

Assessment Officer Report

PA2604312 – 43 & 63-67
River Street, Richmond



Planning Assessment Officer Report
Development Assessment

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Executive Summary



Key Information		Details		
Application No:		PA2604312		
Received:		2 April 2026		
Statutory Days:		127 days		
Applicant:		Cbus Property R4 Pty Ltd ATF Vision Five 2025 Unit Trust c/- Contour Consultants		
Planning Scheme:		Yarra		
Land Address:		43 and 63-67 River Street, Richmond and Crown Allotment 2324 Parish of Jika Jika		
Proposal:		Use of the land for dwellings, construction of a building and removal of vegetation and reduction in car parking (for food and drink premises).		
Development Value:		\$181,863,000		
Metropolitan Planning Levy:		Paid – \$236,421.90		
Why is the Minister responsible?		The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for: Use or development to which Clause 53.23 applies.		
DFP eligibility criteria in accordance with Clause 53.23		Category	1	
		Sector	Residential	
		Land Use	Residential <i>The estimated cost of the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) as specified in the quantity surveyor report required under clause 53.23-3 must be at least \$50 million if any part of the land is in metropolitan Melbourne.</i>	
		Location	Metropolitan Melbourne – Yarra City Council	
		Alignment with the DFP threshold / criteria	The proponent seeks to provide a 3% cash contribution to the Social Housing Growth Fund (SHGF), which is to be implemented via a Section 173 agreement.	
		OVGA	No, support from DTP Urban Design.	
		Quantity Surveyor Report	Yes – dated 27 March 2026	
		Why is a permit required?		Clause
Zone:	Clause 34.01	Commercial 1 Zone	<i>Use of land for dwellings. Construct a building or construct or carry out works.</i>	



Overlays:	Clause 42.03	Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs)	<i>Construct a building or construct or carry out works.</i> <i>Construction of a fence.</i> <i>Remove, destroy or lop vegetation.</i>
	Clause 43.02	Design and Development Overlay – Schedule 1 (Yarra (Birrarung) River Corridor – Area H)	<i>Construct a building or construct or carry out works.</i> <i>Construct a fence.</i>
	Clause 44.04	Land Subject to Inundation Overlay (only 63-67 River Street)	<i>Construct a building or construct or carry out works.</i>
	Clause 45.03	Environmental Audit Overlay	<i>Before a sensitive use commences or before the construction or carrying out of buildings and works in association with these uses commences, a number requirements need to be met.</i>
	Clause 45.06	Development Contributions Plan Overlay – Schedule 1 (Yarra Development Contributions Plan)	<i>A permit granted must:</i> <i>Be consistent with the provisions of the relevant development contributions plan.</i> <i>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.</i>
Particular Provisions:	Clause 51.06	Birrarung (Yarra River) Protection	<i>A responsible authority must have regard to the principles in Part 2 of the Birrarung Act when deciding on an application or approval of a plan.</i>
	Clause 52.06	Car Parking	<i>A permit is required to reduce the number of car parking spaces required for the food and drink premises.</i>
	Clause 52.17	Native Vegetation	<i>N/A – An assessment undertaken by Ecology Australia concludes that no native vegetation proposed to be removed constitutes native vegetation under Clause 52.17 and no permit is required.</i>
	Clause 52.34	Bicycle Parking	<i>N/A – A permit is only required to provide less than the required bicycle facilities.</i>
	Clause 53.03	Residential Reticulated Gas Service Connection	<i>A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.</i>
	Clause 53.18	Stormwater Management in Urban Development	<i>An application to construct a building or construct or carry out works:</i> <i>Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.</i> <i>Should meet all of the standards of Clauses 53.18-5 and 53.18-6.</i>
	Clause 58	Apartment Developments	<i>A development:</i> <i>Must meet all of the objectives of this clause.</i>

- *Should meet all of the standards of this clause.*

Cultural Heritage:	Reports have been provided to demonstrate that a Cultural Heritage Management Plan is not required.		
Total Site Area:	10,040 m ² (excluding part of Crown land)		
Gross Floor Area:	38,755 m ²		
Height:	Tower A (North building): 12 storeys Tower B (South building): 9 storeys 13 townhouses: 2 storeys Tower A (North building): 41.12 metres (as measured along River Street) Tower B (South building): 30.09 metres (as measured along River Street) 13 townhouses: between 8.89 metres and 10.55 metres (as measured along the east elevation) Tower A (North building): 55.77 m AHD, plus plant Tower B (South building): 45.77 m AHD, plus plant 13 townhouses: 23.08 m AHD		
Land Uses:	Dwellings	Retail Premises	
	20 x 1 bedroom 89 x 2 bedroom 78 x 3 bedroom 12 x 3 bedroom townhouses 1 x 4 bedroom townhouse Total: 200 dwellings	365 m ²	
Communal areas:	Internal	External	
	507 m ²	287 m ²	
Parking:	Cars	Motorcycles	Bicycles
	300	0	226
Referral Authorities:	Melbourne Water (s55 – recommending and determining referral) Head, Transport for Victoria (s55 – determining referral)		
Advice sought:	Yarra City Council (s52 Notice) Boroondara City Council (s52 Notice) Parks Victoria (informal referral) DTP Urban Design (internal referral) Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (s52 Notice) Birrarung Council (s52 Notice)		
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Department of Transport and Planning (DTP) under delegation from the Minister for Planning in May 2026, in the following manner: • Four (4) public notices, two on the River Street frontage, one on Crown Street and one on private road to the south; and • Mail to owners / occupiers of adjoining and nearby land.		



47 objections have been received from neighbouring properties, including a petition with 48 signatures and an objection from the Boroondara City Council.

Delegates List: Approval to determine under delegation received on 14 September 2026.



Application Process

- The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	2 April 2026
Further Information requested	23 April 2026
Further Information received	11 May 2026
Notice instructions sent to applicant	14 May 2026
Statutory Declaration for notice received	9 June 2026
Decision Plans	Plans prepared by SJB Architects, titled '43 & 63-67 River Street, Richmond', known as Drawings SD01_01 – SD30_11 and received May 2026.
Other Assessment Documents	Town Planning and Urban Context Report prepared by Contour Consultants and dated March 2026; Urban Context Report prepared by SJB Architects and dated February 2026; Urban Design Report prepared by MGS Architects and dated 13 February 2026; Development Summary prepared by SJB Planning and dated 11 May 2026; Clause 58 Assessment prepared by Contour Consultants and dated March 2026; BADS Schedule prepared by SJB Architects and dated 11 May 2026; Transport Impact Assessment prepared by OneMileGrid and dated 8 May 2026; Waste Management Plan prepared by OneMileGrid and dated 8 May 2026; Green Travel Plan prepared by OneMileGrid and dated 27 March 2026; Sustainable Management Plan prepared by HIP V. HYPE and dated 3 March 2026; Stormwater Management Plan prepared by Webber Design and dated 20 February 2026; Landscape Town Planning Report prepared by Arcadia and dated 8 May 2026; Flora and Fauna Assessment prepared by Ecology Australia and dated 23 January 2026; Environmental Wind Conditions Study prepared by MEL Consultants and dated 5 May 2026;



Cultural Heritage Statutory Obligations Report prepared by Tardis Archelogy and dated 18 February 2026;

Cultural Heritage Statutory Obligations Report prepared by Tardis Archelogy and dated 28 July 2026;

Connection to Country Report prepared by Greenshoot Consulting and dated April 2026;

Tree Impact Assessment prepared by Joe Kellett Arboriculture and dated 2025;

Acoustic Report prepared by Acoustic Logic and dated 10 October 2025;

Overall Site Plan prepared by SJB Architects and dated 12 August 2025;

Affordable housing Report prepared by Urbanxchange and dated April 2026;

Draft Land Management Plan prepared by Contour Consultants;

Cost Report prepared by Slattery Australia and dated 27 March 2026; and

3D Model received 6 August 2026.

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

Proposal Summary

3. The application proposes to:

- demolish the existing buildings on the land (no permit required);
- construction of two buildings of nine and 12 storeys and 13, two storey townhouses;
- use of the land for dwellings; and
- remove vegetation.

4. Specific details of the application include:

- Tower A (North) building: 41.12 metres (55.77 m AHD) / 12 storeys;
- Tower B (South) building: 30.09 metres (45.77 m AHD) / 9 storeys;
- 13 townhouses: between 8.89 metres and 10.55 metres (23.08 m AHD) / two storeys;
- 200 dwellings (20 x 1 bedroom, 89 x 2 bedroom, 78 x 3 bedroom, 12 x 3 bedroom townhouses and 1 x 4 bedroom townhouse);
- 365 m² of retail premises;
- affordable housing contribution comprising a cash contribution of 3% of the cost of the development;
- new landscaped pedestrian links through the site;

- a staircase to the Main Yarra Trail (on Crown land to the south-east of the site);
- removal of three (3) trees within the site (permit required under SLO1);
- 300 car spaces (299 spaces for residents and one DDA space for commercial use);
- 226 bicycle spaces (188 for residents and 38 for commercial / visitors);
- a porte cochere off River Street for drop-off and pick-up; and
- Total GFA of 38,755 m².



Figure 1: Concept image of proposal from the north-west (Source: Application)



Figure 2: Concept image of proposal from the south-west (Source: Application)



Figure 3: Concept image of proposed townhouses - west elevation / internal view (left) and east elevation / Yarra River interface (right) (Source: Application)



Figure 4: Concept image of proposal from the east / Yarra River interface (Source: Application)



Figure 5: 3D view

5. The subject site is located on the eastern side of River Street, approximately 180 metres north of Bridge Road, Richmond. The site is irregular in shape with a frontage to River Street of 107.02 metres, a frontage to Crown Street of 75 metres, a frontage along the private road to the south of 116.37 metres and an angled and irregular frontage to the Yarra River of 108.88 metres. The total site area is 10,040 square metres. The subject site also includes part of Crown land to the east of 63-67 River Street (256 square metres).
6. The site is formally known as:
 - Lot 1 on Plan of Subdivision 203103A in Volume 09694 Folio 938 (43 River Street);
 - Lot 2 on Plan of Subdivision 203103A in Volume 09694 Folio 939 (43 River Street);
 - Lot 1 on Title Plan 888930J in Volume 09694 Folio 940 (43 River Street);
 - Lot 1 on Title Plan 869976Q in Volume 02687 Folio 217 (63-67 River Street);
 - Lot 1 on Title Plan 605741V in Volume 01735 Folio 918 (63-67 River Street);
 - Lot 1 on Title Plan 414376H in Volume 03064 Folio 782 (63-67 River Street);
 - Lot 1 on Plan of Subdivision 075414 in Volume 10899 Folio 806 (63-67 River Street); and
 - Crown Allotment 2324 Parish of Jika Jika in Volume 11742 Folio 436 (Crown land to the east of 63-67 River Street).
7. While no covenants affect the site, there are a number of sewerage, drainage, powerline, carriageway and substation easements affecting the site. Of particular note, is the land coloured blue and orange in the figure below.



8. These are reciprocal easements that exist on the title to the land, and on the title of the land located immediately to the south (69-77 River Street). The easements allow the Orange Land to use the Blue Land for carriageway purposes and vice versa.
9. The Crown land adjoining the Yarra River is managed by Parks Victoria. Parks Victoria advise that the land is unreserved and forms part of “Yarra River Land” as defined in the *Yarra River Protection (Wilip-gin Birrarung murrnong) Act (2017)*. They also advise:

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mechanisms contained within the public land zones which require public land manager consent, which can be conditional in support of an application. Whilst not expressly required in this instance, PV encourages the inclusion of conditions as appropriate to address the following feedback.

PV does not object to planning permit application PA2604312 acknowledging the public benefits associated with enhanced public access to the MYT. This advice is subject to pending outcomes of cultural heritage investigations.

10. The site is occupied by a two and three storey building, surrounded by at grade car parking and accessways. The building is currently used as office, warehouse and logistic uses associated with an electrical supplies business. Two crossovers are provided along River Street and two are provided along the southern private road.
11. The site includes boundary landscaping in the north-west corner, in the north-east corner and along the eastern boundary. Vegetation includes mature native and exotic trees and smaller native, indigenous and exotic trees.
12. There is a fall in the land from River Street to the west, to the Yarra River to the east, of approximately 3 metres, with a steep embankment in the south-east corner.



Figure 7: Subject site (Source: Application)



Figure 8: River Street frontage (Source: Application)



Figure 9: Private Road frontage from the south-east (Source: Application)



Figure 10: Crown Street frontage (Source: Application)

Site Surrounds

13. The subject site is located within the Bridge Road Major Activity Centre and an area experiencing urban renewal from predominantly industrial, warehousing and office activities to medium rise residential developments. Land uses within proximity to the site include retail, commercial, office and open space.
14. The site is well-serviced by numerous public transport connections, including:
 - Bridge Road, which is serviced by tram routes 48 and 75, connecting 109, connecting the site to the CBD, Docklands, North Balwyn and Vermont South.
 - Hawthorn Station located approximately 1 km south-east of the site which connects the CBD to the Alamein, Lilydale and Belgrave train lines.
15. Development surrounding the site can be described as follows:
 - To the **north** of the site, on the northern side of Crown Street, are 31, 3 storey townhouses known as 31-41 River Street and 101-105 Crown Street. They are arranged as four rows that step down towards the Yarra River. Vehicle access is provided between each of the rows from Crown Street to undercroft garages servicing each of the dwellings. Further north are three and four storey apartment buildings and the Victoria Gardens Shopping Centre.
 - To the **east** of the site is the Yarra River corridor and environs, which includes the Main Yarra Trail connecting the CBD with the north-eastern suburbs. On the eastern side of the Yarra River is the Yarra Bank Reserve and are a number of residential properties with rear yards located within Hawthorn (and the City of Boroondara).
 - To the **south** of the site, on the southern side of the private road, at 69-77 River Street, is a residential development. The site consists of a number of building ranging from two storey along River Street, six storeys in

the centre and along the northern and southern elevations, with three and four storey buildings towards the Yarra River interface along the eastern boundary.

- To the **west** of the site, is a range of office, commercial and industrial uses along Crown, Blazey and Murphy Streets that are within an Industrial 1 Zone. Uses include trade supplies and hire premises, food production, self-storage and office premises. Buildings range from one to three storeys.



Figure 11: Adjacent properties to the north fronting River Street (left) and fronting Crown Street (right) (Source: Site visit)



Figure 12: Adjacent building to the south fronting River Street (left) and the private road with carriageway easement (right) (Source: Site visit)



Figure 13: Interface with the Yarra River from the eastern end of the private road (Source: Site visit)



Figure 14: View of the subject site from the Main Yarra Trail (Source: Site visit)



Figure 15: View of the subject site from the eastern side of the Yarra River (Source; Site visit)



Figure 16: Western side of River Street (Source: Site visit)



Figure 17: Yarra Bend Reserve on eastern side of the Yarra River (Source: Site visit)

16. The site's primary frontage is to River Street, a north-south road running parallel to the Yarra River and linking Richmond's mixed-use precincts (Bridge Road to Victoria Gardens). River Street has transitioned from its historic industrial role into a mixed urban corridor of commercial, industrial, office and emerging residential uses.
17. Built form along River Street is varied, with a combination of industrial buildings, contemporary office developments and newer residential developments. Street setbacks are generally minimal, with many development presenting a street wall to the boundary, with upper levels recessed to reduced visual built. Ground floor uses are either residential (for the residential developments), or commercial and light industrial, contributing to an activated streetscape.
18. The site also presents secondary interfaces to the Yarra River corridor to the east, Crown Street to the north and a private road to the south. The key characteristics of these interfaces include:
 - The Yarra River corridor, accessed via the Main Yarra Trail, comprises a well-established landscape setting with mature canopy trees and riparian planting that contribute to a strong natural character and partially filter views from the river in many locations.



- A varied built form context along the river edge, including contemporary residential developments of various scales and heights.
 - The Main Yarra Trail as a significant shared pedestrian and cyclist route, providing continuous public access and recreational opportunities, with intermittent visual and physical connections to adjoining sites.
 - Crown Street, which provides a more localised interface with three storey townhouses to the north and more informal street conditions compared to River Street. There is a connection to the Main Yarra Trail at the eastern end of Crown Street.
 - The private road to the south, which functions as a service interface, accommodating vehicular access, loading and servicing activities associated with adjoining sites, and presenting a more utilitarian built form character with limited pedestrian activation.
19. The immediate area surrounding the site is undergoing incremental change, with more recent residential developments along the Yarra River interface, contributing to a transition toward a higher-density, mixed-use precinct.



Plan for Victoria

20. Plan for Victoria (DTP 2025) sets a long-term vision for a well-connected, liveable, and inclusive state. It identifies the need for approximately 2.24 million new homes over the next 30 years across Melbourne and regional centres, highlighting that location is critical to ensure these homes support community wellbeing and sustainability.
21. A core principle of the plan is the 20-Minute Neighbourhood, an urban model where residents can easily access daily services, employment, and amenities within 20 minutes of their home. This is seen as vital to reducing travel times, improving liveability, and strengthening local communities.
22. Plan for Victoria includes strong policy directions notably regarding:
- Housing for all Victorians;
 - Great places, suburbs and towns; and
 - Sustainable environments.
23. It places emphasis on the need to provide all Victorians with a choice of a well-designed homes at an affordable price and close to daily needs and to ensure that housing is affordable, diverse and accessible is central to creating inclusive, prosperous, liveable communities.
24. Key strategies include:
- More homes;
 - Greater diversity;
 - Affordable and fair housing;
 - More housing and choice across regional Victoria; and
 - Innovative building solutions.
25. The proposal supports the objectives of Pillar 1: Housing for all Victorians, including:
- Enabling more homes; and
 - Providing a diverse dwelling mix in a location close to jobs, shops and public transport.
26. The Plan sets a housing target of 44,000 additional homes for the City of Yarra up until 2051.

Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03	Strategic Directions
02.04	Strategic Framework Plans



Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.03-1S	Activity centres
11.03-1R	Activity centres – Metropolitan Melbourne
11.03-1L	Activity Centres
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of biodiversity
12.01-1L	Biodiversity
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
12.03-1R	Birrarung (Yarra River)
12.03-1L	Yarra River, Darebin and Merri Creek corridors
Clause 13	Environmental Risks and Amenity
13.03-1S	Floodplain management
13.04-1S	Contaminated and potentially contaminated land
13.07-1S	Land use compatibility
13.07-1L-01	Interfaces and amenity
Clause 14	Natural Resource Management
14.02-1S	Catchment planning and management
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
15.03-2S	Aboriginal cultural heritage
Clause 16	Housing
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L	Location of residential development



16.01-1L-01	Housing diversity
16.01-2S	Housing affordability
16.01-2L	Housing affordability
Clause 17	Economic Development
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Metropolitan Melbourne
17.01-1L	Employment
17.02-1S	Business
Clause 18	Transport
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
18.01-3L	Sustainable transport
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
19.02-4S	Social and cultural infrastructure
19.02-6S	Open space
19.02-6R	Open space – Metropolitan Melbourne
19.02-6L	Open space
19.03-3S	Integrated water management
19.03-3L	Water sensitive urban design
19.03-5S	Waste and resource recovery
19.03-5L	Waste

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

Zoning and Overlays

Zones

Commercial 1 Zone

- 30. Pursuant to Clause 34.01-1, a permit is required for use of the land for accommodation (dwellings – given that the frontage at ground floor level exceeds 2 metres). A permit is not required for use of the land for retail premises.
- 31. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.
- 32. An apartment development must meet the requirements of Clause 58.

Overlays

Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs)

- 33. Pursuant to Clause 42.03-2, a permit is required to construct a building or construct or carry out works, including to remove, destroy or lop any vegetation and construct a fence within 30 metres of the banks of the Yarra River.

Design and Development Overlay – Schedules 1 (Yarra (Birrarung) River Corridor – Area H)

- 34. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- 35. Pursuant to Clause 43.02-2, a permit is required to construct a fence as specified in a schedule to this overlay.
- 36. Pursuant to Clause 2.0 of Schedule 1, buildings and works:

- A permit is required to construct a fence that:
 - o is set back less than the minimum setback distance specified in the applicable table to this schedule; or
 - o abuts public open space.

This does not apply to a fence that:

- o does not exceed a maximum height of 1.4 metres at any point above ground level; and
- o is of timber post and rail, timber post and wire, or metal post and wire construction.

- The following requirements **must be met**:
 - o Buildings and works must not cast any additional shadow across the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) between 11:00am and 2:00pm on 22 June.
 - o New buildings must not exceed the maximum building height specified in the applicable table to this schedule. A building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
 - o New buildings (including basements and projections) must be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.



- The complete or partial replacement of an existing building within the minimum setback distance specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway) must not:
 - Exceed the maximum building height specified in the applicable table to this schedule.
 - Reduce the existing setback of the building from the Yarra River and public open space.
 - Increase the existing gross floor area of the existing building.
- The following requirements **should be met**:
 - Buildings and works should not cast any additional shadow across any public open space between 11:00am and 2:00pm on 22 September.
 - Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
 - Fencing within the minimum setback specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway), should not:
 - Impede the flow of flood waters.
 - Exceed a height of 1.4 metres above ground level.
 - Be less than 25 per cent visually permeable.
 - Use reflective colours and finishes.
 - The site area covered by buildings, tennis courts, swimming pools and other impervious surfaces within a Residential Zone or on land used for accommodation should not exceed 40 per cent of the lot area.
 - Tennis courts, swimming pools and other outbuildings associated with a dwelling should be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.
 - Building materials should utilise non-reflective colours and finishes that blend with the natural landscape.

The site is located within **Area H** and the following table is applicable:

Table H					
Map Reference Area	Location	Minimum setback	Maximum building height		Discretionary maximum building height
			0m to 10m from setback line	10m to 25m from setback line	>25m from setback line
H	River Street, Richmond	30 metres	11 metres	18 metres	18 metres

Land Subject to Inundation Overlay (only 63-67 River Street)

37. Pursuant to Clause 44.04-2, a permit is required to construct a building or construct or carry out works, including a fence and bicycle pathways and trails.
38. Pursuant to Clause 44.04-7, an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

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

39. 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.

Particular Provisions

40. The following particular provisions apply:
- Clause 51.06 – Birrarung (Yarra River) Protection
 - o Pursuant to Clause 51.06, a responsible authority must have regard to the principles in Part 2 of the Birrarung Act (now Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017) when deciding on an application or approval of a plan.
 - Clause 52.06 – Car Parking
 - o The subject site is located in Category 2 in the Car Parking Requirement maps (CPR maps), where minimum car parking requirements apply.



Figure 18: CPR map (Source: VicPlan)

- o Pursuant to Clause 52.06-2, before a new use commences, the minimum number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
- o Pursuant to Table 1, the following car parking spaces are required:



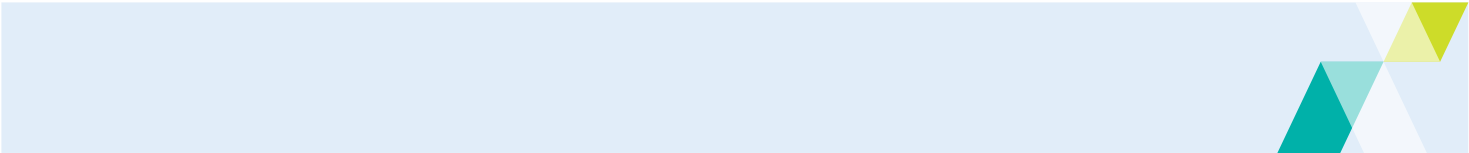
- Minimum one space to each dwelling – 200 spaces
- Minimum 2 spaces to each 100 square metres of net floor area for a food and drink premises – 7 spaces
- Total minimum required: 207 spaces
- The proposal includes 299 resident spaces and 1 commercial DDA space, which exceeds the requirements of Clause 52.06-5 for the dwellings, but not the food and drink premises. Hence, a permit is required to reduce the number of spaces required for the food and drink premises only.
- Clause 52.34 – Bicycle Facilities
 - Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
 - Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirements of Clause 52.34-5 and Clause 52.34-6.
 - Pursuant to Table 1 in Clause 52.34-5, the following bicycle spaces are required:
 - One space to each five dwellings for residents – 40 spaces
 - One space to each ten dwellings for visitors – 20 spaces
 - One space to each 300 sqm of leasable floor area for retail premises employees – 1 space
 - One space to each 500 sqm of leasable floor area for retail premises visitors – 1 space
 - Total: 62 spaces
 - Given 188 resident spaces and 38 commercial / visitor spaces are provided within the development, no permit is required under this provision.
- Clause 53.03 – Residential Reticulated Gas Service Connection
 - Pursuant to Clause 53.03-2:
 - A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.
 - A permit granted for buildings and works in relation to an application to which this clause applies must include the following mandatory condition(s) as relevant:

For a dwelling:

"Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed."

For an apartment development:

"Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed."
- Clause 53.18 – Stormwater Management in Urban Development
 - Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:

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- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
 - Should meet all of the standards of Clauses 53.18-5 and 53.18-6.
 - Clause 53.23 – Significant Residential Development with Affordable Housing
 - o Pursuant to Clause 53.23-1:
 - The provisions of this clause prevail over any inconsistent provision in this planning scheme.
 - This clause applies to an application under any provision of this planning scheme if all of the following are met:
 - The applicant submits written confirmation that the application is an application to which this clause applies.
 - The application includes the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling).
 - The conditions corresponding to a category in Table 1 are met.
 - Clause 55 – Two or More Dwellings on a Lot and Residential Buildings
 - o The standards and objectives of Clause 55 are not applicable to an application in the C1Z. However, Clause 34.01-8 includes them as decision guidelines, which must be considered, as appropriate, for an application within the C1Z.
 - Clause 58 – Apartment Developments
 - o Pursuant to Clause 58, a development:
 - Must meet all of the objectives of this clause.
 - Should meet all of the standards of this clause.



Referrals

41. The application was referred to the following groups:

Provision / Clause	Organisation	Date and response received
Design and Development Overlay – Schedule 1 (Section 55 Referral – Recommending) Land Subject to Inundation Overlay (Section 55 Referral – Determining)	Melbourne Water	Letter dated 10 August 2026 No objection, subject to conditions
Clause 66.02-11 (Section 55 Referral – Determining)	Head, Transport for Victoria	20 May 2026 No objection, subject to conditions
Section 52 – notice	Yarra City Council	25 June 2026 Objection
Section 52 – notice	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	22 May 2026 No objection, subject to consideration of additional matters
Section 52 – notice	Birrarung Council	14 July 2026 No objection, subject to consideration of views
Informal	Parks Victoria	13 July 2026 15 July 2026 (conditions for permit)
Internal	DTP Urban Design Team	30 June 2026 No objection, subject to comments

Melbourne Water

42. By letter dated 10 August 2026, Melbourne Water advised that it does not object to the proposal, subject to the following conditions:

- 1. The development (all buildings/dwellings) must be constructed with finished floor levels set no lower than 10.50 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 9.90 m to AHD.*
- 2. Any proposed garage/s must be constructed with finished floor levels set no lower than 9.90 metres to AHD.*
- 3. Any proposed basement ramps must provide an apex protection set no lower than 10.50 metres to Australian Height Datum (AHD).*
- 4. All openings to the basement must be set no lower than 10.50 metres to Australian Height Datum (AHD).*
- 5. Waterways setback - 30 metre setback from top of bank.*
- 6. Any new fencing/gates (eastern property boundary) must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.*



7. *Prior to the commencement of works, a separate build over application must be made directly to Melbourne Water's Asset Protection Team for assessment and approval of any proposed works over or near Melbourne Water's sewer assets. Any proposed development within the vicinity of the assets must be designed to ensure there is no detrimental impact upon its structural integrity and performance.*
8. *Landscaping within 5.0 metres of the asset must comply with Melbourne Water's Planting Guidelines. A Plant near sewers, drains, waterways and water mains application detailing landscaping must be submitted for approval. If a Build Over application is also being made then Landscaping can be assessed under the Build Over application.*
9. *No services are to be installed across a Melbourne Water Asset, within an easement or owned land that are in favour of Melbourne Water unless approved by Melbourne Water. A separate Utility Installation application must be submitted.*
10. *The impact of the sewer gases from the ventilation stack must be assessed on the nearby units on levels 1-3. An odour distribution analysis study must be conducted to demonstrate that the residential units are not impacted by the proximity of the ventilation stack and include measures to mitigate potential impacts. The report must be submitted to Melbourne Water for records.*
11. *Works to be conducted surrounding the sewer must be undertaken in a manner that protects the sewer (i.e. minimum vibration, loading etc.).*
12. *Melbourne Water must always have access to the sewer assets, including the sewer vent stacks (i.e. during construction and after).*
13. *Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.*
14. *Prior to the commencement of works, a detailed landscape plan must be submitted to Melbourne Water for approval. This plan must address the outcomes of any flora and fauna reports on the proposed works site and all areas potentially affected, both upstream and downstream, and must show:*
 - a) *A survey (including botanical names) of all existing vegetation to be retained and/or removed.*
 - b) *The survey should include a weed management program, the details of which must be provided to Melbourne Water and include the following information: botanical name of species targeted; location; method of control and timing of control;*
 - c) *Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;*
 - d) *Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways;*
 - e) *A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant; planting density (plants per square metre); planting zones/locations (in plan and cross-section form in colour). Landscape treatments with specifications of products such as mulching, erosion control matting, and rock beaching.*

Note: planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.



15. Prior to commencement of site establishment works, a Site Environmental Management Plan (SEMP) must be produced and provided to Melbourne Water for approval. This document must be adopted on-site. The SEMP must address the following:

Staging plan of works as to clearly showing where minimisation of risks to waterway are being considered and disturbance to the riparian area is being avoided.

- a) *Sediment and silt management controls*
- b) *Vegetation management techniques*
- c) *Access tracks*
- d) *Spoil stockpiling*
- e) *Machinery/ Plant locations*
- f) *Exclusion fencing around native vegetation/habitat*

Head, Transport for Victoria

43. On 20 May 2026, Head, Transport for Victoria advised that it does not object to the application, subject to the following conditions:

1. *Before the use starts (or at such other time agreed to in writing by the Head, Transport for Victoria), a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. The FLP must be generally in accordance with the application plans prepared by onemilegrid, report no. 250452TIA001C-F, Figure 20 and must:*
 - a) *be prepared to the satisfaction of and at no cost to the Head, Transport for Victoria; and*
 - b) *include the following details:*
 - i. *installation of barrier linemarking on the east approach to River Street*
2. *Before the use starts, (or at such other time agreed to in writing by the Head, Transport for Victoria), the works must be completed generally in accordance with the approved Functional Layout Plan to the satisfaction of and at no cost to the Head, Transport for Victoria,*

Permit Notes:

1. *Before works start, separate approval/s under the Road Management Act 2004 may be required from the Head, Transport for Victoria for works within the road reserve.*

Please note that installation of barrier lines is intended to keep the additional right turning traffic generated by this development from delaying westbound trams, particularly during the PM Peak period. To assist maintain westbound traffic flow following the installation of barrier lines, it is recommended that the City of Yarra, who are responsible for the management of parking on arterial roads, consider the extension of "No Stopping" restrictions on the south side of Bridge Road between Westbank Terrace and Tudor Street, particularly during the PM Peak.

Yarra City Council

44. The Yarra City Council considered the application at their Planning Decisions Committee Meeting on 23 June 2026. At the meeting, the council resolved to write to DTP outlining that the application should not be supported for the following reasons:

- 
- (a) *The scale, height and massing of the proposed development do not respond to the site context, nor respect the natural Yarra River Environs, and fails to comply with the relevant provisions at Clauses 43.02 (Design and Development Overlay) and 42.03 (Significant Landscape Overlay) of the Yarra Planning Scheme;*
 - (b) *The proposal will dominate the surrounding streetscapes and will not positively respond to the surrounding context;*
 - (c) *The proposal fails to provide a meaningful affordable housing contribution in accordance with Clause 53.23 (Significant Residential Development with Affordable Housing);*
 - (d) *That having regard to the strategic context, there is opportunity for a mid-rise development on the site of this scale on the basis that:*
 - i. *The proposed setback requirements are met in full and the proposed tower elements of Buildings A and B are lowered to meet the building height of 18m at Schedule 1H (Yarra (Birrarung) River Corridor) of the Design and Development Overlay at Clause 43.02 of the Yarra Planning Scheme;*
 - ii. *A provision of a minimum 10% affordable houses in perpetuity is provided (if this is not achievable, the term should be a minimum of at least 25 years);*
 - iii. *A provision for landscaping is made that includes details of all planting and growth of vegetation, including deep soil planting to enable the planting of large native canopy trees across the river interface and within the site;*
 - iv. *An assessment of potential light spill and how it can be limited to demonstrate that there is no additional light spill to the Yarra River is undertaken;*
 - v. *The Transport Impact Assessment is updated to review the traffic conditions and impacts of the broader area bounded by Victoria Street, Burnley Street and Bridge Road under future case scenarios, with recommended amendments to the proposal and/or any mitigation works to the surrounding street network if required to ensure that traffic generation from the development can be accommodated in the surrounding network into the future; and*
 - vi. *Any further requirements as set out by Parks Victoria and Melbourne Water in relation to the protection of the natural environs of the Yarra River and flood mitigation of the development; and*
 - (e) *Other matters requiring attention include on and off-site amenity impacts, and the visual bulk / imposition of walls internal to the site, including traffic and vehicle access along Murphy Street (being a private road and its implications on the southern property), wayfinding measures and adequate and natural breakout areas for patrons and residents alike, wind impacts throughout, shadows cast into the public realm and the river environs, including floodplain management and any further requirements that Melbourne Water may impose or have concerns with.*

45. Notwithstanding the above, the council provided draft conditions, should the Minister for Planning consider to issue a permit. An assessment of these conditions is included in Appendix 2.

Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

46. On 22 May 2026, the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) provide the following comments:

The Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation Cultural Heritage Unit (CHU) Elders have reviewed the planning permit application for 1-43 and 63-76 River Street, Richmond and have requested that I provide you with the following comments:

- The amendment area includes an area of legislated cultural heritage sensitivity under the Aboriginal Heritage Act 2006, the Birrarung, which is highly sensitive and significant to Wurundjeri People.
- The proponent may have obligations under the Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017.
- The CHU Elders note that Aboriginal cultural heritage can be identified in disturbed contexts, which is a common occurrence.
- The CHU Elders strongly suggest that a voluntary CHMP be prepared to mitigate harm to Aboriginal cultural heritage, to ensure that development is not delayed if unexpected Aboriginal cultural heritage is identified.
- Wurundjeri's Cultural Heritage Unit Elders highlight that the proponent may have obligations under the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018 and should seek further advice from a listed Heritage Advisor. A list of Heritage Advisors can be found here: <https://www.firstpeoplesrelations.vic.gov.au/heritage-advisor-list>

Birrarung Council

47. On 14 July 2026, Birrarung Council provided the following comments:

The Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 (the Birrarung Act) mandates the establishment of a Yarra Strategic Plan and the Birrarung Council to be a voice of Birrarung (Yarra River). 'Wilip-gin Birrarung murrn' means 'keep the River alive' in Wurundjeri Woi wurrung language, and these words guide the actions of the Council.

The Council is monitoring the implementation of the Yarra Strategic Plan (2022), and the implementation of recent changes to the Victorian Planning Provisions through the gazettal of VC278 and VC281.

Key clauses in the Victorian Planning Provisions include clause 12.03-1R Birrarung (Yarra River) and clause 51.06 Birrarung (Yarra River) Protection. Clause 51.06 requires that a responsible authority must have regard to the principles in Part 2 of the Birrarung Act when performing its functions or duties or exercising powers in relation to Yarra River Land or other land, the use of development of which may affect Yarra River Land.

Principle 9(4) of the Birrarung Act that requires that 'There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land'. Clause 12.03-1R requires 'key views from and to the Birrarung (Yarra River) Corridor and its landscape setting' to be maintained and protected.

We interpret these views as being views from Birrarung's waters and its land edges and bridges holistically and not from a single bridge-location.

We trust that these matters will be sensitively and faithfully considered in the Department's assessment of this planning permit application.

Parks Victoria

48. On 19 May 2025, Parks Victoria provided the following comments:

The proposal incorporates a publicly accessible pedestrian access staircase linking the site (and River Street) to the Main Yarra Trail (MYT) via Crown Allotment 2324 Parish of Jika Jika (SPI 2324\PP2796).

PV context & background

PV is the public land manager for Crown Allotment 2324 Parish of Jika Jika (SPI 2324\PP2796). Whilst this land is unreserved, it forms part of "Yarra River Land" as defined in the Yarra River Protection (Wilip-gin Birrarung murrn) Act (2017).



PV has provided pre-application advice to the Department of Transport and Planning (DTP) in relation to the proposal on 11 February 2026 and met onsite with the proponent to review the location of the proposed MYT connection on 20 May 2026.

Whilst the commercial 1 zoning (C1Z) is reflective of the broader precinct use, it is not reflective of public ownership and purpose of Crown Allotment 2324 Parish of Jika Jika. Further, the C1Z does not contain the mechanisms contained within the public land zones which require public land manager consent, which can be conditional in support of an application. Whilst not expressly required in this instance, PV encourages the inclusion of conditions as appropriate to address the following feedback.

PV does not object to planning permit application PA2604312 acknowledging the public benefits associated with enhanced public access to the MYT. This advice is subject to pending outcomes of cultural heritage investigations.

PV feedback

Proposed pedestrian access - consistency with protection principles

Responsible Public Entities (RPE's) must consider the Yarra River protection principles set out at Part 2 of the Yarra River Protection (Wilip-gin Birrarung murrn) Act (2017), when making decisions.

Whilst provision of public access through the site to the MYT will generally accord with principle 11(1):

'Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced through the design and management of public open space for compatible multiple uses that optimise community benefit'

There is opportunity for an enhanced landscape outcome in conjunction with the delivery of the pedestrian staircase and broader redevelopment proposed. This would accord with principle 9(4):

'There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land'

Consideration for permit conditions requiring the development and implementation of a landscape rehabilitation plan for the broader Crown land embankment adjacent to the proposed staircase to improve development outcome are warranted. PV must be consulted in the scope and design of any revegetation works, and an authorisation in place for any works on Crown land. This would be consistent with a recommendation contained within the Flora and Fauna Assessment prepared by Ecology Australia dated 23 January 2026 that suggests a site-specific weed and revegetation management plan.

Proposed pedestrian access - siting and design

The location of the proposed MYT connection is practical. It will be located on the southern periphery of the development site linking to Murphy Street, which abuts another existing residential apartment development that does not have direct access to the MYT at present. The closest existing access points to the MYT are Crown Street to the north and Richmond Park / Bridge Road to the south. These access points are approximately 300m apart. The provision of the proposed pedestrian access is central to these access points. The location avoids remnant vegetation, and the design integrates into the embankment. Whilst the staircase does not provide all ability access there are other ramp access points to the MYT via Crown Street and Bridge Road. The elevated design also limits construction impact within the embankment with sufficient opportunities for rehabilitation of the remainder of the embankment with locally indigenous species. This will further visually integrate the staircase into the landscape and contribute to net gain outcomes sought by the Yarra Protection Principles. The design proposes a minimum landing dimension of 1.5m before connecting to the MYT. This will enable space for pedestrians to safely check incoming traffic prior to stepping out onto the MYT.

Proposed pedestrian access - construction management

Recommendations contained within the Flora and Fauna Assessment include fencing off retained biodiversity values, implementing effective sediment control, weed management and revegetation with an emphasis of preventing future soil bank erosion. These recommendations are all supported. A construction & environmental management plan is warranted to demonstrate how and where these measures will be implemented. PV must be involved in the review of plans pertaining to the Crown land.

Other issues of interest to PV

Existing retaining wall and embankment stability

It is unclear what impact construction will have on the stability of the existing retaining wall located on the adjacent Crown land. This retaining wall was constructed as part of the bicentennial program by the Board of Works in the late 1980's - early 1990's and is understood to be pinned horizontally back into the embankment. PV does not hold design plans for the structure. Conditions of permit should require sufficient evidence to be submitted demonstrating that the construction (including drainage) will not impose on the stability of the Crown land embankment or retaining structure. Peer review of geotechnical advice and engineering may be warranted.

Potential land contamination management

Whilst an Environmental Audit Overlay does not apply to the Crown land, PV expects the requirements of the Environmental Protection Act (2017) is adhered to with regards to works proposed on Crown land.

Stormwater management

Changes to hydrology and stormwater management must have regard for the stability of the Crown land embankment and existing retaining wall.

Tenure & asset management

It is understood that a Section 173 agreement will require the portion of proposed pedestrian access located on freehold to be maintained for public access. Prior to any works on Crown Allotment 2324 Parish of Jika Jika (SPI 2324\PP2796), authorisation for both construction and maintenance of the staircase and associated works must be granted by PV.

Documentation reviewed

PV has reviewed the documentation package provided by DTP via the Victorian Planning Portal 23 April 2026. In addition, the proponent provided an updated landscape design package prepared by Arcadia dated 8 May 2026 Revision C direct to PV. This is the version considered.

49. On 15 July 2026, Parks Victoria provided some suggested draft conditions, which have been further modified and supported by Parks Victoria.

DTP Urban Design Team

50. On 30 June 2026, DTP's Urban Design Team provided the following comments:

DTP Urban Design maintains that the proposal represents an exemplar design response adjacent to the sensitive Yarra River interface, successfully balancing increased density with high-quality architectural and public-realm outcomes.



Noteworthy qualities previously identified (which remain evident and should continue to be reinforced through to permit stage) include:

- Generous built form separation between buildings.
- An exemplary public realm offering at ground level.
- A balanced approach to density, supported by a diverse housing typology mix.
- A strong and well-resolved conceptual façade design response.
- A conscious commitment to indigenous and native landscape planting.
- Clear articulation of soil volumes and planter depths to support long-term landscape success.

To ensure the calibre and integrity of the design outcome is maintained through detailed design development, the following additional information is recommended:

- We commend the architects for rationalising the preferred material palette early in the process, including material systems, finishes, and colours. Detailed documentation should consider clearly identifying the precise location and extent of each material, and where critical, articulate the architectural role and design intent underpinning the composition. A similar level of rigour should be applied to the landscape strategy, including species selection, planting character, and intended spatial outcomes.

Notice

51. The application 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 Planning and Environment Act 1987 pursuant to the following provisions:
- Commercial 1 Zone: an application to construct a building or construct or carry out works. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. Given there is no land within a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre within 30 metres, the application is exempt.
 - Land Subject to Inundation Overlay: an application under this overlay.
52. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:
- Commercial 1 Zone: use of land for dwellings.
 - Significant Landscape Overlay: an application to construct a building or construct or carry out works and to remove, destroy or lop vegetation.
 - Design and Development Overlay – Schedule 1: an application for construction of a building or to construct or carry out works and construction of a fence.
 - Clause 52.06: reduction in car parking associated with the food and drink premises.



53. Given the application is not exempt from the notice requirements of the Commercial 1 Zone, Significant Landscape Overlay and Design and Development Overlay – Schedule 1 the applicant was directed to give notice by way of erecting four (4) signs on the site and notifying adjacent and nearby property owners and occupiers.
54. At the time of writing, 47 submissions have been received in response to the application (including an objection from the Boroondara City Council). One objection also included a petition with 48 names and some of these people also submitted their own individual objections. Key issues include (but are not limited to) the following:
- Built form (overdevelopment, height, setbacks, bulk, streetscape, views from the Yarra River corridor);
 - Impacts on the Yarra River corridor;
 - Amenity impacts (loss of view, outlook, sunlight, privacy, overshadowing, wind, noise);
 - Traffic, parking, vehicle access and infrastructure capacity;
 - Pedestrian and cyclist safety concerns;
 - Environmental impacts on wildlife, native flora and fauna, vegetation removal and river ecology;
 - Lack of precinct wide or coordinated strategic framework for the area;
 - Concerns about the planning process;
 - Construction impacts;
 - Insufficient affordable and public housing provided within the development;
 - Impacts on public open space, including the Main Yarra Trail and river bank stability; and
 - Site contamination.
55. The issues raised in the objections are discussed in further detail below and addressed throughout the assessment section of the report.
56. Given the decision requirements of section 64(1), (2) and (3) of Clause 53.23-5 of the Yarra Planning Scheme, all objectors will be notified of the decision on the application.



Key Considerations

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

- Strategic Direction and Land Use
- Built Form
- Internal Amenity: Compliance with Clause 58 (Apartment Developments)
- Amenity Impacts
- Car Parking, Bicycle Facilities, Loading and Waste
- Sustainability
- Public Benefits
- Response to referral comments and objections

Strategic Direction and Land Use

Municipal Planning Strategy (MPS)

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

- The proposed development has been assessed against the MPS of the Yarra Planning Scheme and is considered to be consistent with its key directions, which seek to guide sustainable, equitable, and context-sensitive urban growth across the municipality.
- The City of Yarra is a diverse inner-city municipality experiencing continued population growth, urban regeneration, and increasing demand for housing and services. The subject site is strategically located within a Major Activity Centre with good access to public transport, employment opportunities, and community infrastructure, making it an appropriate location for intensified mixed-use development. The proposal supports the renewal of underutilised urban land while respecting the municipality's valued character and environmental assets, such as the Yarra River corridor.
- The proposal contributes to urban consolidation within a well-serviced and strategically identified growth area. It supports a compact, walkable city by placing higher-density development close to services, sustainable transport, and open space (Clause 2.03-1).
- The subject site's substantial size, consolidated landholding and limited sensitive interfaces provide a greater capacity to accommodate development intensity than many other sites within the River Street corridor. These characteristics enable a comprehensive development outcome with appropriate building separation, landscaping and amenity protection. Concentrating growth on strategically located sites of this nature supports efficient urban consolidation and housing delivery while reducing pressure for similar development outcomes on more constrained sites.
- The proposal responds sensitively to the Yarra River corridor, which is a significant environmental and cultural asset (Clause 02.03-2). The development includes:
 - Appropriate setbacks and massing to protect the river's visual character;
 - Retention of key vegetation and landscaping treatments to enhance the green interface; and
 - Improved public access to the river, including a staircase to the Main Yarra Trail.



This approach is consistent with objectives to protect and enhance environmental values while enabling access and activation of the river edge.

- The proposal retains vegetation where appropriate, providing generous setbacks from the Yarra River, and enhancing public access without compromising environmental values. The development respects the site's proximity to the Yarra River and includes design features that maintain amenity and reduce potential impacts. Integration of environmentally sustainable design measures also support this clause (Clause 02-3-3).
- The proposal incorporates a contemporary architectural design that positively contributes to the evolving character of the activity centre while respecting key interfaces. Building height, form, and articulation respond to surrounding context, particularly in relation to the Yarra River and adjacent public land (Clause 02.03-4).

The development contributes to the public realm through:

- Generous built form separation between buildings;
- An exemplary public realm offering at ground level;
- A staircase to the Yarra River, improving connectivity; and
- An active use along River Street.
- The development provides 200 new dwellings in a range of configurations (1, 2, and 3 bedroom dwellings and 3 and 4 bedroom townhouses), supporting housing diversity and choice. The 3% affordable housing cash contribution aligns with State government and council objectives to increase access to affordable housing (Clause 02.03-5).
- The inclusion of a retail premises within the development enhances local employment opportunities and service provision, contributing to the vibrancy and resilience of the activity centre (Clause 02.03-6).
- The site is well-connected to existing public transport (tram and train services) and supports sustainable mobility by (Clause 02.03-7):
 - Providing ample bicycle parking (226 spaces) and pedestrian infrastructure;
 - Maintaining car parking at appropriate levels to avoid car dependency; and
 - Enhancing walkability and permeability via the staircase to the Yarra River.
- The proposal improves public realm infrastructure, including river access and pedestrian movement through the site (Clause 02.03-8).
- The Strategic Framework Plan identifies the site within a Major Activity Centre, which is a designated location for higher-density residential and commercial development. The proposal aligns strongly with this strategic direction by delivering a mixed-use, higher density development that optimises the site's locational advantages (Clause 02.04).

Planning Policy Framework

59. The proposal aligns with the strategic intent of Clause 11.01-1S (Settlement) and Clause 11.03-1S (Activity Centres) by facilitating higher-density residential and commercial development within a Major Activity Centre, where access to public transport, jobs, and services is maximised. The development supports the creation of a more compact and sustainable urban form, helping to accommodate population growth in appropriate locations.



60. The proposal is consistent with the objectives of Clause 11.03-1L (Activity Centres), which encourages high-quality mid-rise buildings that enhances the precinct's urban character, improves access and connectivity, and delivers high-quality public realm outcomes.

The development responds appropriately by:

- Delivering a mid-rise built form in line with the preferred scale for the precinct;
- Providing a residential use that contribute to a vibrant activity centre; and
- Promoting and prioritising walkability in the centre, with a new pedestrian connection to the Yarra River.

61. The proposal is consistent with this objective by maintaining appropriate setbacks from the Yarra River, retaining mature vegetation where possible, and enhancing the public interface through a new pedestrian access. The design considers the river's landscape character and avoids adverse visual and environmental impacts (Clause 12.03-1R). The development respects the river's visual and environmental sensitivity through carefully designed built form transition, incorporation of landscaping, and provision of a new public stair improving river access. The interface with the river responds to its context through careful consideration of views, vegetation, and public realm quality (Clause 12.03-1L).

62. The proposal is consistent with the objectives of Clause 13.07-1L-01 (Interface and Amenity) by appropriately managing the sensitive interfaces by incorporating setbacks, building articulation, and landscaping to reduce visual bulk and protect adjoining amenity. Residential and commercial uses are well-integrated, with careful attention to noise, traffic, and visual impacts, particularly along the Yarra River and River Street frontages.

63. The proposal is consistent with the objectives of Clause 14.02-1S (Catchment planning and management) by appropriately protecting the buffer zone to the west side of the Yarra River.

64. The proposal responds positively to Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) by delivering a high-quality, architecturally considered design that integrates well with its urban context and contributes positively to the public realm. It introduces a staircase and improved river access, enhancing connectivity and permeability in the area. The massing and setbacks have been designed to ensure appropriate transition and minimal visual and amenity impact on the surrounding environment, including the Yarra River corridor.

65. The proposal integrates key sustainable design strategies including energy-efficient design, water-sensitive urban design, and provision for natural ventilation and daylight. These measures support reduced resource consumption and improved environmental performance in line with the policy's objectives (Clause 15.01-2L-01).

66. In accordance with Clause 16.01-1S (Housing Supply) and Clause 16.01-2S (Housing Affordability), the proposal contributes to housing diversity and supply through a mix of 1, 2, and 3-bedroom dwellings in the form of apartments and 3 and 4-bedroom townhouses. The inclusion of an affordable housing contribution (3% cash contribution) supports broader objectives for housing affordability and inclusive communities.

67. The inclusion of a retail premises supports Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by creating opportunities for local employment and service provision. This contributes to a mixed-use, activated urban environment that supports both residents and the broader community.

68. The development promotes sustainable transport in accordance with Clause 18.02-1S (Sustainable Transport) and Clause 18.02-2S (Public Transport) by:

- Locating within walking distance of high-frequency public transport;
- Providing 226 bicycle parking spaces; and
- Minimising reliance on car use, while providing adequate parking for residents.



The new staircase from the eastern end of the private road to the south of the site, to the Main Yarra Trail improves walkability and connectivity, aligning with active transport objectives.

69. The proposal supports Clause 19.02-6S (Open Space) through the enhanced public realm access to the Yarra River. This addition provide benefit beyond the site, supporting a liveable and inclusive neighbourhood.

Birrarung (Yarra River) Protection

70. The purpose of Clause 51.06 of the scheme is to ensure responsible public entities have regard to the principles specified in the Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 (Birrarung Act).
71. This clause applies to land defined as 'Yarra River Land' under Part 3 of the Birrarung Act, which is adjacent to the subject site.
72. The following assessment is provided to the principles outlined in Birrarung Act:

Principles	Assessment
General principles	
(1) Proposed development and decision- making should be based on the effective integration of environmental, social and cultural considerations in order to improve public health and wellbeing and environmental benefit.	The proposal has been informed by a Connection to Country Report prepared by Greenshoot Consulting and dated April 2026, including engagement with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC). The report demonstrates consideration of environmental restoration, social outcomes and cultural values associated with the Birrarung. The development incorporates opportunities for ecological enhancement, improved public access to the river corridor, cultural interpretation and landscape responses informed by Traditional Owner knowledge. It is considered that the proposal demonstrates an integrated approach to environmental, social and cultural considerations consistent with this principle.
(2) Decision-makers should take into account the best practicably available information about the potential impacts of climate change so as to avoid, so far as possible, serious or irreversible damage resulting from climate change.	While the Connection to Country Report is not principally focused on climate change, it promotes climate-responsive landscape design, habitat restoration, greening of the built form, water-sensitive urban design and urban cooling measures. The emphasis on indigenous vegetation communities, ecological repair and environmental stewardship supports broader climate resilience objectives. The proposal generally responds positively to this principle.
(3) Decision-makers should take into account the impact of any individual action or policy on public health and wellbeing and seek to ensure that public health and wellbeing is enhanced by the action or policy.	The proposal incorporates pedestrian links, enhanced landscape areas and opportunities for community gathering and engagement with the river corridor. Traditional Owner feedback also identified the importance of inclusive spaces, community access and cultural learning opportunities. These initiatives are considered capable of enhancing public wellbeing and strengthening community connection to the Birrarung.
(4) Each generation should ensure that the environmental, social and cultural benefits that have been acquired are maintained or enhanced for the benefit of future generations.	The proposal seeks to establish long-term cultural recognition of Wurundjeri Country through landscape design, cultural interpretation, Truth-Telling opportunities, language, artwork and ongoing engagement with Traditional Owners. The report identifies enduring stewardship and long-term partnerships as key outcomes. The proposal is considered to support intergenerational environmental and cultural benefits.



(5) Protection of the environment and delivery of sustainable development is a responsibility shared by all levels of government, industry, business, communities and the people of Victoria.	The proposal has been prepared with regard to the policy framework established by the Yarra River Protection Act, Yarra Strategic Plan, Birrarung Water Policy and International Indigenous Design Charter. The engagement undertaken with Traditional Owners and the commitment to environmentally responsive design demonstrates recognition of the shared responsibility for protecting the Birrarung and achieving sustainable development outcomes.
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Environmental principles

(1) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation or for failing to assess the risk-weighted consequences of the options.	The proposal acknowledges the historic degradation of the Birrarung corridor and seeks to respond through ecological repair, indigenous revegetation and Caring for Country principles. While no specific threat of irreversible environmental damage has been identified through the Connection to Country process, the proposal adopts a precautionary approach by promoting restoration of habitat and ecological values wherever practicable.
(2) Environmental practices and procedures should ensure that biodiversity and ecological integrity is maintained or enhanced in ways that are proportionate to the significance of the environmental risks and consequences being addressed.	The Connection to Country Report identifies ecological repair as a core design objective and advocates restoration of indigenous vegetation communities historically associated with the site, including Riparian Woodland, Plains Grassy Woodland and Floodplain Riparian Woodland. The emphasis on habitat creation, riverbank ecology and indigenous planting is considered supportive of biodiversity enhancement and ecological integrity.
(3) If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.	The proposal promotes an integrated environmental response through landscape restoration, water-sensitive urban design and protection of the Birrarung as a connected ecological system. The incorporation of Traditional Owner knowledge supports a holistic approach that recognises the interrelationship between land, water, biodiversity and cultural values. This is generally consistent with the intent of this principle.
(4) There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.	The proposal incorporates opportunities for indigenous revegetation, ecological restoration and enhancement of habitat values along the river interface. The Connection to Country Report identifies Caring for Country and environmental repair as central design objectives. Subject to implementation of the proposed landscape strategy, the proposal demonstrates the potential to contribute to a net environmental improvement compared with existing conditions.

Social principles

(1) The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.	The proposal responds to the Birrarung as the defining cultural and landscape feature of the site. The Connection to Country Report identifies opportunities for landscape enhancement, improved river access, gathering spaces and interpretation that strengthen appreciation of the river corridor and its significance. These initiatives are considered capable of enhancing the amenity of Yarra River land for the broader community.
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(2) Community consultation and participation should play an essential and effective role in the protection, improvement and promotion of Yarra River land.	Consultation has been undertaken with representatives of the WWCHAC, including a Senior Elder and Policy and Partnerships representatives. The report identifies ongoing collaboration, cultural leadership and future design validation as important components of the project. This approach demonstrates participation consistent with the objectives of this principle.
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Recreational principles

(1) Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced through the design and management of public open space for compatible multiple uses that optimise community benefit.	Traditional Owner engagement identified the importance of ensuring that the riverfront remains welcoming and accessible to the wider community. The proposal includes improved pedestrian connections to the Main Yarra Trail, gathering spaces and opportunities for cultural engagement that are intended to increase public use and enjoyment of the Birrarung corridor. These outcomes support this principle.
(2) Public open space should be used for recreational and community purposes that are within the capacity of that space, in order to sustain natural processes and not diminish the potential of that open space to meet the long-term aspirations of the community.	The proposed public realm interventions seek to improve access and appreciation of the river corridor while supporting ecological restoration and landscape enhancement. The Connection to Country Report emphasises balancing community use with protection of environmental and cultural values through Caring for Country principles. This approach is broadly consistent with this principle.

Cultural principles

(1) Aboriginal cultural values, heritage and knowledge of Yarra River land should be acknowledged, reflected, protected and promoted.	This principle is strongly addressed through preparation of a dedicated Connection to Country Report and engagement with the WWCHAC. The report identifies opportunities to embed cultural narratives, Woi-wurrung language, artwork, Truth-Telling, interpretation, landscape responses and cultural markers throughout the site. The proposal demonstrates a strong commitment to acknowledging and promoting Aboriginal cultural values associated with the Birrarung.
(2) The role of the traditional owners as custodians of Yarra River land should be acknowledged through partnership, representation and involvement in policy planning and decision-making.	Traditional Owner engagement has informed the preparation of the report and the cultural design framework for the proposal. The report emphasises ongoing collaboration, co-design, cultural leadership and future Wurundjeri involvement in storytelling, cultural programming and design refinement. The proposal therefore demonstrates recognition of the custodial role of the Wurundjeri Woi-wurrung people and supports their continued involvement in future decision-making.
(3) The cultural diversity and heritage of post-European settlement communities should be recognised and protected as a valued contribution to the identity, amenity and use of Yarra River land.	The report documents the layered history of the area, including Aboriginal occupation, colonisation, industrial development, migration and contemporary multicultural communities. Particular recognition is given to Richmond's industrial heritage, Aboriginal activism, migrant communities and evolving urban character. The proposal demonstrates an appreciation of these layers of cultural history and identity.

Management principles

(1) There should be coordination between all levels of government and government agencies when	The proposal has been informed by the Yarra River Protection Act, the Yarra Strategic Plan, the Birrarung Water Policy and other relevant policy frameworks. The Connection to Country
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designing policies and programs and making decisions in relation to Yarra River land.	Report demonstrates an understanding of the broader governance framework applying to the Birrarung and supports coordinated implementation of environmental, cultural and planning objectives.
(2) When designing policies and programs, the best practicable measures available at the time should be used.	N/A – the proposal does not relate to the designing of policies or programs.
(3) Implementation of natural resource management should aim for continuous improvement and extend beyond compliance with relevant laws and requirements.	The proposal incorporates Caring for Country principles that seek to restore indigenous vegetation communities, support biodiversity outcomes and strengthen connections between built form and the Birrarung. The Connection to Country Report also recommends ongoing accountability, stewardship and long-term partnerships with Traditional Owners beyond project approval. These measures support continuous improvement and extend beyond minimum statutory requirements.

73. On balance, the proposed development demonstrates a broad consistency with the Birrarung Act principles, particularly through commitments to revegetation, sustainable design, improved access to the Main Yarra Trail, and recognition of cultural and historical values.

Land Use

74. A permit is required for dwellings and no permit is required for the retail premises.
75. The purpose of the zone has been considered, and it is noted that the proposed uses are consistent with the mixed-use activity encouraged with the Commercial 1 Zone. The development responds appropriately to the broad strategic intent to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and for residential uses at densities complementary to the role and scale of the commercial centre.

Built Form

76. The proposal is considered to achieve a positive built form response to the opportunities and constraints of the site, having regard to the immediate and wider context. Specific built form guidance for the development of the land is provided within the Design and Development Overlay – Schedule 1.
77. While the proposal does not provide the preferred 50 metre setback referenced in Clauses 12 and 14, this policy is discretionary and should be balanced with the strategic context of this site. In particular, the subject site forms part of an established urban river corridor, within a Major Activity Centre, where built form occurs closer to the Yarra River. DDO1 provides the specific built form controls for the site and surrounds, seeking to balance development outcomes with protection of the river corridor. The proposal satisfies the environmental, landscape and built form objectives of DDO1 and Clauses 12 and 14 and therefore represents an acceptable outcome with the reduced setback from the Yarra River.

Design and Development Overlay – Schedule 1 (Yarra (Birrarung) River Corridor – Area H)

78. The subject site is located within Area H, which includes the following minimum setback, maximum building heights and discretionary maximum building heights:

Table H					
Map Reference Area	Location	Minimum setback	Maximum building height		Discretionary maximum building height
			0m to 10m from setback line	10m to 25m from setback line	
H	River Street, Richmond	30 metres	11 metres	18 metres	18 metres

79. The proposal incorporates a setback of 30 metres from the setback reference line (the closest parallel property boundary aligned to the banks of the waterway), a maximum building height of 8.49 metres between 0-10 metres from the reference line and a maximum building height of 14.7 metres between 10-25 metres from the reference line (as shown below).

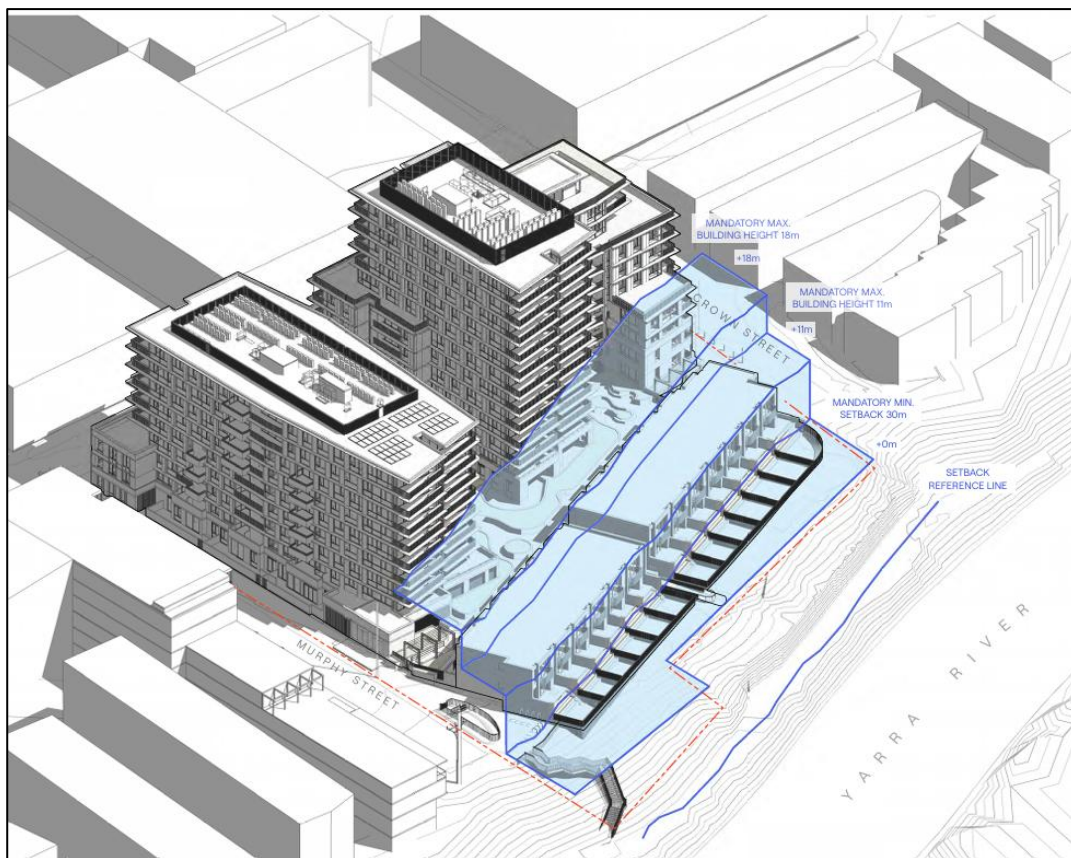


Figure 19: Mandatory and discretionary height controls (Source: Application)

80. The proposal seeks an overall height of Tower B (south building) of 30.09 metres (45.77 m AHD) and of Tower A (north building) of 41.12 metres (55.77 m AHD), measured along River Street, which is 12.09 metres and 23.12 metres respectively, above the discretionary maximum building height of 18 metres.

81. An assessment against the requirements of DDO1 are as follows:



Requirement that cannot be varied by a planning permit	Assessment
Buildings and works must not cast any additional shadow across the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) between 11:00am and 2:00pm on 22 June.	The proposed development does not cast any additional shadow across the Setback Reference Line.
New buildings must not exceed the maximum building height specified in the applicable table to this schedule. A building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.	The proposed development does not exceed the maximum building heights specified in Table H.
New buildings (including basements and projections) must be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.	The proposed development is setback from the Setback Reference Line the minimum distances. See further discussion below regarding encroachments.
The complete or partial replacement of an existing building within the minimum setback distance specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway) must not: • Exceed the maximum building height specified in the applicable table to this schedule. • Reduce the existing setback of the building from the Yarra River and public open space. • Increase the existing gross floor area of the existing building.	Not applicable, as the proposed development is setback beyond the minimum setback distance from the Setback Reference Line.
Requirement that can be varied by a planning permit	Assessment
Buildings and works should not cast any additional shadow across any public open space between 11:00am and 2:00pm on 22 September.	The proposed development does not cast any additional shadow across any public open space.
Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.	The proposed development exceeds the discretionary maximum building height of 18 metres, proposing a maximum height of 41.12 metre. Notwithstanding this variation, the additional height is considered acceptable as it is confined to a limited portion of the site, while the remainder of the development complies with the mandatory height controls. The proposal adopts a strong landscape-led design response that integrates the built form with the site's topography and minimises visual impact from the Yarra River. DTP's Urban Design team also strongly supports the design outcome. On balance, the variation to the discretionary maximum building height is considered acceptable, as it achieves appropriate urban design, landscape and visual amenity outcomes.
Fencing within the minimum setback specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway), should not: • Impede the flow of flood waters.	The fencing associated with the townhouses is proposed within the minimum setback and exceeds the preferred height of 1.4 metres above ground level. As a result of the land's slope along the eastern elevation, the fence heights range from 1.43 metres to 3.09 metres.

- Exceed a height of 1.4 metres above ground level. - Be less than 25 per cent visually permeable. - Use reflective colours and finishes.	The fencing is of a dark metal slat design, which assists in reducing its visual bulk.
The site area covered by buildings, tennis courts, swimming pools and other impervious surfaces within a Residential Zone or on land used for accommodation should not exceed 40 per cent of the lot area.	The proposal provides a site coverage of 50%, not including Crown land, which is consistent with the established development character within Major Activity Centres.
Tennis courts, swimming pools and other outbuildings associated with a dwelling should be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.	Not applicable, as no tennis courts, swimming pools or other outbuildings area proposed. The proposed development is setback from the Setback Reference Line the minimum distances.
Building materials should utilise non-reflective colours and finishes that blend with the natural landscape.	The proposed building materials are non-reflective and will blend with the natural landscape. See discussion below regarding materials and finishes.

82. An assessment against decision guidelines of DDO1 are as follows:

Before deciding on an application, the responsible authority must consider:	Assessment
The views of Melbourne Water as a recommending referral authority in accordance with section 55 of the Act for all applications within 100 metres of the Yarra River, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and Melbourne Water.	Melbourne Water (determining referral authority) have reviewed the application and have advised that they do not object to the application, subject to conditions being included on any permit to issue.
Before deciding on an application, the responsible authority must consider as appropriate: Landscape protection	Assessment
- The visibility of any proposed buildings and works when viewed from the Yarra River and adjacent public open space, pedestrian and bicycle paths and bridge crossings. - Whether sufficient space is provided between buildings to maintain views of the Yarra River and allow for the planting and growth of vegetation, including large canopy trees. - Whether the siting of buildings and works avoids the removal of existing riparian vegetation. Whether any earthworks will affect public views of the river corridor. - The need for additional landscaping or new vegetation screening to filter views of proposed buildings and works.	The development adopts a stepped built form that transitions towards the Yarra River, with the two storey townhouses along the river frontage and taller buildings set further west. Combined with the 30-metre river setback and substantial landscaping, the proposal minimises visual prominence from the Yarra River, Main Yarra Trail, surrounding open spaces and bridge crossings. Substantial building separation, setbacks and pedestrian links create view corridors through the site and maintain visual connections to the Yarra River. The layout also provides extensive deep soil planting and significant space for canopy trees, resulting in a substantial increase in canopy cover over the site. The proposal prevents direct impacts on the river corridor by maintaining setbacks from the Yarra River and incorporating revegetation with indigenous species. Earthworks associated with the Main Yarra Trail stair connection are limited and designed to

integrate with the existing embankment without adversely affecting public views of the river corridor.

The proposal includes extensive landscaping comprising indigenous planting, new canopy trees, green corridors and river-edge revegetation. This landscaping will soften and filter views of the development from the river and surrounding public realm while strengthening the landscape character of the Yarra River corridor.



Figure 20: View of the site from Hawthorn Bridge (Source: Site visit)

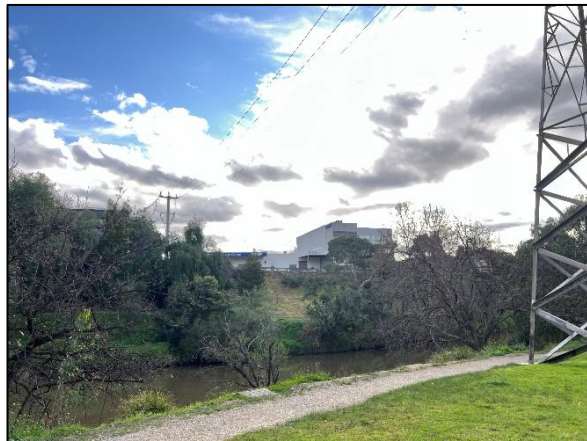


Figure 21: View of the site from the eastern side of the Yarra River (Source: Site visit)



Figure 22: View of the site from the eastern side of the Yarra River
(Source: Site visit)

Siting and design

- Whether any additional overshadowing of public open space can be avoided by redesigning or relocating a proposed building or parts of it.
- Whether siting of proposed buildings impacts the river's natural flood and watercourse characteristics.
- Whether any proposed garages and outbuildings ancillary to a dwelling are integrated into the overall design to minimise the appearance of built form impacting public views of the river corridor.
- Whether the location, bulk, outline and appearance of any proposed building or works are in keeping with or enhance the natural landscape character and appearance of the Yarra River.
- The appropriateness of proposed materials and finishes for any proposed buildings and works in reducing contrast.

The proposal has been designed with taller buildings concentrated toward the centre and western portion of the site, while lower-scale townhouse forms are located adjacent to the Yarra River. This stepped massing response minimises overshadowing of the river corridor and adjoining public open space and reflects a deliberate design approach to reduce impacts on the public realm.

The siting of the buildings maintains the required setback from the Yarra River and avoids encroachment into the river corridor. The proposal does not obstruct or alter the river's natural watercourse characteristics, with development located outside the riparian corridor and complemented by significant landscape and revegetation works.

No standalone garages or outbuildings are proposed along the river frontage. The proposal integrates car parking and loading within the building with vehicle access from the private road to the south, thereby minimising these impacts to the Yarra River interface.

The location, scale and appearance of the buildings respond to the river corridor through substantial setbacks, a transition in building heights toward the river, extensive landscaping and the provision of lower-scale townhouses along the eastern interface. The proposal reinforces the landscape character of the Yarra River by integrating native vegetation, canopy planting and opportunities for ecological enhancement.

The proposed materials and finishes are appropriate for the subject site and complement the natural landscape.

Site coverage and permeability

- The need to minimise impervious surfaces to allow for filtration of water and retention and establishment of indigenous vegetation and canopy trees.
- The need to limit areas, (including tennis courts and swimming pools) and other impervious surfaces within the

The proposal provides a site coverage of 50%, not including Crown land, which incorporates substantial deep soil planting area and extensive landscaping to support water infiltration, indigenous vegetation and canopy trees. A total of 1,574 m² of deep soil area is provided, exceeding the applicable standard, and the landscape design delivers a significant increase in canopy cover across the site.

minimum setback distance specified in a table to this schedule to allow for replanting and vegetation growth. • Whether adequate spacing is provided between buildings to maintain and create views to the Yarra River and its corridor.	The river setback area is predominantly dedicated to landscaping, revegetation and canopy planting, with built form confined to compliant setback areas and lower-scale townhouse development. No tennis courts, swimming pools or extensive hard-surfaced recreational areas are proposed within the setback, ensuring sufficient opportunities for vegetation growth and ecological enhancement. The development layout incorporates generous setbacks, building separation and landscaped pedestrian corridors extending east-west and north-south through the site. These spaces maintain view corridors to the Yarra River and its associated landscape while enhancing permeability and visual connectivity between the public realm and the river corridor.
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83. The proposal generally complies with the requirements in DDO1 with regard to setbacks, overshadowing and landscaping. The main discussion relates to the height of the building and whether the visibility of the taller towers creates an unacceptable visual dominance when viewed from the Yarra River corridor.
84. The stepping down of the built form towards the Yarra River reduces the massing and bulk of the building. In particular, through the use of building separation, generous setbacks and landscaped pedestrian corridors, proposal has been designed with taller buildings concentrated toward the centre and western portion of the site, while lower-scale townhouse forms are located adjacent to the Yarra River.
85. The proposal presents a varied and articulated built form response along River Street that appropriately reflects the site's prominent riverside location. Tower A (north building) is setback from the River Street frontage, allowing for generous terraces and landscaping, which softens the interface. The tower is distinguished by a lighter architectural expression, incorporating pale-toned brickwork, warm concrete elements and horizontal balcony projections that draw inspiration from the colours and textures of the Yarra River corridor. Tower B (south building) incorporates a street wall to the River Street frontage, of 11 metres in height, that responds to the adjacent building to the south. The use of textured masonry and a clearly defined base responds also responds to the built form character of River Street. Above the street wall, the upper levels are recessed through a series of setbacks and articulated balconies, reducing the perceived bulk and scale of the building when viewed from the public realm. Collectively, the staged setbacks, material variation and architectural articulation ensure the development achieves an appropriate scale transition while contributing positively to the character of the Yarra River setting.

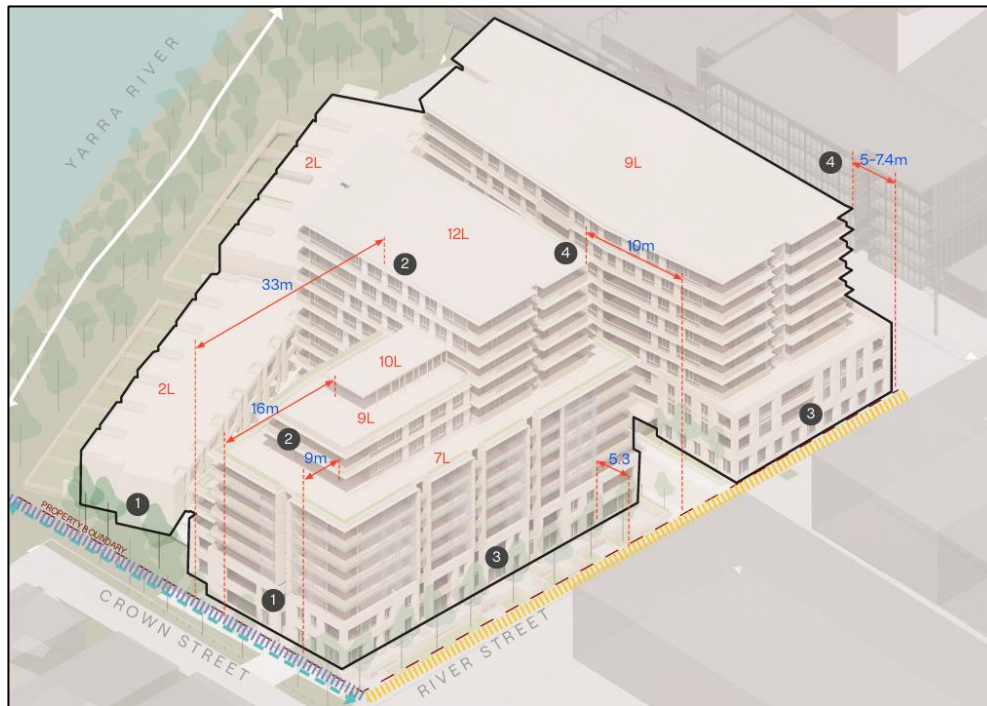


Figure 23: Street wall and setbacks to street frontages (Source: Application)

86. The proposal provides a sensitive transition to the lower-scale residential character of Crown Street through a combination of generous setbacks, landscaping and articulated built form. At ground level, the two-storey townhouses are set back from the northern boundary to accommodate extensive planting and landscaping, while the podium for Tower A (north building) is setback approximately 2.8 metres, creating opportunities for a landscaped pedestrian connection towards the existing Main Yarra Trail at the end of Crown Street.
87. Above the podium, the building massing is carefully recessed to reduce visual bulk and maintain an appropriate relationship with adjoining residential development. Levels 7 and 8 are setback approximately 9 metres from the Crown Street interface, with the upper levels setback a further 16 metres and 33 metres respectively. This graduated built form response allows the development to transition sensitively to the established low-rise townhouse character beyond Crown Street, while maintaining opportunities for canopy planting, protecting the landscaped character of the streetscape and reducing the visual prominence of the upper levels.
88. The proposal provides a well-considered interface to the private road to the south through a combination of building setbacks, landscaping and integrated access arrangements. The building is setback between 3 metres and 6.6 metres from the title boundary, allowing for reasonable building separation and a landscaped edge to the street. The townhouses are also setback from the southern boundary, opening views towards a new pedestrian connection to the Main Yarra Trail and reinforcing permeability through the site. The tower element is further setback reducing visual bulk and providing an appropriate transition to the adjacent buildings.
89. Vehicle access has been consolidated to a single basement entry via the private road to the south, avoiding additional crossovers elsewhere on the site and maximising opportunities for landscaping along the River Street and riverfront interfaces. This integrated access arrangement reduces the visual impact of vehicular infrastructure and supports a pedestrian-focused and landscaped public realm outcome.
90. The proposed built form and massing across the site is considered appropriate to the site's context with respect to the streetscape, the riverscape and the neighbouring sites. The proposed heights are considered acceptable given



overall site area, the concentration of the height to the centre of the site and the stepping down of height towards the Yarra River.

91. While the council has recommended reducing building heights to 18 metres to minimise visual prominence within the surrounding streetscape and Yarra River corridor, the proposed heights are considered appropriate having regard to the site, size, strategic location, built form strategy and high quality architectural and landscape response. In particular:

- The proposal adopts a graduated building form that responds to the Yarra River interface, with lower-scale two-storey townhouses located along the eastern edge of the site and taller built form concentrated toward the centre and western portions of the site. This achieves a sensitive transition in scale towards the river corridor.
- The architectural design incorporates a high degree of articulation through varied building forms, recessed upper levels, balconies, material changes and landscaping, reducing perceptions of visual bulk when viewed from surrounding streets and public areas.
- The proposal provides pedestrian links through the site and a new stair connection to the Main Yarra Trail, creating a significant public benefit by improving permeability and access to the river corridor.
- The upper levels of both towers are progressively recessed from the podium and lower building forms, creating a clear distinction between the street wall, mid-rise elements and upper levels, which assists in reducing the apparent scale of the development.
- The built form is further moderated through substantial setbacks, building separation and a landscape-led design approach that balances the overall development intensity with the site's sensitive riverfront setting.
- Extensive indigenous and native landscaping, deep soil planting, canopy tree provision, podium planting and vertical greening contribute to a landscaped character throughout the site and reinforce the vegetated setting sought along the Yarra River corridor.

92. Accordingly, the proposed height, when considered in conjunction with the building setbacks, articulation, material treatment and extensive landscape response, will not result in an unreasonable visual outcome and appropriately responds to the landscape and urban design objectives for this section of the Yarra River corridor.

Staircase to Main Yarra Trail

93. The proposal incorporates a new staircase over Crown land to the Main Yarra Trail, providing an additional access point to the Yarra River, which is a positive contribution to the site and the wider precinct. While this is not a ramped design, it is noted that nearby ramp access points are provided to the Main Yarra Trail via Crown Street and Bridge Road.
94. Parks Victoria is the public land manager for this Crown land and does not object to the application, subject to cultural heritage investigations. As detailed later in this report, an investigation by Tardis Archeology, dated 28 July 2026 states that the proposed staircase is not considered to be a high impact activity and further that the significant ground disturbance has occurred, concluding that a Cultural Heritage Management Plan is not required.
95. Parks Victoria have recommended a number of conditions be included on any permit to issue, requiring a landscape rehabilitation plan to be prepared, a Construction and Environmental Management Plan to be prepared, geotechnical and engineering advice to be provided regarding the stability of the Crown land embankment or retaining structure, that environmental audit be included for the Crown land and a note that any works to occur on Crown land to get authorisation from Parks Victoria. These are considered reasonable and should be included as conditions on any permit to issue.



Figure 24: Staircase to Main Yarra Trail (Source: Application)

Landscaping

96. Clauses 15.01-1L (Urban Design), 15.01-2S (Building design), 15.01-2L (Building design) and the SLO generally encourage retention of existing vegetation and provision of landscaping that responds to the site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.
97. The application is supported by a Tree Impact Assessment prepared by Joe Kellett Arboriculture and received 27 March 2026. The report recommends removal of 3 trees within the site and 4 trees outside the title boundary. Trees 3, 18 and 20 (within the title boundary) have been marked for removal due to their poor health, poor structure or weed species that do not contribute to the wider landscape.
98. The council supports the removal of trees 3 and 8, however has recommended additional justification for the removal of tree 20. The following was assessment was provided in the Arboricultural Assessment regarding the removal of tree 20:

Tree 20 is a Melaleuca armillaris (Bracelet Honey Myrtle), this type of native tree is common in revegetation sites and along freeways. It is fast grow when young, quick to establish and can create a screen quickly. They have poor root architecture, often resulting in tree failure when less than 20 years of age and are prone to stem failures from a young age due to acute stem attachments. This tree is weight biased to the south west and has acute stem attachments. The only thing preventing failures in this tree is the pergola it is resting on. This short lived tree has been marked for removal before it collapses, it will not survive the proposed demolition of the pergola or the ongoing construction works. It could be easily replaced with a more attractive and long-lived tree; one that would enhance the immediate landscape in the long-term.

99. Given the above description, it is considered that sufficient justification has been provided for the removal of tree 20 and as such its removal is supported.



100. In addition to the above, the updated Landscape Plans includes the removal of tree 14, which is in fact within the title boundary (but currently on the fenceline). While the Arboricultural Assessment does not specifically recommend that this tree be removed, it is considered that it should be given that its roots are within the stormwater drain.

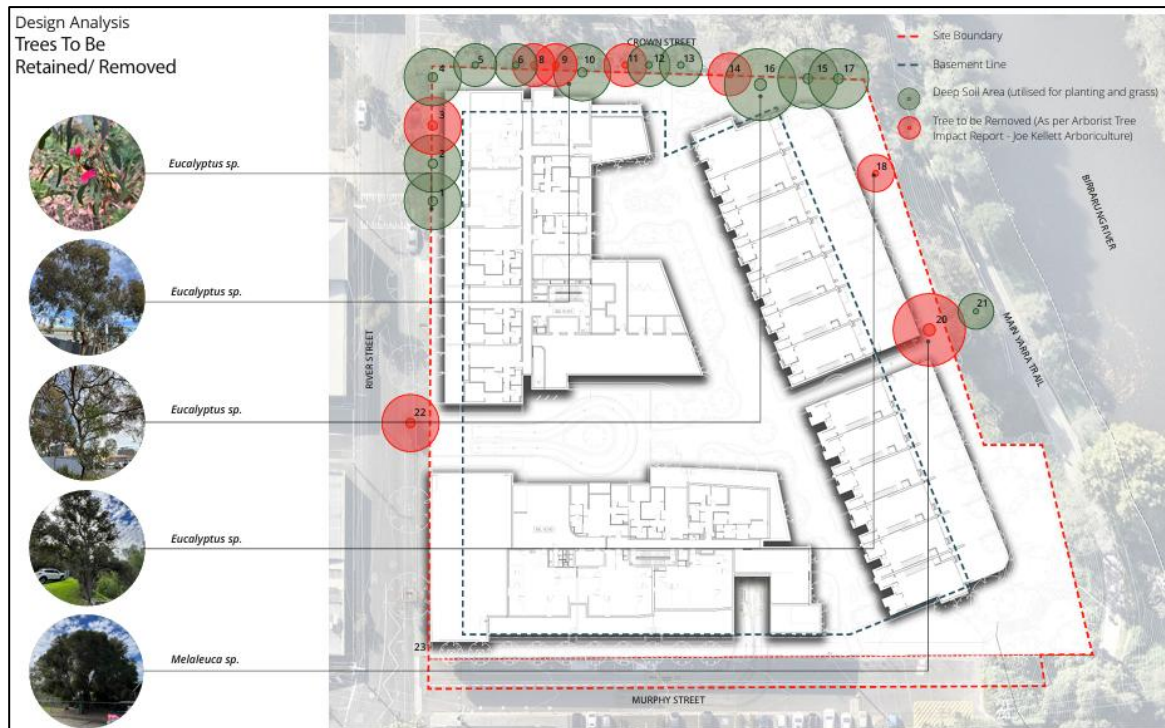


Figure 25: Proposed tree removal (Source: Application)

101. While the council has also recommended further arboricultural justification for a number of tree management outcomes, it is considered that sufficient information has been provided to assess the application. The requested additional Arboricultural Assessment and Wildlife Management Report are therefore considered unnecessary and will not be included as conditions on any permit to issue. However, conditions requiring the preparation and implementation of a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) are considered appropriate and should be included on any permit to issue to ensure ongoing protection of trees to be retained.

102. Removal of any trees located beyond the title boundary will require separate approval from the council. A condition has been recommended for remove and replace costs, which is considered reasonable and will be included on any permit to issue.

103. The application is supported by Landscape Report prepared by Arcadia and 8 May 2026 and incorporates:

- A landscape design which has been guided by the river landscape in its linear layout at the eastern interface, including the selection of species and design which follows the alignment of the river corridor.
- The establishment of areas for outdoor recreation for residents, which celebrates existing vegetation whilst establishing new planting as the design driver.
- A palette of planting and an accompanying design which supplements the landscape character of the river environs and returns landscape and vegetation to the existing site.



Figure 26: Proposed Ground Level Landscape Plan (Source: Application)



Figure 27: Proposed trees (Source: Application)



104. The council has reviewed the landscape plans and recommended a number of detailed design matters be addressed through conditions on any permit to be issued. As outlined in Appendix 3, these recommendations have been assessed and where considered reasonable, have been incorporated as permit conditions.
105. The application was also supported by a Flora and Fauna Assessment prepared by Ecology Australia and dated 23 January 2026. The report identifies the biodiversity values and potential impacts associated with the development. It concludes that the site contains predominantly planted (no native vegetation permit trigger) and highly modified vegetation of limited ecological value. No threatened ecological communities, significant wetlands or naturally occurring threatened flora species were identified. While the site adjoins the Yarra River corridor and provides minor foraging opportunities for some fauna species, the assessment concludes that the proposal is unlikely to have a significant impact on threatened flora or fauna, provided appropriate construction and environmental management measures are implemented.
106. The assessment identifies weed infestation and protection of the Yarra River embankment as the key environmental management issues. Subject to conditions requiring vegetation protection, weed management, erosion and sediment controls, and rehabilitation of retained vegetated areas adjoining the Yarra River, the proposal is not expected to result in unacceptable biodiversity impacts.
107. Melbourne Water and Parks Victoria have recommended conditions to be included on any permit to issue to address these recommendations.

Flooding

108. Part of the site is subject to the LSIO, along the eastern edge and adjacent to the Yarra River.

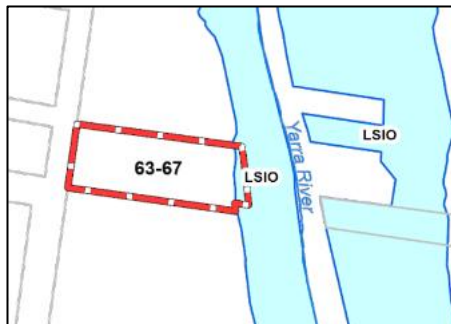


Figure 28: LSIO mapping (Source: Planning Property Report)

109. Melbourne Water (a determining referral authority for this overlay) does not object to the application, subject to a range of conditions to be included on any permit to issue. Melbourne Water advise that:
- *The property is subject to flooding from Yarra River. The applicable 1% Annual Exceedance Probability (AEP) flood level for the property, being the 1% probability in any one calendar year, is 9.90 metres to Australian Height Datum (AHD).*
110. Permit conditions relate to setbacks of building from the Yarra River, finished floor levels, entry apex and openings to the basement car park, fencing construction, application for works over or near Melbourne Water's drain, detailed Landscape Plan and a Site Environmental Management Plan. These conditions will be included on any permit to issue.

Development Contributions

111. The site is subject to the DCPO1. Pursuant to Clause 45.06-1, a permit granted must include any conditions required to give effect to any conditions or levies imposed, conditions or requirements set out in the schedule to this



overlay. Conditions will be included on any permit to issue relating to the DCPO1 to ensure the requirements of the overlay are met.

Aboriginal Cultural Heritage

112. The site is located within 200 metres of the Yarra River and therefore falls within an area identified as having the potential for Aboriginal Cultural Heritage Sensitivity.
113. The application is supported by two reports prepared by Tardis Archelogy, one for the subject site and one for the Crown land. The reports outline that significant ground disturbance has occurred over 100% of the site and within the Crown land and that a Cultural Heritage Management Plan is not required. Notwithstanding this, the proposed staircase within the Crown land area is not considered to be a high impact activity in an area of cultural heritage sensitivity.
114. As such, there will be no requirement for the applicant to undertake a Cultural Heirtage Management Plan.

Potentially Contaminated Land

115. The subject site, with the exception of the Crown land parcel, is located within an Environmental Audit Overlay. Pursuant to Clause 45.03-1, before a sensitive use commences or before the construction or carrying out of buildings and works in association with these uses commences:
- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.
116. On this basis, conditions should be included on any permit to issue requiring a Preliminary Risk Screen Assessment (PRSA) of the site to be conducted by a suitably qualified environmental auditor. This condition requires a PRSA statement and report to be submitted to the responsible authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017*.
117. In the event that the PRSA requires an Environmental Audit to be undertaken, the conditions require an Environmental Audit of the site to be carried out by a suitably qualified environmental auditor prior to the commencement of the development. Lastly, if any of the conditions of the EAS require ongoing maintenance or monitoring, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*. Conditions to this effect should be included on any permit to issue.

Internal Amenity

Clause 55 (Two or More Dwellings on a Lot and Residential Buildings of Three Storeys or Less)

118. As stated previously, the standards and objectives of Clause 55 are not applicable to an application in the C1Z. However, Clause 34.01-8 includes them as decision guidelines, which must be considered, as appropriate, for an application within the C1Z.

119. The townhouses achieve a high level of compliance with the objectives and standards of Clause 55 as detailed in the assessment provided in Appendix 1.

Clause 58 (Apartment Developments)

120. Clause 58 encourages development that provides reasonable standards of amenity for existing and new residents and supports apartment developments that are responsive to the site and surrounding area.
121. The development achieves a high level of compliance with the objectives and standards of Clause 58 as detailed in the assessment provided at Appendix 2. Other relevant Clause 58 considerations (variations sought to Standards) are discussed below.

Private open space

122. A variation is sought to Standard D20 (Private open space objective) that requires dwellings to have minimum dimensions and areas of private open space relative to dwelling types and orientation. The submitted architectural plans demonstrate that all dwellings achieve compliance with the requirements of this Standard, with the exception of two dwellings (both Dwelling Type C18). A variation is sought having regard to the minimum dimension of each of these balconies, noting that the area of the balconies exceeds the minimum requirement.

Room depth

123. A variation is sought to Standard D27 (Room depth objective) that requires adequate daylight into single aspect habitable rooms. The dwellings have been designed with adequate depths for single aspect rooms, with the exception of three ground floor dwellings. Dwelling Types C07, C08 and C09 (3 dwellings in total) have room depths of 9.5 metres, 9.35 metres and 9.55 metres, respectively. A variation is sought having regard to each of these typologies, noting that the area beyond 9 metres is limited to the kitchen, where in most instances artificial lighting is commonly used.

Windows

124. A variation is also sought to Standard D28 (Windows objective) that requires all habitable rooms to have a window in an external wall of the building. The buildings have been designed to allow adequate daylight into new habitable room windows. However, 26 dwellings (Dwelling Types B01, B02 and B03 and B11) include a secondary area (shown as a study area) where the window interfaces with the balcony. These windows exceed the minimum width but not the depth. These spaces are generous and serve the purpose of a study space. This is considered acceptable given the overall amenity of the dwellings and the limited number of dwellings that this relates to.
125. In addition, 57 dwellings (Dwelling Types A03, A04, A05, B04, B05, B09, C13, and C16) feature separate internal rooms with no window, to be used as studies. This is considered acceptable given the overall amenity of the dwellings and the studies are of a size and / or shape that is not conducive to being used as a bedroom.

Amenity Impacts

Overshadowing

126. Clause 15.01-2L, Building Design, discourages impacts on existing adjoining development through unreasonable overshadowing of secluded private open space and loss of daylight to habitable room windows, and seeks to ensure that development avoids overshadowing of public open space between 10am and 2pm on 22 September. DDO1 requires that building and works must not cast any additional shadow across the Setback Reference Line between 11am and 2pm on 22 June. DDO1 also requires that buildings and works should not cast any additional shadow across any public open space between 11am and 2pm on 22 September.



127. The following shadow studies have been undertaken for the various times of the day on 22 June and 22 September for the proposed development on the site:



Figure 29: Shadow study 22 June 11am (left image) and 12pm (right image) (Source: DTP)



Figure 30: Shadow study 22 June 1pm (left image) and 2pm (right image) (Source: DTP)



Figure 31: Shadow study 22 September 10am (left image) and 11am (right image) (Source: DTP)



Figure 32: Shadow study 22 September 12pm (left image) and 1pm (right image) (Source: DTP)



Figure 33: Shadow study 22 September 2pm (Source: DTP)



128. The 22 June shadow studies demonstrate the extent of shadow cast by the proposed development between 11am and 2pm is generally confined to the subject site, adjoining road and immediately adjacent properties to the south and west. Importantly, the shadow studies indicate that no additional shadow extends beyond the Setback Reference Line during the assessment period. Accordingly, the proposal complies with the DDO1 requirement.
129. The 22 September shadow studies demonstrate the extent of shadow cast by the proposed development between 10am and 2pm. The figures show that shadows fall primarily across the subject site, along both sides of River Street and over the private road to the south. As a result, the proposal would not result in any unreasonable additional shadow impacts on public open space and is consistent with the requirements of DDO1 and the objective of Clause 15.01-2L to avoid overshadowing of public open space.
130. With regard to surrounding properties, the shadows are limited in extent and duration and occur predominately within a commercial and mixed use context. The additional shadows are not considered unreasonable, having regard to the scale of the development and its setbacks and separation distances from adjoining properties.
131. Overall, the proposal is considered to respond appropriately to the overshadowing objectives of Clause 15.01-2L and the requirements of DDO1.

Wind

132. The application is supported by an Environmental Wind Conditions Study prepared by MEL Consultants and dated 5 May 2026. The report concludes that the proposed development would provide acceptable wind conditions at ground level and within the public realm. Wind conditions within surrounding streetscapes and pedestrian circulation areas satisfy the safety and walking comfort criteria, while key outdoor communal spaces achieve standing comfort conditions or better. Building entrances were found to achieve sitting comfort conditions, exceeding the target standing comfort criterion.
133. At ground level, an exceedance of the wind safety criterion was identified at the north-west corner of Building A. The report demonstrated that the inclusion of a 1.8 metre high north-south screen/gate would rectify this issue, resulting in compliance with both the pedestrian safety criterion and sitting comfort criterion.
134. At upper levels, exceedances of the wind comfort and safety criteria were identified on a limited number of terraces, including the Building B Level 3 north-west terrace and Building A Level 4 north terraces, Level 7 south-west terrace and Level 9 terraces near the northern building corners. Wind tunnel testing confirmed that these impacts can be effectively mitigated through the provision of 1.2 metre high solid balustrades, or porous balustrades with solid planters immediately behind, which improve all affected areas to achieve the required safety criterion and a minimum walking comfort criterion. Following incorporation of these treatments, all upper level terraces satisfy the wind safety criterion and achieve walking comfort or better.
135. The report recommends the following comfort criteria for the development:
- Pedestrian transit areas: Walking Criterion
 - Building entrances: Standing Criterion
 - Common outdoor amenities: Walking Criterion
 - Private terraces: Walking Criterion
136. It is acknowledged that the council has generally sought a standing comfort criterion for private balconies and terraces. However, MEL Consultants advise that a walking comfort criterion is appropriate for these spaces as they comprise elective outdoor areas where occupants can choose when to use them based on prevailing weather conditions. The consultant also notes that residents should be made aware of wind conditions and that loose objects should not be left unattended in outdoor areas. This approach is considered reasonable having regard to the

elevated nature of the terraces, the urban context of the site and the fact that all areas achieve the required wind safety criterion.

137. Overall, the report demonstrates that the development can achieve acceptable wind safety and comfort outcomes through the implementation of the recommended mitigation measures. While the architectural plans include some reference to mitigation measure, it is considered reasonable to require amended plans to specifically indicate the mitigation measures required by the wind report.

138. A condition will be included on any permit to issue requiring the plans to be generally in accordance with the recommendations and mitigation measures contained within the wind report.

Car Parking, Bicycle Parking, Loading, and Waste

Car Parking

139. The following car parking rates are relevant to the application:

Use	Bicycle Parking Rate	No. of Minimum Spaces Required	No. of Spaces Provided
Dwellings (200)	Minimum one space to each dwelling	200	299
Food and Drink Premises (365 m ²)	Minimum 2 spaces to each 100 square metres of net floor area	7	1
Total		207	300

140. While the proposal provides in excess of the minimum car parking spaces required for the dwellings, it only provides one car parking space for the food and drink premises, where seven are required. Hence, a permit is required to reduce (by 6 spaces) the car parking requirement for the food and drink premises.

141. The reduced car parking provision for the food and drink premises is generally supported, having regard to State and local policy, which encourages sustainable transport options such as public transport, cycling and walking. The site is well located in relation to public transport with tram routes located along Bridge Road, Hawthorn Station located approximately 1km south-east of the site and pedestrian and cycle connections, including direct access to the Main Yarra Trail.

142. The council raises no objection in principle to the proposal, subject to a range of engineering, traffic and public realm matters being addressed through amended plans and further technical documentation. These have been assessed in Appendix 3, and where considered reasonable, conditions will be included on any permit to issue.

143. A key outstanding issue for the council is the adequacy of the Traffic Impact Assessment in relation to local access arrangements and intersection operation. While the report assesses the Burnely Street / Murphy Street and Bridge Road / River Street intersections, it does not assess the Murphy Street / River Street intersection, despite this intersection being directly affected by traffic associated with the development and forming part of the primary access route to the site. However, this is not considered warranted given the traffic report demonstrates that the development will generate relatively modest traffic volumes and concludes that the surrounding road network will continue to operate satisfactorily. Furthermore, Head, Transport for Victoria has reviewed the application and raised no objection to the proposal subject to conditions addressing the operation of the Bridge Road / River Street intersection and the protection of tram movements. In the absence of any identified operational or safety issue at the

Murphy Street/River Street intersection and having regard to the modest level of traffic generation associated with the proposal, it is not considered necessary to require further traffic modelling or assessment of this intersection.

Bicycle Facilities

144. Clause 52.34-1 of the scheme requires bicycle parking facilities as follows:

Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwellings (200 dwellings)	Resident	1 space / 5 dwellings	40	
	Visitor	1 space / 10 dwellings	20	
Food and Drink Premises (365 m ²)	Employee	1 to each 300 sq m of leasable floor area	1	
	Visitor	1 to each 500 sq m of leasable floor area	1	
Total			62	188 resident 38 commercial / visitor Total: 226

145. The proposal includes a total of 226 bicycle spaces, which exceeds the requirement for 62 spaces. As such, no permit is required under this clause.

146. The bicycle spaces will be provided on Basement 1 Level (in a dedicated room and along the accessways) and Ground Level (in dedicated rooms in each of the towers and along Crown Street, the private road to the south and adjacent to the porte cochere).

147. Although the overall provision of bicycle parking spaces exceeds that required under this provision, the council has recommended permit conditions for at least 10 electrical bicycle charging points, no less than 50 visitor spaces, 2 employee spaces, dimensions of bicycle storage spaces, security arrangements and wayfinding signage and bicycle channels along both sides of the staircase connecting to the Main Yarra Trail. It is considered unreasonable to require the applicant to provide in excess of the bicycle parking spaces required under Clause 52.34, given the proposal substantially exceeds the minimum bicycle requirements. Equally, the provision of electric bicycle charging facilities is not a statutory requirement and is not considered necessary to ensure compliance with this clause.

148. However, requirements relating to dimensions of bicycle spaces, bicycle security arrangements and channels to be provided on either side of the staircase are considered reasonable measures that will improve the functionality and accessibility of the bicycle facilities. These matters should be included as conditions on any permit to issue. Wayfinding signage might be more appropriate to include in a public realm plan.

149. Overall, it is considered that the proposal is acceptable and appropriately responds to Clause 52.34.

150. The application is also supported by a Green Travel Plan prepared by OneMileGrid and dated 27 March 2026. The plan sets out a range of initiatives and services employed to encourage travel mode behaviour change and to promote the use of sustainable transport options such as walking, cycling, public transport or car-pooling in preference to single occupant car trips where practicable. The council has recommended that the Green Travel Plan be updated to include 'an easily readable map of the primary bicycle access routes to and from the bicycle parking locations'. It is considered that the information provided in Section 4.2.2 of the plan satisfies this requirement and as such no further amendments to the plan are required.



Loading / Unloading

151. Clause 65.01 of the Yarra Planning Scheme specifies that, before deciding on an application or approval of a loading plan, the responsible authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
152. The Traffic Impact Assessment states that a dedicated on-site loading bay is not required given the size of the food and drink premises and the expectation that most deliveries will be undertaken by small vans. Loading activities are proposed to utilise the existing 15-minute loading zone on River Street, while residential loading and removalist activity can be accommodated within the porte cochere area and basement parking where appropriate. Having regard to the proposed uses, the on-street loading zone and the anticipated low frequency of loading events, the proposed loading arrangements are considered acceptable.

Waste

153. The application is supported by a Waste Management Plan (WMP) prepared by OneMileGrid and dated 8 May 2026. It is proposed that all waste collection is to occur onsite within the Basement Level 01. A private contractor will be engaged to collect waste via a mini rear loader vehicle (typically 6.4 metres long with a 2.2 metre headroom clearance). The waste vehicle will prop adjacent to each bin store and transfer the bins to and from the waste area. A minimum headroom clearance of 2.5 metres is provided within the waste collection area to accommodate the rear lifting of the bins. The vehicles will enter and exit the site in a forward direction via the private road and swept path diagrams have been provided to confirm this.
154. The council considers that the WMP is satisfactory and has recommended a condition be included on any permit to issue requiring the endorsement of this plan.

Sustainability

Environmentally Sustainable Design (ESD)

155. The application is supported by a Sustainable Management Plan (SMP) prepared by HIP V. HYPE and dated 3 March 2026 in response to clause 15.01-2L-01 (Environmental sustainable development) of the Yarra Planning Scheme. The SMP includes a commitment to achieve the following key targets:
- 5-Star Green Star rating;
 - 6 Star minimum and 7.5 Star average NatHERS energy rating for dwellings;
 - At least 90% of construction and demolition waste diverted from landfill;
 - Good daylight and natural ventilation;
 - At least 95% of engineered timber by zero or low formaldehyde;
 - Climate change adaptation and response;
 - At least 75% of site area to be vegetated, have solar PV and materials with a solar reflectance index of at least 64;
 - 40% reduction in the demand for potable water;
 - Energy efficient heating, cooling, hot water and lighting systems; and
 - All electric development, with renewable energy procurement supported.



156. The council has requested some additional details, including west facing bedrooms to includes operable glazing, solar panel capacity to be shown on the plans and consideration of solar panels to the townhouses.
157. While an amended SMP should be provided to ensure that it complies with any changes required to the architectural plans, it is considered that the architectural plans, rather than the SMP should show details of operable glazing to the townhouses and solar panel capacity. This is considered reasonable and conditions will be included on any permit to issue.

Water Sensitive Urban Design (WSUD)

158. The application is also supported by a Stormwater Management Plan prepared by Webber Design and dated 20 February 2026 in response to clauses 19.03-3L (Water sensitive urban design) and clause 53.18 (Stormwater Management in Urban Development) of the Yarra Planning Scheme. It includes MUSIC model results that show the pollutant removal rates achieves the reduction targets as outlined by the Water Sensitive Urban Design Guidelines. A 30,000 rainwater tank and raingardens (40 square metres) have been recommended.
159. While the provision of a rainwater tank is supported in principle, details of the tank's capacity and proposed reuse connections should be clearly shown on the architectural plans. Further, the raingardens should also be identified on the architectural and the landscape plans. These matters can be addressed through conditions on any permit to issue.

Public Benefits

Affordable Housing

160. The application is made under Clause 53.23 (Significant Residential Development with Affordable Housing) which amongst other things seeks to facilitate residential development that includes affordable housing to meet existing and future needs.
161. Clause 53.23-4 (Permit condition requirement) requires that the responsible authority must include a condition for the owner of the land to enter into an agreement with the responsible authority under section 173 of the Act that provides for a contribution towards affordable housing, by either providing at least 10% of the total number of dwellings in the development as affordable housing or a cash contribution.
162. In this case, the applicant is proposing an affordable housing cash contribution of 3% of the residential development cost for the provision of affordable housing. Contributions to the Social Housing Growth Fund allow government and Registered Housing Associations (RHA) to deliver affordable housing in areas identified by the Victorian government. Further, the Affordable Housing Report submitted with this application, states that RHAs have a clear preference for all housing to be grouped in one location for both asset and tenancy management. The affordable housing contribution will be secured via a section 173 agreement permit condition, with details of the affordable housing offer to be resolved at the time the agreement is submitted.
163. The proposed contribution, along with the inherent benefits that come with an increase in supply of dwellings, is welcomed and is responsive to the purpose of Clause 53.23 and the strategies of Clause 16.01-2S and 16.01-2L (Housing Affordability).

Response to Objections

164. All objections received to the application have been considered. The table below provides a summary of the key concerns raised by nearby property owners and occupiers to the proposal and is not intended to be an exhaustive list of every specific matter raised in the objections received.



Objection	Applicant comments	DTP comments
Overall building height	<i>As outlined within the provided Town Planning and Urban Context report prepared by our office, the overall building height has been informed as a first principle with regard to scale and presence to ensure that views from the river environs are minimised particularly from key locations pursuant to Clause 12.03-1R, ensuring that the natural environment and landscape values remain prioritised.</i> <i>The overall building height to River Street has been designed with Urban Design input from MGS Architects who authored the latest strategic planning work on behalf of the Council relating to the Bridge Road and Victoria Street Activity Centres. In the context of this work, they consider the Subject Site to be of high-potential to accommodate an increased scale of development whilst responding sensitively to the Yarra River.</i> <i>MGS Architects as part of their work recognise that "The proposed heights and configuration maximise the development potential in one of the few remaining strategic sites within the Bridge Road Activity Centre, expanding housing availability and diversity in a well-serviced area. Taller elements (up to 12 storeys) are concentrated towards the centre of the site, with setbacks carefully stepping down to support the evolving character and environmental quality along River Street.</i> <i>At the eastern edge, the selection of lower scale typologies (two-storey townhouses) provides a sensitive response to the Yarra River corridor, reducing the visual impact of height, maintaining openness, and ensuring access to light."</i> <i>The nomination of a <u>preferred</u> height control (18 metres) within the DDO1 beyond a 25-metre setback from the mandatory minimum setback line acknowledges that the individual characteristics of each site adjacent to the river corridor will enable the provision of an individualised site response which is balanced with responding to the key objectives around the protection of the Yarra River corridor. The control is inherently designed to allow for this balance and flexibility where sites contain developable area beyond 30 metres from the setback reference line.</i>	As detailed in the built form section of this report, the overall height and setbacks are considered acceptable in this Major Activity Centre context having regard to the existing and emerging built form of surrounding buildings. The built form is consistent with the mandatory height and setbacks within DDO1 and provides an acceptable response to the Yarra River corridor.



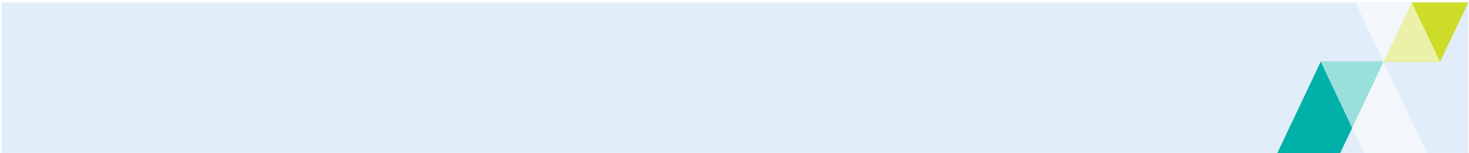
	<i>Given the overall size of the site and the above siting and urban design considerations, we maintain that the overall building height is an appropriate built form outcome on the site.</i>	
Built form composition	<i>The height of the building to River Street has been designed as a “village of forms” comprising differing built form compositions which consist of a variety of material finishes and architectural styles, whilst in turn containing elements of cohesive design in ensuring the built form does not appear incongruous in the streetscape.</i> <i>The built form composition and material palette has also been informed by the Connection to Country Framework in incorporating landscape and country attentive design outcomes to the proposal.</i> <i>It has been designed in conjunction with the building height to ensure that views from the river environs are minimised particularly from key locations pursuant to Clause 12.03-1R, ensuring that the natural environment and landscape values remain prioritised. As demonstrated by the architectural material and accompanying photomontages included with the application, the proposal will integrate in with its surrounds and will not appear incongruous within the context of the river environs.</i>	As detailed in the built form section of this report, the overall height and setbacks are considered acceptable in this Major Activity Centre context having regard to the existing and emerging built form of surrounding buildings. The built form is consistent with the mandatory height and setbacks within DDO1 and provides an acceptable response to the Yarra River corridor.
Overshadowing	<i>The overall height of the proposed built form ensures that overshadowing to the streetscape and adjoining residential properties to the south is appropriately managed at the equinox.</i> <i>This includes access to daylight throughout the day at the equinox with the shadow meeting the building line to the south but not impact the roof level of the built form at any point. Shadow moves further to the east by the afternoon period.</i> <i>No overshadowing of the public open space and river corridor occurs as a result of the development in accordance with the mandatory requirements of the DDO1.</i>	The proposal has been carefully designed to avoid unreasonable off-site amenity impacts, consistent with the planning policy framework. The shadow impact are not unreasonable in this Major Activity Centre context. In particular no shadows are proposed beyond the Setback Reference Line within DDO1. Given the existing and emerging built form context, the proposal represents an appropriate and well-balanced planning outcome.
Traffic access and generation	<i>Refer to the Traffic Impact Assessment, prepared by OneMileGrid to accompany the application.</i> <i>The development is expected to generate around 80 vehicle movements in each peak hour, accounting for the traffic from the existing industrial use on the site being</i>	The proposed car parking provision and anticipated traffic generation is considered acceptable for the site within a Major Activity Centre context. The proximity to public transport and the Main Yarra Trail will assist in encouraging active transport options.



	<i>removed. The net increase as a result is no more than 28 vehicles per hour for any single movement, resulting in fewer than one additional vehicle every two minutes.</i> <i>Traffic modelling confirms the nearby intersections will continue to operate under generally excellent conditions, with only minor changes to delays and queues.</i>	
Affordable Housing contribution	<i>Pursuant to Clause 53.23-4 of the Yarra Planning Scheme, the responsible authority must include the mandatory condition requiring the owner to enter into an agreement with the responsible authority under Section 173 of the Act.</i> <i>That agreement will require a contribution towards affordable housing by way of the options set out at Clause 53.23-4. This will be placed on the relevant title for the property and must be executed prior to the commencement of development.</i>	Any permit to issue will include a condition to provide an affordable housing contribution consistent with Clause 52.23-4.
Contamination	<i>The site is subject to the Environmental Audit Overlay (EAO) which seeks to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.</i> <i>It requires that a range of environmental inputs are required to satisfy the responsible authority that the land is suitable for use as mandatory requirements.</i> <i>This requirement will form a condition of any approved permit.</i>	Any permit to issue will include conditions to ensure that the development is consistent with the Environmental Audit Overlay.
Response to the Yarra River Protection (Wilip gin Birrarung murrn) Act 2017	<i>A Connection to Country Framework has been prepared by Greenshoot Consulting to accompany the application which sets out the proposal's response to the Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 and principles as set out therein.</i> <i>This includes net gain for the environment through the proposed landscape design and subsequently maintenance and enhancement of public access through the establishment of the pedestrian link.</i>	An assessment against the principles within the <i>Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017</i> is provided in the body of the report above.

Clause 53.23 Pathway

165. Amendment C242 introduced Clause 53.23 (Significant Residential Development with Affordable Housing) into all planning schemes to facilitate an assessment process for significant development. Specifically, the purpose of this clause is:

- 
- *To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.*
 - *To facilitate residential development with high quality urban design, architecture and landscape architecture.*

166. This application is within Category 1, noting that the proposal meets the following requirements:

- The estimated cost of the development exceeds \$50 million;
- An affordable housing cash contribution of 3% of the residential development cost will be provided; and
- Written advice from the Invest Victoria.



167. The proposed development is consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of housing within the Bridge Road Major Activity Centre, with a built form response appropriate to the site's urban context. In particular, the proposal is of a design, scale and massing that responds appropriately to the Yarra River, DDO1 and the surrounding context, with appropriate street wall heights, setbacks, ground level activation, landscaping and a pedestrian connection to the Yarra River. The landscaping and flood mitigation aspects of the proposal appropriately respond to the SLO1 and LSIO.
168. The proposal is supported, subject to conditions, including those recommended by Melbourne Water, Head, Transport for Victoria, Parks Victoria and the council, with the exception of some council recommended conditions.
169. It is recommended that Planning Permit PA2604312, for use of the land for dwellings, construction of a building, removal of vegetation and reduction in car parking (food and drink premises) be issued, subject to conditions, noting that council's built form change conditions are not included.
170. It is recommended that the applicant, Melbourne Water, Head, Transport for Victoria, Parks Victoria, the council and all submitters be notified of the above in writing.

**Prepared by:**

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

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Signed:

Dated:

Reviewed / Approved by:

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Appendix 1: Clause 55 Assessment



The following table comprises an assessment of the proposed townhouses against clause 55 of the planning scheme.

Neighbourhood and site description

Clause 55.01-1	Assessment
- <i>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</i> - o <i>In relation to the neighbourhood:</i> - <i>The pattern of development of the neighbourhood.</i> - <i>The built form, scale and character of surrounding development including front fencing.</i> - <i>Architectural and roof styles.</i> - <i>Any other notable features or characteristics of the neighbourhood.</i> - o <i>In relation to the site:</i> - <i>Site shape, size, orientation and easements.</i> - <i>Levels of the site and the difference in levels between the site and surrounding properties.</i> - <i>The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.</i> - <i>The use of surrounding buildings.</i> - <i>The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.</i> - <i>Solar access to the site and to surrounding properties.</i> - <i>Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.</i> - <i>Any contaminated soils and filled areas, where known.</i> - <i>Views to and from the site.</i> - <i>Street frontage features such as poles, street trees and kerb crossovers.</i> - <i>The location of local shops, public transport services and public open spaces within walking distance.</i> - <i>Any other notable features or characteristics of the site.</i> - <i>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</i> Satisfactory neighbourhood and site description - <i>If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</i> - <i>The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.</i> - <i>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</i>	Complies The application has been accompanied by an urban context report and a design response prepared by SJB Architects.

Design response

Clause 55.01-2	Assessment
- <i>The design response must explain how the proposed design:</i> - o <i>Derives from and responds to the neighbourhood and site description.</i>	Complies The application has been accompanied by an urban context report and a design response prepared by SJB



- Meets the objectives of Clause 55.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
- If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.
- The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Architects and a general response to Clause 55 prepared by Contour Consultants.

Neighbourhood character objectives

Street setback objectives

Clause 55.02-1

Objectives

- To ensure that the setbacks of a buildings from a street respond to the existing or preferred neighbourhood character and make efficient use of the site.

Standard B2-1

Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone if the distance specified in Table B2-1; or
- If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B2-1 Street setback

Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.	Not applicable

Assessment

Not Applicable

The townhouses are internal to the site and do not have a front setback from any street. The Crown Street interface is with the side of the northern most townhouse.



There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

Building height objectives

Clause 55.02-2	Assessment
Objectives To ensure that the height of buildings respond to the existing or preferred neighbourhood character.	Complies DDO1 specifies a preferred maximum building height of 18 metres. The proposed townhouses have an overall height of between 8.89 metres and 10.55 metres (as measured along the east elevation).
Standard B2-2 - The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. - If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross-section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.	

Side and rear setbacks objective

Clause 55.02-3	Assessment
Objective To ensure that the height and setback of a building from a boundary responds the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.	Not Applicable Standard B2-3 seeks to ensure the amenity of existing dwelling and small second dwellings on adjacent lots. Given the site is an island site with street frontages and the Yarra River to all boundaries, this Standard is not applicable.
Standard B2-3 - A new building not on or within 200mm of a boundary should be set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2. - Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions: - B2-3.1: The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. - B2-3.2 If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres. - Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. - Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.	

Walls on boundary objective

Clause 55.02-4	Assessment
Objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.	Not Applicable Standard B2-4 seeks to ensure the amenity of existing dwellings and small second dwellings on adjacent lots. Given that there are no walls proposed on Crown Street or the private road to the south, this Standard is not applicable.
Standard B2-4 - A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot does not abut the boundary for a length that exceeds the greater of the following distances: 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or - The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot. - A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary. - A building on a boundary includes a building set back up to 200mm from a boundary.	



- The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Site coverage objective

Clause 55.02-5	Assessment														
Objective - <i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	Not Applicable There is no applicable site coverage area for the C1Z. The proposed coverage of 50% is acceptable within the site's built form context.														
Standard B2-5 - <i>The site area covered by buildings should not exceed: - o <i>The maximum site coverage specified in a schedule to the zone; or</i> - o <i>If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.</i> </i> - <i>If the maximum site coverage is specified in a schedule to the zone, it must be greater than the percentage specified in Table B2-5.</i>															
Table B2-5 Site Coverage <table><tr><th>Zone</th><th>Area</th></tr><tr><td><i>Neighbourhood Residential Zone</i></td><td><i>60 per cent</i></td></tr><tr><td><i>Township Zone</i></td><td></td></tr><tr><td><i>General Residential Zone</i></td><td><i>65 per cent</i></td></tr><tr><td><i>Residential Growth Zone</i></td><td></td></tr><tr><td><i>Mixed Use Zone</i></td><td><i>70 per cent</i></td></tr><tr><td><i>Housing Choice and Transport Zone</i></td><td></td></tr></table>		Zone	Area	<i>Neighbourhood Residential Zone</i>	<i>60 per cent</i>	<i>Township Zone</i>		<i>General Residential Zone</i>	<i>65 per cent</i>	<i>Residential Growth Zone</i>		<i>Mixed Use Zone</i>	<i>70 per cent</i>	<i>Housing Choice and Transport Zone</i>	
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<i>Mixed Use Zone</i>	<i>70 per cent</i>														
<i>Housing Choice and Transport Zone</i>															

Access objective

Clause 55.02-6	Assessment
Objectives - To ensure the number and design of vehicle crossovers responds to the neighbourhood character.	Complies All townhouses are provided with vehicle access from the basement to each individual garage.
Standard B2-6 - The width of accessways or car spaces (other than to a rear lane) does not exceed: - o 33 per cent of the street frontage, or - o 40 per cent of the street frontage if the width of the street frontage is less than 20 metres. - The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased. - The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.	

Tree canopy objective

Clause 55.02-7	Assessment
Objective	Complies



- To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings the streetscape.
- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.

Standard B2-7

- Provide a minimum canopy cover as specified in Table B2-7.1.

Table B2-7.1

Site area	Canopy cover
1000 square metres or less	10% of the site area
More than 1000 square metres	20% of the site area

- Existing trees to be retained meet all the following:
 - o Has a height of at least 5 metres,
 - o Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,
 - o Has a trunk that is located at least 4 metres from proposed buildings.
- The minimum canopy cover is met using any combination of trees specified in Table B2-7.2
- Existing trees that are retained can be used in calculating canopy cover.

Table B2-7.2 Tree type, canopy cover, deep soil planter requirements

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity	Minimum mature canopy cover	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Minimum depth of planter soil
A	4 metres	6 metres	12.6 sqm	12 cubic metres (min. plan dimensions 2.5 metres)	12 cubic metres (min. plan dimensions 2.5 metres)	0.8 metre
B	8 metres	8 metres	50.3 sqm	49 cubic metres (min. plan dimensions 4.5 metres)	28 cubic metres (min. plan dimensions 4.5 metres)	1 metre

The landscape plan indicates a total canopy cover for the entire site of 23%.

62 Type A trees, 12 Type B trees and 3 Type C trees are proposed within the entire site at Ground Level. Nine large existing trees will also be retained.



C	12 metres	12 metres	131.1 sqm	121 cubic metres (min. plan dimensions 6.5 metres)	64 cubic metres (min. plan dimensions 6.5 metres)	1.5 metre
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- Provide at least one new or retained tree in the front setback and the rear setback.
- Trees are located in either:
 - o An area of deep soil as specified in Table B2-7.2; or
 - o A planter as specified in Table B2-7.2.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

Front fences objective

Clause 55.02-8

Objective

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

Standard B2-8

- A front fence within 3 metres of a street is:
 - o The maximum height specified in a schedule to the zone, or
 - o If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.

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

Assessment

N/A

Each of the townhouses includes fencing, however no fences are proposed along the street boundaries.

Liveability

Dwelling diversity objective

Clause 55.03-1

Objective

- To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3-1

- Developments include at least:
 - o One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level for every 10 dwellings.

Assessment

Complies

13 townhouses are proposed, comprising:

- 12 x 3 bedroom townhouses; and
- 1 x 4 bedroom townhouse.

The proposal does not include any townhouse with a ground floor bedroom. However, all townhouses

- One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.
- One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.

include an individual lift, providing access from the basement to Level 01.

Further, the townhouses are part of the wider development that provides a range of dwelling types and sizes.

Parking location objectives

Clause 55.03-2	Assessment
Objectives - To minimise the impact of vehicular noise within developments on residents.	Complies Parking is concealed within the basement level and does not dominate the public realm.
Standard B3-2 - Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least: ○ 1.5 metres; or ○ If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or ○ 1 metre where window sills are at least 1.5 metres above ground level. - This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.	

Street integration objectives

Clause 55.03-3	Assessment
Objectives - To integrate the layout of development with the street to support the safety and amenity of residents.	Complies While internally focused, the townhouses have direct entries and active frontages towards the communal open space associated with the entire development. Mailboxes have been provided on each of the fences along the internal frontage of the townhouses.
Standard B3-3 - Where a development fronts a street, a vehicle accessway or abuts public open space: ○ Passive surveillance is provided by a direct view from a balcony or a habitable room windows to each street, vehicle accessway and public open space. ○ The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency. - Lighting is provided to all external accessways and paths. - Mailboxes are provided for each dwelling and can be communally located.	

Entry objective

Clause 55.03-4	Assessment
Objective - To provide each dwelling, apartment development or residential building with its own sense of identity. - To provide entries with weather protection, safe design, natural light and ventilation.	Complies Individual entries are clearly identifiable and accessible from the communal open space, with a direct line of sight from a street or walkway. Each dwelling includes



Standard B3-4

Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings

- Each dwelling and each residential building has a ground level entry door that:
 - o Has a direct line of sight from a street, accessway or shared walkway.
 - o Is not accessed through a garage.
 - o Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.

Apartment development and residential building with a shared entry

- An apartment development and each residential building has:
 - o A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway.
 - o An external covered area of at least 144 square metres with a minimum dimension of at least 1.2 metres over the entry door of the building.
 - o Shared corridors and common areas have at least one source of natural light and natural ventilation.

an external covered area over the entry doors with a minimum 1.44 square metres.

Private open space objective

Clause 55.03-5	Assessment
Objective - To provide adequate private open space for the reasonable recreation and service needs of residents.	Complies All townhouses provide in excess of the area of private open space required under this standard.
Standard B3-5 - A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone. - If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of: - o An area of 25 square metres of secluded private open space with a minimum dimension of 3 metres width; - o A balcony with at least the area and dimensions specified in Table 3-5; or - o An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or - o An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width. - If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone; - o The area and dimensions specified in the schedule must be 25 square metres or less; and - o The area and dimension specified for a podium, balcony or an area on a roof must be less than the area and dimensions specified in this standard. - If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres. - Where ground level private open space is provided an area for clothes drying is provided.	



Table B3-5 Private open space for a balcony			
Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 bedroom dwelling	12 square metres	2.4 metres

Solar access to open space objective

Clause 55.03-6	Assessment
Objective To allow solar access into the secluded private open space of new dwellings and residential buildings.	Complies The townhouses are orientated east-west and do not include walls along the northern boundary.
Standard B3-6 The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.	

Functional layout objective

Clause 55.03-7	Assessment													
Objectives - <i>To ensure dwellings provide functional areas that meet the needs of residents.</i>	Complies All bedrooms of the townhouses meet the minimum dimensions. All living areas of the townhouses meet the minimum dimensions and areas.													
Standard B3-7 - <i>Bedrooms:</i> - o <i>Meet the minimum internal room dimensions specified in Table B3-7.1; and</i> - o <i>Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.</i>														
<table><tr><th colspan="3">Table B3-7.1 Bedroom dimensions</th></tr><tr><th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr><tr><td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr><tr><td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr></table>		Table B3-7.1 Bedroom dimensions			Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	
Table B3-7.1 Bedroom dimensions														
Bedroom type	Minimum width	Minimum depth												
Main bedroom	3 metres	3.4 metres												
All other bedrooms	3 metres	3 metres												
- <i>Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table B3-7.2</i>														



Table B3-72 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Room depth objective

Clause 55.03-8	Assessment
Objective - To allow adequate daylight into single aspect habitable rooms. Standard B3-8 - The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room. - The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: - o The room combines the living area, dining area and kitchen; and - o The kitchen is located furthest from the window; and - o The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level, this excludes where services are provided above the kitchen; and - o An overhang extends no more than 2m beyond the window of the single aspect habitable room. - In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.	Complies All ground levels of the townhouses include living areas, dining areas, kitchens and laundries that have a double aspect, complying with the requirements of this standard.

Daylight to new windows objective

Clause 55.03-9	Assessment
Objective - To allow adequate daylight into new habitable room windows. Standard B3-9 Dwelling (other than a dwelling in or forming part of an apartment development) - A window in an external wall of the building is provided to all habitable rooms. - Habitable rooms in a dwelling have a window that faces: - o An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or - o A verandah provided it is open for at least one third of its perimeter, or - o A carport provided it has two or more open sides and is open for at least one third of its perimeter. Dwelling in or forming part of an apartment development - A window in an external wall of the building is provided to all habitable rooms. - Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:	Complies All habitable room windows are provided with windows which are clear to the sky. All townhouses also have a multi-purpose open room with no windows in the basement level, which are in addition to the bedrooms and considered acceptable.

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.
- A window clear to the sky.

Natural ventilation objectives

Clause 55.03-10	Assessment
Objectives - To encourage natural ventilation of dwellings. - To allow occupants to effectively manage natural ventilation of dwellings.	Complies All townhouses are dual aspect, providing acceptable breeze paths less than 18 metres.
Standard B3-10	
Dwelling (other than a dwelling in or forming part of an apartment development) - Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide; ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. - The breeze path is measured between the ventilation openings on different orientations of the dwelling.	
Dwelling in or forming part of an apartment development - At least 40 percent of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide: ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. - The breeze path is measured between the ventilation openings on different orientations of the dwelling.	

Storage objective

Clause 55.03-11	Assessment
Objectives - To provide adequate storage facilities for each dwelling.	Complies All townhouses are provided with a double garage and multi-purposes room at basement level.
Standard B3-11	
Dwelling (other than a dwelling in or forming part of an apartment development) - Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.	
Dwelling in or forming part of an apartment development - Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table B3-11.	



Table B3-11 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Accessibility for apartment developments objective

Clause 55.03-12

Objective

- *To ensure the design of dwellings meets the needs of people with limited mobility.*

Standard B3-12

- *At least 50 per cent of dwellings in or forming part of an apartment development have:*
 - o *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
 - o *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
 - o *A main bedroom with access to an adaptable bathroom.*
 - o *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B3-12.*

Table B3-12 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: ■ A slide door, or ■ A door that opens outwards, or ■ A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: ■ A slide door, or ■ A door that opens outwards, or ■ A door that opens inwards and has readily removable hinges.

Assessment

N/A

The proposal is not an apartment development.



Circulation area	A clear circulation area that is: ■ A minimum area of 12 metres by 1.2 metres. ■ Located in front of the shower and the toilet. ■ Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: ■ A minimum width of 1 metre. ■ The full length of the bathroom and a minimum length of 2.7 metres. ■ Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

External Amenity

Daylight to existing windows objective

Clause 55.04-1	Assessment
Objective - <i>To allow adequate daylight into existing habitable room windows.</i> Standard B4-1 - <i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</i> - <i>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</i> - <i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i>	Complies All habitable room windows opposite the proposed development are situated on sites that are separated by streets ensuring adequate daylight is maintained.

Existing north-facing windows objective

Clause 55.04-2	Assessment
Objective - <i>To allow adequate solar access to existing north-facing habitable room windows.</i> Standard B4-2 - <i>Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:</i> ○ <i>A new building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up</i>	N/A There are no north facing habitable room windows on abutting lots within 3 metres of a boundary.



to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

- For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

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

Overshadowing secluded open space objective

Clause 55.04-3	Assessment
Objective - To ensure buildings do not significantly overshadow existing secluded private open space.	N/A There is no existing secluded private open space overshadowed by the townhouses.
Standard B4-3 - The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. - If existing sunlight to the secluded private open space of an existing dwelling or a small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.	

Overlooking objective

Clause 55.04-4	Assessment
Objective - To limit views into existing secluded private open space and habitable room windows.	N/A There is no existing secluded private open space or habitable room window within 9 metres of a habitable room window of the townhouses (noting that a habitable room window does not include a bedroom).
Standard B4-4 - In Clause 55.04-4 a habitable room does not include a bedroom. - A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. - A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: ○ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or ○ Has sill heights of at least 1.7 metres above floor level; or ○ Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ○ Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. ○ Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.	



- *Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.*
- *Screens used to obscure a view are:*
 - o *Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.*
 - o *Permanent, fixed and durable.*
 - o *Designed and coloured to blend in with the development.*
- *This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.*

Internal views objective

Clause 55.04-5	Assessment
Objective - <i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i>	N/A There is no internal views into secluded private open space or habitable room windows between the townhouses (noting that a habitable room window does not include a bedroom).
Standard B4-5 - <i>In Clause 55.04-5 a habitable room does not include a bedroom.</i> - <i>Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:</i> - o <i>Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or</i> - o <i>Has a sill height of at least 1.7 metres above floor level; or</i> - o <i>Has a fixed, visually obscure balustrade to at least 1.7 metres above floor level; or</i> - o <i>Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.</i> - <i>Direct views are managed at a height of 1.7 metres above floor level and within:</i> - o <i>A 45 degree horizontal angle from the edge of the new window or balcony.</i> - o <i>A 45 degree angle in the downward direction.</i> - <i>Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.</i>	

Sustainability

Permeability and stormwater management objective

Clause 55.05-1	Assessment
Objectives - <i>To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.</i> - <i>To facilitate on-site stormwater infiltration.</i> - <i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i> - <i>To contribute to urban cooling.</i>	Complies The plans indicate that 50% of the site is pervious. The proposal demonstrates that it meets best practice performance objectives outlined in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999) with MUSIC modelling. A 30,000 rainwater tank and raingardens (40 square metres) have been recommended in the Stormwater Management Plan.
Standard B5-1 - <i>The site area covered by the pervious surfaces is at least 20 percent of the site.</i>	



- The development includes a stormwater management system designed to:
 - o Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:
 - o Suspended solids 80% reduction in mean annual load.
 - o Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
 - o Litter 70% reduction of mean annual load.
 - o Allow for intended vegetation growth and structural protection of buildings.
 - o In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
 - o Provide a safe, attractive and functional environment for residents.
- Note:**
A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective – Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.
- Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

While the provision of a rainwater tank is supported in principle, details of the tank's capacity and proposed reuse connections should be clearly shown on the architectural plans. Further, the raingardens should also be identified on the architectural and the landscape plans. These matters can be addressed through conditions on any permit to issue.

Overshadowing domestic solar energy systems objective

Clause 55.05-2	Assessment
Objectives - To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.	N/A There are no domestic rooftop solar systems within proximity of the proposed townhouses.
Standard B5-2 - Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every meter of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. - This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone. - In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.	

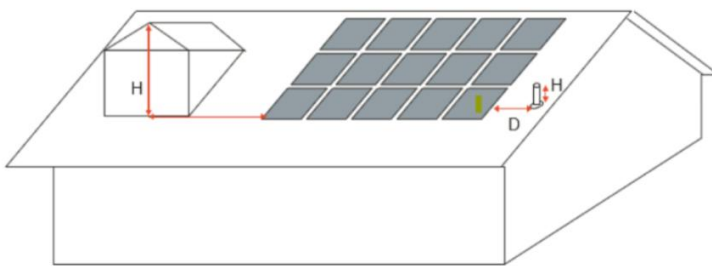
Rooftop solar energy generation area objective

Clause 55.05-3	Assessment
Objectives - To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.	Complies All townhouses include the minimum area required to support the future installation of rooftop solar energy systems.
Standard B5-3	



- In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.
- An area on the roof is capable of siting on a rooftop solar energy area for each dwelling which:
 - o Has a minimum dimension of 1.7 metres.
 - o Has a minimum area in accordance with Table B5-3
 - o Is orientated to the north, west or east.
 - o Is positioned on the top two thirds of a pitched roof.
 - o Can be a contiguous area or multiple smaller areas
 - o Is free from obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

Diagram B5-3 Allowable distance between obstructions and the rooftop solar energy area



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

Table B5-3 Minimum rooftop solar energy generation area

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

Solar protection to new north-facing windows objective

Clause 55.05-4	Assessment
Objective	Complies



- To encourage external shading of north facing windows to minimise summer heat gain.

Standard B5-4

- North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.

There is one townhouse that has north facing windows associated with a bedroom and a kitchen. While these windows do not include any shading devices, they are dual aspect, which will aid in minimising summer heat gain.

Waste and recycling objectives

Clause 55.05-5

Objectives

- To ensure dwellings are designed to facilitate waste recycling.
- To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.
- To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.

Standard B5-5

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

- The development includes an individual bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.

Table B5-5.1 Bin storage

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

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

Assessment

Complies

Two communal waste rooms are provided in the basement level and shared with the entire development. As detailed in the Waste Management Plan, the waste rooms are sufficient for the development.



Dwelling in or forming part of an apartment development

- *The development includes a shared bin storage area for by each dwelling of at least the applicable area, depth and height specified in Table B5-5.2.*

Table B5-5.2 Apartment bin storage			
Number of dwellings	Minimum area	Minimum depth	Minimum height
15 or less dwellings	0.7 square metres per dwelling in a shared waste storage area	0.8 metres	2.7 metres
16 to 55 dwellings	0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area.	1 metre	2.7 metres
56 or more dwellings	0.5 square metres per dwelling in a shared waste storage area.	1 metre	2.7 metres

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

Noise impacts objective

Clause 55.05-6	Assessment
Objectives - <i>To minimise the impact of mechanical plant noise located in the development.</i>	Complies All townhouses are provided with internal lifts, servicing each individual townhouse. These lifts are adjacent to bedrooms. However, given that they are for the sole use of each occupant of the townhouse, this design is acceptable.
Standard B5-6 - <i>Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.</i>	

Energy efficiency for apartment development objectives

Clause 55.05-7	Assessment
Objectives - <i>To achieve energy efficient dwellings and buildings.</i> - <i>To ensure dwellings achieve adequate thermal efficiency.</i>	N/A The proposal is not an apartment development.
Standard B5-7 - <i>Dwellings in or forming part of an apartment development located in a climate zone identified Table B5-7 do not exceed the maximum NatHERS annual cooling load.</i>	



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

Note:

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

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



Application requirements

Clause 58.01-1	Assessment
- An application must be accompanied by: - o An urban context report. - o A design response.	Satisfied The application has been accompanied by an urban context report and a design response prepared by SJB Architects.

Urban context report

Clause 58.01-2	Assessment
- The urban context report may use a site plan, photographs or other techniques and must include: - An accurate description of: - o Site shape, size, orientation and easements. - o Levels and contours of the site and the difference in levels between the site and surrounding properties. - o The location and height of existing buildings on the site and surrounding properties. - o The use of surrounding buildings. - o The location of private open space of surrounding properties and the location of trees, fences and other landscape elements. - o Solar access to the site and to surrounding properties. - o Views to and from the site. - o Street frontage features such as poles, street trees and kerb crossovers. - o The location of local shops, public transport services and public open spaces within walking distance. - o Movement systems through and around the site. - o Any other notable feature or characteristic of the site. - An assessment of the characteristics of the area including: - o Any environmental features such as vegetation, topography and significant views. - o The pattern of subdivision. - o Street design and landscape. - o The pattern of development. - o Building form, scale and rhythm. - o Connection to the public realm. - o Architectural style, building details and materials. - o Off-site noise sources. - o The relevant NatHERS climate zones (as identified in Clause 58.03-1). - o Social and economic activity. - o Any other notable or cultural characteristics of the area.	Satisfied The submitted planning report prepared by Contour Consultants and architectural plans prepared by SJB Architects satisfactorily meet the requirements of this Clause.

Design response

Clause 58.01-3	Assessment
- The design response must explain how the proposed design: - o Responds to any relevant planning provision that applies to the land. - o Meets the objectives of Clause 58. - o Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. - o Derives from and responds to the urban context report. - The design response must include correctly proportioned street elevations or photographs showing the development in the context of	Satisfied The submitted planning report prepared by Contour Consultants and architectural plans prepared by SJB Architects satisfactorily meet the requirements of this Clause.



adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Urban context objectives

Clause 58.02-1	Assessment
Objectives - To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. - To ensure that development responds to the features of the site and the surrounding area.	Meets Objective The design responds to the existing urban context and contributes to the preferred future development for River Street. The development responds to the opportunities and constraints of the site and has regard for existing buildings on surrounding properties.
Standard D1 - The design response must be appropriate to the urban context and the site. - The proposed design must respect the existing or preferred urban context and respond to the features of the site.	Complies with Standard The design response is considered appropriate to the urban context and the existing conditions of the site and surrounds. The design responds to the features of the site and to the preferred character for River Street.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives - To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. - To support higher density residential development where development can take advantage of public and community infrastructure and services.	Meets Objective The development provides higher density residential development in an area identified for increased housing density in a location that has good access to services, infrastructure and public transport. The proposed residential development responds to housing policies in the MPS and PPF.
Standard D2 - An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Complies with Standard The submitted planning report by Contour Consultants includes a written statement describing how the development is consistent with relevant policies for housing in the MPS and PPF.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective - To encourage a range of dwelling sizes and types in developments of ten or more dwellings	Meets Objective The development comprises a range of dwellings sizes and types to meet a range of housing needs.
Standard D3 - Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	Complies with Standard The development provides a range of dwelling types and layouts including 20 x 1 bedroom dwellings, 89 x 2 bedroom dwellings, 78 x 3 bedroom dwellings, 12 x 3 bedroom townhouses and 1 x 4 bedroom townhouse. A variety of floor layouts and dwelling sizes are also proposed.



Infrastructure objectives

Clause 58.02-4	Assessment
Objectives - To ensure development is provided with appropriate utility services and infrastructure. - To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Meets Objective The development will be provided with appropriate utility services and infrastructure and will not unreasonably overload the capacity of existing utility services and infrastructure.
Standard D4 - Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. - Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. - In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure	Complies with Standard The development will be connected to all relevant services as appropriate for a building of this scale. It will not unreasonably exceed the capacity of the surrounding service infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective - To integrate the layout of development with the street. - To support development that activates street frontage.	Meets Objective The development has been designed to integrate with River Street and Crown Street, activating the street frontage. The development also integrates with the private road to the south.
Standard D5 - Developments should be oriented to front existing and proposed streets. - Along street frontage, development should: - o Incorporate pedestrian entries, windows, balconies or other active spaces. - o Limit blank walls. - o Limit high front fencing, unless consistent with the existing urban context. - o Provide low and visually permeable front fences, where proposed. - o Conceal car parking and internal waste collection areas from the street. - Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.	Complies with Standard The development incorporated dwelling terraces to each interface at ground level, with entrances directly from the streets. The dwellings will provide outlook and activity to each street frontage. The building's port cochere area is directly accessible from River Street and acts as an internal streetscape where the building entrance and entrance to the communal landscape spine are delineated and inviting. The upper levels include windows and balconies for the dwellings. Given the central location of the lift core to each building, there are no blank facades. The fences along the street frontages range in height from a minimum 1.72 metres to a maximum 2.22 metres, which is considered reasonable given the finished floor levels of the associated private open space areas are elevated above the adjoining footpath levels, providing a reasonable level of privacy for residents. Vehicle access is provided via the private road along the south elevation, concealing carparking and waste collection areas in the basement levels. At the rear, the development provides a high quality response to the Yarra River interface, with passive surveillance and activation, through the placement of the communal areas, an observation deck and staircase connection to the Main Yarra Trail.

Energy efficiency objectives

Clause 58.03-1	Assessment																		
Objectives - To achieve and protect energy efficient dwellings and buildings. - To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. - To ensure dwellings achieve adequate thermal efficiency.	Meets Objective The development protects the energy efficiency of existing buildings through appropriate setbacks. The orientation and layout of the development makes appropriate use of daylight and solar energy.																		
Standard D6 - Buildings should be: - o Oriented to make appropriate use of solar energy. - o Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. - Living areas and private open space should be located on the north side of the development, if practicable. - Developments should be designed so that solar access to north-facing windows is optimised. - Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table. <table border="1"> <caption>Table D1 Cooling load</caption> <thead> <tr> <th>NatHERS climate zone</th><th>NatHERS maximum cooling load MJ/M² per annum</th></tr> </thead> <tbody> <tr> <td>Climate zone 21 Melbourne</td><td>30</td></tr> <tr> <td>Climate zone 22 East Sale</td><td>22</td></tr> <tr> <td>Climate zone 27 Mildura</td><td>69</td></tr> <tr> <td>Climate zone 60 Tullamarine</td><td>22</td></tr> <tr> <td>Climate zone 62 Moorabbin</td><td>21</td></tr> <tr> <td>Climate zone 63 Warrnambool</td><td>21</td></tr> <tr> <td>Climate zone 64 Cape Otway</td><td>19</td></tr> <tr> <td>Climate zone 66 Ballarat</td><td>23</td></tr> </tbody> </table> Note: - Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).	NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum	Climate zone 21 Melbourne	30	Climate zone 22 East Sale	22	Climate zone 27 Mildura	69	Climate zone 60 Tullamarine	22	Climate zone 62 Moorabbin	21	Climate zone 63 Warrnambool	21	Climate zone 64 Cape Otway	19	Climate zone 66 Ballarat	23	Complies with Standard The development has been designed to maximise solar energy, where practical. The Sustainable Management Plan prepared by HIP V. HYPE is targeting a 7.5 Star average NatHERS rating, with no dwelling achieving below 6 Stars. No dwelling will exceed the maximum NatHERS annual cooling load of 30 MJ/M².
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum																		
Climate zone 21 Melbourne	30																		
Climate zone 22 East Sale	22																		
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Climate zone 66 Ballarat	23																		

Communal open space objective

Clause 58.03-2	Assessment
Objectives - To provide communal open space that meets the recreation and amenity needs of residents. - To ensure that communal open space is accessible, practical, attractive, easily maintained. - To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.	Meets Objective The development provides communal open space in the form of the Lower Ground level internal and external areas that will meet the recreation and amenity needs of residents. The communal open space will be accessible, practical, attractive and is integrated with the layout of the development.
Standard D7	Complies with Standard



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

The proposed development exceeds the minimum 250 m² required as it provides:

- 507 m² of internal communal area;
- 287 m² of external communal areas (health and wellness courtyard); and
- 468 m² garden area.

The communal areas are accessible, useable and capable of efficient management. They do not overlook any dwellings and are located appropriately on the Ground level to ensure that noise impacts are minimised. Further, they will provide ample passive surveillance opportunities, improving the pedestrian experience within the internal communal gardens.

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective - To allow solar access into communal outdoor open space	Meets Objective The development will allow solar access into the proposed communal outdoor area due to its location and orientation.
Standard D8 - The communal outdoor open space should be located on the north side of a building, if appropriate. - At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.	Complies with Standard The communal open space is located on the Ground Level and will receive a minimum of two hours of sunlight for a minimum of 125 square metres between 11am and 1pm on 21 June.

Safety objective

Clause 58.03-4	Assessment
Objective - To ensure the layout of development provides for the safety and security of residents and property	Meets Objective The layout of the development provides for the safety and security of residents and property.
Standard D9 - Entrances to dwellings should not be obscured or isolated from the street and internal accessways. - Planting which creates unsafe spaces along streets and accessways should be avoided. - Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. - Private spaces within developments should be protected from inappropriate use as public thoroughfares.	Complies with Standard The layout of the development has been designed to maximise passive surveillance to all elevations. A shared central entry along River Street, with pergola structure and port cochere easily identifies the access point. The entrances to dwellings are appropriately located and are not obscured or isolated from the streets and internal open space. The proposed landscaping is appropriate to the site and will not obscure views from the streets or accessways and will not create any unsafe spaces.



The layout of the basement car park is safe and functional, well-lit and provided with signage to ensure comfortable and safe movements for residents.

The communal open space area will include security gates along the north, southern and western perimeter, protecting these spaces from inappropriate use as public thoroughfares. The staircase to the Main Yarra Trail will function as a public thoroughfare.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives - <i>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</i> - <i>To preserve existing canopy cover and support the provision of new canopy cover.</i> - <i>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</i>	Meets Objective The proposed landscaping response supports the existing and preferred urban context of the area.
Standard D10 - <i>Development should retain existing trees and canopy cover.</i> - <i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i> - <i>Development should:</i> - o <i>Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.</i> - o <i>Provide canopy cover through canopy trees that are:</i> - <i>Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.</i> - <i>Consistent with the canopy diameter and height at maturity specified in Table D4.</i> - <i>Located in communal outdoor open space or common areas or street frontages.</i> - o <i>Comprise smaller trees, shrubs and ground cover, including flowering native species.</i> - o <i>Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.</i> - o <i>Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.</i> - o <i>Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.</i> - o <i>Protect any predominant landscape features of the area.</i> - o <i>Take into account the soil type and drainage patterns of the site.</i> - o <i>Provide a safe, attractive and functional environment for residents.</i> - o <i>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</i> - o <i>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</i> Table D2 Canopy cover and deep soil requirements	Complies with Standard Given the site area is approximately 9,503 square metres (area excluding private road to the south), Standard D10 requires 15% of the site area (1,425 square metres) to be provided for deep soil planting, 350 square metres plus 20% of the site area above 2,500 square metres (1,400 square metres) of canopy cover (1,750 square metres) and two Type B trees or one Type C tree. As detailed in the submitted Landscape Report, the development will provide 1,788 square metres of deep soil planting and a total canopy cover of 2,242 square metres (including existing canopy coverage of 395 square metres and proposed canopy coverage of 1,847 square metres). 62 Type A trees, 12 Type B trees and 3 Type C trees are proposed within the Ground Level. Nine large existing trees will also be retained. The proposed integrated landscaping will enhance the landscape setting of the area, contribute to the urban landscape and improve amenity for future occupants. The proposal will also provide for the retention of some existing trees. The development contributes to an increase in canopy tree cover and enhances the landscape character of the area.



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

Table D3 Soil requirements for trees

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

Note:

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

Table D4 Tree types

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



Access objectives

Clause 58.03-6	Assessment
Objectives - To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. - To ensure the vehicle crossovers are designed and located to minimise visual impact.	Meets Objective The existing vehicle crossover to River Street will be relocated further south to facilitate access to the port cochere, providing safe access for pedestrians, cyclists and vehicles.
Standard D11 - Vehicle crossovers should be minimised. - Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. - Pedestrian and cyclist access should be clearly delineated from vehicle access. - The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. - Developments must provide for access for service, emergency and delivery vehicles.	Complies with Standard The basement car park entry is proposed along the private road to the south, away from the River Street frontage. The car park entry has been designed to be discrete and is setback behind the building façade. Pedestrian access to each building lobby is shared with the port cochere entry. As this is not the primary vehicular access point, is expected to be used less frequently and speed within this area will be low, it does not present a significant risk to pedestrian safety. Access to the ground level bicycle parking is separated from the basement car park entry. Access to basement bicycle parking is provided via the internal lifts or via the basement vehicle ramp. Adequate access is provided on site for service, emergency and delivery vehicles.

Parking location objectives

Clause 58.03-7	Assessment
Objectives - To provide convenient parking for resident and visitor vehicles. - To protect residents from vehicular noise within developments.	Meets Objective The development provides convenient parking for residents in a secure basement which also ensures residents are well protected from vehicle noise.
Standard D12 - Car parking facilities should: - o Be reasonably close and convenient to dwellings. - o Be secure. - o Be well ventilated if enclosed. - Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Complies with Standard Car parking is appropriately located within the basement of the development. Car parking areas are appropriately set out, provided with convenient internal access and internal areas can be well lit and protected via security systems as required.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives - To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. - To facilitate stormwater collection, utilisation and infiltration within the development. - To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.	Meets Objective The development achieves the objectives of this Clause through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.



Standard D13

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

Complies with Standard

As detailed in the submitted Stormwater Management Plan and accompany MUSIC model assessment, the development will meet the best practice standard for urban stormwater management.

This is achieved through a 30,000 rainwater tank and raingardens (40 square metres) have been recommended.

While the provision of a rainwater tank is supported in principle, details of the tank's capacity and proposed reuse connections should be clearly shown on the architectural plans. Further, the raingardens should also be identified on the architectural and the landscape plans. These matters can be addressed through conditions on any permit to issue.

Building setback objectives

Clause 58.04-1

Objectives

- To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
- To allow adequate daylight into new dwellings.
- To limit views into habitable room windows and private open space of new and existing dwellings.
- To provide a reasonable outlook from new dwellings.
- To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Assessment

Meets Objective

The development has been designed with setbacks from respective boundaries, which appropriately respond to the DDO1 mandatory setback requirements, the existing context and the preferred requirements for the subject site within a Major Activity Centre context.

The proposed building includes front and side / rear setbacks consistent with these requirements (see discussion above). This allows for adequate daylight into the new dwellings and for reasonable outlook from all habitable rooms, ensuring a high standard of internal amenity for future occupants.

The design also limits views into habitable room windows and private open space of new and existing dwellings.

The design response, in terms of height and setbacks, contributes to the preferred future development of the area for increased housing.

Standard D14

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

Complies with Standard

The proposed built form respects the existing and preferred urban context and appropriately responds to the features of the site.

The proposed height and setbacks are considered acceptable as the building will provide adequate daylight into new habitable room windows, avoid direct views into any habitable room windows, provide an outlook that creates a visual connection to the surrounding environment and appropriately responds to the objectives of Clause 58.

Internal views objective

Clause 58.04-2

Assessment



Objective

- To limit views into the private open space and habitable room windows of dwellings within a development.

Meets Objective

The building is designed to limit views into the private open space and habitable room windows of dwellings within the development.

Standard D15

- Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Complies with Standard

The building has been designed to ensure direct views are limited between balconies or habitable room windows.

Noise impacts objectives

Clause 58.04-3

Objectives

- To contain noise sources in developments that may affect existing dwellings or small second dwellings.
- To protect residents from external and internal noise sources.

Assessment

Meets Objective

The building is designed to protect residents from external and internal noise sources.

Standard D16

- Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.
- The layout of new dwellings and buildings should minimise noise transmission within the site.
- Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.
- New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.
- Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:
 - o Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - o Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
- Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Complies with Standard

The building is designed to ensure that all internal and external noise is mitigated through the appropriate siting of plant, waste, and car parking.

The layout of dwellings and mechanical plant is appropriately separated to ensure the amenity of residents is protected.

The site is within a noise influence area (the western side of River Street is within the Industrial 1 Zone) identified in Table D5.

As detailed in the submitted Acoustic Report the building will include appropriate treatments to walls and glazing to ensure that the relevant noise levels are achieved.

Table D5 Noise influence area

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



Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:

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

Wind impacts objective

Clause 58.04-4

Objective

- *To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.*

Standard D17

- *Development of five or more storeys, excluding a basement should:*
 - o *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
 - o *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.*
- *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
- *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*

Table D6 Wind conditions

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

Assessment

Condition to be included to ensure that the development meets Objective

The built form, design and layout of the development should not generate unacceptable wind impacts within the site or on surrounding land, subject to a condition to be included on any permit to issue.

Condition to be included to ensure that the development complies with Standard

An Environmental Wind Conditions Study prepared by MEL Consultants and dated 5 May 2026 accompanied the application and concludes that the proposed development would provide acceptable wind conditions at ground level and within the public realm. To achieve acceptable comfort criteria within the development, a number of mitigation measures have been recommended. As not all of these measures are easily identifiable on the plans, a condition will be included on any permit to issues requiring these mitigation measures to be shown on the plans.

Accessibility objective

Clause 58.05-1		Assessment
Objective To ensure the design of dwellings meets the needs of people with limited mobility.		Meets Objective The design and layout of the development has regard for the needs of people with limited mobility.
Standard D18 - At least 50 per cent of dwellings should have: - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. - A main bedroom with access to an adaptable bathroom. - At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.		Complies with Standard The submitted architectural plans demonstrate that 91% of the proposed dwellings achieve compliance with the requirements of this Standard.
Table D7 Bathroom design:		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on



		the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2

Objectives

- To provide each dwelling and building with its own sense of identity.
- To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
- To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard D19

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

Assessment

Meets Objective

The building has a clearly defined entry from River Street to the lobby area of each building. The internal layout of each building will provide for the safe, functional and efficient movement of residents via the lift core. The internal corridors of the north building will have access to natural light from the northern and southern elevations on Levels 1-6, while the south building will have access to natural light from the east and south (only for Levels 1 -2) on Levels 1-8.

Complies with Standard

Entries to ground level dwellings to each street frontage and the central port cochere entry to each building lobby will be visible and easily identifiable and will provide shelter and a sense of address. The River Street frontage includes a separate entry to the ground level retail tenancy. Internal communal and common areas are appropriately laid out to ensure safe, functional and efficient thoroughfare. Common areas, including internal corridors for a majority of the levels of each building, have at least one source of natural light, are clear of obstructions and maintain clear sightlines.

Private open space objective

Clause 58.05-3

Objective

- To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D20

- A dwelling should have private open space consisting of at least one of the following:
 - o An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
 - o A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.

Assessment

Meets Objective

The development provides adequate private open space for the reasonable recreation and services needs of residents

Variation to Standard Acceptable

The submitted architectural plans demonstrate that all dwellings achieve compliance with the requirements of this Standard, with the exception of two dwellings (both Dwelling Type C18).

A variation is sought having regard to the minimum dimension of each of these balconies, noting that the area of the balconies exceeds the minimum requirement.



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

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4	Assessment															
Objective - <i>To provide adequate storage facilities for each dwelling</i>	Meets Objective The development provides adequate storage facilities for each dwelling.															
Standard D21 - <i>Each dwelling should have convenient access to usable and secure storage space.</i> - <i>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.</i> <table><tr><th colspan="3">Table D10 Storage</th></tr><tr><th>Dwelling type</th><th>Total minimum storage volume</th><th>Minimum storage volume within the dwelling</th></tr><tr><td>Studio</td><td>8 cubic metres</td><td>5 cubic metres</td></tr><tr><td>1 bedroom dwelling</td><td>10 cubic metres</td><td>6 cubic metres</td></tr><tr><td>2 bedroom dwelling</td><td>14 cubic metres</td><td>9 cubic metres</td></tr></table>	Table D10 Storage			Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	Complies with Standard The submitted architectural plans demonstrate that all of the proposed dwellings achieve compliance with the requirements of this Standard, with storage exceeding the minimum requirement within the dwellings.
Table D10 Storage																
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling														
Studio	8 cubic metres	5 cubic metres														
1 bedroom dwelling	10 cubic metres	6 cubic metres														
2 bedroom dwelling	14 cubic metres	9 cubic metres														



3 or more bedroom dwelling	18 cubic metres	12 cubic metres
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Common property objectives

Clause 58.06-1	Assessment
Objectives - To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. - To avoid future management difficulties in areas of common ownership.	Meets Objective Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Standard D22 - Developments should clearly delineate public, communal and private areas. - Common property, where provided, should be functional and capable of efficient management.	Complies with Standard Private property is clearly distinguished from communal open space or common areas. Communal areas are laid out in a functional, accessible and easily maintainable manner.

Site services objectives

Clause 58.06-2	Assessment
Objectives - To ensure that site services are accessible and can be installed and maintained. - To ensure that site services and facilities are visually integrated into the building design or landscape.	Meets Objective Site services are accessible and will be installed and maintained. Site services and facilities are located in the basement levels, the Ground Level and the roof of each building. All services are visually integrated with the building design.
Standard D23 - Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. - Meters and utility services should be designed as an integrated component of the building or landscape. - Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	Complies with Standard The development will be appropriately serviced, with service and plant areas clearly shown on the architectural plans and integrated into each of the building designs. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance. The fire booster cupboard is integrated into the north elevation of Tower B (south building) alongside the porte cochere entry. The substation is integrated into the southern elevation of Tower B (south building) adjacent to the car park entry along the private road frontage. The council has recommended that the substation include a high-quality finish and that the substation and car park entry roofs include deep soil planters. While the applicant is agreeable to the high-quality finish of the substation, the deep soil planters on the roofs are not supported from a fire, structural or maintenance perspective. This is considered reasonable and a condition requiring a high-quality finish to the substation will be included on any permit to issue. Mailboxes are conveniently located adjacent to the pedestrian entrance for each of the buildings and along the fences for each of the townhouses, for convenient access and security.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives - To ensure dwellings are designed to encourage waste recycling. - To ensure that waste and recycling facilities are accessible, adequate and attractive. - To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.	Meets Objective The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan. Separate residential and commercial waste and recycling facilities are accessible, adequate and located within the building, on Basement Level 1, minimising impacts on residential amenity and the public realm.
Standard D24 - Developments should include dedicated areas for: - o Waste and recycling enclosures which are: - Adequate in size, durable, waterproof and blend in with the development. - Adequately ventilated. - Located and designed for convenient access by residents and made easily accessible to people with limited mobility. - o Adequate facilities for bin washing. These areas should be adequately ventilated. - o Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. - o Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. - o Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. - o Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. - Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and: - o Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019). - o Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.	Complies with Standard All residents are provided with convenient access to waste storage facilities in the form of a waste chute adjacent to each lift core on every floor, connecting to the waste storage rooms located on Basement Level 1. Dwellings will be provided with sufficient internal storage space to enable temporary storage of household waste. Waste collection can be appropriately undertaken via Basement Level 1. Further details are provided in the accompanying Waste Management Plan.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives - To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. - To ensure external walls endure and retain their attractiveness.	Meets Objective The proposed development adopts materials that will endure and retain their attractiveness over time and are appropriate to the existing urban context and the preferred future development of the area.
Standard D25 - External walls should be finished with materials that: - o Do not easily deteriorate or stain. - o Weather well over time. - o Are resilient to the wear and tear from their intended use.	Complies with Standard The external walls are finished with materials that will not deteriorate or stain and will be resilient and weather well to serve their intended use to positively contribute to the character of the area.



- External wall design should facilitate safe and convenient access for maintenance.

The external walls can be easily accessed for maintenance (as required).

Functional layout objective

Clause 58.07-1	Assessment																		
Objective - <i>To ensure dwellings provide functional areas that meet the needs of residents</i>	Meets Objective The design and layout of dwellings within the development provides functional areas that will meet the needs of residents.																		
Standard D26 - <i>Bedrooms should:</i> - o <i>Meet the minimum internal room dimensions specified in Table D11.</i> - o <i>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</i> <table><caption>Table D11 Bedroom dimensions</caption><tr><th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr><tr><td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr><tr><td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr></table> - <i>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.</i> <table><caption>Table D12 Living area dimensions</caption><tr><th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr><tr><td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr><tr><td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr></table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm	Complies with Standard The submitted architectural plans demonstrate that all bedrooms and living areas comply with the requirements of Table D11 and Table D12.
Bedroom type	Minimum width	Minimum depth																	
Main bedroom	3 metres	3.4 metres																	
All other bedrooms	3 metres	3 metres																	
Dwelling type	Minimum width	Minimum area																	
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																	
2 or more bedroom dwelling	3.6 metres	12 sqm																	

Room depth objective

Clause 58.07-2	Assessment
Objective - To allow adequate daylight into single aspect habitable rooms	Meets Objective The development will allow adequate daylight into single aspect habitable rooms.
Standard D27 - Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. - The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: - o The room combines the living area, dining area and kitchen. - o The kitchen is located furthest from the window. - o The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. - The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.	Variation to Standard Acceptable The submitted architectural plans demonstrate that all dwellings comply with this standard, with the exception of three ground floor dwellings. Dwelling Types C07, C08 and C09 (3 dwellings in total) have room depths of 9.5 metres, 9.35 metres and 9.55 metres, respectively. A variation is sought having regard to each of these typologies, noting that the area beyond 9 metres is limited to the kitchen, where in most instances artificial lighting is commonly used.

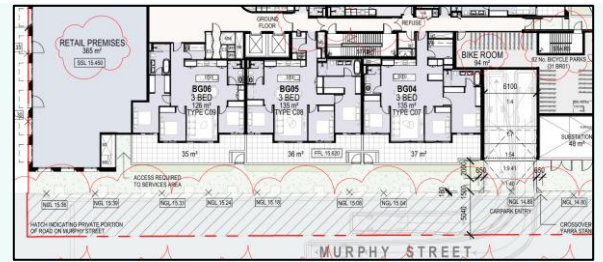


Figure 34: Dwelling Types C07, C08 and C09

Windows objective

Clause 58.07-3	Assessment
Objective To allow adequate daylight into new habitable room windows.	Meets Objective The development is designed to allow adequate daylight into new habitable room windows
Standard D28 - Habitable rooms should have a window in an external wall of the building. - A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. - The secondary area should be: - A minimum width of 1.2 metres. - A maximum depth of 1.5 times the width, measured from the external surface of the window.	Variation to Standard Acceptable The submitted architectural plans demonstrate that the majority of habitable rooms enjoy direct access to daylight. 26 dwellings (Dwelling Types B01, B02 and B03 and B11) include a secondary area (shown as a study area) where the window interfaces with the balcony. These windows exceed the minimum width but not the depth. These spaces are generous and serve the purpose of a study space. This is considered acceptable given the overall amenity of the dwellings and the limited number of dwellings that this relates to. 57 dwellings (Dwelling Types A03, A04, A05, B04, B05, B09, C13, and C16) feature separate internal rooms with no window, to be used as studies. This is considered acceptable given the overall amenity of the dwellings and the studies are of a size and / or shape that is not conducive to being used as a bedroom.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives - To encourage natural ventilation of dwellings. - To allow occupants to effectively manage natural ventilation of dwellings.	Meets Objective The design and layout of the development will allow occupants to effectively manage natural ventilation of individual dwellings.
Standard D29 - The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. - At least 40 per cent of dwellings should provide effective cross ventilation that has: - A maximum breeze path through the dwelling of 18 metres. - A minimum breeze path through the dwelling of 5 metres. - Ventilation openings with approximately the same area.	Complies with Standard The submitted architectural plans demonstrate that 45% of dwellings are provided with effective cross ventilation, which exceeds the minimum 40% required by this Standard.



- *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*

Appendix 3: Assessment of the Yarra City Council recommended permit conditions



Yarra City Council condition	DTP assessment
Amended Plans 1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the architectural plans prepared by SJB Architects last dated 01 May 2026 but modified to show: (a) All existing and proposed streetscape fixtures, elements, levels, drainage infrastructure, parking bays, vehicle access points and pedestrian crossings; (b) The overall building height reduced to a maximum 18m above the natural ground level; (c) the setbacks and separation lines from the river clearly depicted on all floor plans to demonstrate strict compliance with the mandatory setbacks of Schedule 1-H (Yarra (Birrarung) River Corridor to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme; (d) The retail premises setback a minimum 1.8m from River Street and Murphy Street and integrated bicycle parking and planters to accommodate low growing vegetation along the setback with the corner threshold kept clear for pedestrian circulation; (e) The retail premises to have one entry point or alternatively be internally divided to reflect a number of entries; (f) The deletion of any awnings over the footpaths; (g) The East west pedestrian access path along Murphy Street between River Street and the stairs to the Mian Yarra Trail to have a minimum 1500mm unencumbered width; (h) Extension of the balustrading associated with the new stairs to the river to be extended to the southern boundary and designed to integrate with the location of any balustrading/fencing on the property to the south; (i) Relocation of bicycle parking to building entrances and provide minimum 1.5m clear unobstructed pedestrian access paths around the Porte Cochere, and the vehicle entrance width of the Porte Cochere dimensioned; (j) The height clearance of the pergola structure as measure above the natural ground level; (k) The application of a high-quality finish to the substation, integrated with overall architectural features; (l) The substation and car park entry roofs to have deep soil planters covering the full roof extents; (m) The car park entry fob scanner to be shown on plans and location coordinated with overall vehicle swept paths without obstructing the east west pedestrian path access; (n) The security gate and fences shifted closer to	An assessment of the acceptability of the conditions is as follows: 1 a) Delete – these details can be found on the survey plan. b) Delete – not relevant as overall height is considered acceptable. c) Delete – the plans clearly show compliance with the mandatory setbacks. d) Delete – the location of the retail premises at the street wall is considered an acceptable outcome. e) Delete – the number of entry points is considered an acceptable outcome. f) Delete – the awnings proposed over River Street are considered an acceptable outcome for the retail premises. However, further detail on the material, length, depth and headroom clearance should be shown on the plans. g) Delete – the plans show a minimum 1.5 metre wide path from River Street to the staircase. h) Delete – not required. i) Delete / Accept – the location of the bicycle parking spaces is acceptable. The width of the porte cochere should be crossover should be shown. j) Accept – should be for all pergola structures. proposed through-site pedestrian link is supported as proposed. k) Accept. l) Delete – not required. m) Delete – not required. n) Delete – not required. o) Accept. p) Accept. q) Accept. r) Accept. s) Accept. t) Delete – splays have been shown. u) Accept. v) Delete – not required by the planning scheme. w) Accept. x) Accept. y) Delete – not required. z) Delete – not required. - aa) Delete – not required. - bb) Accept. - cc) Delete – not required. - dd) Delete – not required. - ee) Accept – with modifications to wording. 2 – Accept.



Crown Street; (o) Provision of a convex mirror at the development entrance (Murphy Street) for the exit lane; (p) Dimensions of wall-to-wall of internal ramped accessways; (q) Dimensions of garage lengths of the townhouses; (r) Any encroaching columns into adjacent car spaces repositioned or the impacted car spaces affected nominates as Small Car Spaces; (s) The car spaces numbered; (t) The vehicle crossing to Murphy Street modified to depict the splays of the crossing matching into the face of the kerb; (u) A cross-sectional drawing for each vehicle crossing fronting the site, together with a ground clearance check using the B99 design vehicle to confirm that vehicle can enter and exit the development via the frontage roads without scraping or bottoming out; (v) The location of at least ten (10) electric bicycle charging points, and a plan notation confirming that these will have shared access between occupants; (w) Dimensions of all bicycle storage spaces, lifts, corridors and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3; (x) Bicycle security arrangements for the bicycle storage locations; (y) Wayfinding and wayfinding types to bicycle parking locations; (z) The drop-off and loading bays, kerb extension and traffic islands and street trees / plantings and relevant annotations shown on the relevant drawings; (aa) The site plan to include existing and proposed underground service conduits, cables, pits and valves within the footpath and under proposed kerb extensions; (bb) A plan notation confirming that utility doors that open over a Public Highway are able to swing at 180-degrees and be latched onto the building wall; (cc) Pedestrian entries at the finished surface level matching, at the building line, to a footpath that has a cross-fall no greater than 1 in 33; (dd) Bicycle spaces in accordance with the provisions detailed at Condition 39; and (ee) Any changes recommended in the amended Landscape Plan, Sustainability Management Plan, Acoustic Report, Waste Management Plan, Wind Assessment and the Car Parking and Traffic Management and Public Realm Plans required by this planning permit. 2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.	
Architect Ongoing Involvement	Accept.



3. As part of the ongoing consultant team, SJB Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to: (a) oversee design and construction of the development; and (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.	
Façade Strategy 4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. The Façade Strategy and Materials and Finishes Plan must detail / include: (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details; (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; (c) the façade strategy must show textured walls consistent with the development plans under condition 1; (d) information about how the façade will be maintained, including any vegetation; (e) A full schedule of all proposed external materials and colours for new building works (including images or samples); and (f) a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology. 5. The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.	Accept, with modifications to be consistent with DTP's standard façade strategy condition.
Traffic Management Plan 6. In conjunction with the submission of development plans under Condition 1, a Traffic Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Traffic Management Plan must: (a) Review the traffic conditions and impacts of the broader area bounded by Victoria Street, Burnley Street and Bridge Road under future case scenarios; and (b) Make recommendations for amendments to the proposal and/or any mitigation works to the surrounding street network to ensure that traffic generation from the development can be accommodated in the surrounding network into the future and including: i. An analysis of the intersection of Murphy and River Street, providing turning movements for	Delete, as the submitted Traffic Report adequately addresses the traffic conditions and impacts of the proposed development.



all types of vehicles and provide recommendations on how this intersection can be better managed, based on the expected increase in movements. Ensure to include the movements along the other intersecting roads or accessways from other private properties, and the pedestrian crossing. 7. The permit holder is responsible for the cost of any mitigation works to the surrounding street network as required and approved by the Responsible Authority, with these works to be completed to the City of Yarra's satisfaction prior to the occupation of the development approved by this permit.	
Landscape Plan 8. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia Landscape Architecture, dated May 2026, but modified to show / include: (a) Consistency with the endorsed plans under condition 1; (b) The Fern Gully look out with generous landing spaces and integrated seatings; (c) Integrate WSUD elements such as raingardens within the subject site boundary; (d) Details of bench seat furniture item and planters, including soil depth and width for planted area and planters; (e) Drainage methods and lining materials; (f) Volume and type of growing media (including cultivation depth, mulch type etc), of plant species, with wind-proof mulch to planters above the ground floor (such as screened rock/pebbles) is to be used; (g) Typical planting details for trees, shrubs, grasses, groundcovers and climbers, including details of proposed vertical growing structures including detail drawings, mounting technique etc; (h) Information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation) for all garden bed areas and all upper-level loose pots/planters; (i) A maintenance schedule, including task details and frequency and access for maintenance purposes must be provided to all planted areas and planters; (j) A site-specific weed and revegetation management plan covering the full extent of the subject site river interface; (k) A detailed planting plan for the whole river embankment; (l) A reduction to the extent of the title boundary fence along the eastern title along the river	An assessment of the acceptability of the conditions is as follows: 8 a) Accept. b) Delete – the existing layout is considered acceptable. c) Delete – item t) covers this. d) Accept – with minor amendment to include 'typical'. e) Accept. f) Accept – with minor amendment to delete cultivation depth and mulch type. g) Accept. h) Accept. i) Accept. j) Delete – this will form part of the Parks Victoria requirements. k) Delete – the river embankment is beyond the title boundary. l) Amend to require the extent of the title boundary fence. m) Delete – the river embankment is beyond the title boundary. n) Amend to reference the private road to the south and delete referred to accommodate minimum 8m canopy trees. o) Delete – river embankment is not part of the site and landscaping within private open spaces for the townhouses is considered satisfactory. p) Accept. q) Accept. r) Amend to remove reference to river embankment. s) Accept – with minor amendments to include 'typical'. t) Accept. u) Accept. v) Accept. w) Accept. 9 – Accept, with amendments to include the Yarra City Council.



interface, whilst reducing the visual impact of title markers from the Main Yarra Trail; (m) A long-term maintenance of all landscaping of the embankment; (n) Include Murphy Street in the overall canopy cover calculation (including overall soil area calculations) and increase spacing and decrease proposed number and adjust locations of proposed trees to accommodate increase size to minimum 8m canopy; (o) Maximize canopy cover along the river embankment and tree placement including in the private open spaces to have irregular layout and tree species arrangement to compliment the overall river character; (p) Provide tree planter details – including materials, dimensions, drainage and lining materials, and tree anchors where required. Trees should be planted in a minimum soil depth of 700mm, with sufficient soil volume to support long term growth; (q) Load bearing weights for the building structure checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed; (r) Provision of a 24 month landscape maintenance of all landscape works along the river embankment to be included at the cost of the owner; (s) Provide detailed drawings for built elements such as furniture and planters, including: ii. Cross sections showing the width and depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors; iii. Dimensions (particularly soil depth and width for planted area and planters); iv. Proposed materials, including drainage method and lining; v. For above ground planted areas (particularly rooftop terraces and green roofs), wind-resistant mulch is to be used; and vi. Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.; (t) Details of any proposed Water Sensitive Urban Design (WSUD) features such as raingardens including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (from rooftop or otherwise), overflow measures; (u) Plant species and quantities for each planted area including plant species and quantities, as well as a legend containing key features, materials, and surfaces. Proposed plants are to be: i. Drawn at their mature size on the plan; ii. Labelled or coded to correspond with the proposed plant schedule; and iii. Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.	
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(v) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation). Note: the submitted Sustainable Management Plan states that landscape irrigation is to be connected to the proposed rainwater tank. This should be clearly noted on the landscape plans; and (w) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto the footpath), to the satisfaction of the Responsible Authority. 9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by: (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape maintenance plan; (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose; and (c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.	
Arboricultural Impact Assessment 10. Before the development commences, an Arboricultural Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Impact Assessment will be endorsed and will form part of this permit. The Arboricultural Impact Assessment must contain: (a) All proposed tree removals, including clear justification for Trees 9 and 11 (<i>Casuarina cunninghamiana</i>) and Trees 22 and 23 (<i>Eucalyptus leucoxylon</i>); (b) Details relating to the decline and/or death of Tree 4, with an updated condition assessment and management recommendations; (c) Any required pruning works associated with the development with a written justification and photographic evidence must provided for Trees 18 and 20; and (d) Where works are proposed within the Notional Root Zone of any public or protected trees, a include a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) in accordance with AS 4970:2025 with a clear outline of all protection measures, be approved prior to works commencing, and written commitment that this would be kept on site at all times, with compliance subject to inspection by the Responsible Authority.	Delete – the Arboricultural Report submitted is satisfactory.



Tree Protection Specification (TPS) and Tree Protection Plan (TPP) Required 11. Before development commences, a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) must be prepared by a suitably qualified arborist (minimum AQF Level 5). All documents must be prepared in accordance with AS 4970:2025 – Protection of Trees on Development Sites. These documents must be submitted to and approved by the Responsible Authority. 12. The provision, recommendation and requirements of the endorsed TPS and TPP must be complied with and implemented to the satisfaction of the Responsible Authority.	Accept, with amendments to include the Yarra City Council.
Wildlife management 13. Before the removal of any tree approved under this permit, a qualified zoologist must inspect the trees to determine if there are any fauna present, and if so, a Wildlife Management Report must be submitted to and approved by the Responsible Authority, detailing the type of fauna found and measures to be taken to manage these, to the satisfaction of the Responsible Authority. This report must also outline any particular specifications on how and when the trees should be removed to best protect any wildlife present in the trees to be removed and the tree removal will then occur in accordance with the recommendations of the zoologist. 14. A qualified zoologist must be present during the removal of any tree approved under this permit	Delete – this requirement would impose an unreasonable requirement on the permit holder, particularly when no evidence has been provided to demonstrate significant risk to wildlife.
Sustainability Management Plan 15. In conjunction with the submission of development plans under Condition 1, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by HIP V. HYPE Sustainability and dated 03 March 2026 but modified to have regard and include: (a) To the architectural drawings required at Condition 1 of this permit. (b) Details confirming that all natural ventilation requirements for habitable rooms are satisfied; and (c) Details of the total solar PV capacity with regard to the development's renewable energy performance, to the satisfaction of the Responsible Authority. 16. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.	Accept, with amendments to remove reference to additional requirements and these are requested under condition 1. Conditions amended and included to reference DTP conditions.



Acoustic Report 17. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 10 October 2025, but modified to have regard and include: (a) To the architectural drawings required at Condition 1 of this permit; (b) Whether any adjustments are necessary to achieve adequate noise levels inside apartments from the commercial operation of the ground floor retail premises; and (c) Noise and vibration impacts from the vehicle entrance gate to the basement. 18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. 19. Before the development is occupied, an updated acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must: (a) Provide evidence of compliance with the requirements of the endorsed Acoustic Report. 20. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.	Amend – include standard DTP conditions given that the Acoustic Report is considered satisfactory and should be endorsed concurrent with amended plans.
Waste Management Plan 21. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Gird and dated 8th May 2026 but modified to have regard: (a) To the architectural drawings required at Condition 1 of this permit. 22. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.	Amend – include standard DTP conditions given that the WMP is considered satisfactory and should be endorsed concurrent with amended plans.



Wind Assessment 23. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment (labelled Environmental Wind Conditions Study) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants dated 5th May 2026 but modified to have regard: (a) To the architectural drawings required at Condition 1 of this permit; (b) Confirm that all balconies and terraces achieve the standing comfort criterion at a minimum; and (c) Include a wind tunnel study. 24. The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.	Amend – include standard DTP conditions given that the Wind Report is considered satisfactory and should be endorsed concurrent with amended plans.
Green Travel Plan 25. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid dated 27th March 2026 include, but modified to have regard to and include: (a) To the architectural drawings required at Condition 1 of this permit; and (b) an easily readable map of the primary bicycle access routes to and from the bicycle parking locations. 26. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.	Amend – include standard DTP conditions given that the Green Travel Plan is considered satisfactory and should be endorsed concurrent with amended plans.
Social and Affordable Housing Report 27. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, an updated Social and Affordable Housing Report must be submitted and endorsed by the responsible authority. The report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Social and Affordable Housing Report prepared by UrbanXChange and dated April 2026 but modified to ensure that: (a) Market rents are verified to ensure discounts are calculated fairly and transparently relative to market rents at the time of endorsement for the provision of affordable housing as agreed to in the condition below.	Delete, as the applicant is proposing a cash contribution.



Section 173 Agreement – Affordable Housing 28. Before the development is occupied, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide for a contribution towards affordable housing generally in accordance with the endorsed Affordable Housing Report, in the following manner: (a) At least 10% of the total number of dwellings in the development must be provided as affordable rental housing. The details of the nominated affordable housing dwellings, when and how the affordable housing will be delivered and managed, as well as the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; and (b) Secured in perpetuity rather than for a fixed minimum term. If this is not achievable, the term should be a minimum of at least 25 years. 29. The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).	Amend, to be consistent with the mandatory condition in the Yarra Planning Scheme.
Section 173 Agreement – access between private and public space 30. Before the development commences, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide for public access as follows: (a) Confirmation of ownership and on-going maintenance obligations for the stairs leading to the Main Yarra Trail; (b) Unfettered public access within the subject site along Murphy Street, Crown Street, and stairs to the Main Yarra Trail; (c) Unfettered public access to the dog park, including a detailed ongoing maintenance regime; and (d) The land owner to be liable for public access areas, indemnifying Yarra City Council for any damage to the development by reason of, or in connection with, the use of public access areas by the public and not making any claim for damages or loss of any kind against Council for any damage or injury caused to the public access areas or to any person using the public access areas. 31. The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).	Amend, to only reference the staircase link, given that all other land is within private ownership.
Civil Works 32. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpaths along the property's	An assessment of the acceptability of the conditions is as follows:



frontage(s) must be re-sheeted in asphalt: (a) at the permit holder's cost; and (b) to the satisfaction of the Responsible Authority(s). 33. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's frontage(s) must be reconstructed: (a) at the permit holder's cost; and (b) to the satisfaction of the Responsible Authority(s). 34. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's frontage(s) must be reconstructed: (a) at the permit holder's cost; and (b) to the satisfaction of the Responsible Authority(s). 35. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated: (a) In accordance with Yarra Standard Drawings Yarra City Council; (b) at the permit holder's cost; and (c) To the satisfaction of the Responsible Authority. 36. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.	• 32 – Accept, with amendments to include the Yarra City Council and reference to only River Street and Crown Street. • 33 – Accept, with amendments to include the Yarra City Council and reference to only River Street and Crown Street. • 34 – Delete, as this can be covered under condition 35. • 35 – Accept, with amendments to include the Yarra City Council. • 36 – Accept.
Car Parking 37. Before the building s are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be: (a) constructed and available for use in accordance with the endorsed plans; (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans; (c) treated with an all-weather seal or some other durable surface; and (d) line-marked or provided with some adequate means of showing the car parking spaces, to the satisfaction of the Responsible Authority.	Accept, with amendments to include the Yarra City Council.
Vehicle Crossings 38. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet. Refer to Notes (below) for lodgement details. 39. Concurrent with the submission of Condition 1 plans,	An assessment of the acceptability of the conditions is as follows: • 41 – Accept, with amendments to timing. • 39 – Accept, with amendments to timing and to include the Yarra City Council. • 40 – Accept, with amendments to include the Yarra City Council.



or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be designed and constructed: (a) at the Permit Holder's cost; and (b) to the satisfaction of the Responsible Authority. Refer to Notes (below) for lodgement details. 40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel: (a) at the permit holder's cost; and (b) to the satisfaction of the Responsible Authority.	
Bicycle Parking 41. Except with the prior written consent of the Responsible Authority: (a) No less than 200 resident bicycle parking spaces must be provided on site (with at least 10 electric bicycle charging points provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use); (b) No less than 50 visitor spaces must be provided on site; (c) A minimum of 2 employee bicycle parking spaces must be provided; and (d) At least 10 electric bicycle charging points should be provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use. 42. All visitor and employee bicycle spaces must be ground level (horizontal) hoops and must comply with Clause 52.34 of the Yarra Planning Scheme, and the clearance and access-way requirements of AS2890.3.	An assessment of the acceptability of the conditions is as follows: • 41 – Delete, as the bicycle parking provision complies with the Yarra Planning Scheme. • 42 – Accept.
Public Realm Improvements 43. Prior to the demolition of any building(s) or by such later date as is approved by the Responsible Authority, a Public Realm Works plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Works plan must show / include the following all to the satisfaction of the City of Yarra: River Street (a) Streetscape interface sections to show unobstructed path widths between the title boundary and the back of kerb; (b) If kept in its location, a plan notation confirming that Council's infrastructure will be unaffected by the existing substation; Murphy Street (Private Road) (c) Streetscape interface sections to show unobstructed path widths between the title boundary and the back of kerb; (d) A maintenance regime for the dog park; (e) The tree numbers reduced to make way for larger growing tree species planted within the subject site	An assessment of the acceptability of the conditions is as follows: 43 – Accept, with amendments to timing and who the satisfaction of the responsible authority, in consultation with the Yarra City Council. River Street a) Accept. b) Accept. Murphy Street (Private Road) c) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. d) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. e) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. f) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan.



in structural cells; (f) Integrated seating with back and armrests at the top of the stairs to the Main Yarra Trail (seats to be a bespoke design and not Council standard); (g) Path access to stairs and other paved areas (excluding dog park) to be hard paved, unit paving or similar; (h) Provision of four (4) bike hoops to the building entrance; (i) All existing parking and access points that will impact on overall movements along Murphy Street to be shown; (j) Any further Improvements to pedestrian and cyclist links, along River Street and Murphy Street including the private road amenities along the space to demonstrate safe environment for internal and external users; Crown Street (k) Streetscape interface sections to show unobstructed path widths between the title boundary and the back of kerb; (l) The integration of a protection barrier such as bollards (located within site boundary to delineate between parallel parking bays and pedestrian path, with the adoption of an unobstructed pathway width of 1.5m; (m) The relocation of bike hoops along the building line, with no obstruction to pedestrian access and broken down into smaller groupings; Birrarung – River interface (n) Realign the lower segment of the stairs to be parallel with the retaining wall and expand the lower landing next to the Main Yarra Trail. The landing must have a seamless level transition with the Main Yarra Trail; (o) Add bike and wheel channels along the stairs, unobstructed width to be maintained at minimum 1.9m; (p) Integrate directional signs to the top and bottom of the stairs; (q) Plan notations confirming ownership and maintenance obligations for the stairs; General (r) Layout plan indicating all existing and proposed features and surface levels; (s) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs; (t) Clearly dimensioned elements including pedestrian paths and parking bays; (u) All existing and proposed levels and surface grades; (v) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building(s) at ground floor level including any proposed setback; (w) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements; (x) Any existing and proposed trees and low cover	(g) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. (h) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. (i) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. (j) Delete – given that the road to the south is private land and improvements works will form part of the landscape plan. Crown Street (k) Delete – the proposed footpath is within private land (there is no existing footpath). (l) Accept, with the removal of the nominated 1.5 metre pathway width. (m) Accept. Birrarung – River interface (n) Delete – Parks Victoria have not required any amendments to the stairs. (o) Accept, but remove reference to minimum width of stairs and include words 'unless otherwise agreed by the responsible authority' to allow for flexibility if bicycle channels cannot be incorporated into the design, noting that Crown Street provides ramped access to the Main Yarra Trail. (p) Accept. (q) Accept. General (r) Accept. (s) Accept. (t) Accept. (u) Accept. (v) Accept. (w) Accept, with deletion of DTP's requirements. (x) Accept. (y) Accept – directional signage is as of right in C1Z and should be included. (z) Accept. aa) Accept. bb) Accept. cc) Delete – ambiguous requirement. dd) Accept. i. Delete – ambiguous requirement. ii. Delete – land to the south is a private road and should not form part of this condition. iii. Accept – with minor changes to remove 'with maximum feasible area relocated' and replaced with 'which has regard', to allow ensure reasonable public realm improvements can be incorporated. iv. Accept. v. Accept. vi. Accept. vii. Delete – repeated in condition v. viii. Accept.
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planting; (y) Directional signage to building entrances and key destinations with signs wall or fence mounted (i.e. not free standing) must be integrated into the design of the buildings; (z) A clear paving delineation between public and private land and compliance with all relevant Australian standards; (aa) A plan notation confirming that all tactiles, handrails, ramps and landings will be accommodated within the subject site boundary and not protrude outside the subject site's title boundaries; (bb) Anti-skate measures must be incorporated into the design of relevant elements, ensuring they are discreetly integrated and do not contribute to material damage or increased maintenance requirements; (cc) Integration of streetscape improvements along all streetscape interfaces including consideration of all movements generated from this and adjacent sites, either kerb outstand, raised pedestrian crossing or combination of both to improve pedestrian amenity, accessibility, safety and overall public realm outcomes; and (dd) The design of any streetscape improvements must consider and address, including, but not limited to, the following matters: i. Pedestrian desire lines along and across the street ensuring safe, legible and accessible pedestrian movement; ii. Integrate DDA parking bay(s) along Murphy Street if feasible and to be fully compliant; iii. Rationalisation of on-street parking bays, with the maximum feasible area reallocated to public realm improvements and pedestrian amenities; iv. Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently to the satisfaction of the Responsible Authority; v. Resolution of all drainage requirements associated with the kerb outstands and adjoining infrastructure; vi. Compliance with all relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant; vii. A demonstrated due diligence assessment of all existing and proposed services, including identification of any impacts associated with the kerb outstand and related infrastructure, and confirmation of any required service authority approvals or agreements; viii. Integration of existing and new street trees; and ix. An assessment of existing street lighting conditions, with provision for lighting upgrades or improvements were required to support pedestrian safety and amenity. 44. Before the development commences (excluding site preparations, demolition and bulk excavation), or by	ix. Accept. 44 – Accept, with amendments to timing. 45 – Accept, with amendments to include Yarra City Council.
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such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit. 45. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.	
Stormwater Management Plan 46. In conjunction with the submission of development plans under Condition 1, Stormwater Management Plan must be submitted to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management Plan will be endorsed and will form part of this permit. The Plan must show: (a) The site stormwater directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event; (b) The development detaining onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event; (c) All redundant property drain outlets demolished and reinstated to City of Yarra's satisfaction and at the Permit Holder's cost; and (d) Any requirements from Melbourne Water.	Delete, as the Stormwater Management Plan submitted is considered satisfactory.
Public Lighting Plan Required 47. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by the City of Yarra's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed by the Responsible Authority and will form part of this permit. The Public Lighting Plan must be designed: (a) address lighting along the length of the property to River, Murphy and Crown Streets including the Yarra River interface and the pedestrian and vehicle entrances to the approved building; (b) to comply with uniformity, access and maintenance requirements as per standard AS1158.3.1; and (c) to control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the	Accept, with amendments to include the Yarra City Council.



<i>obtrusive effects of outdoor lighting”, to the satisfaction of the Responsible Authority.</i>	
Ongoing Public Lighting Plan Requirement 48. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.	Accept, with amendments to include the Yarra City Council.
Temporary Lighting Plan 49. Before any existing public lighting is removed, or by such later date as approved in writing by the responsible authority, a temporary lighting plan must be submitted to and approved by Yarra City Council. The temporary lighting is to be installed at the permit holder’s cost and must remain operational until a new permanent lighting scheme is installed and operational, to the satisfaction of Yarra City Council.	Accept, with amendments to include the Yarra City Council.
General 50. Any new dwelling/apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed. 51. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. 52. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority. 53. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority. 54. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority. 55. The amenity of the area must not be detrimentally affected by the use or development, including through: (a) the transport of materials, goods or commodities to or from land; (b) the appearance of any buildings, works or materials; (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or (d) the presence of vermin,	An assessment of the acceptability of the conditions is as follows: • 50 – Accept, with minor amendments to include both conditions as required by the Yarra Planning Scheme. • 51 – Accept, with amendments to include the Yarra City Council. • 52 – Accept, with amendments to include the Yarra City Council. • 53 – Accept, with amendments to include the Yarra City Council. • 54 – Accept, with amendments to include the Yarra City Council. • 55 – Accept, with amendments to include the Yarra City Council.



to the satisfaction of the Responsible Authority.	
Development Contributions Plan 56. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.	Accept.
Community Infrastructure Levy 57. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.	Accept.
Street Trees 58. Before the development commences, the permit holder must make a one-off contribution of \$11,496.00 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.	Accept, with amendments to include the Yarra City Council.
Cultural Heritage Management Plan (CHMP) 59. In the event that Aboriginal cultural heritage is discovered during the ground disturbance works, in addition to any legislative obligations, a Cultural Heritage Permit must be obtained in accordance with the statutory obligations under the <i>Aboriginal Heritage Act 2006</i> .	Delete – given this is already covered by separate legislation.
Construction Management Plan 60. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (as appropriate): (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure; (b) works necessary to protect road and other infrastructure; (c) remediation of any damage to road and other infrastructure; (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land; (e) facilities for vehicle washing, which must be located on the land; (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street; (g) site security; (h) management of any environmental hazards including, but not limited to:	An assessment of the acceptability of the conditions is as follows: • 60 – Accept, with amendments to include the Yarra City Council. • 61 – Accept. • 62 – Accept, with amendments to include the Yarra City Council.



i. contaminated soil; ii. materials and waste; iii. dust; iv. stormwater contamination from run-off and wash-waters; v. stormwater runoff to the Yarra River during all phases of construction; vi. sediment from the land on roads; vii. washing of concrete trucks and other vehicles and machinery; and viii. spillage from refuelling cranes and other vehicles and machinery; (i) the construction program; (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency, including having regard to the surrounding cycling network; (k) parking facilities for construction workers; (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan; (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; (p) measures to mitigate any impacts on the Main Yarra Trail and the river environs; (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties (including businesses) and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to: i. using lower noise work practice and equipment; ii. the suitability of the land for the use of an electric crane; iii. silencing all mechanical plant by the best practical means using current technology; iv. fitting pneumatic tools with an effective silencer; and v. other relevant considerations (including impacts on the operation of businesses); (r) a detailed dilapidation report detailing and documenting the existing and post construction conditions of surrounding road infrastructure and adjoining private properties; (s) if any existing public lighting assets require	
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temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and (t) any site-specific requirements. 61. During construction: (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines; (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system; (c) vehicle borne material must not accumulate on the roads abutting the land; (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly. 62. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.	
Construction Hours 63. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out: (a) Monday-Friday (excluding public holidays) before 7.00am or after 6.00pm; (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.	Accept, with amendments to include the Yarra City Council.
Referral Authority/Other agency conditions 64. **DTP to insert conditions from Melbourne Water and/or Parks Victoria**	N/A
Expiry 65. This permit will expire if: (a) the development is not commenced within four years of the date of this permit; or (b) the development is not completed within six years of the date of this permit; or In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.	Condition accepted, with modifications to the expiry dates consistent with the updated expiry dates of the <i>Planning and Environment Act 1987</i>.