the ground floor setbacks to structural columns and lower level setbacks to glazing, creates a tapered building massing that responds well to the width and character of Stephenson Street (9m wide). Furthermore, the height of the expressed podium generally aligns with the streetwall height of the approved development at 49 Stephenson Street (15.7m).
Whether an awning, verandah or overhang impacts street tree planting in the public realm.	The narrow width of the existing Stephenson Street footpath and one way vehicle movements do not allow for street tree planting on the east side of Stephenson Street. As such, the proposed awning does not impact street tree planting in the public realm. Instead, the approach to the podium design including double and triple height voids allows for tree planting in publicly accessible spaces on the subject site.

Whether development achieves design excellence including but not limited to building siting, scale, massing, articulation and materials.	The proposed development achieves a high standard of design excellence through its considered siting, scale, massing, articulation and materiality. The building responds positively to its context through a highly articulated architectural expression, a refined public realm interface and a material palette that reflects Cremorne's industrial character. Design excellence is further demonstrated by the extensive use of mass timber and low embodied carbon construction, a high-performance building envelope incorporating solar-generating façades, mixed-mode ventilation and integrated shading, and a building form that achieves appropriate separation, daylight access and views to the sky. The proposal is supported by strong sustainability outcomes, including a BESS score of 73 per cent, and conditions will be included to secure commitment to third-party certifications such as a 6 Star NABERS Energy rating and a 4 Star NABERS Embodied Carbon rating, collectively representing an exemplary architectural and ESD outcome.

Commercial 2 Zone – Buildings and works

128. A planning permit is required to construct a building or construct or carry out works.

129. An assessment of the C2Z decision guidelines relevant to buildings and works is set out below:

Table 10 Assessment against C2Z decision guidelines (buildings and works)

C2Z Decision Guideline	DTP Assessment
Buildings and works	
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.	The proposed development has been designed with due regard to the movement of pedestrians and cyclists. Vehicle access on Stephenson Street is separated from primary pedestrian entrances. Waste collection, parking and loading arrangements are supported by the Waste Management Plan prepared by Ratio, dated 19 June 2026. The basement provides for deliveries and waste removal, with no anticipated adverse impacts on surrounding amenity or operations. Adequate access is maintained for waste collection and emergency services vehicles, with a minimum 4.2m height clearance to building projections. *Refer to Assessment – Car and Bicycle Parking, Loading, and Other Services in this report.*
The provision of car parking.	The proposal includes car parking and bicycle parking provision supported by the Transport Impact Assessment prepared by Ratio. The assessment concludes that the proposed parking provision is appropriate having regard to the scale and nature of the development and its location. *Refer to Assessment – Car and Bicycle Parking, Loading, and Other Services in this report.*
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.	The proposed development incorporates extensive design contributions and public realm works that integrates with the streetscape, including the design of building projections (verandahs), a generous ground plane with two-three storey void spaces that provides internal landscaping areas, open access from the street to improve active frontages to Stephenson Street and secondarily activate the laneway to the north, and proposing a contextually responsive façade treatment and lighting design of the front, sides and back of buildings facing the railway corridor. The architectural expression of the building is intended to be read in the round from several vantage points and accordingly incorporates a consistent level of architectural resolution across all elevations. While visible from surrounding streets and public spaces, views of the building are likely to become increasingly filtered as neighbouring sites develop over time. *Refer to Assessment – Public Realm in this report.*
Defining the responsibility for the maintenance of buildings, landscaping and paved areas.	Ongoing maintenance responsibilities can be appropriately managed through the ownership and management arrangements of the development. *Refer to Assessment – Public Realm in this report.*

The availability of and connection to services.	The proposal is supported by engineering advice relating to services design and infrastructure connections. Essential services can be provided to support the development, subject to conditions.
Any natural or cultural values on or nearby the land.	No natural or cultural values have been identified that would be adversely affected by the proposal.
Outdoor storage, lighting, and stormwater discharge.	The application material demonstrates stormwater and site drainage along with indicative outdoor lighting can be managed, subject to conditions. The proposed development does not include areas of outdoor storage.
The design of buildings to provide for solar access.	No maximum building height is specified in the Commercial 2 Zone. Regardless, the building design provides solar access to adjoining properties to an adequate level having regard to the policy and physical context for Cremorne West major employment area, while balancing thermal performance objectives and opportunities for on-site energy generation. *Refer to Assessment – Buildings and Works > Building Separation, Equitable Development and Overshadowing in this report.*

Amenity and Microclimate

Overlooking

130. Clauses 13.07-1L-01 and 15.01-2L -1L-01 encourages development to minimise overlooking into residential properties, regardless of the zone. The proposal provides no direct views into habitable rooms or private open space of existing dwellings and will not result in any unreasonable overlooking.

Noise Impact

131. Clause 13.05-1S states that community amenity should not be reduced by noise emissions.

132. The application proposes two (4) land uses – four (4) food & drink premises at ground floor and with the remainder of the building used for office. The office use is a section 1 uses under the C2Z and therefore do not require a planning permit (and as such, conditions cannot be placed on a permit to restrict the operational capacity of these uses). In any case, the proposed office use is not associated with problematic noise impacts.

133. The Acoustic Report prepared by DDEG dated 11 June 2026 includes an assessment of noise emissions generated from the site, and noise ingress from the surrounding noise sources. These include environmental noise emission sources from mechanical plant, deliveries and private waste collection, as well as external noise ingress from the building façade and roof, and vibration and ground-borne noise from railway operations.

134. Noise sensitive areas close to the site includes 102 Stephenson Street, Cremorne (currently vacant) with a planning permit for mixed use building (including dwellings) and 75-77 Green Street, Cremorne (single dwelling).

Table 3 Details of Potentially Most-Affected Noise Sensitive Areas (NSAs)

NSA Ref.	Address	No. Storeys	NSA Type	Notes
1	102 Stephen Street, Cremorne	-	Dwellings	Endorsed Planning Permit for mixed-use building including dwellings (currently an empty lot)
2	75-77 Green Street, Cremorne	2	Single Dwelling	-



Figure 2 Locations of Potentially Most-Affected Noise Sensitive Areas (NSAs)
(Aerial Photo Source: Google Maps)

Figure 44 Excerpt of noise sensitive areas (Source: Applicant Acoustic Report, page 13)

135. Background noise levels and noise limits in accordance with the EPA Noise Protocol Part I are as follows:

Table 11 Extract of background noise levels and noise limits (Source: Applicant Acoustic Report, page 15, 24)

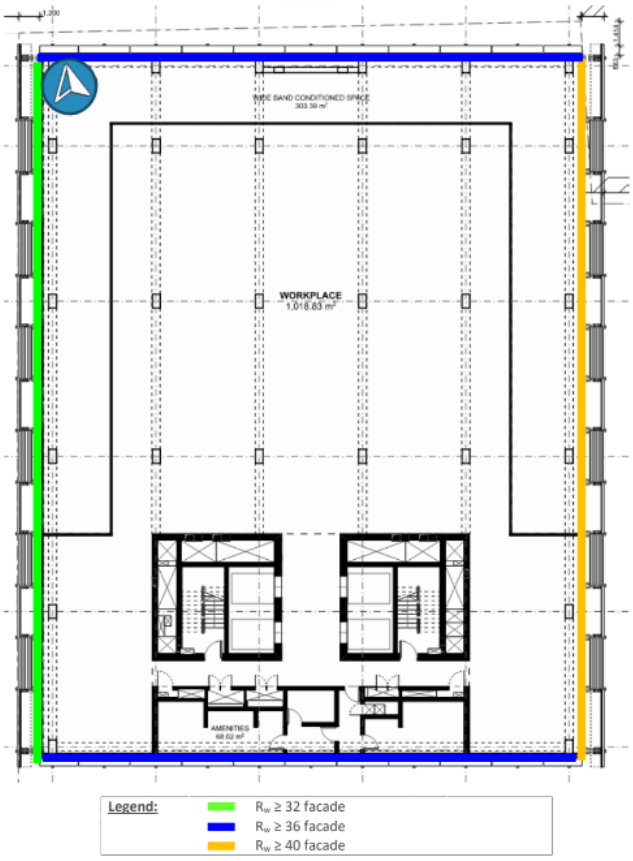
Period	Applicable Times	L_{A90} Background Noise Level, dB(A)[5]	L_{eff} Noise Limits, dB(A)[6]
Day	7am to 6pm Monday to Saturday	45	60
Evening	6pm to 10pm Monday to Saturday 7am to 10pm Sundays and Public Holidays	40	53
Night	10pm to 7am All Days	38	49

136. A summary of acoustic design recommendations include:

- External façade design to recommended external glazing requirements and configurations (see Figure 45), use appropriately acoustic rated framing, use acoustic seals for all openable windows and doors.
- Roof to use appropriate acoustic construction material, such as cross laminated timber.
- Design semi-open ground floor spaces to consider providing noise barriers to screen ground floor noise sensitive receptors from rail noise.
- Incorporate vibration isolation in the building to mitigate vibration and ground-borne noise from rail source.
- Mechanical plant equipment located at or ducted to external areas such as the rooftop should be positioned away from the nearest noise sensitive areas, where possible.
- Car stacker and associated hydraulic units and motors to be vibration isolated from the building structure.
- Design of electricity substation to incorporate acoustic treatments. Air intakes and ventilation/exhaust outlets should be locate as far away from noise sensitive receptors as possible, and likely will require attenuators or acoustic louvres to control noise emissions.
- Ensure office tenancy mechanical plant equipment fit-out achieves compliance with relevant noise limits.
- Deliveries and private waste collection to be conducted in accordance with EPA Noise Control Guidelines.

[5] Source: Table 7 of Acoustic Report

[6] Source: Table 14 of Acoustic Report



Sound Insulation Rating of Glazing, dB	Recommended External Glazing Specification
R_w 33	▪ Single glazing unit consisting of 6 mm thick glass; or ▪ Double glazing consisting of 6 mm glass + 12 mm air gap + 6 mm glass; or ▪ Alternative equivalent glazing system achieving $R_w \geq 32$. ▪ Framing must be specified to match the required acoustic rating of the glazing. ▪ Openable windows must include rubber or dense foam acoustic seals e.g. Schlegel Q-Lon or equivalent.
R_w 36	▪ Single glazing consisting of 10 mm thick glazing; or ▪ Double glazing consisting of 10 mm glass + 12 mm air gap + 4 mm glass; or ▪ Alternative equivalent glazing system achieving $R_w \geq 36$. ▪ Framing must be specified to match the required acoustic rating of the glazing. ▪ Openable windows must include rubber or dense foam acoustic seals e.g. Schlegel Q-Lon or equivalent.
R_w 40	▪ Single glazed unit consisting of Viridian 12.5 mm Viridian VLam Hush acoustical glass; or ▪ Double glazing consisting of 10 mm glass + 12 mm air gap + 6.38 mm laminated glass; or ▪ Alternative equivalent glazing system achieving $R_w \geq 40$. ▪ Framing must be specified to match the required acoustic rating of the glazing. ▪ Openable windows must include rubber or dense foam acoustic seals e.g. Schlegel Q-Lon or equivalent.

Figure 45 Excerpt of external facade glazing recommendations (Source: Applicant Acoustic Report, page 17-18)

137. Council recommends that an independent peer review of the acoustic report be sought to assess the noise potential noise impacts to and from the site.

138. It is considered that a peer review acoustic report will not be necessary, given the submitted acoustic report has:

- Identified and assessed key noise emission sources on site as well as incoming sources of noise emissions from railway land.
- Conservatively adopted the relevant future sensitive noise receptor at 102-106 Stephenson Street, Cremorne (currently vacant land) when establishing the applicable EPA noise criteria.
- Acknowledged that specific details and acoustic specifications of mechanical plant, car stacker, substation equipment, and design of vibration isolation systems to mitigate ground-borne rail vibration noise transmission into the proposed building will need to be determined once the equipment selections have been confirmed and further detail regarding the substation room layout has been developed.

139. A post-occupancy acoustic report condition will be included to require verification that the noise emissions and the acoustic performance of noise mitigation measures satisfy the relevant noise limits and are in accordance with the endorsed acoustic report, and to require any recommendations to be implemented by the permit holder.

140. Objection received at 77 Stephenson Street, Cremorne also raises concern regarding the noise impact. It is noted that a commercial operation such as adjoining offices are not defined as a noise sensitive receptor that warrants separate impact from noise generated from the café uses.

141. Notwithstanding the above, a condition will require the development to comply at all times with the EPA noise regulations that apply to commercial developments (the EPA Noise Protocol). These measures will ensure minimal noise impacts arising from the development in accordance with State and Local planning policy.

142. The council has also requested delivery and collection of goods hours be limited to between 7am and 10pm Monday to Saturday or after 9am on Sundays except allowed under the relevant Council Local Law. This standard condition is supported.

143. General amenity conditions will also be included on any permit issued, which will require all land uses to avoid unreasonable noise impacts.

144. Subject to these conditions and having regard to the requirements of the EPA Noise Control Guidelines, the proposal is considered to address Clause 13.05-1S.

Wind Impact

145. The application is supported by an Environmental Wind Conditions Study prepared by MEL Consultants and dated 3 October 2025. The report included a wind tunnel study to quantify the pedestrian wind safety and comfort conditions for the proposed development.

146. A summary of the conclusions reached in the Environmental Wind Conditions Study are as follows:

- There are no exceedances of the pedestrian safety criterion at all test locations on the ground level and elevated terrace (level 1).
- All test locations in the streetscapes surrounding the proposed development and on the neighbouring building terrace satisfy the walking comfort criterion at a minimum, with most locations satisfying the standing criteria.
- The wind conditions at the building entrances satisfy the recommended standing criterion.
- The wind conditions at the ground level café satisfy the sitting comfort criterion within the alcove areas. The areas outside the alcoves satisfy the standing comfort criterion at a minimum.
- The wind conditions at the level 14 terrace have been shown to satisfy the sitting comfort criterion.

147. Council recommends that an independent peer review of the environmental wind conditions report be sought to review and verify the provided wind assessment.

148. The objection received at 77 Stephenson Street, Cremorne also raises concern regarding wind impact and questions the relevance of the wind study in the October 2025 report, having regard to the more recent version of the proposed architectural plans.

149. Internal advice was obtained from DTP 3D Services team that have peer reviewed the wind assessment and provided comments and queries on the proposed development. These queries sought further clarification on the relevance of the wind study having regard to the more recent version of the proposed architectural plans and seeks clarification of the recommended criteria for the piazza adjacent to café tenancies, level 1 publicly accessible space, level 1 external terrace, spiral staircase surrounds and the spiral staircase.

150. The applicant has submitted a supplementary memorandum of advice prepared by MEL Consultants dated 1 October 2026 that address these comments and provided design advice as follows:

- The built form has not changed compared to what was tested, therefore ground level wind conditions as well as Level 14 terrace would not be expected to change. The results presented in the October 2025 report is still relevant to the proposed plans. As such, no further wind tunnel testing is required.
- The piazza area (testing location 8, 28, 29) adjacent to the café areas (testing location 32, 33, 36 and 27) meet the standing and sitting criteria. Additional local screening such as a 1.5m high solid screen or equivalent landscaping of sufficient density is recommended to meet the sitting criterion for these areas.
- In relation to the Level 1 Publicly Accessible Space, a minimum of standing comfort would be necessary, and sitting criteria may be more appropriate depending on the proposed activation.
- In relation to the Level 1 External Terrace, a minimum of standing comfort would be necessary.
- The area surrounding the spiral staircase achieves only Walking comfort criterion, and is not recommended to create a gathering space around this area that requires meeting Standing criterion. Further wind tunnel testing would be required to develop wind mitigation solutions that comply with a Standing criterion for this area.

- The spiral staircase provides an element of shielding and its removal would likely result in increased wind conditions in the vicinity of the area (i.e. at test locations 6 and 24). Further wind tunnel testing would be required to develop wind mitigation solutions that improve the wind conditions of the area.

151. An indicative plan of the ground level wind conditions testing locations is provided below in Figure 46 (blue = walking criteria, green = sitting criteria, yellow = standing criteria):

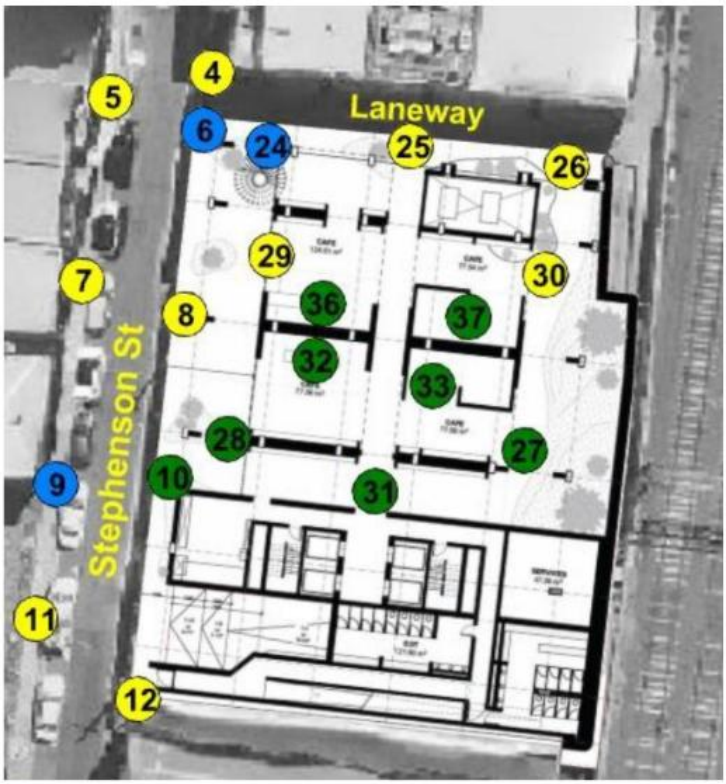


Figure 46 Summary of ground level wind testing locations (Source: Supplementary advice, MEL Consultants, 1 October 2026)

152. A condition of permit will require that an amended Environmental Wind Conditions Study be submitted as a condition of permit that aligns with the changes to the built form outlined in this report and incorporates the supplementary advice prepared by MEL Consultants dated 1 October 2026 and any necessary further tunnel testing to inform wind mitigation strategies to achieve the relevant wind comfort criteria.

External Lighting

153. An indicative lighting plan for the ground plane in Figure 1 shows lighting within the northern laneway and interface with the Stephenson Street, within garden areas, and to internal walls within cafes and walkways.

154. No external or façade lighting is proposed to be visible from the rail corridor, with all ground floor public lighting fully screened by the proposed concrete crash wall.

155. Council's recommended external lighting condition requires the illumination of access to all pedestrian entries within the property boundary to be appropriately located, designed and of limited intensity. This will be included.

Rail Interface - Glint and Glare Impact

156. The application is supported by a Lighting Impact Assessment (Glint and Glare) prepared by Spaces at Night Pty Ltd and dated 3 June 2026.

157. The report assesses glint and glare impacts by considering reflected sunlight, reflected artificial light, and signal colour conflict having regard to the building's solar panel geometry, orientation, crash wall design and external lighting, concluding that:

- Solar reflections from the east and north façade do not reach driver eye height and presents as low risk.
- Reflected artificial light presents a negligible risk and requires no mitigation if there continues to be no external façade lights visible from the rail corridor.
- No signal colour conflict issues are identified, provided that red, yellow and green finishes continue to be avoided.

158. The objection received from 77 Stephenson Street, Cremorne raises concern regarding the glare impact of facades, specifically the relevant southern façade.

159. The Lighting Impact Assessment (Glint and Glare) prepared by Spaces at Night Pty Ltd and dated 3 June 2026 excluded the southern elevation from further assessment, noting that *"any incidental exposure of the southern façade near the summer solstice occurs at extreme grazing angles with correspondingly negligible irradiance and upward-directed reflected beams that do not intersect the rail corridor" (page 6)*. On this basis, no further changes are required to address this concern.

160. A condition of permit will require the endorsement and ongoing compliance with the Lighting Impact Assessment (Glint and Glare) prepared by Spaces at Night Pty Ltd and dated 3 June 2026. An updated assessment would be required to accompany substantial changes to the lighting, materials and finishes of northern and eastern facades.

Public Realm

161. The Cremorne Revised Urban Design Framework (2023) states that sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, space for outdoor dining, street level bike parking or landscaping where heritage is not a constraint.

162. Clause 15.01-2L encourages trees and vegetation planting to contribute to an urban forest and also encourages the retention and provision of canopy and significant trees to reduce urban heat island effects.

Interface with Stephenson Street

Ground plane layout

163. Council raises concerns that the ground floor arrangement to Stephenson Street does not sufficiently activate the street frontage, provides limited wayfinding and legibility for visitors, and results in a poorly defined and underutilised rear outdoor area.

164. Whilst it is noted that the ground floor layout has been deliberately designed around a network of publicly accessible laneway-style spaces including internal landscaping, consistent with the DDO51 objective for generous ground-level setbacks and Cremorne's fine-grain laneway character, it is considered that further changes can be explored to improve wayfinding, visibility and passive surveillance.

165. Council's recommended permit conditions will be included to require the removal or relocation of the spiral stair feature at the north-western corner (and associated exploration of wind impact changes), and to modify and simplify the internal ground floor layout to improve visibility of all café tenancies to Stephenson Street.

Stephenson St widened footpath

166. The 1.5m ground floor setback to Stephenson Street is supported by Council and recommended conditions require this setback to be unobstructed at ground level to a height of 3.0m above footpath level, other than structural columns shown on the endorsed plans. This is appropriate and will be included as a condition of permit.

167. Council's recommended permit condition also includes a Section 173 Agreement condition to provide unfettered 24-hour public access over the 1.5m ground floor setback area and require the owner to maintain that area at the owner's cost. The applicant seeks deletion of this requirement.

168. A permit condition has been included to require submission and approval of a Public Access Area plan in consultation with the City of Yarra to clearly identify publicly accessible areas, define responsibility for maintenance, and specifically, noting some areas are available for access during standard operating hours only.

169. Notwithstanding the above, a Section 173 Agreement condition is considered necessary to secure ongoing public access and specify maintenance obligations and to secure these public benefit outcomes. The agreement should be entered into prior to occupation of the building.

Building projections over Stephenson Street

170. Council objects to the element of building projections over public land (Stephenson Street and rear laneway) and seeks their deletion or redesign to be entirely within title boundaries via conditions.

171. Examples of building projections over footpath such as awnings and architectural features are apparent in the surrounding context. Modified permit condition will be included to exclude the perforated screen/awning to Stephenson Street and rear laneway from this requirement, noting that separate building regulation consent processes exist for seeking Council consent for projections over the road reserve.

Interface with the northern Right of Way and eastern end of the northern Right of Way

172. Council's recommended condition seeks deletion of all works within the laneway (including notations/landscaping) and of works outside the eastern boundary noting Council prefers the laneway to preserve access functions.

173. Conditions to this effect are considered appropriate to include and have been included in modified form via a Public Realm Plan for all works within the public realm to be resolved with Council, including resolution of the interface treatment along the eastern end of the northern right of way.

174. Modified conditions have also been included to require relocation of the planters along the ground floor setback to the northern laneway to achieve a 500mm clearance from the northern title boundary. This preserves the public realm benefit of activating the laneway without affecting service access.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

175. Under the car parking requirement maps, the subject site is located within 'Category 2.'

176. The table at clause 52.06-5 specifies the following rates apply to use of land for Office and Food and Drink Premise:

- Minimum requirements of 2 space per 100sqm net floor area of Food and Drink Premise.
- Minimum requirements of 0.45 space per 100sqm net floor area for Office.

177. The application involves 353 square metres of Food and Drink Premise generating a requirement for 7 spaces, and 12,791 square metres of Office generating a requirement for 57 spaces. Therefore, the minimum statutory requirement is 64 spaces.

178. The development provides a total 72 car spaces, which exceeds the minimum requirement.

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

180. Clause 52.06-9 (Design standards for car parking) relates to the design of car parking areas. Council's Development Engineering Unit has reviewed the proposal and were generally satisfied with the layout of the car park, subject to conditions requiring additional details to be included on the plans to ensure adequate movement of vehicles within the site and access into and out of the site. These conditions are standard and should be included.

181. Several draft Council engineering conditions relating to damage to Council infrastructure, reinstatement of redundant vehicle crossings and vehicle crossing design have been recommended. These conditions are also standard and are supported for inclusion.

182. The Green Travel Plan which be required to be implemented as a condition of permit.

Access, Traffic Movement and Circulation

183. The Transport Impact Assessment, prepared by Ratio, dated 29 June 2026 has assessed the traffic generated by the proposal (conservatively estimated to generate up to 36 vehicle movements per hour during the AM and PM peak hours) and concludes that this is reasonable to be accommodated within the local road network without adversely impacting on the traffic operation of nearby streets.

184. Council's engineers have reviewed the TIA report and raise no issues regarding traffic generation impacts.

185. Swept path diagrams have been provided showing vehicles will be able to access and exit the site in a forward direction. Aisle widths within the carpark are generally compliant with the dimensions specified in Clause 52.06-9.

Loading / Unloading

186. The Transport Impact Assessment prepared by Ratio dated 29 June 2026 outlines a loading strategy commensurate with the scale of the proposed uses.

187. Loading will generally occur via small vans (B99-sized vehicles) through ground floor on-street parking with deliveries by larger vehicles expected to occur infrequently from Stephenson Street and outside peak periods.

Waste

188. Clause 19.03-5L include directions for waste and recycling to be provided for in new development and to ensure the size and design of waste and recycling facilities can be accommodated.

189. A waste management plan (WMP) prepared by Raio consultants dated 19 June 2026 has been provided.

190. The proposal incorporates a double width vehicle entry point from Stephenson Street to provide access to the car park entry and ramp to basement levels. The waste (bin) storage room is provided at Basement 01 level adjacent south of the basement ramp and is accessed from the car park accessway.

191. The WMP details the expected waste generation in streams: general waste, organics, recycling, paper & cardboard and glass as well as waste collection frequency requirements.

Table 4: Waste Collection Requirements

Waste Stream	Weekly Volume (L)	Equipment Type	Quantity	Collection Frequency	Weekly Capacity (L)
General	18,186	1100L bin	9	2 times per week	19,800
Organics	4,546	240L bin	10	2 times per week	4,800
Recycling	5,178	1100L bin	3	2 times per week	6,600
Paper & Cardboard	5,673	1100L bin	3	2 times per week	6,600
Glass	495	240L bin	1	2 times per week	480
Hard Waste	n/a	Drop-Off Area (2sqm)	1	On-call	n/a
E-waste	n/a	80L bin	1	On-call	n/a

Figure 47 Waste collection requirements (source: Waste Management Plan, page 13)

192. Waste collection is proposed via a private contractor with a nominated vehicle size of a 6.4m mini rear loader with a travel height clearance of 2.2m and an operational height clearance of 2.5m.

193. Waste collection will be undertaken in accordance with the EPA Victoria Noise Control Guidelines 2021. Waste collection will occur within the basement, with waste collection vehicles accessing the site via the Stephenson Street ramp, pulling into the car parking spaces (identified as #71-72) adjacent to the bottom of the ramp, and undertaking loading from the bin room to load and empty the bins and return the emptied bins to their original positions within the bin room, before exiting the site via the ramp in a forward direction.

194. Waste collection times are to occur outside of business hours to ensure that the car parking spaces required for collection vehicles are vacant, being between following times only: 7am to 8am or 6:30pm to 8:00pm, Monday to Saturday, or 9am to 8pm Sunday and public holidays.

195. The WMP has satisfactorily demonstrated via vehicle swept path analysis that these waste collection arrangements can be undertaken in a suitable manner. Extract below in Figure 48.

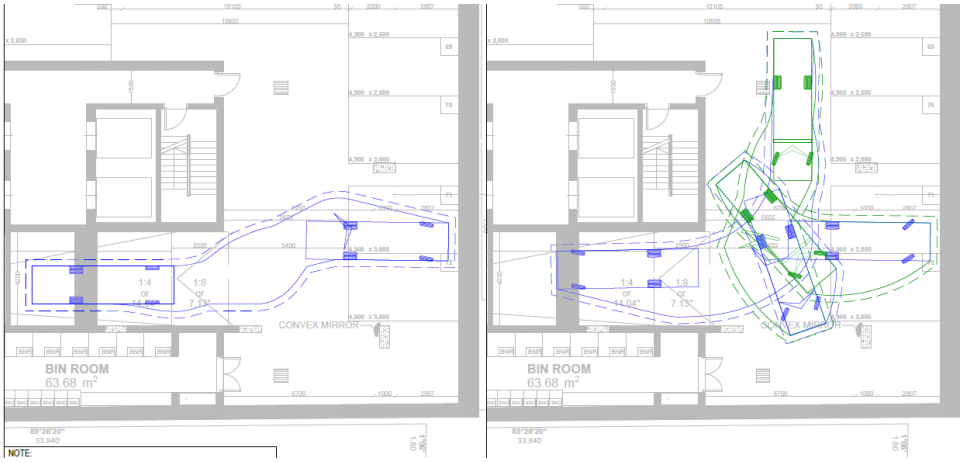


Figure 48 Waste collection swept path diagrams (source: Waste Management Plan, page 21)

196. The swept path diagrams prepared for the waste collection vehicle have been reviewed by Council's Engineering Unit who have raised no concerns from an access perspective.

197. The Council's City Work Branch (Waste) have reviewed the application and were supportive of the application.

198. Overall, the proposed waste arrangements for general waste and recycling are appropriate to the use and likely volume of waste generated. Permit conditions will be included to require the endorsement and ongoing implementation of the Waste Management Plan.

Bicycle Facilities

199. Clause 52.34-1 requires bicycle parking facilities as follows:

Table 12 Bicycle parking assessment (Clause 52.34)

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Retail (Food and Drink Premise)	Employee	1 space / 300m^2 of leasable floor area	1	1
	Customer	1 space / 500m^2 of leasable floor area	1	1
Office	Employee	1 / 300m^2 of net floor area (NFA), if the NFA exceeds 1000m^2	43	95
	Visitor	1 / 1000m^2 of net floor area (NFA), if the NFA exceeds 1000m^2	13	23
Total			**44 employee**	**96 employees**

	14 visitors	24 visitor/customer

200. The proposal includes extensive bicycle parking for both employees and visitors and end of trip facilities for employees. This includes on-site provision of 96 bicycle spaces for employees, which exceeds the statutory requirements of 44 bicycle spaces for staff. The proposal also meets the BESS best practice requirements for employee office rates (1 space per 100sqm).

201. On this basis, the proposal does not seek a reduction to the bicycle parking requirements on-site.

202. Council's draft recommended conditions seek the provision of employee bicycle parking spaces in a secure lockable compound separate from visitor bicycle spaces, increase of bicycle parking accessway width to 2.5m and at least 5 electric vehicle charging spaces. It is considered appropriate to future proof the development with provision for electric bicycles and compliance with the Australian Standard AS2890.3 a condition will be included to this effect. The separation of employee bicycle parking from visitor bicycle spaces is not considered necessary.

203. Pursuant to Clause 52.34-2 (Permit requirement), shower and change room facilities are required where 5 or more employee bicycle spaces are provided. A total of 5 shower/change rooms is required.

204. The proposal includes provision of 118sqm of end of trip facilities including ten (10) shower/change rooms on mezzanine level, thereby exceeding the required provision rates.

205. It is considered that the proposal is acceptable and appropriately responds to Clause 52.34.

Sustainability

Environmentally Sustainable Design (ESD)

206. The application is supported by a Sustainability Management Plan (SMP) prepared by Finding Infinity and dated 10 June 2026 in response to Clause 15.01-2L-01 of the Yarra Planning Scheme.

207. The SMP and Green Travel Plan prepared by Ratio dated 29 June 2026 has been submitted in line with Clause 15.01-2L-01 policy guidelines for a non-residential development, demonstrating the proposal achieves best practice in environmentally sustainable development from the design stage through to construction and operation.

208. The SMP includes a Built Environment Sustainability Scorecard (BESS) score of 73%. However, several credited ESD initiatives are required to be clearly shown on plans and will be required via condition. This includes:

- The location of car share spaces and motorbike parking.
- The location for onsite management of food and organic garden waste.
- Clarification of communal open spaces associated with building occupant use.
- The location of food production areas and demonstration that 20% of the site area is covered by vegetation.

209. The Council has assessed the proposal and notes that it exceeds the Council's ESD standards.

210. Council recommends a condition that the SMP be amended to remove reference to the Climate Active certification and find an alternative carbon neutral measurement and/or certification system, and to require the plans to clearly show the location of all solar arrays on the roof and façade including size and number of panels and total expected kW output. This is considered reasonable and will be included on any permit to issue.

211. The views of the OVGA in relation to sustainability is discussed further in this report, having regard to the purpose and decision guidelines of Clause 53.22 Significant Economic Development.

Water Sensitive Urban Design (WSUD)

212. The application is supported by a Stormwater Management Plan (SWMP) prepared by AECOM dated 9 July 2026 and the STORM Rating Report in the SMP achieving a 164% STORM rating.

213. The SWMP addresses the stormwater management objectives and standards for buildings and works in accordance with Clause 53.18 Stormwater Management in Urban Development as it:

- Encourages stormwater management that maximises the retention and reuse of stormwater;
- Encourages development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site;
- Encourages stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces;
- Demonstrates compliance with current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater Management Guidance (Environmental Protection Authority – Publication 1739.1, 2021).*

214. The proposed treatment train consists of stormwater harvesting and use of proprietary filtration units as follows:

- 1 x 12.5kL rainwater tank for non-trafficable roof (825 m2) stormwater harvesting for toilet flushing.
- 1 x 12.5kL rainwater collection tank for trafficable roof (635 m2) stormwater harvesting for irrigation.
- An end-of-line proprietary filtration pit, Ocean Protect Jellyfish JF900-1-1 (or approved equivalent) to capture tertiary pollutants from stormwater before leaving the site and allow the filtered runoff to discharge through the outlet and towards the legal point of discharge (LPOD).

215. Compliance with current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater Management Guidance (Environmental Protection Authority – Publication 1739.1, 2021)* has been demonstrated with a MUSIC model and also considered feasibility to meet pollutant load reductions outlined in Green Star Buildings V1.1, Credit 42 Waterway Protection.

216. In relation to stormwater drainage design, the on-site detention (OSD) tanks and filtration unit are proposed to be located below the basement slab to enable a gravity solution to the LPOD. A stormwater pumpstation is also required at basement level to pump stormwater collected by the OSD tank to ground floor, prior to discharging to the LPOD via the gravity kerb and channel connection.

217. The Council submission included a recommended condition for a Construction Management Plan to be submitted and approved prior to the commencement of works. This is reasonable to include and will ensure that the requirements of Clause 53.18-6 Site management objectives are met.

218. The Council has assessed these measures to exceed the planning scheme requirements, including Clauses 19.03-3L and Clause 53.18. Council's recommended drainage conditions will be included on any permit which may issue.

219. Implementation of the SWMP via permit condition is recommended and will be included in any permit issued.

Other Matters

DCPO1 - Development Contributions

220. DCPO1 applies to all land in Yarra with the Schedule to the Overlay setting payable levies for residential development. The proposal is subject to Area 11 contribution requirements.

221. A condition of the permit is included to require payment of relevant levies to Yarra City Council.

Clause 53.22 Significant Economic Development

222. The proposal is considered under Clause 53.22 Significant Economic Development.

223. The responsible authority must consider the following decision guidelines before deciding the application:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

224. The application makes a significant contribution to Victoria's economy and provides substantial public benefit, including jobs for Victorians and the ongoing operation of the building, comprising over 19,000sqm of Office gross floor space and complementary retail uses. The prioritisation and facilitation of the planning, assessment and delivery of this project is consistent with the purpose of this clause.

225. The application provides for the efficient and effective use of land through development of a consolidated corner site of 1616 sqm comprising four (4) parcels. In addition, the use and development demonstrate high-quality urban design, architecture and landscape architecture through a mass timber building that will set a new benchmark for sustainability, occupant health and wellbeing and building performance, and generous void spaces and publicly accessible areas on the ground plane (ground floor, mezzanine and level 1) that permeates out to Stephenson Street and the laneway[7] in the form of public realm upgrades and associated civil works. The proposal also includes a voluntary community benefit in the form of a community tenancy for not-for-profit organisations to be secured through a peppercorn lease arrangement.

226. The views of the Office of the Victorian Government Architect (OVGA) have been considered as follows:

- The OVGA provided comments at the pre-application stage that informed the development of the proposed development and refinement of the SMP to demonstrate leadership and commitment of the sustainability ambitions of the project, noting that *"while each of the stated objectives are not unique and are being targeted or have been achieved by other projects, they would constitute Australian leadership if combined"*.
- The OVGA has reviewed the SMP prepared by Finding Infinity dated 10 June 2026 and continues to support the sustainability ambitions of the proposal. Importantly, the OVGA confirms that key claims in the SMP are mostly verifiable, subject to planning permit conditions securing all identified Project Commitments at each stage.
- Permit conditions are included to require, among others, prior to the commencement of development, the submission of evidence of a commitment with NABERS for a NABERS Commitment Agreement for 6-star NABERS energy and 4 star embodied carbon, evidence of registration of the project with the Green Building Council of Australia for a minimum 6 star Green Star Buildings rating, Passivhaus certifier engagement and pre-certification approval, and commitment to Climate Active Carbon Neutral Certification or an alternative carbon neutral measurement and/or certification system.
- In relation to operational energy, the OVGA supports the 6 Star NABERS Energy rating for the project's leading ambition. However, additional conditions are recommended to fulfill the overall project ambition by committing to either 100% in the Nabers Renewable Energy Indicator or achievement of 4 points (Exceptional Performance) in Green Star Building, Credit 22, Energy Source. This has been included as a condition of permit.
- In relation to grid resilience, the OVGA also recommended the project pursues as a commitment to achieve 2 points in the Green Star Buildings V.1.1 Credit 21, Grid Resilience, subject to respective authority approval. This has been included as a condition of permit.
- Collectively, these conditions will ensure key claims are verifiable at each stage to ensure any planning permit granted is intricately tied to the sustainability ambitions and not 'watered down' into a more typical development that risks undermining the purpose of Clause 53.22 Significant Economic Development.

227. Overall, the proposal represents an exemplary response to Clause 53.22 Significant Economic Development, combining significant economic development with design excellence, industry-leading sustainability outcomes and voluntary contributions toward public and community benefit.

Clause 65 Decision Guidelines

228. Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65 Decision Guidelines of the Yarra Planning Scheme.

229. The decision guidelines of Clause 65 have been considered and has been assessed in an integrated manner throughout this report as follows:

[7] Subject to Council approval and shown indicatively on Landscape Plans as opportunities for future public realm improvements and laneway pedestrianisation.

- The proposal has been assessed against the matters set out in Section 60 of the *Planning and Environment Act 1987* and is considered to appropriately respond to all objectives of planning in Victoria and all relevant environmental, social, economic and referral authority considerations. In relation to significant social effect, the number of objections has been considered in relation to significant social effect. Particular weight has been given to the views of submitters who lived in locations adjoining or near to the subject site. A summary of responses is contained in **Appendix 2**.
- The proposal has appropriately considered the environmental effects, including the contamination or potential contamination of land, may have on the use or development. No sensitive use is proposed.
- The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework of the Yarra Planning Scheme.
- The proposal aligns with the purpose of the applicable zone, overlay and relevant planning provisions.
- All relevant matters for consideration under the applicable planning controls have been addressed.
- The proposal supports the orderly planning of the area.
- Subject to conditions and compliance with separate environmental legislation, the proposal is not expected to have an adverse impact on the environment, human health or local amenity.
- The proposal will not adversely affect the use or enjoyment of nearby public land, subject to condition.
- The proposal minimises the potential for land degradation, salinity, erosion and impacts on water quality, subject to conditions.
- Appropriate stormwater management measures have been incorporated to maintain or improve stormwater quality, subject to conditions.
- There is no native vegetation on the site that would be impacted. The proposal seeks to achieve net improvement to the site's biodiversity, subject to conditions.
- The proposal appropriately responds to flood risk through stormwater management and incorporates measures to manage and minimise these hazards, subject to conditions.
- Adequate loading and unloading facilities are provided and is not expected to have associated adverse impact on amenity, traffic flow and road safety.
- The proposal will not adversely impact current or future transport system, subject to conditions.

Clause 71.02-3 Integrated Decision Making and consideration of Public Benefits

230. Objections raise issue with and request verification of the public benefits quantified in the Public Benefit Contribution Summary prepared by Vettex dated 9 June 2026 and submit these public benefits do not justify the excessive height and building mass proposed or the adverse amenity impacts on existing adjoining properties. Specifically, it is requested that genuine external community benefits should be distinguished from private development costs, commercial opportunity costs and design features benefiting future occupants of the building.

231. The planning assessment framework for this application does not characterise a 'public benefit' as solely through the delivery of or monetary contributions toward publicly owned infrastructure. Where the objective is the acquisition of land or infrastructure for public purposes, the planning scheme contains established mechanisms such as Development Contributions Plans and public open space contribution requirements under Clause 53.01. By contrast, the present proposal seeks to deliver broader environmental, social and economic outcomes through the design and operation of the building itself.

232. In this regard, the voluntary provision of community tenancy space at a peppercorn lease, together with the extensive sustainability initiatives, communal and publicly accessible spaces, internal gardens and non-leasable

areas (including void spaces), should be understood as design-led public benefits rather than infrastructure contributions. These elements are not incidental or retrospective additions. Rather, they have fundamentally informed the design response and involve a conscious allocation of floor area, capital investment and operational commitments that would otherwise contribute to commercial yield.

233. The proposal is considered an exemplary response to both the policy and physical context of the site. It is located within the Commercial 2 Zone, where office and employment-generating uses are strongly encouraged. The development provides a generous and publicly engaging ground plane, improves the pedestrian experience, appropriately manages interfaces with surrounding properties, and does not result in amenity impacts materially greater than those reasonably anticipated from a compliant building envelope under the DDO51. The architectural response is innovative and distinctive, reflecting the established character of Cremorne as a centre of innovation, employment and design excellence.

234. The proposal adopts a genuinely community-focused approach that prioritises sustainability, communal spaces and public benefit above the maximisation of commercial floor area. The inclusion of community tenancy, extensive shared spaces, environmental initiatives and architectural generosity demonstrates that the proposal is underpinned by a coherent and integrated design philosophy rather than a series of isolated measures. These elements collectively distinguish the development from a conventional commercial office project and support the conclusion that it delivers broader public value.

235. Viewed in this context, the proposal represents a development contemplated by Clause 53.22, DDO51 and the strategic vision of the Cremorne Urban Design Framework. The public benefits arise not from a simple exchange of additional height for infrastructure, but from the delivery of an exceptional development outcome that advances strategic planning objectives while maintaining an appropriate balance between development feasibility, design excellence and community benefit.

236. Permit conditions have been included to legally secure and enforce the voluntary contributions toward public and community benefit, where sufficient nexus exists.

237. The proposal achieves an acceptable net community benefit and sustainable development outcome when assessed as a whole. In addition to delivering an acceptable built form outcome, the development provides a range of enduring public benefits, including publicly accessible spaces, affordable community tenancy, enhanced public realm outcomes, employment generation, local activation and industry-leading sustainability performance. Collectively, these outcomes support the grant of a permit, subject to conditions.

Recommendation

238. The proposal gives effect to the vision, objectives and strategic directions of the Yarra Planning Scheme.

239. The proposal will contributes to provision of a contemporary office use in the Cremorne Major Employment Precinct with a built form response that delivers a high standard of architectural, urban design, landscape and sustainability outcomes consistent with the ongoing evolution of the Cremorne Major Employment Precinct.

240. While the proposal exceeds the scale of existing developments within the immediate area, the planning scheme does not establish a mandatory height limit for the site or require future development to be confined to the scale of existing development. The proposal has been assessed on its merits and found to achieve the design objectives of DDO51, notwithstanding its departure from certain preferred built form outcomes.

241. Considerable weight has also been afforded to the public benefits delivered by the proposal in consideration of integrated decision making, including affordable workspace for a not-for-profit organisation (via peppercorn lease agreement), publicly accessible spaces, enhanced public realm outcomes, local activation and sustainability initiatives that substantially exceed statutory requirements.

242. These public benefits are secured, where appropriate, through permit conditions and collectively outweigh the identified policy tensions associated with building height and scale to achieve an acceptable net community benefit and sustainable development outcome.

243. It is recommended that Planning Permit No. PA2604524 for the Construction of a fifteen (15) storey, timber structure office building with food and drink (café) tenancies and shared communal spaces associated with the office be issued subject to conditions.

244. It is recommended that applicant, objectors, referral agencies and the Council be notified of the above in writing.

Prepared by:

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

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

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

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

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

[redacted]

Reviewed / Approved by:

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

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

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

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

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

[redacted]

Appendix 1: 'Seriously Entertained' policy assessment

The weight to be given to draft planning scheme amendments and other policies adopted by a municipal council but not yet forming part of the planning scheme, is normally assessed under the concept of 'seriously entertained planning proposal'. This concept was first developed in *Lyndale & Black Pty Ltd v MMBW and Shire of Melton* (1983) 1 PABR 207 (editorial comment 1 PABR 206 and further developed (including for broader application to strategic policies) in *O'Connell Street Developments Pty Ltd v Yarra CC* [2003] VCAT 448, *Whitehorse City Council v Golden Ridge Investments Pty Ltd* [2005] VSCA 195 and *Double LZ Development Pty Ltd v Moreland CC* (Red Dot) [2015] VCAT 1558. An assessment against these principles is provided below:

1. **The form of the planning proposal – a formal planning scheme amendment should be given much more weight than a planning proposal of a less formal nature.**

   Response: C318yarra would seek to amend Clause 72.08 to incorporate the Revised Urban Design Framework and other related strategic documents as background documents in the Yarra Planning Scheme and further enshrine the UDF policy objectives in the scheme, including through permanent built form controls within Design and Development Overlay schedules. C318yara proposes to permanently apply DDO schedules that were introduced to the planning scheme on an interim basis under C317yara. The policy's intended final form in a statutory planning context is therefore of a highly formal nature.

2. **The stage which the proposal has reached in the planning process – greater weight will be given to a planning proposal which has reached an advanced stage in the planning process.**

   Response: The preparation of the revised UDF (and introduction of new planning controls if necessary) was a key implementation action of the Cremorne Place Implementation Plan (December 2020) that was prepared in partnership between the VPA, Yarra City Council, DJSIR and DTP, to help set a long-term vision and action plan for Cremorne as a global innovation precinct. The council has since undertaken a number of strategic reviews, community engagement and community engagement in late 2022 before adopting the strategic background documents of C317yarra, including the revised UDF adopted in September 2023 at Yarra City Council's Ordinary Meeting. Interim DDO controls were introduced to the planning scheme on 25 September 2025 and will cease to have effect after 29 January 2027.

   As a strategic plan, the UDF has reached an advanced stage of development and is the result of a large breadth of strategic work that has been undertaken over a number of years for the Cremorne precinct. However, the Revised UDF is still a document under construction, with the Council resolution in September 2023 still seeking further public engagement and revision of the UDF to respond to public engagement in tandem with the exhibition of C318yarra. C318yarra has undertaken formal exhibition (3 November 2025 to 8 December 2025) and Council has resolved to refer this to a standing advisory committee.

3. **The seriousness in which the State Government is pursuing the implementation of the planning proposal.**
   Response: As above, while the development of strategic policy for the Cremorne precinct (and Enterprise Precincts more broadly) has previously been seriously pursued or supported by the State Government, the UDF and the draft planning scheme amendments have not been further pursued since late 2023. Exhibition of C318yara has been undertaken and further independent review is being sought.

4. **Whether the grant of the planning permit would impair the objectives of the planning proposal and not merely be inconsistent with the strict letter of the planning proposal.**
   Response: The proposal is only a moderate development in proportion with other development sites and the overall precinct, and the site is also not designated as a strategic development site within the UDF. The proposed development is largely in line with the overarching vision, strategies and guidelines of the UDF and draft Clause 11.03-6L-01. The proposal's variation from the UDF and draft Clause 11.03-6L-01 are only to the more prescriptive built form controls regarding heights and setbacks which are generally discretionary and are applicable to a broad area of the precinct. The grant of the planning permit would not impair the objectives of the UDF or draft amendment.

5. **Whether the adopted policy/proposal has been the subject of an adverse independent Panel report and/or departs from the recommendations of the Panel in a material way.**

Response: The UDF and draft planning scheme amendment C318yarra have not yet been subject to any independent Panel review.

6. **The time at which the adopted policy was prepared and, potentially, the lapse of time between this and the consideration of an application (wherein the planning context may have further changed or evolved).**
Response: The implementation of updates to the UDF, the review of current planning policy and controls and introduction of new planning control if necessary were all identified as short-term implementation actions in the Cremorne Place Implementation Plan, to be completed within 1-2 years (ie. by December 2022). Implementation has occurred through C317yara (approved) and C318yara with the latter yet to be subject to independent panel review. Various planning activity and approvals has occurred across the broader Enterprise Precinct since actions of the Cremorne Place Implementation Plan (December 2020) were initiated. This includes several developments in proximity to the site (57 Balmain Street, 70-80 Gwynne Street, Bryant & May redevelopment, 49-51 Balmain Street, Cremorne and 108-110 Stephenson Street, Cremorne and 79-83 Balmain Street and 116-122 Chestnut Street, Cremorne) which do not adhere to some of the built form controls proposed for these sites, including building and street wall heights.

In summary, the Revised Cremorne Urban Design Framework and related strategic background documents intend to form the basis of the draft C318yarra planning scheme amendments, presents an advanced, generally well-resolved strategic plan for the precinct that is sought to be formalised through new planning controls and guiding other implementation actions by the council.

This is the result of a large breadth of strategic work, including public engagement and the Cremorne Place Implementation Plan (developed in partnership with the State Government), as well as a body of other relevant state and local policy. The broader vision and aspirations for urban design in the Cremorne/Railway West Precinct that are included in the UDF, and which have formed the basis for C318yara and could therefore be considered 'seriously entertained' and should be given some weight when assessing the application.

Assessment against draft Clause 11.03-6L-01 (Cremorne Precinct)

Topic	Relevant Objectives	Relevant Strategies	Assessment
Land Use and Activity	• To facilitate economic growth in Cremorne as Melbourne's premier global innovation precinct. • To support innovative and diverse employment opportunities across Cremorne's employment precincts.	• Support a diverse range of creative and innovative businesses, including anchor tenants and small businesses. • Support affordable workspaces in Cremorne. • Support a diversity of day and night-time activities. • Within the Cremorne West Precinct, encourage creative industries, complementary uses, active frontages along Cremorne Street.	Complies.
Movement and Access	• To create a highly accessible and well-connected movement network prioritising sustainable and active transport. • To provide a safe and attractive cycling and pedestrian network.	• Promote Cremorne as a walkable precinct with reduced traffic speeds and traffic volumes, new footpaths and greening to provide safe pedestrian access to buildings and new pedestrian connections. • Discourage new vehicle access on pedestrian, cycling and public transport priority routes.	Complies subject to conditions.
Streets and Spaces for People	• To create a network of high-quality public spaces and streets as places for people.	• Encourage development to provide spaces for meeting, gathering and socialising. • Interpret and celebrate heritage and Aboriginal cultural heritage. • Support public art and consider undergrounding	Complies.

		powerlines on large frontage sites.	
Design Quality	• To facilitate Cremorne as a place of design excellence with a distinct identity and character.	• Encourage varied built-form typologies. • Ensure a fine-grain, pedestrian-scale public realm.	Complies.
Strategic Sites	• To ensure strategic site development is integrated with heritage, residential interfaces and the Yarra River (Birrarung). • To ensure development contributes to a high-quality public realm through permeability and accessibility.	• Ensure development enhances the Yarra River environs and railway interfaces. • Avoid additional overshadowing on 22 September of key pedestrian routes and open spaces.	Complies – the subject site is not identified as a Strategic Site.

Appendix 2: Response to Objections

Objection issue	Response
Building Height and Departure from DDO51 Concerns regarding the overall height of the proposed 15-storey building, noting that it substantially exceeds the preferred height identified under DDO51. Query relationship between the proposed building height and the built form outcomes envisaged.	***Refer to Assessment – Buildings and Works.***
Built Form, Scale and Visual Bulk Concerns regarding the combined effect of the building's height, floorplate, massing and setbacks, and the extent to which the proposal integrates with the surrounding urban context. Particular consideration is sought regarding the building's presentation to Stephenson Street and the pedestrian experience at street.	***Refer to Assessment – Buildings and Works.***
Cumulative Impact on Village Character and Sense of Place Implications of the proposal for Cremorne's established character, including its fine-grain urban form, pedestrian-focused environment and distinctive sense of place.	***Refer to Assessment – Buildings and Works.***
Strategic Justification and Demonstration of Exceptional Outcomes and Public Benefit Seeking further explanation of the strategic, design, sustainability and public benefit outcomes associated with the proposal, particularly in the context of the departures sought from the preferred built form context.	***Refer to Assessment – Other Matters > Clause 71.02-3 Integrated Decision Making and consideration of Public Benefits***
Transition to Surrounding Development Concern regarding the potential traffic and transport implications of the development and its effect on the surrounding road network.	***Refer to Assessment – Buildings and Works.***
Overshadowing, Wind and Pedestrian Amenity	***Refer to Assessment – Buildings and Works (Building Separation, Equitable Development and Overshadowing) and Amenity and Microclimate (Wind).***
Public Realm Outcomes Further clarification regarding the public realm benefits associated with the proposal and how the development contributes to the quality, accessibility and activation of the surrounding public realm network.	***Refer to Assessment – Public Realm.***
Procedural Matters	The notification process has been undertaken appropriately in

Timing of public notification and requests additional opportunity to review and comment on the application.	accordance with the relevant statutory requirements. Department. Evidence demonstrating compliance with the notification requirements, including details of the notice undertaken, has been provided to the satisfaction of the Responsible Authority.
Planning Precedent Potential implications of the proposal for future development within the Cremorne precinct and setting a poor precedent.	Each planning permit application must be assessed on its individual merits, having regard to its unique site conditions, design response, strategic context and demonstrated planning outcomes. The proposal relies on a combination of site-specific circumstances that are not broadly replicated throughout the precinct, including its consolidated site area, rail corridor interface, absence of sensitive residential interfaces, substantial public benefit design contributions and exceptional sustainability credentials. Approval of the proposal would not alter the operation of DDO51 or establish an automatic entitlement for similar outcomes elsewhere. Future development proposals would continue to require assessment against the relevant planning controls and their respective site circumstances.
Building Separation and Amenity Impact to 77 Stephenson Street, Cremorne including loss of solar access, daylight access and outlook, wind and acoustic impact	***Refer to Assessment – Buildings and Works (Building Separation, Equitable Development and Overshadowing) and Amenity and Microclimate (Wind and Acoustic).***