

Planning Assessment Officer Report

Permit No PA2604321, 81-
95 Burnley Street and 26-34
Doonside Street Richmond



Planning Assessment Officer Report
Development Assessment

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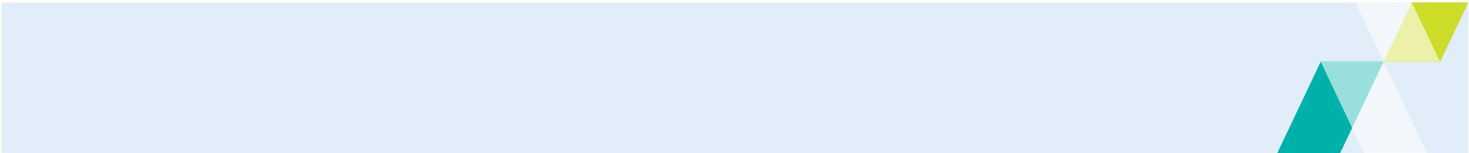
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Executive Summary



Key Information	Details
Application No:	PA2604321
Received:	1 April 2026
Statutory Days:	47 days
Applicant:	Gurner Ltd c/- Contour Consultants
Planning Scheme:	Yarra Planning Scheme
Land Address:	81-95 Burnley Street and 26-34 Doonside Street, Richmond
Proposal:	Significant residential development with affordable housing, use of the land for food and drink premises, retail premises and restricted retail premises, provision of public open space, reduction in the statutory parking requirements and demolition within a heritage overlay.
Development Value:	\$ 304.23 m
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for this application because: the application is made pursuant to Clause 53.23 (significant residential development) of the Yarra Planning Scheme.
DFP eligibility criteria in accordance with 53.23	Category 1 Exceeds \$50m threshold - \$300m development cost
	Sector Significant residential development with affordable housing
	Location Metropolitan Melbourne (Yarra CC)
	Alignment with DFP threshold/criteria 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; - At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.
	Affordable Housing Affordable housing statement prepared by Contour consultants with a 10 percent affordable housing commitment.
	OVGA Not required to be reviewed by OVGA as design is in accordance with endorsed DP, and reviewed by DTP Urban Design.
	DTP Urban Design The planning and design framework is set by the endorsed Development Plan, and detailed design advice was provided by DTP Urban Design.
	Invest Victoria Letter dated 2 September 2024 confirming eligibility.
	Quantity Surveyor Report Yes – Prepared by WT dated 12 December 2025.



Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.04-1	Mixed Use Zone (MUZ)	- Use the land for food and drinks premises where conditions 1 is not met (over 150m2 in area) - Use the land for retail premises - Use of land for restricted retail premises
	Clause 32.04-7		Construction and extension of two or more dwellings on a lot
	Clause 32.04-10		Construction of buildings and works associated with a section 2 use
Overlays:	Clause 43.02	Development Plan Overlay Schedule 15	Construct a building or construct or carry out works – a permit granted must be generally in accordance with the approved development plan.
	Clause 42.04	Design and Development Overlay Schedule 2 (Main roads and boulevards)	Construct a buildings or construct or carry out works (applies to the Burnley Street frontage of the site only)
	Clause 45.03	Environmental Audit Overlay	No permit requirement, but requires either a PRSA or environmental audit statement or certificate of environmental audit before a sensitive use (residential) commences.
	Clause 45.06	Development Contributions Overlay Schedule 1	No permit requirement but in the event of a permit being issued, the Overlay requires that the permit includes conditions to give effect to the contributions payable for development.
	Clause 43.01	Heritage Overlay (Schedule HO252 and HO375)	Demolition (including partial demolition), construction of buildings and works, external alteration to a building
Particular Provisions:	Clause 52.06	Car Parking	A permit is required to reduce the number of car spaces required under Clause 52.06.
	Clause 52.34	Bicycle Parking	The application does not require a permit to reduce bicycle parking (excess provision is proposed).
	Clause 53.18	Stormwater in urban development	No permit is required under this provision.
	Clause 53.23	Significant residential development with affordable housing	No permit is required under this provision



	Clause 52.29	Land Adjacent to the Principal Road Network	Permit required to alter access from a Transport Zone 2 (remove crossovers)
	Clause 58	Apartment Developments	
Cultural Heritage:	Not located within an area of Aboriginal Cultural Heritage Sensitivity		
Total Site Area:	12,800m ²		
Gross Floor Area:	76,543m ²		
Maximum Building Height:	Building B: 75.77 AHD total (top of plant/core) to Australian Height Datum – highest point for PANS OPS		
Referral Authorities:	Head, Transport for Victoria (s55 – determining) Yarra City Council – Informal		
Advice sought:	Traffic impacts to Burnley Street (Transport Zone) and advice of the Development Plan conditions relating to the signalisation of the intersection of Doonside and Burnley Streets.		
Public Notice:	Notice of the application under section 52 of the Act was not required because the application is exempt from Notice pursuant to Clause 53.23 of the scheme – which exempts the application from notice under any provision of the scheme. Notwithstanding this, 4 objections have been received to date.		
Delegates List:	Approval to determine under delegation received on 17 August 2026		



Application Process

1. The site is located within the Mixed Use Zone, with several Overlays, including the Development Plan Overlay Schedule 15. The MUZ and DPO15 were applied to the land through Amendment C223yara to the Yarra Planning Scheme (6 May 2021).
2. The rezoning was supported by the Victoria Street Structure Plan 2010, which identified the land for 'larger scale office and residential' uses in addition to 'potential housing mixed with retail and businesses'.
3. A Development Plan in accordance with the requirements of DPO15 was approved by the Yarra City Council on 18 October 2024. The endorsed DP (81-95 Burnley Street and 26-34 Doonside Street, Richmond) (the endorsed DP) sets the planning and design framework for the development of the site and includes (but is not limited to) requirements for built form, provision of through-block connections, public open space, affordable housing, transport, Environmentally Sustainable Design (ESD), heritage, overshadowing, wind and noise.
4. The subject application is assessed against the endorsed DP, along with relevant controls and provisions within the Yarra Planning Scheme.
5. The key milestones in the application process were as follows:

Milestone	Date
DFP process	Lodged 12/7/24 - Eligibility 1/9/25
Application lodgement	01 April 2026
Further information requested	28 April 2026
Further information received	3 July 2026
S50A request	28 May 2026
Decision Plans	Architectural Plans prepared by Fender Katsalidis Architects , (FKA) titled Harrington Village Development Plans Rev G (RFI plans) and dated 30 June 2026

Other Assessment Documents

	Urban Context Report – FKA (December 2025)
Acoustic	Acoustic report –ADP (27 May 2026)
Affordable Housing Strategy	Affordable Housing Statement – Contour Consultants (May 2026)
Early Works	- Architectural Early Works package – FKA (30 June 2026) - Memo of environmental audit obligations – JBS&G (30 June 2026) - Heritage Retention Management Plan (Early Works Plan) - Bryce Raworth (30 July 2025)
Heritage and Conservation	- Facade Conservation Works (Plan and Schedule) - Bryce Raworth (February 2026) - Heritage Impact Statement – Bryce Raworth (July 2026) - Heritage Maintenance Plan – Bryce Raworth (June 2026) - Heritage Archival Recording – H Lim (June 2026) - Heritage Retention Design (ISG - 22.09.25) - Landscape and Public Realm Concept Plans –TCL (24 June 2026) - Traffic Impact Assessment - Traffix Group (2 July 2026) - Access, Parking and Loading Management Plan – Traffix Group (May 2026) - Green Travel Plan -Traffix Group (May 2026) - Waste Management – Leigh Design (28 May 2026)



Landscape and Public Realm

Traffic, Waste, Loading

ESD

Other

- Sustainability Management Plan – ADP (02 July 2026)
- Accessibility Memo – B4C Access Consultants (30 June 2026)
- Construction Cost – WT Partnership (12 December 2025)
- Wind Tunnel Assessment (July, 2023)
- Wind Memo – Windtech (27 May, 2026)
- Arboricultural Assessment Glenn Waters (August, 2024)
- Maintenance Plan (Lightwells, Building D) Allied Commercial (26 June 2026)
- Substation location requirements – ADP (13 January 2026)
- Town Planning Report and Clause 58 Assessment, Contour Consultants (July 2026)

6. The subject of this report is the decision plans and associated documents (as described above).

Proposal Summary

7. The proposal is for a mixed-use development comprising four buildings ranging in scale from 8 to 18 storeys, set above a common (part) three-level basement. Existing heritage buildings on the site will be retained in part (partial demolition and alterations) and reused for the development, which will provide 687 residential dwellings, and approximately 8,300 square metres of commercial floor space (retail and restricted retail).
8. The site has three street frontages and occupies most of the block bounded by Burnley Street, Doonside Street, Appleton Street and David Street, Richmond. To assist with the regeneration of this site, two new north-south oriented through block links are provided, along with 576 sqm of land for a new public park.
9. The development is proposed to be undertaken in 3 Stages.
- Stage 1: demolition and earthworks and most of the basement car park (including 336 spaces and 370 bicycle spaces).
 - Stage 2: construction of Buildings A (182 dwellings, 4,449 sqm GLA restricted retail) and D (141 dwellings and 407 sqm GLA retail), the delivery of Harrys Lane, the southern half of the proposed Park Lane, part of the base of Building B.
 - Stage 3: construction of Buildings B and C, the remainder of the basement carpark, the public park and the rest of the connection through Park Lane.
10. Staging plans within the Architectural drawing set outline full stage details.
11. A site layout plan/ground floor plan is provided at Figure 1. A summary of the proposal is provided below:

Key Information		
Maximum Building Height:	Building A	55.58m excluding plant (70.52AHD) (17 storeys)
	Building B	57.31m excluding plant (72.87 AHD) (18-storeys)
	Building C	42.07m excluding plant (to 56.24 AHD) (13-storeys)
	Building D	25.85m (41.7AHD) excluding rooftop access to private terraces and plant (8 storeys)
Uses	Dwellings and mix 687 Dwellings	Commercial Floor Area 4,449 sqm restricted retail (GLA) 3,540 sqm retail (GLA) Total – 7989 sqm GLA



Building A (Burnley Street)	1 bed – 100	Total - 4448sqm – restricted retail over 2 floors
	2 bed – 63	
	3 bed – 13	
	Penthouse 3	
	Total – 182 Apartments	
Building B (Doonside Street)	1 bed – 89	563sqm – retail
	2 bed – 145	498sqm – retail
	3 bed – 18	319 sqm – retail
	Total – 252 Apartments	393 sqm – retail
		181 sqm – retail
		303 sqm – retail
		Total - 2,257 sqm
Building C (Doonside Street):	1 bed – 72	161 sqm – retail
	2 bed – 32	97sqm – retail
	3 bed – 8	444 sqm – retail
	Total – 112 Apartments	110 sqm – retail
		95 sqm – retail
		Total - 907 sqm
Building D (Appleton Street):	1 bed – 58	197 sqm – retail
	2 bed – 74	156 sqm – retail
	3 bed – 9	223 sqm – retail
	Total – 141 Apartments	Total - 576 sqm
Setbacks:	Setbacks are outlined on the endorsed DP.	
	Very minor variations are proposed to the setbacks at ground level and to the tower elements of Buildings A and B of which are of no major consequence. This is anticipated as more detailed building design is progressed and has no impact on the development plan outcomes, notably development included greater setbacks in some areas, and minor exceedances in others.	
	Key setbacks established in the DP include from:	
	- the heritage fabric retained for Building A - the heritage fabric retained for Building C - Setbacks from boundaries - Setbacks between buildings - Setbacks from neighbouring boundaries/buildings.	
	See setbacks diagram from DP below, Figure 1. Setbacks are generally in accordance with the DP, with variations described within the assessment.	
Heights:	Heights are outlined for all buildings within the endorsed DP. The proposal varies the overall height of Buildings A, B and D, and does not exceed the DP height of Building C. The variations are:	
	Building A – DP height of 49.6m - Proposed building height of 55.58m. (+5.98m) – 17 storeys	
	Building B – DP height of 55.9m - Proposed building height of 57.31m (+1.41m) – 18- storeys	
	Building C – DP height of 41.9m - Proposed building height of 42.07m (+0.17m) - 13-storeys	
	Building D – DP height of 25.4m - Proposed building height of 26.15m (+0.75m) – 8 -storeys	
	A discussion on heights and the location and impact of plant and services is discussed within the assessment.	
Car Parking:	612 Spaces in 3 levels of basement (Stage 1 – 336 spaces, Stage 3 – 276 spaces)	
	10 percent provided with electric charging (60)	
	Tandem spaces are provided for 18 spaces in basement level 3, 32 spaces in basement level 2 and 30 spaces within basement 1 (a total of 80 spaces, 13 per cent).	
Bicycle Parking:	929 Spaces (Stage 1 – 370 spaces, Stage 3 - 559 spaces)	

Motorcycle Parking: 14 spaces

Building A - Restricted retail use

- Access from Doonside Street, loading from Harrys Lane (envisaged within the DP for this use).
- Small rigid vehicles, 3 deliveries per loading bay per day.

Buildings B and D (Harrys Lane entry)

- Shared loading for Buildings B and D – Access from Doonside via Harrys Lane.
- Both 8.8m and 6.4m rigid vehicles with likely 14 movements per day.
- Waste collection (commercial) from base of buildings B and D.
- Estimated 1 collection per day from an 8.8m rigid vehicle, outside peak times.

Buildings B and D (Doonside St entry)

- Waste collection from basement (residential waste collection) 3 times per week.

Loading and Waste arrangements

Affordable Housing:

To be provided in accordance with the requirements of Clause 53.23 via cash contribution to the State Housing Growth Fund, paid in stages.

Open space and public realm

576 square metres of public open space and 151 square metres of additional landscaped area adjoining to supplement the park (total of 727 sqm); upgrades to the public realm including new street tree planting, bike parking, repaving/surfacing of footpaths and the provision of two publicly accessible through block links (6m wide, Harrys Lane and 9m wide, Park Lane).

ESD

BESS scorecard of 54%, minimum NatHers rating of 6 stars for any single dwelling and average of 7 stars for all dwellings 5 rainwater tanks with overall capacity of 185kL

12. A planning permit is required for partial demolition and alterations and additions to a building in a heritage overlay. Heritage was assessed within the DP approval which identified parts of the two locally significant buildings for retention. The plans indicate the extent of demolition proposed, which includes the roofs and all internal walls for both buildings. This is generally in accordance with the endorsed DP.



Figure 1 - Ground Floor/Site Layout Plan



Figure 2 - Building A – Burnley Street elevation

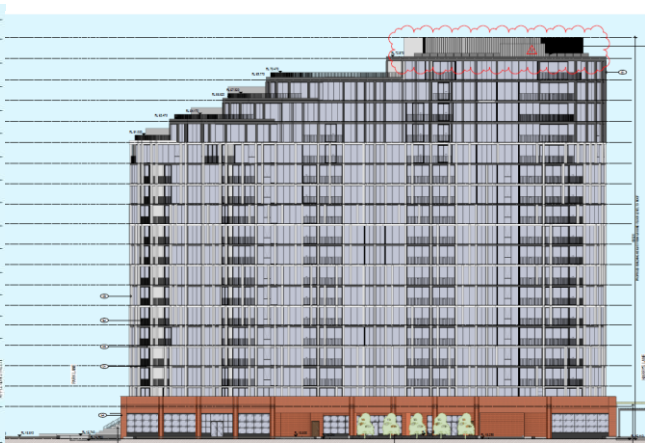


Figure 3 - Building B – Doonside Street elevation



Figure 4 - Building C Doonside Street elevation



Figure 5 - Building D – Appleton Street elevation

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



Figure 6 - Tower A – Burnley Street



Figure 7 -Tower B (and C) Doonside Street



Figure 8 -Tower B



Figure 9 - Tower C – Doonside Street



Figure 10 - Building D – Appleton Street.



Figure 11 – Setback plan – Development Plan



Site Description

14. The existing site comprises a large commercial holding most recently used as a substantial showroom and office building comprising 'Harry the Hirer'. This building has frontage to Burnley Street, together with ancillary buildings, storage areas, loading facilities and at-grade and rooftop car parking.
15. The site is irregular in shape, has frontages to Burnley Street, Doonside Street and Appleton Street, and a total site area of approximately 12,800 square metres.
16. The site is formally described as:
 - Lot S2 on Plan of Subdivision 931705
 - Lot S3 on Plan of Subdivision 931705.
17. There are several encumbrances affecting the site, as follows:
 - Restrictive Covenant AV961763D, which limits the establishment of a supermarket or department store exceeding 2,000 square metres net leasable area.
 - Restrictive Covenant AV989654C, which limits the establishment of a supermarket or department store.
18. The proposal will not contravene the covenants.
19. In addition, two buildings on the land are affected by a Heritage Overlay. A portion of the western section of the site is affected by Heritage Overlay Schedule 375 (HO375), relating to the façade and external building presentation of the original brick building used by Harry the Hirer. A portion of the eastern section of the site is affected by Heritage Overlay Schedule 252 (HO252).
20. These buildings are a single and two-storey brick industrial building on Burnley Street, that runs between Appleton and Doonside Streets (HO375) and a 2-storey former office building on Doonside Street (HO252). Both buildings were historically associated with the former Repco factory that once occupied the land. The site also includes other industrial buildings that are not within the HO schedule and are proposed to be demolished. The site was most recently used by Harry the Hirer – a restricted retail use that provides events goods for hire, with an intention for this use to continue operations from Building A, once redeveloped.
21. The site is generally flat and substantially developed, with limited vegetation. There is one, planted mature Lemon Scented Gum located along the Doonside Street frontage. This tree is proposed to be removed (no planning permit is required; its removal requires a permit under a Yarra City Council Local Law).

Site Surrounds

22. The surrounding area is characterised by a mix of commercial, entertainment, residential and mixed-use development, including higher-density apartment developments, reflecting the ongoing urban renewal of the Richmond precinct.
23. The site is bounded by Burnley Street to the west, Doonside Street to the north, Embassy Apartments (8 to 12 storeys) to the east and Appleton Street to the south.
24. Burnley Street functions as a major arterial road and activity spine that is a defining element of the area's character. Development adjoining Burnley Street is typically more intensive in form and scale than the residential hinterland to its west, and the residential areas to the south of the site.
25. The Embassy Apartments to the south and east (36-44 Doonside Street) is an 'L' shaped development of 3 buildings ranging from 8-13 storeys in height. The Appleton Street building (east of Building D, south of Building C) is 8-storeys in height and has an existing concrete boundary wall with the site, with residential apartments facing the land. Two

other buildings are separated from the site by an internal walkway provided on the Embassy Apartments land. (See photo). These buildings represent a sensitive interface to the land, with the endorsed DP outlining expectations for the interface outcomes between these sites.

26. Appleton Street presents a finer-grain character, with a series of smaller lots and dwellings (within the Neighbourhood Residential Zone, and Heritage Overlay 460) along its southern side contributing to a more intimate streetscape. In contrast, Doonside Street is characterised by larger building footprints, service access arrangements associated with commercial and industrial activities, and vacant land associated with the future development of Victoria Gardens Shopping Centre, Doonside precinct. This character will be further consolidated once the approved development comprising six buildings ranging from 7 to 17 storeys, is constructed.
27. The site is well-served by public transport and is located close to Victoria Gardens Shopping Centre, tram services along Victoria Street and the Yarra River trail network.
28. A site inspection of the subject site and surrounds was undertaken on 18 June 2026. Images of the site and surrounds are reflected in the figures below.



Figure 12 and 13 - Walkway through the Embassy Apartments, view of the Embassy apartments to the rear of future Building C.



Municipal Planning Strategy

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

Clause	Description
02.01	Context Clause 02.01-3 Activity Centres Clause 02.01-5 Climate Change Clause 02.01-6 Built environment and heritage Clause 02.01-7 Housing Clause 02.01-8 Economic development The MPS Context for Yarra establishes that Activity Centre locations provide access to services, public transport and employment. They are identified as areas for increased development and population, providing a more sustainable and efficient use of infrastructure. Heritage buildings, streetscapes and features remain a significant part of Yarra's identity, and require detailed consideration, and the context statement notes that apartment living will become the predominant form of housing over the next 15 years. Facilitating accessible, adaptable and affordable housing is identified as a focus for Yarra.
02.03	Clause 02.03-01 Strategic Direction Clause 02.03-3 Environmental Risks and Amenity Clause 02.03-4 Built Environment and Heritage Clause 02.03-5 Housing Clause 02.03-6 Economic Development Clause 02.03-7 Transport The proposed mixed-use development supports these objectives by providing housing and commercial uses within an established activity centre, contributing to housing choice and economic activity, supporting sustainable transport use through its accessible location, and accommodating growth in a manner that responds to the site's heritage and built form context.
02.04	Clause 02.04 Strategic Framework Plan  The site is located within the Victoria Street Major Activity Centre

Planning Policy Framework

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



Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.03-1L	Activity Centres
11.03-6L	Victoria Street East Precinct
Clause 13	Environmental Risks and Amenity
13.07-1S	Land Use Compatibility
13.07-1L-01	Interfaces and Amenity
Clause 15	Built Environment and Heritage
15.01-1S	Urban Design
15.01-2S	Building Design
15.03-1S	Heritage Conservation
Clause 16	Housing
16.01-1S	Housing Supply
16.01-1L	Location of Residential Development
16.01-1L-01	Housing Diversity
Clause 17	Economic Development
17.02-1S	Business
17.02-1L	Retail
Clause 18	Transport
18.01-1S	Land Use and Transport Integration
18.01-3L	Sustainable transport
Clause 19	Infrastructure
19.02-6L	Open Space
19.02-6L-01	Public Open Space Contribution
19.03-3L	Water Sensitive Urban Design

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

Zoning and Overlays

Applicable Zone

32. The site is located within the Mixed Use Zone. A planning permit is required for the construction and extension of two or more dwellings on a lot, and to construct a building or construct or carry out works in accordance with a Section 2 use under Clause 32.04 - Mixed Use Zone. The purpose of the **MUZ** is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

33. A permit is also required under Clause 32.04-1 to use land for:

- Food and drink premises (does not meet the Section 1 condition as greater than 150 sqm)
- Retail premises (Section 2 use)
- Restricted retail premises (Use not included with in Section 1 or 3).

The proposal is consistent with the purposes of the zone, providing for housing at higher densities, and providing a range of commercial uses on the site to complement the mixed-use function of the locality.

34. The following sections include a discussion of how the proposal responds to these requirements.

Applicable Overlays

- **Clause 43.01 Heritage Overlay (HO252 and HO375)**

35. A planning permit is required to construct a building or construct or carry out works (including demolition and works to externally alter a building) in accordance with Clause 43.01, Heritage Overlay.

36. The proposal seeks to demolish the internal areas and roofs of both buildings and will retain the building facades. Alterations are proposed to Building A to lower 3 existing window openings on Doonside Street. Construction of new works within the heritage overlay requires a planning permit and decision guidelines under the clause apply. Notably, heritage was considered during the Development Plan approval, with key heritage fabric identified and setbacks and form considered in respect of heritage outcomes.

- The site includes two Heritage Overlays. HO375 is located on Burnley Street, running between Appleton and Doonside Streets. It is a part single and part two-storey c1930s factory building with a sawtooth roof (future Building A)
- HO252 relates to a double storey Moderne style building constructed for Repco in 1942.

37. External paint controls and solar energy system controls apply to the sites.

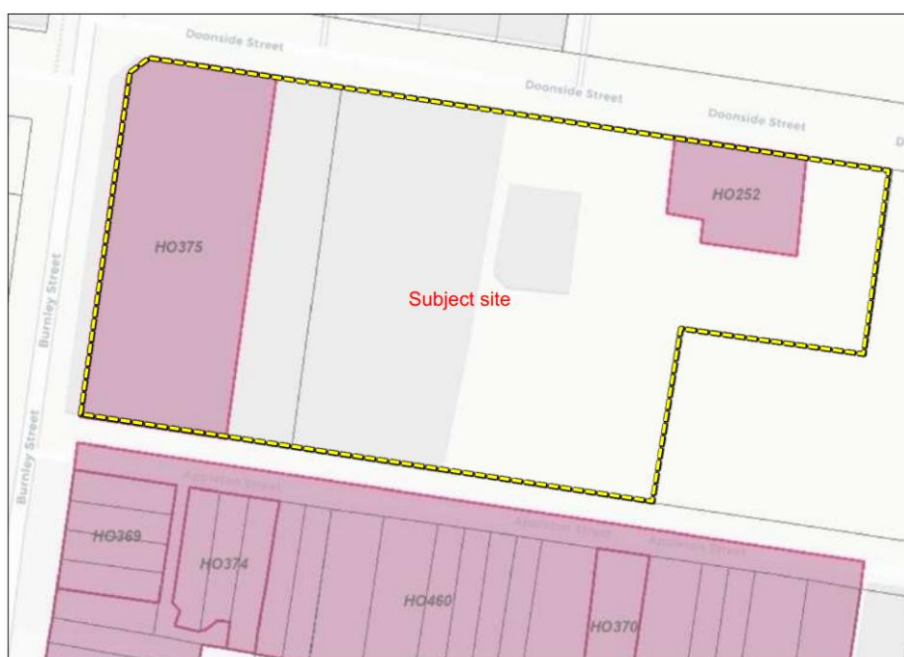


Figure 14: Heritage Overlay map

- **Clause 43.02 Design and Development Overlay Schedule 2 - Main Roads and Boulevards (DDO2).**

38. A permit is required to construct a building or construct or carry out works. This Overlay applies to the front of 81-95 Burnley Street, as show in Figure 15.

39. The objectives relevant to this proposal include:

- *To recognise the importance of main roads to the image of the City.*
- *To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

40. The decision guidelines relevant to this application include:

- *The contribution of the proposal to the streetscape.*
- *The design, height and visual bulk of the development in relation to surrounding land uses and developments.*
- *The design, height and form of the development in relation to the built form character of the street.*

41. The built form outcomes with respect to height and form have been established within the endorsed DP. The provisions of DDO2 are relevant to Building A to ensure that it reflects the importance of the main road, provides high-quality architecture and for a high level of community safety and comfort through its design (wind outcomes, CPTED principles etc).



Figure 15: DDO2 (Blue dashed line)

- **Clause 43.04 - Development Plan Overlay Schedule 15 (DPO15)**

42. The subject site is located within Development Plan Overlay- Schedule 15 (DPO15). The purpose of the DPO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

43.04-2 Requirement before a permit is granted



A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay.*

43. A DP in accordance with the requirements of DPO15 was approved by the Yarra City Council on 18 October 2024. The endorsed DP (81-95 Burnley Street and 26-34 Doonside Street, Richmond) sets the planning framework for the development of the site and includes requirements for built form, provision of through-block connections, public open space, affordable housing, transport, Environmentally Sustainable Design (ESD), heritage and noise.

44. The DPO15 specifies permit conditions that must be applied to permits, including in relation to:

- Affordable Housing (S173 agreement required).
- Streetscape and public realm improvements to Doonside Street and Appleton Street and a minimum 9-metre-wide pedestrian lane connecting Appleton and Doonside Street; (S173 Agreement required).
- An agreement with the Head, Transport for Victoria for works to mitigate each stage of the development plan, including signalisation of the intersection between Burley Street/Doonside Street/Buckingham Street (s173 Agreement required).
- Conservation works for the retained facades of the heritage buildings.
- Archival recordings of the heritage buildings prior to demolition on the site.
- Preparation of a heritage maintenance plan for ongoing repair and maintenance for the retained facades.
- Requirement to implement the conservation works and heritage management plan.

45. The DPO15 specifies the following permit application requirements:

- Heritage Impact Statement
- Traffic Impact Assessment Report
- Green Travel Plan
- Acoustic Report.

46. The application is accompanied by the above reports.

Other Overlays

47. The Environmental Audit Overlay and the Development Contributions Plan Overlay Schedule 1 apply to the site but do not require a planning permit.

48. The Environmental Audit Overlay includes the following requirement:

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

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*

- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
- *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

49. Two Statements of Environmental Audit (SoEA) have been issued for the land by an accredited Environmental Auditor (once for the site and one specifically for the future public open space area). The SoEA indicate that the site is suitable for the proposed development, pending the implementation of the recommendations made in the issued SoEA, including that all the works must be undertaken in accordance with the JBS&G (2025) Construction Environmental Management Plan. Conditions of permit will be applied to implement the SoEA for the site.
50. The Development Contributions Plan Overlay requires that development contributions be levied on the proposed development. The relevant levy requirements will be addressed by a permit condition.
51. These overlays, do not form any further part of this assessment.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

- **Clause 52.06 Car Parking**

52. Clause 52.06 sets out the requirements for car parking. A permit is required to reduce the car parking provisions (associated with the dwellings) from 823 spaces to 612 spaces (inclusive of the retail and restricted retail parking, which is proposed to be provided at the planning scheme rate). The proposal seeks to provide a slightly lower rate of parking than anticipated in the endorsed DP. A full assessment is provided below.

- **Clause 52.34 Bicycle Parking**

53. A permit is not required to reduce or vary the requirements for bicycle parking. The development exceeds the statutory provision for bicycle parking and exceeds the DP rates for provision. Full assessment is provided below.

- **Clause 52.29 Land adjacent to the Principal Road Network**

54. A permit is required to alter access in a Transport Zone 2. The works remove crossovers from Burnley Street and do not create (or maintain) access from this frontage. This outcome is supported for a Transport Zone 2 where crossovers to properties are sought to be avoided, where possible.

General Requirements and Performance Standards

- **Clause 53.18 - Stormwater Management in Urban Development**

55. Clause 53.18 applies to the buildings and works of this application.

56. An application to construct a building or to construct or carry out works:

- *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**

57. The application is made under the Clause 53.23 application pathway. This provision applies as:

- The applicant has submitted written confirmation that the application is an application to which this clause applies.
- The application includes the development of the land for accommodation.



- The corresponding conditions for the relevant category in Table 1 are met – noting:
The proposal is a Category 1 application and has been assessed by a quantity surveyor as having an estimated cost of \$304 million (well above the \$50 million required).
The application includes an affordable housing report that indicates the intention to provide a cash contribution towards the State Housing Growth Fund that meets the requirements;
Information has been provided that demonstrates the feasibility of the project and includes written advice from Invest Victoria.

58. The following is noted in respect of planning scheme requirements for an application made under this provision:

The responsible authority may waive or vary any of the following:

- *A minimum garden area requirement.*
- *Any building height or setback requirement.*
- *A condition opposite a use in Section 2 in a zone or a schedule to a zone.*
- *Any application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.*

- **Clause 58 Apartment Developments**

59. The provisions of Clause 58 apply to an application to construct an apartment development. A Clause 58 assessment is included in Appendix 1, with relevant matters discussed below.

Relevant Strategic Plan / Background

- **Plan for Victoria**

60. The proposal is consistent with Plan for Victoria by delivering additional housing within an established inner Melbourne activity centre location that is well served by public transport, jobs and services. The development supports the plan's key directions for housing choice, accessible communities and the creation of vibrant, sustainable urban neighbourhoods.

- **Victoria's Housing Statement**

61. The Department of Premier and Cabinet released *Victoria's Housing Statement: The Decade Ahead 2024-2034 (Housing Statement)* in September 2023 which aims to increase housing supply in Victoria. The *Housing Statement* sets a target of building 800,000 homes in Victoria over the next decade with 70% of new homes to be built in established area. The *Housing Statement* also aims to build more social and affordable housing for the Victorians who need it most. The application will contribute to objectives of the *Housing Statement* through the delivery of new housing in an established area well served by infrastructure. Additionally, conditions of the permit will require an affordable housing contribution that meets the requirements for a Clause 53.23 application.

Documents

Incorporated Documents / Planning Scheme Amendment/s

62. *City of Yarra Database of Heritage Significant Areas March 2024*, which identifies both sites as Individually significant buildings.
63. Melbourne Water has released Draft Flood Mapping for the Yarra, identifying areas subject to flood risk. While the mapping remains in draft form, a Planning Scheme Amendment is anticipated to implement the revised controls.
64. Council's Engineering Department has advised that the subject site is affected by a 1% AEP (1 in 100-year) flood level of 15.25m AHD under the latest flood mapping data. Council requires all development within designated flood-affected areas to incorporate a freeboard allowance above the nominated flood level, comprising 300mm for habitable areas and 150mm for non-habitable areas.



65. The proposed development has been designed to achieve the required flood protection levels, with all habitable and non-habitable floor levels set in accordance with Council's freeboard requirements, as demonstrated in the architectural plans.



Referrals

66. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	17 August 2026
Informal	City of Yarra	Agenda published 18 August 2026

Head, Transport for Victoria comments

67. The Head, Transport for Victoria does not object to the application subject to conditions that requires the land owner to enter into a section 173 agreement for the signalisation of the intersection of Doonside, Burnley Street and Buckingham Street, and which will require the provision of the works prior to the occupation of Stage 3 of the development.

Municipal Council Comments

68. City of Yarra (the council) was notified of the application initially on 9 April 2026, and additional information was provided on 18 June and 23 July 2026. A report was prepared for the Planning Decisions Committee meeting of 25 August, 2026. The DTP officer assessment report was prepared in advance of the meeting date and therefore at the time of writing it is not known whether the council has endorsed the position outlined in the officer report.

69. The officer recommendation is that council not support the application, primarily on the basis that the proposal is inconsistent with the endorsed DP and the required information pursuant to DPO15 and the endorsed DP was not provided.

70. Key conditions that are sought in the recommendation include:

- A reduction in building height to comply with the Development Plan;
- Removal of vehicle access and loading to Harry's Lane (except for the Restricted Retail Premises);
- Retention of a significant eucalyptus tree;
- Park Lane widened;
- Full compliance with Clause 58 internal amenity standards; and
- Updated daylight and thermal performance modelling.

Notice

71. An application under any provision of the planning scheme 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 provision:

- *Clause 43.04-3 of the Development Plan Overlay, if a development plan has been prepared to the satisfaction of the responsible authority.*

72. A Development Plan under DPO15 was endorsed on 18 October 2024.

73. Clause 53.23-5 also exempts an application under any provision of the planning scheme from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

74. Notwithstanding the matter was not placed on notice, 4 objections were received, including an objection from Vicinity Developments /Salta Developments who are the joint developers of the Victoria Gardens Shopping Complex



extension, approved on Doonside Street directly to the north of the proposal. This objection raised concerns with parking and traffic, and the likely timing for the provision of intersection works. Salta/Vicinity are required by condition of their permit to contribute to the intersection works and therefore have an interest in its timing. The other objectors raised concerns in relation to:

- Traffic and transport impacts, particularly cumulative precinct-wide effects.
- Lack of coordinated precinct planning and integration with adjacent approved developments.
- Building height, scale and neighbourhood character concerns.
- Pressure on local infrastructure and community services.
- Pedestrian, streetscape and public realm outcomes.
- Overshadowing and amenity impacts.
- Construction-stage impacts.

75. Most of these matters are considered in the assessment.



Key Considerations

Strategic Direction and Land Use

76. The proposal is strongly supported by the Planning Policy Framework and is consistent with the strategic objectives of Clauses 02.03, 11.03, 13.07, 15, 16, 17, 18 and 19 of the Yarra Planning Scheme. Located within the Victoria Street Major Activity Centre, High Change Area, the proposal will deliver substantial housing and employment growth through a genuine mixed-use development comprising 687 dwellings, including affordable housing, approximately 8,300sqm of commercial floorspace, public open space and pedestrian connections. The proposal appropriately responds to built form, heritage, amenity, housing, economic development, transport and sustainability objectives, while remaining consistent with the endorsed DP and reinforcing the role of the activity centre as a focus for housing, employment and community activity.
77. As previously noted, the proposal aligns with Plan for Victoria by increasing housing choice in an established and accessible urban location, with excellent access to jobs, services and public transport; while the proposal is also supported by the *Housing Statement*, which has a target for 800,000 homes in Victoria in the next decade with an intent for 70 percent of new homes to be in established, amenity rich neighbourhoods.

Use, Buildings and Works

• Zones and Overlays

78. The application has been considered in respect of the applicable zoning and overlay provisions that apply to the site. The proposal is consistent with the purposes of the **Mixed Use Zone**, including to provide for housing at higher densities.
79. The purpose includes a purpose '*to encourage development that responds to the existing or preferred neighbourhood character*'. On this site, the intent for the future character has been established through the endorsed DP that applies to the land.
80. The proposal includes restricted retail floor area within the ground and first floor of Building A, and retail uses within the ground floor of Buildings B, C and D. A permit has been sought for the use of land for a food and drinks premises (greater than 150m² in area) and retail use, however the plans do not make it clear which tenancies are anticipated to be food and drinks premises (noting it is nested under 'retail' and therefore could apply to any or all of the spaces). The applicant has indicated the intent to provide a curated tenancy mix to serve the future population on the site, and neighbouring areas. The scale and function of these retail uses will activate the buildings, providing activity and improved safety outcomes throughout the site and local area, and are of a scale that will complement the neighbouring shopping complex. This is appropriate in the MUZ, which includes the purpose '*To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*'.
81. The restricted retail tenancy will be located on two levels (ground and first floor) in Building A. This use requires a permit in the zone. The intention is for the former use, Harry the Hirer (*land used to hire goods and accessories component* of the restricted retail definition), to return to the land post development. The land currently benefits from existing use rights under Clause 63 for the use (which has operated from the land since 1990), however – Clause 63.05 (Section 2 and 3 uses) states that:

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

82. While Clause 63.06 states:



An existing use right expires if either:

- *The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.*
- *In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.*

83. Given the relevant provisions, the applicant has applied for the restricted retail use as it is unclear whether the timing and scope will preserve the existing use rights for the land.

84. **Design and Development Overlay Schedule 2** includes purposes that are, in a broad sense, met by a proposal that is of a form and scale that is generally in accordance with the endorsed DP. The additional considerations for Building A relate to detailed design matters to ensure that the outcome meets the purpose of a high-quality architectural outcome and provides for a high level of community safety and comfort. These matters are discussed below, under Design Detail and Wind.

85. The **Heritage Overlay** is addressed below under heritage.

86. The site is located within the **Development Plan Overlay**. The DPO at Clause 43.04-2 states that

'a permit must not be granted to use or subdivide land, construct a building to construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay.*

87. The endorsed DP establishes the main planning considerations for the application and will be used as the basis for assessment of the proposed development.

- **Is the proposal 'generally in accordance with' the approved Development Plan**

88. A DP has been approved for the land, and a permit cannot be issued unless the proposal is generally in accordance with the endorsed DP. The council officer submission contends that the proposal is 'substantially not generally in accordance' with the Development Plan in respect of height, vehicle access, pedestrian walkways and commercial floor space.

89. Case law principles exist to direct the consideration of this matter.

90. These principles were summarised in the Victorian Civil and Administrative Tribunal's decision in Casey Gardens Developments Pty Ltd v Casey CC (2009) (VCAT 2489) where it was established:

- *General accordance is a question of fact, to be assessed on the facts and circumstances of each case;*
- *The less precision there is in the primary document/s, the more flexibility is given by the phrase "generally in accordance with";*
- *"Generally in accordance" does not require the proposed development to be identical to that described in the development or master plan; and*
- *It is appropriate to read the development or master plan as a whole when making this assessment.*

11. In our view, while the application of the "generally in accordance with" test will vary according to the facts and circumstances of each case, we do not think that this should involve an assessment akin to laying an application plan on a light box above an approved development plan and then undertaking a "spot the difference" examination.

12. Rather, the question before us is whether the departures identified by the responsible authority are sufficiently confined and otherwise acceptable having regard to the objectives, responses and plans comprising the approved development plan. We agree with Mr Taylor that this stage of the process can usefully be described as being a “gateway test”.

13. It is expected that there will be a progression or refinement of numerous aspects of a development plan between its approval and the preparation of detailed application plans. To this extent, it is relevant that the requirement in the planning scheme is not that any permit issued be strictly “in accordance with” a development plan. As a minimum, however, there must be a fair degree of uniformity between the key aspects of a development plan, particularly where they are provided in detail, and the proposal for which a permit is sought.

91. The endorsed DP establishes the anticipated layout, use, height, massing and setbacks, building finishes and materials, public realm and landscaping, housing diversity, transport, ESD commitments, stormwater drainage, heritage, overshadowing, noise and staging for development on the land. The following assessment will consider these aspects of the proposal as directed by the DP provisions. It is considered that the proposal is generally in accordance with the endorsed DP, as considered below.

Site Layout and Use

92. The DP is based on the approved framework plan within the DPO15. The main elements of the layout plan are shown below:

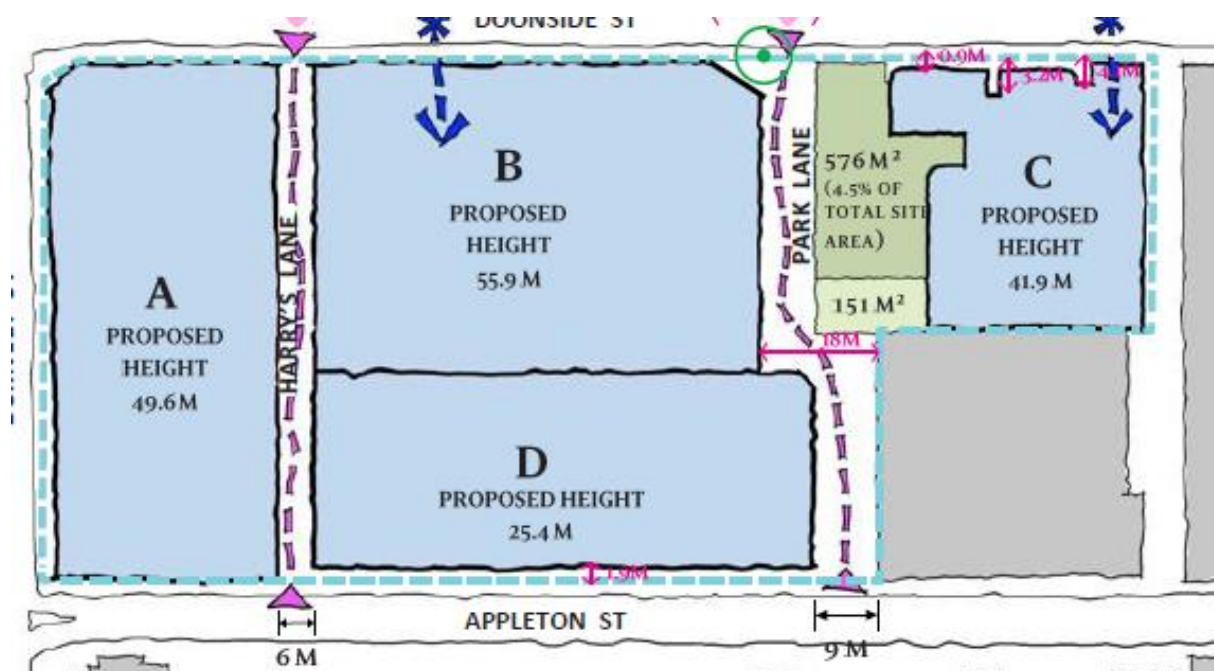


Figure 16: Development Plan Site Layout

93. The proposed development provides for buildings in the configuration shown, with public open space and through-block links provided in the correct location and width. The layout of the proposed development is generally in accordance with the endorsed DP.

94. The DP provides an indication of dwelling numbers and uses across buildings, as follows:



Building	Residential Dwellings	Commercial Floor Area (sqm)
Building A	120 - 135	4,500 - 5,500
Building B	275 - 330	4,000 - 5,000
Building C	65 - 80	1,500 - 2,000
Building D	80 - 100	2,000 - 3,500
Total	545 - 645	12,000 - 16,000

95. The application proposes 687 dwellings, compared to the 545-645 dwellings envisaged by the DP, with a different distribution across buildings, including more dwellings in Buildings A and D and fewer in Buildings B and C. Commercial floor area is reduced to approximately 8,300 sqm, compared to the 12,000-16,000 sqm anticipated by the DP. The council officer has indicated this is a significant departure from the endorsed DP and they do not support the change. While this reduction is likely to lessen employment generation, it is not expected to compromise the DP vision of delivering a *sustainable mixed-use residential community supported by convenience retail, community facilities and employment opportunities that complement the Victoria Street Activity Centre*.
96. Other key aspects of the layout include the role and function of the proposed laneways. The DP vision includes: *To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway.*
97. The proposal includes:
- Harrys Lane as per the location and width of the DP (6 metres), includes areas of active frontage (residential lobby entry (Buildings A and D), retail units, restricted retail main entry, activated co-working space. Vehicle access is provided to a 3 bay loading area for Building A, and to an internal loading bay within Buildings B and D. The landscape and lighting plans show the use of catenary lighting across the lane, an arbour structure (also for wind mitigation) that will support plants, and paving that indicates the lane's pedestrian focus.
 - Park Lane is as per the location of the endorsed DP, is 9 metres wide, with commercial frontage including retail uses (in Buildings B, D and C), activating the lane edge and the park edge respectively. Access is for emergency vehicle only (bollard in place to restrict access). The council officer has indicated that Park Lane represents a significant departure from the endorsed DP as the 9m Lane needs to be 'trafficable'. The concern relates to the landscaping planter areas on the eastern boundary, in the southern section of Park Lane narrowing the space to 7.7 metres. The outcome that includes soft landscaping and canopy trees along the lane (screening a concrete boundary wall). This is an appropriate outcome that visually maintains the 9m lane. It is not considered to be an area with intensive pedestrian flows where the landscaping should be removed in favour of more hard paving.
 - The location of the lane allows for views into the proposed Doonside Park and between Doonside and Appleton Streets. The design of the lane includes high-quality paving, landscaping, seating and bike parking infrastructure.
 - The DP indicated that the proposed lanes would function as pedestrian focussed areas, accessible to emergency services, maintenance vehicles and limited access to Harry the Hirer use (restricted retail in Building A).
 - Harry's Lane includes access to a loading bay/commercial waste collection that serves Buildings B and D. The council officer has indicated this is a significant departure and that all loading functions for Buildings B and D should be relocated to the basement. Vehicle access and service functions from Harrys Lane were not expressly anticipated for Buildings B and D in the DP, however they can be managed via a loading management plan, ensuring it still primarily functions for outdoor eating and maintains a pedestrian focus.

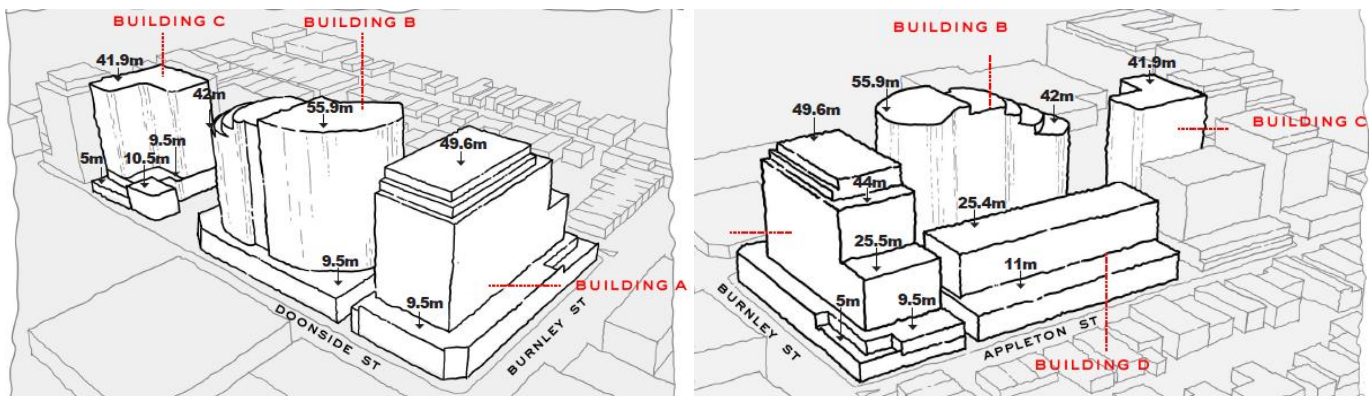
- Overall, the proposal is highly consistent with the layout and connectivity in the endorsed DP and will provide appropriate laneways of a width and design standard anticipated in the endorsed DP.



Figure 17: Ground floor plan and site layout

Building Height and Setbacks

98. The proposal generally adopts the scale and form of the buildings in the endorsed DP, however includes minor departures from the height and setbacks shown.
99. The endorsed DP includes building heights expressed in metres. The endorsed DP heights are shown in figures 18 and 19 below:



Figures 18 and 19 – Endorsed DP massing and height diagrams

100. The key departures in respect of height and setbacks are as follows:

Building	Development Plan Height - metres	Proposal Height - metres	Difference - metres
A	49.6	55.58	+5.98
B	55.9	57.31	+1.41
C	41.9	42.07	+0.17
D	25.4	26.15	+0.75

101. Other changes to height on lower sections of building include:
- to the stepped built form elements on the south side of Building A, the 25.5m height is exceeded by 2.15m.
 - Building B has a single level podium, rather than the two-level podium, with a variation in the proposed shape of the tower element (proposed to have less 'curve').
 - Building B's east setbacks remain stepped, with the lower step increased in height by 2.6m.
102. Notably the council officer assessment indicates that Building A has increased 15.97m above the height anticipated in DPO15. This is based on the framework plan, not the endorsed DP, for which the variation is less than 6 metres.
103. The DP established heights that provide variation providing for a visually interesting skyline. The proposed heights of the buildings maintain this outcome.
104. The proposed variations to the heights and setbacks are minor in nature and reflect the type of design refinement contemplated by the Tribunal in *Casey Gardens Developments Pty Ltd v Casey CC [2009] VCAT 2489*, where it was recognised that a proposal need not strictly accord with a Development Plan provided its key objectives and strategic outcomes are maintained.
105. Notably, the endorsed DP established building envelopes that have regard to a series of built form performance criteria, including off-site amenity impacts such as overshadowing. These considerations formed part of the justification for variations from the approved Framework Plan and remain relevant to the assessment of subsequent permit applications. In this regard, the REV G plans show that the additional level to Building A results in overshadowing to the western footpath of Burnley Street at 11.00am on 22 September, outside of the endorsed DP impacts. The shadow has been checked by the applicant and was incorrectly labelled – being the shadow cast by the building at 10am. A condition will therefore be required to submit the correct shadow diagrams to confirm no impact to the western footpath of Burnley Street at 11.00am, and if overshadowed, building modifications will be required.
106. The DP includes guidelines for the treatment and location of plant. This indicates plant must be no more than 3.6m above the maximum building height, occupy no more than 50% of the roof; be setback a minimum of 3m from all building edges and be fully screened from view. The proposal includes a variation to the area of occupation on the roof (more than 50%), largely attributable to the inclusion of rooftop solar arrays. As all equipment meets required height, setback and screening provisions, the variation to roof area is minor and the proposal remains generally in accordance with the endorsed DP.
107. As with height, there are some minor variations in the proposed setbacks, particularly to the very detailed setbacks shown for Building A in the endorsed DP. Building B also proposes variations that arise from a change in form of the curved tower element and provides a deeper setback from Doonside Street above the podium roof.
108. The DP provide setbacks for Building B that relate to building separation distances from towers proposed within the development. These setbacks are maintained or exceeded, with any variations of a minor nature that will not impact the intended outcome of the DP.



109. Building C maintains the 9m minimum setbacks from its tower element to the Embassy apartments to its south and east and Building D maintains the DP approved 13m setback between the podium and tower elements of the building and conforms to the DP. In addition, a minimum 9m setback is provided to the boundary with the Embassy Apartments (instead of the 10m shown on the setback plan) which is 12.2m to the balconies facing into the site.
110. For a development of the scale proposed, the changes to form, height and massing are generally in accordance with the endorsed approved DP. As noted above, there is expected to be a tolerance in the provisions that accounts for detailed design resolution through the process.

Urban Design, Massing, Building Finishes and Materials

111. The overall massing of the development is substantial and appropriate to the strategic importance of the site within the Victoria Street Major Activity Centre. The built form has been arranged in accordance with the endorsed DP, with the scale and distribution of building bulk carefully considered in response to the site's heritage fabric, surrounding interfaces and key public realm areas. The development comprises a collection of buildings that share a common architectural language through their materiality, proportions and detailing, while each building maintains its own distinct design expression and identity.
112. While Buildings A and B present relatively broad building forms, their visual bulk is effectively moderated through façade articulation, material variation, vertical and horizontal modulation, recesses and well-defined building elements. These measures break down the apparent scale of the elevations, introduce visual interest and provide an appropriate human-scale response at key interfaces. The proposed material palette is robust and high quality, contributing depth and texture to the façades and reinforcing the cohesive yet varied architectural character of the development. Overall, the massing responds appropriately to the site's strategic context, heritage significance and surrounding conditions, resulting in a well-resolved urban design outcome.
113. DTPs Urban Design comments sought exploration of additional façade rebates through the vertical form of Building A to reduce the perceived scale of the Burnley Steet facade. While this is acknowledged, the proposed architecture already incorporates appropriate modulation through a clear hierarchy of built form elements, including the retention of the solid heritage podium, balcony recesses and structural expression of distinct vertical and horizontal façade treatments. Collectively, these measures effectively break down the building mass and provide sufficient visual interest, resulting in an acceptable urban design outcome.
114. The proposed material palette comprises a range of brick finishes, predominantly applied to the podium elements, complemented by durable and robust materials including concrete in varying finishes and colours, powder-coated metal cladding, and steel palisade balustrades. Collectively, these materials contribute to a contemporary industrial architectural character, while providing visual interest, textural variation and a high-quality built form outcome suitable to the site's former industrial context.
115. The proposal was reviewed by DTP Urban Design team, who advised that the design was generally well-resolved, including the detail for Harrys Lane. Minor suggestions for improvement were made with respect to design expression for Building A (noted above), lobby areas for Building D, provision of details of the controlled access to the roof top communal spaces and provision of permeable fence elements to Building D (Appleton Streetscape response).
116. The architectural response is broadly acceptable, noting that:
- The improvements made to Harrys Lane ensure the proposal is generally in accordance with the endorsed DP;
 - The Park Lane lobby to Building D has been redesigned to provide a significantly improved entry to the building and meets Clause 58, D9-Safety and D19 - Dwelling entry and circulation standards;
 - Access to the communal open space between Buildings B and D has been clarified (gate with pass required, access for residents of all buildings) and this controlled accessway is in a suitable location (located at the top of the access stairs) such that it will not impact the broader public realm at ground level.

- Building A's height has been justified based on being able to manage off-site impacts as anticipated in the DP as further discussed in the assessment, below;
- Design detail of Building A is discussed in the assessment, above.
- Permeable fence sections have been included to Building D fencing (Appleton Street) to improve passive surveillance.
- Materials are generally well considered and robust.

117. Where relevant, matters above are further noted in the assessment, below.

Heritage

118. Clauses 15.03-1L, 22.19 and 43.01, together with the endorsed Development Plan, seek to conserve significant heritage fabric while accommodating redevelopment that maintains the prominence and legibility of heritage places.
119. The council officer has raised issues of heritage impact as a result in the increase in building height and reduced setbacks.
120. The proposal retains and restores the significant heritage elements protected by HO375 and HO252, with the Heritage Impact Statement supporting the development as consistent with both the endorsed Development Plan and the evolving character of the area.
121. Although the towers are substantially taller than the retained heritage buildings, setbacks, podium presentation and the retention of significant fabric ensure the heritage buildings remain prominent in the public realm. The increased height and minor setback variations from the endorsed DP do not materially affect this outcome, while the proposed restoration works will enhance the presentation and long-term conservation of the retained heritage fabric.
122. On balance, it is considered that the proposal adequately responds to the heritage context and generally accords with the objectives and decision guidelines of Clause 22.19, and the endorsed DP.

Amenity and Microclimate

Amenity Impacts (internal and offsite)

123. The endorsed DP sets out expected outcomes with respect to the adjoining and nearby residential interfaces – being the Embassy Apartment buildings and Appleton Street residences.
124. The proposal adheres to the setbacks identified in the DP from the Embassy Apartments for Buildings C and D and the relationship of built form and massing remains generally in accordance with the endorsed DP. As such, the impacts of development are acceptable and in line with anticipated development. Notably:
- There will be no overshadowing of the solar array on the Embassy apartment building to the south of Building C;
 - Balconies and windows are setback a minimum of 9m from the apartment buildings to the east and south to ensure no unreasonable overlooking. This setback would meet Clause 55 standard B22 (Overlooking), and exceeds the similar standard in Clause 57 at E4-2 (Overlooking); notably there is no overlooking standard that establishes a setback distance within Clause 58.
125. In respect of the properties on Appleton Street, the endorsed DP identifies the scale transition anticipated (and provided) through Building D and indicates a solar access standard that ensures no private properties are overshadowed between 10am and 2pm at the equinox. The shadow diagrams indicate that this is met.
126. Internal amenity is acceptable, with building forms located and massed generally as per the endorsed DP. While the communal podium area between Buildings B and D will be overshadowed and does not meet Clause 58 Standard D8 – Solar access to communal outdoor open space, the proposed development will provide a high level of onsite amenity and is acceptable. Separation between buildings on the site ensures no unreasonable overlooking,



and landscaping (and non-trafficable roof areas) are utilised to provide separation between dwellings at podium level and the communal open space between Buildings B and D.

127. The proposal accords with the outcomes anticipated in the endorsed DP through the provision of internal separation distances, and general adherence to height and setback provisions. It will not lead to significant on or off-site amenity impacts that were not considered during approval of the DP.

Functional Layout

128. As noted in the Clause 58 assessment, a variation is sought to Standard D26 (Functional layout), which is the standard that requires bedrooms and living areas to have minimum dimensions relative to dwelling sizes.
129. The proposal includes detailed layout plans that show that most apartments across the development will meet the standard. However, approximately 15% of apartments have a bedroom, and approximately 18% have a living area, that does not meet the functional layout standard.
130. A variation to these dwellings is acceptable for the following reasons:
- most non-compliances relate to minor incursions of structural building elements, or minor overlaps with dining spaces, that reduce the space only marginally.
 - The rooms remain functional and most have additional space provided to compensate for the incursion, as shown in the layout plans.
 - The layout of dwellings otherwise satisfies the internal amenity standards in relation to room depth, windows and natural ventilation.

Accessibility Standards

131. The Clause 58 assessment below indicates a high level of non-compliance with the Accessibility Standard (D18). Many of the apartments identified in the architectural plan as meeting the standard rely on the functional layout space for living rooms to provide the necessary access. In some cases, there is only a minor overlap with the functional space area, while in other examples, the need for the 1200mm accessway would significantly constrain the functionality of the living area. In the latter case, these apartments would not meet the accessibility standard.
132. To meet Standard D18, 50% of the proposed apartments need to meet the standard. A condition will be required to ensure that the standard is met.

Storage

133. A variation is sought from Standard D21 Storage for apartments. Non compliances occur in Building A (11 apartments), Building C (28 apartments) and Building D (43 apartments).
134. The variations to the apartments are less than 1 cubic metre (and in some cases are only 0.06 cubic metres in area). The variations are very minor, but given there is no clear allocation of the external storage units, a condition will be required to ensure that any apartment that does not meet the internal storage standard is provided with additional internal storage (where this can be accommodated) or an external storage unit that provides the additional space required to comply.

Private Open Space

135. A variation is sought to Standard D20 Private Open Space for apartments in Buildings B (86% comply) and C (99% comply). The variation is sought for a very small number of apartments across the development, where the standard is not met due to the location of condensers on the balconies.
136. A variation to the standard for this small number of dwellings is considered acceptable as the non-compliances are very minor and the proposal includes large areas of both internal and external communal open space, and includes the provision of a public park.

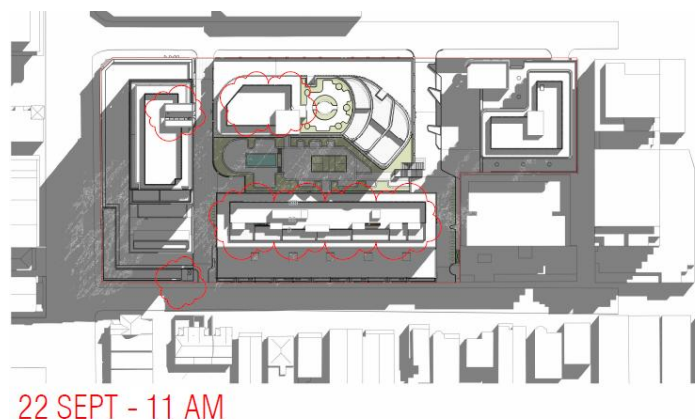
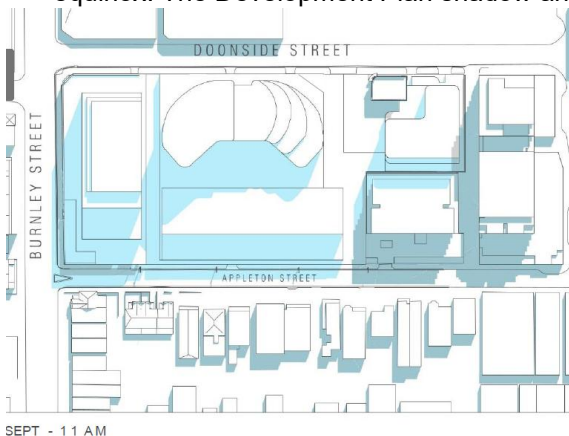


137. Noise

138. The application was accompanied by an Acoustic Report prepared by ADP, that concludes that the development can achieve acceptable acoustic outcomes, subject to the implementation of recommended attenuation measures during detailed design. Mechanical plant, equipment and commercial uses will be required to comply with the Victorian EPA noise requirements.
139. The report recommends façade treatments, including double glazing and appropriate ventilation systems, to achieve acceptable internal noise levels within apartments.
140. Additional acoustic treatments are proposed for communal facilities, including the gym, pickleball court, cinema, pools and outdoor terraces, to minimise noise and vibration impacts on nearby dwellings.
141. Appropriate permit conditions will be included to require compliance with the recommendations of the acoustic report and to ensure any necessary acoustic attenuation measures are implemented as part of the development, and to provide conditions relating to the future commercial uses on the land.

Overshadowing

142. The endorsed DP includes considerations for shadowing of the public realm. The built form outcomes in the endorsed DP are calibrated to ensure no shadow impact on the western footpath of Burnley Street beyond 11.00am at the equinox, and to ensure no overshadowing of Appleton Street properties between 10am and 2pm at the equinox. The Development Plan shadow and the application shadow diagrams are included below.



143. As noted under building height, above, the proposal was submitted with shadow diagrams that do not comply with the shadow requirements of the endorsed DP. The diagrams indicated that there would be shadow cast over the western side of the Burnley Street footpath at 11am during the September equinox. When queried with the applicant, it was found that the above shadow diagram is incorrect – representing the 10am shadow rather than the 11am shadow. The 11am shadow is compliant and the shadow drawings are required to be updated to reflect the correct outcomes.

Wind

144. The application was accompanied by the Pedestrian Wind Environment Study (July 2023) prepared by Windtech in support of the Development Plan, along with a wind memo (Windtech, May 2026) advising that the revised design remains acceptable from a wind perspective, subject to mitigation measures.
145. The Windtech update confirms that the development will achieve the required pedestrian wind comfort and safety criteria provided the identified wind mitigation measures are incorporated and retained, including:

- The harbour proposed over the northern end of Harry's Lane,
- 1.0-1.5m high raised garden beds, baffle screens and landscaping within Doonside Park, and
- a landscaped "green buffer" at the northern edge of Building B's podium roof.

146. A planning condition will require these wind amelioration measures to be shown on endorsed plans and maintained to the satisfaction of the Responsible Authority. Windtech also recommends a further detailed quantitative wind assessment at the detailed design stage to optimise the final wind mitigation treatments and confirm compliance with Clause 58.04-4 (Standard D17). Further wind testing will be included as a condition of permit.

Public Realm

Ground Level Activation / Building program / Public interfaces / Urban Structure

147. The endorsed DP includes two new publicly accessible laneways through the site, and a 576 sqm public park (to be vested in council), supplemented with a further 151sqm of complementary landscape space (above basement, not to be transferred as public open space). These public spaces will be accessible to the general public at all times and this should be reflected in a condition on permit (S173 Agreement). The DP also indicates a range of works on Appleton and Doonside Streets to improve those streetscapes.
148. The proposal complies with the DP and provides public spaces in the locations shown, to the width and general design and functionality expressed in the endorsed DP. Minor variations to Harrys Lane to enable some additional loading functionality can be designed and managed to ensure the laneway functions as a pedestrian priority area.
149. The building program provides an acceptable extent of ground level activation within the site and along existing street frontages. A range of tenancy sizes provides a good mix and will enable a range of different commercial tenancies. Location of a substation in Harrys Lane is acceptable and will not significantly interrupt the activity in the lane.
150. The proposal includes a porte cochere to Doonside Street that was not anticipated in the endorsed DP, however still provides for activation, and ensures a safe space for drop off and pick up.
151. External to the site, the proposal includes streetscape works to Appleton and Doonside Streets as foreshadowed in the DPO15 schedule. A concept plan indicates works to resurface pavements, provide bins, seating, bike hoops street trees and reinstate crossovers. The concept streetscape works is in accordance with the endorsed DP and should be secured via conditions (including a condition for a Section 173 agreement to secure the streetscape works as required by DPO15).
152. In addition, the DP includes an indicative location for a pedestrian crossing that is intended to link Park Lane with a continuation of a laneway through the Victoria Gardens development (once constructed). No details of the pedestrian crossing are included in the package as this is to be provided following the development of the Victorias Gardens redevelopment. This will be referenced in the condition relating to the required works under the S173 agreement (where a suitable contribution to the provision of a crossing should be provided).

Landscaping

153. A landscape concept plan, prepared by TCL was submitted with the application. This includes landscaping within the ground level spaces and public park, as well as landscaping to the communal open space areas.
154. The concepts for ground level spaces are in alignment with the endorsed DP, however:
- The exact dimensions and area of the park are not clear on all documents. There appears to be no paving/pathway to the entry of the larger commercial tenancy within Building C.

- There appears to be a building overhang that impinges into the park area; and it is unclear from the drawings whether the proposal is seeking to include land that is to be provided in the 9m wide laneway.

155. These matters require clarification and a condition of permit will seek that the public open space be free of building overhangs, maintains the 9m wide laneway and is designed to ensure public access to the commercial tenancy without reliance on the park.

156. An assessment against Clause 58 – Standard D10 Landscaping is included in the table at Appendix 1. The proposal does not meet the standard, with the provision of 11.6% of the site landscaped and approximately 4.5% of deep soil planting. This is below the 15 percent required by the standard.

157. While the development does not meet the relevant standard, this reflects the constraints of the highly urbanised site and its former industrial context. Notwithstanding this shortfall, the landscape design delivers a high-quality outcome through extensive podium, terrace and rooftop planting, street tree improvements, and planting along the proposed laneways. The proposal therefore meets the relevant D10 objective. There is, however, an opportunity to further strengthen the landscape outcome through the incorporation of additional planting on the roof of the porte cochere, which is also suggested for wind mitigation. This will form a condition of permit.

158. As set out above, the proposal is generally in accordance with the endorsed approved DP and responds appropriately to the PPF, proposing communal open space that is well landscaped, includes canopy trees and a variety of different spaces for residents.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

159. The endorsed DP contemplates a provision of (at full completion):

- 1.5 spaces per 100 sqm for commercial uses (mix of staff and visitors, a total of 220-270 spaces) but noting the DP anticipated greater commercial floor area than what is proposed.
- And remaining spaces (around 550-560 spaces) allocated to residents at a rate of 0.85-1.0 car per dwelling (total of 770-830 spaces).
- The following car parking rates are relevant to the application:

Use	Rate	Amount required CI 52.06		Amount Required DP	Amount Provided
Car Parking	Dwelling	1 to each dwelling (687)		0.85-1 per dwelling	474 (0.69 per dwelling)
		1.5 spaces/100 sqm (66)		583-687	
		2 spaces per 100 sqm (70)		1.5/100 sqm	100 spaces – 2.2/100sqm
				66 spaces	36 spaces – 1 per 100sqm
				1.5/100 sqm	
				53 spaces	
	Restricted Retail	1.5/100 sqm	220-270 across Commercial uses	136 spaces (1.5/100sqm)	
	Food and drink	2/100sqm		combined	
Car Share				2 spaces	2 spaces



Electric Vehicle charging	n/a	10%	10%
Motorcycle Parking	No rate in the scheme	1 motorcycle space per 50 car parking spaces	14 spaces – achieved.

160. The proposal does not meet the statutory parking requirements of Clause 52.06 and requires a reduction of 213 resident spaces. Notably, Amendment VC311 approved on 6 June 2026 removed the requirement for visitor parking for dwellings. The requirement is for a minimum of 1 space per dwelling, with 0.69 spaces provided. The reduced parking provision is supported by the site's accessible inner-city location and proximity to public transport and bicycle infrastructure. The development also provides 929 bicycle parking spaces, substantially exceeding statutory bicycle parking requirements, together with two car-share spaces to assist in reducing private vehicle ownership. Overall, the parking provision appropriately reflects the site's location and accessibility, is unlikely to result in unreasonable parking impacts and is generally in accordance with the rates in the endorsed DP.
161. Objections received in relation to traffic raise concerns about the use of smaller back streets to provide access to the development, leading to an increase in 'rat-running' through quite narrow streets. Concerns include that the precinct needs to be reviewed,

Design Standards for Car Parking

162. The basement provides parking for 612 cars, which includes 474 residential spaces, 136 commercial spaces and 2 car shared spaces.
163. The design of the basement is acceptable noting:
- Parking bay dimensions generally achieve required dimensions.
 - Tandem spaces (10.3m long) meet Clause 52.06 requirements.
 - Any reduced aisle widths are compensated by wider spaces.
 - Basement grades meet standards for maximum gradient and transition requirements.
 - Ramp widths are 6.1m (two-way) and have been assessed using swept path analysis.
 - Safe pathways are provided to building entries and lift lobbies.
 - The proposal includes appropriate internal circulation and passing opportunities within the basement.

Access, Traffic Movement and Circulation

164. The proposal generally accords with the endorsed DP in respect of Traffic and Transport works. Access to the basements is from two proposed access points on Doonside Street. One provided in Stage 1, and one in Stage 3. A porte cochere is proposed on the Doonside Street frontage, and all loading and waste collections are from Doonside Street (the basement) and Harrys Lane, with no vehicular activity on Appleton Street.
165. There are minor variations to the endorsed DP that are the result of design refinement and constraints on the land. This includes the increased loading functions required from Harrys Lane for the restricted retail use, which the DP indicated was to be used 'as infrequently as possible', and with a loading bay and commercial waste collection for Buildings B and D from Harrys Lane and the inclusion of the porte cochere on Doonside Street.
166. The application was accompanied by a Loading Management Plan and a Waste Management Plan that indicate the level of activity can be managed to ensure the lane functions as a priority pedestrian area with activation, including tenancies along most of its length.

167. This is generally in accordance with the traffic, circulation and access outlined in the endorsed DP.

Bicycle Facilities

168. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling	Resident	1 space / 5 dwellings	137	725
	Visitor	1 space / 10 dwellings	69	
Retail premises	Employee	1 space / 300m ² of LFA	27	84
	Customer	1 space / 500m ² of LFA	16	120
Total			249	929

169. The proposal includes a total of 929 bicycle parking spaces, together with 10 end-of-trip facilities.

170. These provisions exceed the bicycle parking requirements of Clause 52.34. Visitor bicycle parking is provided at ground level, while resident and staff bicycle parking is located within secure basement areas. The Traffic Impact Assessment concludes that the bicycle parking arrangements are appropriately integrated into the development and provide suitable access for residents, employees and visitors.

171. Conditions will be placed on the permit to ensure that both resident and employee spaces are in a secure area, that 20% of spaces are horizontal and to include additional space for cargo bikes (as sought by the council officer).

172. Bicycle spaces are to be provided in stages (Stage 1 and Stage 3) and are provided proportionately for the level of development at each stage.

Loading / Unloading

173. The development includes a dedicated loading and waste management arrangement accessed via Harry's Lane, which provides access to three commercial loading bays for 'small rigid vehicle spaces' which must be pre-booked (associated with the restricted retail use in Building A), with a building manager on site to manage this. These are located within the lane. There is also access provided via Harrys Lane to a shared loading dock located under the podium of Buildings B and D. This shared loading area provides for the commercial uses within the various buildings and for loading and unloading activities for all residential apartments (move ins/ move outs). The loading arrangements for Building C need to be confirmed by a condition on permit.

174. The council officer raised concerns with the use of Harrys Lane for loading and waste collection associated with the residential and retail uses (except for the loading associated with the restricted retail use). This was identified as a key departure from the endorsed DP.

175. Loading activity in Harrys Lane is expected to be relatively low, with a total of approximately 34 vehicle movements per day, including commercial deliveries, residential loading activities and commercial waste collection. Waste collection is expected to occur, on average, once per day from Harrys Lane by a medium rigid vehicle and is intended to occur outside peak periods.

176. The following table from the Access, Parking and Loading Management Plan (Traffix Group) outlines the intended hours of access for Harrys Lane and shows that weekends and between 6pm-midnight are the main period where there will be no loading from the laneway, enabling evening and weekend use for outdoor dining:



Table 4: Proposed Harry's Lane - Hours of Access

	Mid-7am	7am-9am	9am-12pm	12pm-6pm	6pm-midnight
Monday	Closed to Loading	Open to Loading	Open to Loading	Open to Loading	Closed to Loading
Tuesday	Closed to Loading	Open to Loading	Open to Loading	Open to Loading	Closed to Loading
Wednesday	Closed to Loading	Open to Loading	Open to Loading	Open to Loading	Closed to Loading
Thursday	Closed to Loading	Open to Loading	Open to Loading	Open to Loading	Closed to Loading
Friday	Closed to Loading	Open to Loading	Open to Loading	Open to Loading	Closed to Loading
Saturday	Closed to Loading	Open to Loading	Open to Loading	Closed to Loading	Closed to Loading
Sunday	Closed to Loading	Closed to Loading	Closed to Loading	Closed to Loading	Closed to Loading

177. The endorsed DP envisages Harry's Lane to be used for loading for the restricted retail use.
178. The forecast loading demand comprises approximately 34 loading and waste vehicle movements per day and up to six movements in the peak hour. The proposal includes dedicated loading facilities, scheduled delivery management and a loading dock booking system to coordinate vehicle arrivals and minimise concurrent loading activity.
179. On balance, the loading and waste arrangements for Harry's Lane are considered acceptable and will not impact the ability of the proposal to deliver a pedestrian focussed laneway environment, subject to appropriate operational management being implemented on an ongoing basis. To ensure this outcome, a permit condition will require the implementation and ongoing maintenance of the Access, Parking and Loading Management Plan, including delivery scheduling, loading dock management and waste collection procedures, to the satisfaction of the Responsible Authority.
180. On this basis, the loading arrangements are considered to be generally in accordance with the endorsed DP and can be supported.

Waste

181. A waste management plan, prepared by Leigh Design has been provided.
182. The WMP proposes a private waste collection. All collection occurs from within the land (for residential waste this is from the basement), with each Building having its own waste room, and apartments provided with garbage and recycling chutes.
183. The WMP indicates waste will be collected three times per week, and collection times are generally between 7am to 6pm Monday to Saturday.



184. There is no dedicated bin collection area for drivers; waste is collected from the basement bin stores, with waste vehicles temporarily positioned within the basement aisles while collection staff transfer bins between the stores and the vehicle.
185. Collection of bins from basement aisles may result in some short-term disruption to basement circulation. Despite this, given the moderate collection frequency, on-site management arrangements and dedicated waste facilities, the impact on basement functionality is considered minor and, on balance, the proposed waste management arrangements are acceptable.

Affordable Housing Contribution

186. The application is made under Clause 53.23, which includes a requirement for the provision of affordable housing. The DPO15 Schedule also includes a requirement for affordable housing to be secured via a s173 agreement, with affordable housing addressed in the endorsed DP. The DPO15 and Clause 53.23 seek similar outcomes but comprise different wording. It is noted that the wording under Clause 53.23 will prevail, as this clause states under Clause 53.23-1 that *'The provisions of this clause prevail over any inconsistent provision in this planning scheme'*.
187. The application has been accompanied by an Affordable Housing Report prepared by Contour Consultants as required by Clause 53.23, which is further supported by the details within the endorsed DP. The applicant has indicated that the provision is likely to be in the form of a cash contribution to the State Housing Growth Fund. This option is expressly enabled through Clause 53.23. The express option for a cash-in-lieu housing contribution is not provided in the DPO15, and was not contemplated in the endorsed DP; however the DPO15 provides considerable flexibility in approach to consider what constitutes an acceptable affordable housing outcome.
188. The applicant has agreed to the inclusion of the condition provided in clause 52.23 to secure the affordable housing outcomes for the land which satisfies the requirements of Clause 53.23. The wording will reflect the need for the contributions to be staged in accordance with the development outcomes of each stage.

Environmental Risks

189. As noted, two Statements of Environmental Audit have been issued for the land. There are several conditions that arise from these statements that will be reflected on the planning permit.

Sustainability

Environmentally Sustainable Design (ESD)/ Water Sensitive Urban Design

190. Policy at 15.01-2L-01 Environmentally sustainable development applies to development within Yarra, noting that specific ESD outcomes to be addressed are set out in the endorsed DP for this site.
191. A Sustainable Management Plan (SMP) prepared by ADP (July 2026) was submitted with the application.
192. In summary, this report notes the development achieves a BESS score of 54%, exceeding the City of Yarra's minimum 50% requirement and demonstrating best-practice environmentally sustainable design through initiatives relating to energy efficiency, water conservation, renewable energy, stormwater management and sustainable transport.
193. The key initiatives the proposal provides are:
- 7-star average NatHERS rating with a minimum 6-star rating for all dwellings.
 - All-electric residential development with no gas connections.
 - Rooftop solar PV systems across all towers (70kW total).
 - Centralised electric heat pump hot water systems.
 - High-performance building envelope and glazing.
 - 100% renewable electricity for common areas.
 - 100% STORM/BESS compliance.

- Rainwater harvesting and reuse, with 185 kL stored on site, including use for bin washing and irrigation.
- 87% of living areas and 89% of bedrooms achieve BESS daylight compliance.
- High-performance double glazing.
- 929 bicycle parking spaces.
- EV charging infrastructure to 10% of car spaces.
- Car-share vehicle provision.
- Green Travel Plan promoting walking, cycling and public transport.

194. The proposal generally responds positively to the Environmentally Sustainable Design outcomes sought by policy, and by the endorsed DP. The proposal substantially complies with the Development Plan ESD outcomes.

- A precinct-wide MUSIC model has not yet been completed and should be required by condition.
- The Development Plan seeks a 20% vegetation cover target; it is likely that a variation to this target will be required. To improve outcomes, additional canopy tree landscaping within rooftop and communal open space areas will be required to move closer to achieving this outcome.

195. Subject to these matters, which can be conditioned, the proposal appropriately responds to the sustainability requirements of the endorsed Development Plan.

Native Vegetation/Tree removal

196. There is one planted tree (Lemon Scented Gum) on Doonside Street that is of a native species. This tree does not require a permit for removal under Clause 52.17 as it is planted vegetation, not remnant vegetation, the tree also does not require a permit for removal under Clause 52.37 (Canopy trees) as the application is being assessed under Clause 58.

197. The tree is shown on the endorsed DP, however, the DP does not contain any requirement for this tree to be retained. Most of the drawings in the endorsed DP show building forms where the tree is located, indicating it was anticipated that the tree would be removed to facilitate development.

198. The application was submitted with an arboricultural assessment that indicated that the existing tree cannot be retained due to the site's contamination remediation requirements. The removal and replacement of contaminated soils would require excavation throughout the tree's critical root zone, resulting in unacceptable impacts to the root system and rendering the tree non-viable.

199. This tree is proposed to be removed and will require a permit under the council's significant tree local law.

Other Matters

Development Contributions

200. The DPO15 Schedule requires the following matters to be captured via a s173 agreement:

- 10 percent (or equivalent) affordable housing contribution.
- Streetscape and public realm improvements to Doonside Street.
- Streetscape and public realm improvements to Appleton Street.
- Provision of a minimum 9 metre wide pedestrian lane connecting Doonside Street and Appleton Street, generally in accordance with the Indicative Framework Plan.
- An agreement with the Head, Transport for Victoria for:
- Mitigating works required for each development stage in the Development Plan.

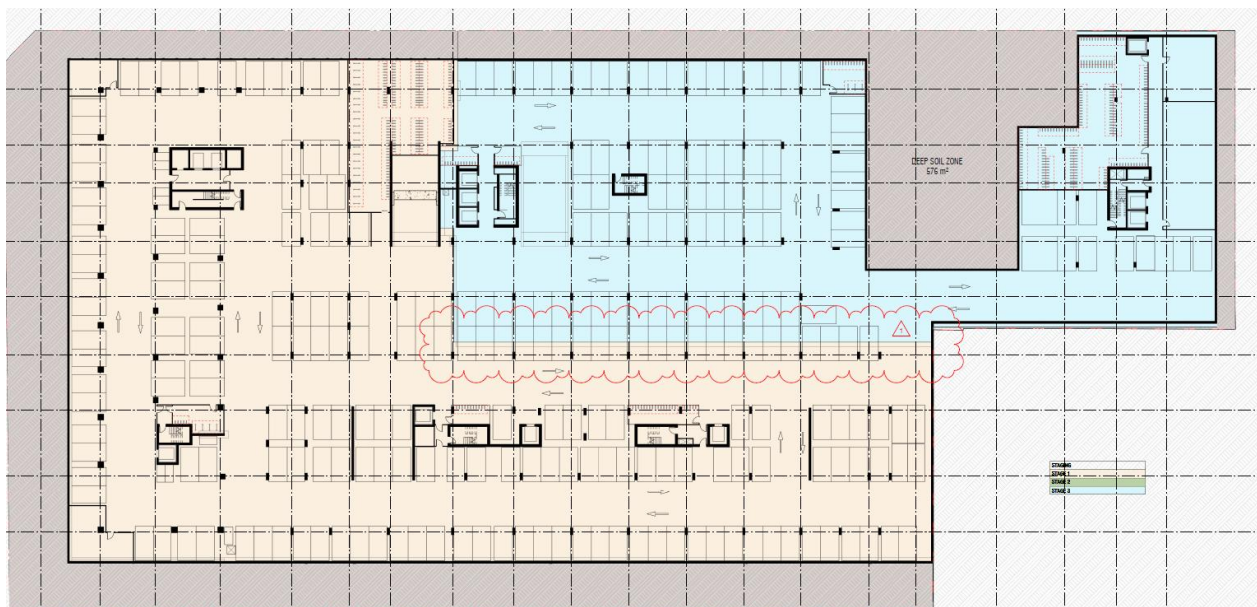


- A two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street.
201. The proposal provides public benefits and infrastructure contributions, including:
- delivery of 576 sqm Doonside Park,
 - two publicly accessible pedestrian links,
 - streetscape and footpath upgrades external to the site,
 - street tree planting along Doonside and Appleton Streets,
 - undergrounding of powerlines along Appleton Street,
 - 50 percent contribution towards the future signalisation of the Burnley Street/Doonside Street/Buckingham Street intersection.
 - Commitment to affordable housing contribution under Clause 53.23.
202. In addition to these works, a contribution is required towards the future pedestrian crossing on Doonside Street, that will link this development with the future Victoria Gardens extension.
203. These works will improve connectivity, public realm quality and local transport infrastructure and represent a substantial contribution to the Victoria Street East precinct. Given the scale of the proposed public infrastructure works, consideration needs to be given to their relationship the obligations arising under the Development Contributions Plan Overlay.
204. Clause 45.06-1 of the Development Contributions Overlay requires that any permit granted must be consistent with the provisions of the relevant DCP and must include any conditions to give effect to the any contributions or levies imposed, conditions or requirements, set out in the relevant schedule to the overlay. Schedule 1 provides some exemptions, including land which has a section 173 Agreement under the PE Act and, amongst other things, *'requires the provision of specified works, services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit'*
205. The public realm and infrastructure works proposed as part of the development are considered to fall within the remit of the above, where an exemption applies to the extent of any contribution secured by the section 173 Agreement. The works captured via a S173 agreement as sought by the DPO15 will provide significant community benefit, and therefore should be offset against contributions required under the Development Contributions Plan Overlay. The public works must be distinguished from the private works being undertaken, which form part of the development and are not considered to fall within the realm of Development Contributions or Works in Kind.
206. The Yarra City Council is the receiving authority for contributions under the DCP and therefore is the authority that can determine or agree to works being undertaken as 'works in kind' or that vary the contribution to be levied on the land owner/permit holder.
207. The DCP conditions are mandatory (as the land is not expressly exempted) and as such the condition has been worded to take into consideration the public realm contributions made under this permit in determining the appropriate levy to be applied to the land. Conditions are also applied to secure the affordable housing, public realm outcomes and the intersection works as required by the DPO15 provisions and Clause 53.23.

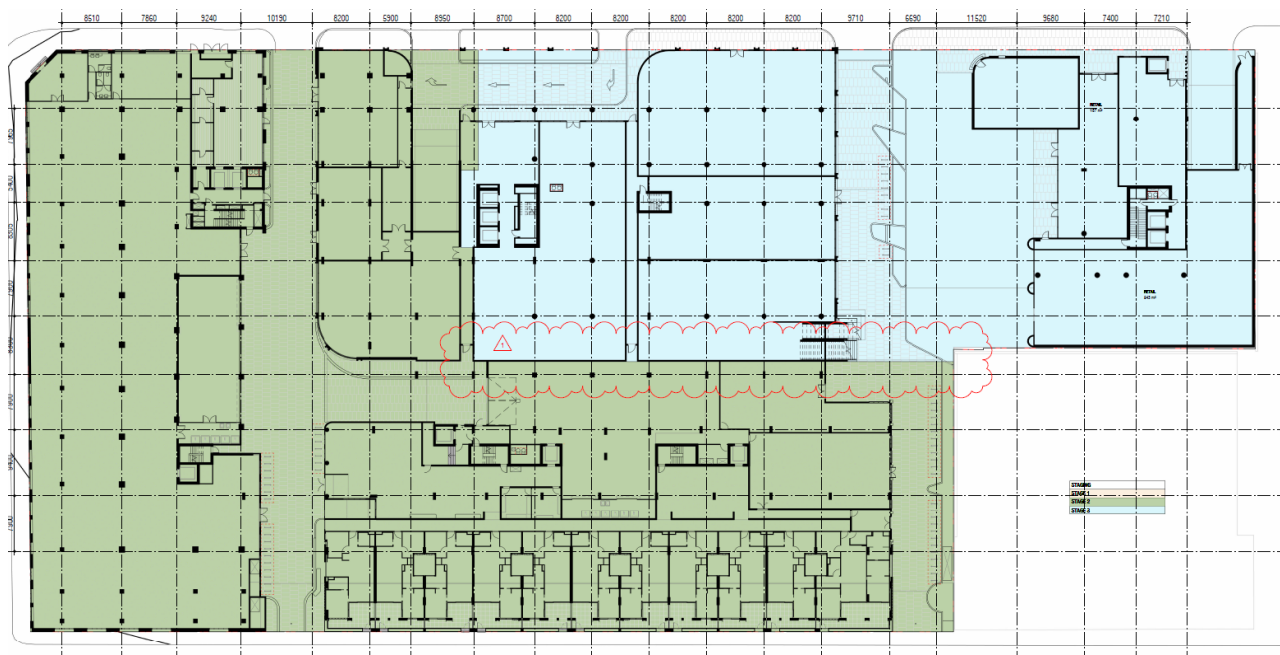
Staging

208. The proposal indicates that development of the land will occur over three stages.
209. Stage 1 – Demolition and Early Works which will comprise:
- Demolition works
 - Basement bulk excavation, including piling and basement detention
 - Partial basement
 - Any remediation required by the Statement of Environmental Audit for the land.

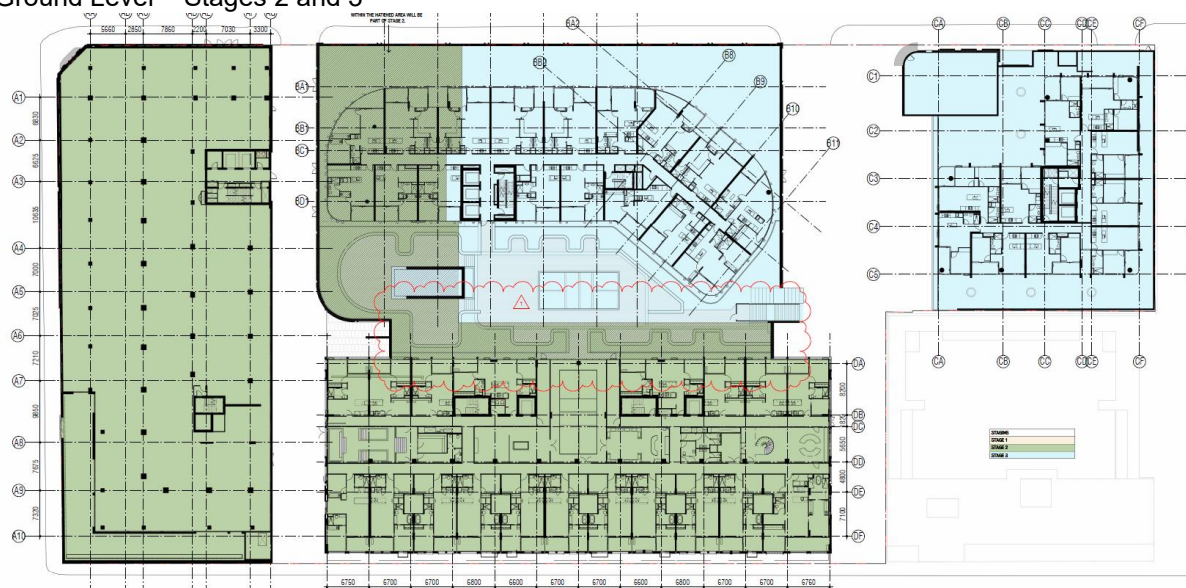
210. This stage will include demolition of parts of the existing significant heritage buildings on the land, including the roofs and internal walls. As such, the conservation management works plan must be approved with the early works plans to ensure the buildings are adequately managed and protected during the demolition and later construction phase. These documents will be endorsed concurrent with the issue of the permit.
211. Stage 2 – Construction
- Buildings A and D
 - Associated basement works
 - Harrys Lane
 - Partial construction of the ground floor western end of Building B
 - The western basement access ramp from Doonside Street
 - The loading dock servicing Harrys Lane.
 - The southern section of Park Lane to Appleton Street.
212. Stage 2 is the first substantive development stage, and establishes the primary access, loading and servicing infrastructure for the development while delivering the adaptive reuse of the heritage Burnley Street building and the first residential component of the project. Following completion of Stage 2 and prior to completion and occupation of Stage 3, the intersection works are to be delivered (unless required earlier based on the delivery of parts of the Victoria Gardens development opposite).
213. Stage 3 – Construction
- The remainder of Building B
 - Building C
 - The eastern basement ramp and the additional basement level and eastern extension
 - Doonside Park
 - The northern section of Park Lane
 - The main communal open space for the development on the podium between Buildings B and D
 - Remaining public realm works.
214. Conditions requiring the delivery of Harrys Lane and part of Park Lane in Stage 2, prior to the occupation of Buildings A and D will be included on the permit. Broad staging information is on the plans below:



Basement – Stages 1 and 3



Ground Level – Stages 2 and 3



First floor - stages 2 and 3.



215. The proposal is generally consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of housing and commercial floor space within the Victoria Street East Major Activity Centre area.
216. The proposal is supported by HTfV subject to conditions but is not supported by the Council officer recommendation. It is noted that the officer recommendation included some relevant standard council permit conditions (eg for a Construction Management Plan, tree protection during construction etc), which will be included as permit conditions.
217. It is recommended that Planning Permit No. PA2604321 for *Partial demolition of buildings in a heritage overlay, buildings and works for the construction of a four building mixed use development comprising 685 dwellings and use of land for 8000+ square metres of commercial floor area (retail and restricted retail) and public open space, and a reduction in the statutory minimum number of car parking spaces required under Clause 52.06-5 at 81-95 Burnley Street and 26-34 Doonside Street, Richmond* be issued subject to conditions, and the Early works plans including the Conservation Management Works plan will be endorsed concurrent with the issue of the permit.
218. It is recommended that the applicant, HTfV, the council and objectors be notified of the above in writing.

Prepared by: Tamara Orrlov

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:

Reviewed / Approved by:

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Name:

Title:

Phone:

Signed:

Dated:

Appendix 1: Clause 58 Assessment (Better Apartments Design Standards)



Application requirements

Clause 58.01-1	Assessment
- An application must be accompanied by: - An urban context report. - A design response.	Met

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: - Site shape, size, orientation and easements. - Levels and contours of the site and the difference in levels between the site and surrounding properties. - The location and height of existing buildings on the site and surrounding properties. - The use of surrounding buildings. - The location of private open space of surrounding properties and the location of trees, fences and other landscape elements. - Solar access to the site and to surrounding properties. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - The location of local shops, public transport services and public open spaces within walking distance. - Movement systems through and around the site. - Any other notable feature or characteristic of the site. - An assessment of the characteristics of the area including: - Any environmental features such as vegetation, topography and significant views. - The pattern of subdivision. - Street design and landscape. - The pattern of development. - Building form, scale and rhythm. - Connection to the public realm. - Architectural style, building details and materials. - Off-site noise sources. - The relevant NatHERS climate zones (as identified in Clause 58.03-1). - Social and economic activity. - Any other notable or cultural characteristics of the area.	Met

Design response

Clause 58.01-3	Assessment
- The design response must explain how the proposed design: - Responds to any relevant planning provision that applies to the land. - Meets the objectives of Clause 58. - Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. - Derives from and responds to the urban context report. - The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	Met



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.	Met The proposal is supported by an endorsed Development Plan that indicates the scale, form, urban structure and uses have been assessed as appropriate for the changing focus on this former industrial site and will contribute positively to the preferred future character of the area.
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 As above, the site has an endorsed DP that details the scale, form and character anticipated for the site. The proposal responds positively to the requirements of the DP, and the design response is suitable for the preferred future urban context identified for the area. A detailed Urban Context Report accompanies the application.

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.	Met The site is within an identified Major Activity Centre. Clause 02.04 shows the land in a 'high change area' in the Strategic Housing Framework Plan.
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 The proposal will provide approximately 687 apartments in a location that is identified for increased housing densities and higher development forms. The application is accompanied by a written statement.

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	Met
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 The application seeks 4 buildings with a total of 687 apartments, with a range of 1, 2 and 3 bedroom apartments (and penthouse) of varying sizes, configurations and ancillary spaces. The following mix is provided across each building: Building A - 100x one-bedroom apartments - 63x two-bedroom apartments - 16x three-bedroom apartments - 3x three-bedroom+ penthouses Total: 182 Building B - 89x one-bedroom apartments



- 145x two-bedroom apartments
 - 18x three-bedroom apartments
- Total: 252

Building C

- 72x one-bedroom apartments
 - 32x two-bedroom apartments
 - 8x three-bedroom apartments
- Total: 112

Building D

- 58x one-bedroom apartments
 - 74x two-bedroom apartments
 - 9x three-bedroom apartments
- Total: 141

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives <i>To ensure development is provided with appropriate utility services and infrastructure.</i> <i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	Met
Standard D4 <i>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</i> <i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i> <i>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</i>	Complies The proposal will not exceed the capacity of utility services. The proposal will provide an on-site substation. The development will be connected to reticulated services, and will contribute to public realm upgrades and the signalisation of the intersection of Doonside and Burney Streets.

Integration with the street objective

Clause 58.02-5	Assessment
Objective <i>To integrate the layout of development with the street.</i>	Met
Standard D5 <i>Developments should be oriented to front existing and proposed streets.</i> <i>Along street frontage, development should:</i> <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> <i>Limit blank walls.</i> <i>Limit high front fencing, unless consistent with the existing urban context.</i> <i>Provide low and visually permeable front fences, where proposed.</i> <i>Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i> <i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i>	Complies The development is designed to have active frontages to existing streets and provides additional activation and frontages to the proposed new laneways through the site. Visually permeable fencing is provided to the Apartment D frontages to Appleton Street. Waste collection is internalised, and carpark entries are limited. A porte-cochere is provided to the frontage on Doonside Street. While a form of service infrastructure, it provides an identifiable entry, ensures Uber drivers, couriers and taxis do not block the road while dropping off residents/goods, and is designed to function safely and offer passive surveillance opportunities.

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.	Met																		
Standard D6 - Buildings should be: - Oriented to make appropriate use of solar energy. - Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. - Living areas and private open space should be located on the north side of the development, if practicable. - Developments should be designed so that solar access to north-facing windows is optimised. - Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in 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 The building layout conforms to the approved building layout within the endorsed DP. While this will result in south facing apartments, and areas of south facing communal open space, this is the outcome envisaged by the DP. Dwellings have had energy ratings provided and do not exceed the maximum cooling load. North facing aspect and orientation has been maximised within the constraints of the approved layout. The solar array on the Embassy building to the south of Building C will not be impacted by the proposal.
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																		
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Climate zone 62 Moorabbin	21																		
Climate zone 63 Warrnambool	21																		
Climate zone 64 Cape Otway	19																		
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.	Met subject to conditions ensuring access for all residents
Standard D7 A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.	Complies Building A – 182 dwellings requires a minimum of 250sqm of outdoor communal space. Building A provides 328m2 at level 8. Complies.



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

Building B – 252 dwellings requires a minimum of 250 sqm of outdoor communal space.

Building B provides communal open space for Building B residents only at Level 17 of the building. This area is 388 sqm in area and exceeds the required area of open space to be provided. In addition, area is provided between Buildings B and D as noted below. Complies.

Building C – 112 dwellings requires a minimum of 250sqm of outdoor communal open space. No communal open space is proposed within this building – with access intended to be provided to the main communal space between Buildings B and D. This area is 815 sqm. Complies subject to access being provided (condition)

Building D provides 141 dwellings and requires a total of 250sqm of open space. The outdoor space for Building B is within the main podium between Buildings B and D and this is an area of 815 square metres. Complies.

This main communal open space for all buildings within the development is located on the shared central podium between buildings B and D, which is accessed from within Buildings B and D, or via a key card from the stairs within Park Lane.

The development provides a total area of communal outdoor space of 1,528 square metres, in a range of areas. The main open space is accessed via a keycard system. The provision of communal open space is acceptable subject to a suitable area of communal space being available to each Building and its residents. This is not confirmed and will therefore be a condition of permit.

In addition to the external space, the following internal areas are provided:

Building A, Level 8 – 334 square metres

Building D, GF – 147 square metres

Building D, Level 1 – 649 square metres

Building D, Level 2 – 301 square metres

The internal amenity areas associated with Building D are accessible to residents of all buildings.

The external spaces are landscaped and include canopy trees.

Solar access to communal outdoor open space objective

Clause 58-03-3

Assessment



Objective	Met
<i>To allow solar access into communal outdoor open space</i> Standard D8 <i>The communal outdoor open space should be located on the north side of a building, if appropriate.</i> <i>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.</i>	Variation Required The primary area of communal open space is located on the podium level between buildings B and D. This space has a total area of 815 square metres. This space is accessible to all residents with a keycard pass (this will be secured via a condition of permit). This communal space has relatively little area that receives direct sunlight either at the measurable time of year (Winter Solstice) or at the equinox. The maximum sunlight to this open space is received at 10am, where there is 99sqm. At 11am this reduces to 58sqm and a proportion of this area encompasses the communal stairs) thus not useable). At no time is the main central area of space which includes the pool and pickleball court in sunlight (during the winter solstice). Building B has a rooftop open space area of 388 square metres that receives solar access throughout the day, however this is only accessible to residents of Building B. (Building B complies). Building A has 328 sqm of communal space at Level 8, accessible for residents of Building A only. This is also located to the south side of the building and does not meet the winter solstice sunlight standard, however the area does receive sunlight in the morning and late afternoon during the equinox. This space does not meet the standard. Building C has no communal open space within the development and relies on the space between Buildings B and D – the area that does not meet the standard. Despite the limited solar access, it is considered that the podium space between the buildings: - Is consistent with the building massing in the DP; - Is of good quality in terms of the landscaping outcomes, useability of the space and the facilities; - Provides ample and diverse areas for resident use; - When combined with the public open space proposed on the land, which receives good solar access, the spaces will provide reasonable outdoor amenity for all residents.



Safety objective

Clause 58.03-4	Assessment
Objective To ensure the layout of development provides for the safety and security of residents and property	MET
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 Dwelling entries for Buildings A, B and C front Doonside Street, while the building entry to Building D is accessible via lobbies facing Harry's Lane and Park Lane, both proximate to Appleton Street. The entries are clearly legible and safe, and provide a good sense of address for each building. Appropriate lighting is provided.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives - To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. - To preserve existing canopy cover and support the provision of new canopy cover. - To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.	MET subject to conditions
Standard D10 - Development should retain existing trees and canopy cover. - Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. - Development should: - Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. - Provide canopy cover through canopy trees that are: - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. - Consistent with the canopy diameter and height at maturity specified in Table D4. - Located in communal outdoor open space or common areas or street frontages. - Comprise smaller trees, shrubs and ground cover, including flowering native species. - Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. - Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. - Protect any predominant landscape features of the area. - Take into account the soil type and drainage patterns of the site. - Provide a safe, attractive and functional environment for residents. - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.	Variation required One tree on the site is proposed to be removed for the development. The development provides 4.5 percent of the land for deep soil planting – this is in the location of the proposed public park. In addition, the proposal includes planters to provide a total of 11.6 % of the land with deep soil, or equivalent planting area. This falls short of the required 15% for the site. The concept landscape plans do not indicate species or tree size and therefore an assessment of the required canopy cover cannot be accurately undertaken. Detailed landscape plans will be required and should ensure that the correct number and size of trees are provided on the site. Additional canopy planting will be required in the communal areas and on the roof of the porte cochere to Building B to assist with meeting canopy targets on the land.

- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

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

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 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.	MET
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. Vehicle crossings are proposed as per the endorsed DP. These crossings are limited to the Doonside Street frontage and relate to the two basement car park entries and the porte cochere. For the scale of development and extent of frontage to Doonside Street, the outcomes are appropriate and meet the standard.

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.	MET
Standard D12 - Car parking facilities should: - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. - Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Complies Car parking is proposed within the basement levels of the building, which is convenient and secure.

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.	MET
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: - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.	The application is accompanied by an SMP prepared by ADP. The proposal includes: 185kL of rainwater storage connected to toilets and to the bin washdown room. 100 percent storm rating. 70kw of solar power generation - WSUD measures to reduce runoff impacts and improve stormwater quality. - A commitment is provided to undertake site wide MUSIC modelling and will be secured by condition.



Building setback objectives

Clause 58.04-1	Assessment
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.	MET
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: - Ensure adequate daylight into new habitable room windows. - Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. - Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. - Ensure the dwellings are designed to meet the objectives of Clause 58.	Complies The design and layout of the built form conforms to the endorsed DP and meets the standard. Setbacks to neighbouring buildings are a minimum of 9 metres to avoid direct views and ensure adequate daylight. Similarly, onsite amenity is also protected by provision of varied setbacks (with a 9 metre minimum).

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.	MET
Standard D15 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.	Complies The separation between towers, their orientation and alignment ensures that there is no unreasonable overlooking between private open spaces of dwellings in separate towers. Balconies within the development are inset and will not overlook balconies below within the same building or unreasonably overlook balconies within neighbouring buildings in the development.

Noise impacts objectives

Clause 58.04-3	Assessment
Objectives - To contain noise sources in developments that may affect existing dwellings. - To protect residents from external and internal noise sources.	MET
Standard D16 - Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. - The layout of new dwellings and buildings should minimise noise transmission within the site. - Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	Variation required. The submitted acoustic report prepared by ADP outlines mitigation measures associated with the proposed gym, cinema, communal open spaces, pools, pickleball courts and internal services (lifts etc) along with acoustic requirements for existing external noise sources (roads, plant) and potential noise sources (potential for noise from retail premises on the



- New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.
- Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
- Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 Noise influence area

Noise source	Noise influence area
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.

land). Conditions will be required to ensure compliance with the relevant EPA protocols.

The report indicates that some apartments will exceed the standard by approximately 2db, however note that this exceedance will be imperceptible.

Wind impacts objective

Clause 58.04-4	Assessment
Objective • To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.	MET subject to conditions
Standard D17 • Development of five or more storeys, excluding a basement should: ○ not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and ○ achieve comfortable wind conditions specified in Table D6 in public land 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.	The application is accompanied by: - A Wind Tunnel Assessment, prepared for the approval of the Development Plan; and - A Wind Assessment Memo that provides an update to the assessment in response to the more detailed proposal. The assessment shows that there will be no unsafe wind conditions subject to mitigation measures including: - The arbour above the pedestrian entry to Building A that is proposed within Harrys Lane needs to have a permeability of no greater than 30 percent.

- 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.

- Inclusion of 1m-1.5m high raised garden beds within and around Doonside Park.
- Inclusion of baffle screens or hard landscape elements within Doonside Park. They may be of a porous lattice/trellis construction where the further inclusion of vertical climbing vegetation can enhance its effectiveness in wind mitigation.
- Provide a landscaped zone or 'green buffer' where the northern edge of the Tower B meets the podium roof amenity level.

An updated wind tunnel assessment will be a condition of permit, with a requirement to implement any necessary mitigation.

Accessibility objective

Clause 58.05-1

Objective

- To ensure the design of dwellings meets 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.

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.	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.

Assessment

MET subject to conditions

The plans indicate that 75% of the dwellings meet the accessibility standard.

- Door widths are specified in these apartments and comply with requirements.
- Main bedrooms are shown with access to an adaptable bathroom.
- Apartment types specify whether design option A or B is to be relied upon.
- Circulation areas are shown within the bathrooms and comply.

The plans are not considered to accurately assess the provision of a clear path within a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. While the plans say 75% comply, assessment of the dwelling floorplans shows only 17% meet this aspect of the provision.

The area required for the living room is, in many cases needed for the accessible path. In some instances this would not significantly impact the useability of the living room and furniture placement can avoid the path, but in other smaller rooms where the 1.2m accessible path runs across the entire living room area, there would be significant impacts on the ability to use the living room and furnish it appropriately.

In other cases, the bedroom layouts (with walk-in robes with dressing areas) provide for less than 1.2m to access the bathroom from the bedroom.

Conditions will be required to ensure that 50% of dwellings appropriately meet this standard.



	Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
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.	MET
Standard D19 - Entries to dwellings and buildings should: - Be visible and easily identifiable. - Provide shelter, a sense of personal address and a transitional space around the entry. - The layout and design of buildings should: - Clearly distinguish entrances to residential and non-residential areas. - Provide windows to building entrances and lift areas. - Provide visible, safe and attractive stairs from the entry level to encourage use by residents. - Provide common areas and corridors that: - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines.	Complies Residential entries are clearly identifiable and distinguishable from the commercial entries. Residential lobbies with a good level of amenity are provided for all 4 buildings, while ground level apartments in Building D have direct entries from Appleton Street. Common areas include one source of natural daylight, providing daylight to lift areas in all buildings.

Private open space objective

Clause 58.05-3	Assessment
Objective To provide adequate private open space for the reasonable recreation and service needs of residents	MET
Standard D20	Variation required



- A dwelling should have private open space consisting of at least one of the following:
 - An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
 - A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
 - An area on a podium or other similar base of at least 15 square metres, with a minimum 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

A minimum of 94 percent of the apartments across the development meet the standard, as follows:

Building A: 182 of 182 apartments (100%)

Building B: 252 of 252 apartments (100%)

Building C: 96 of 112 apartments (86%)

Building D: 140 of 141 apartments (99%)

The dwellings that do not satisfy this standard require variations of less than 1sqm in area and/or 100mm or less in minimum dimensions pursuant to Table D8; and only do not meet the dimensions due to the inclusion of condensers on the balconies.

The non-compliances are very minor and are acceptable based on the significant quantum of communal space (both internal and external) that forms a key part of the proposal.

In addition, public open space is provided as part of the proposal and is highly accessible from the apartments.

The standard of private open space is acceptable and the variation for a small number of dwellings is acceptable.

Storage objective

Clause 58.05-4	Assessment									
Objective To provide adequate storage facilities for each dwelling	MET – subject to conditions									
Standard D21 - Each dwelling should have convenient access to usable and secure storage space. - The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10. <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></table>	Table D10 Storage			Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	Variation Required The majority (87 percent) of apartments meet the standard for internal storage. Non compliances occur in Building A – 11 apartments, Building C (28 apartments) and Building D (43 apartments). The variations to the apartments are less than 1 cubic metre (and in some cases are only 0.06 cubic metres in area). Total storage volume is unclear as the external (over-bonnet storage) within the car parks is not allocated
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

and not indicated against apartment types. Total storage volumes for apartments are therefore unclear and should be clarified. Where storage is significantly below the total minimum storage volume for a dwelling, this needs to be confirmed as being provided external to the dwelling.

Subject to conditions requiring confirmation that external storage will be appropriately allocated, the storage standard is met.

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.	MET
Standard D22 - Developments should clearly delineate public, communal and private areas. - Common property, where provided, should be functional and capable of efficient management.	Complies Areas are clearly delineated and common property (communal open space, internal open space etc) are areas that will be managed by the owners corporation, and capable of efficient management.

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.	MET
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 – conditions required. Services are shown on the plans. A substation is proposed within Harrys Lane, at the ground level of Building B. A fire control room is located to the north, facing Doonside Street within Building A. Both are designed to be unobtrusive. The fire booster cupboard is integrated with the use of glass doors and designed in keeping with the window openings. The substation is between two retail shopfronts and is predominantly brick in keeping with the base of Buildings A and B. Services associated with loading (loading bays, waste etc) are either in the basement, or located off Harry's Lane and generally out of view. A parcel room and mail room are located in the ground floor of Building D. A condition will be required to show where mailboxes are intended to be located for each building.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives To ensure dwellings are designed to encourage waste recycling.	MET



- 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.

Standard D24

- Developments should include dedicated areas for:
 - Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
 - Adequate facilities for bin washing. These areas should be adequately ventilated.
 - Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
 - Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
 - Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
 - Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
- Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
 - Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
 - Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Complies

The application is accompanied by a Waste Management Plan prepared by Leigh Design that appropriately addresses waste requirements. Compliance will be a condition of permit.

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.	MET
Standard D25 • External walls should be finished with materials that: ○ Do not easily deteriorate or stain. ○ Weather well over time. ○ Are resilient to the wear and tear from their intended use. • External wall design should facilitate safe and convenient access for maintenance.	Complies Buildings include brick materiality to the base of Buildings A, B and C, with a mixture of brick and concrete finish to building D. Upper levels include concrete panel and metal cladding in a restrained palette. Materials are robust and resilient and meet the standard. A condition to detail all materials on the elevations will be required.

Functional layout objective

Clause 58.07-1	Assessment
Objective • To ensure dwellings provide functional areas that meet the needs of residents	MET



Standard D26

- Bedrooms should:
 - Meet the minimum internal room dimensions specified in Table D11.
 - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D11 Bedroom dimensions

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

- Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.

Table D12 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

Not all dwellings meet the standard for Functional Layout.

Bedrooms: Total 84.33% comply with the standard

Building A: 61.5% compliance

Building B: 99.2% compliance

Building C: 92.8% compliance

Building D: 80.85% compliance

Living rooms: Total 82.13% comply with the standard

Building A: 81.8% compliance

Building B: 82.6% compliance

Building C: 71.4% compliance

Building D: 90% compliance

Most non-compliances relate to structural elements projecting marginally into rooms.

2% of apartments have no dining areas shown due to space constraints, and 4% encroach into the dining space (for living rooms).

The apartments generally include additional area to account for the structural elements that intrude into the rooms. Apartments meet daylight and ventilation standards and provide an acceptable level of amenity. The spaces are of a standard that will meet the needs of residents.

Room depth objective

Clause 58.07-2	Assessment
Objective To allow adequate daylight into single aspect habitable rooms	MET
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: - The room combines the living area, dining area and kitchen. - The kitchen is located furthest from the window. - The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. - The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.	Variation required. Where apartments do not meet the room depth provisions, modelling has been undertaken for daylight compliance. This shows that across the 4 buildings, 87 percent of living areas and 89 percent of bedrooms meet the BESS daylight criteria and will meet the daylight objective and is acceptable.

Windows objective

Clause 58.07-3	Assessment
Objective To allow adequate daylight into new habitable room windows.	MET
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.	Variation required. Buildings A, B and C are designed with all new habitable room windows having access to the sky. Building D includes apartments within a three storey form to Appleton Street where the second bedrooms have access to a 9m2 light court, which is unroofed. This has been assessed under BESS daylight

- A maximum depth of 1.5 times the width, measured from the external surface of the window.

requirements and will provide acceptable daylight into these secondary bedrooms.

Daylight access for dwellings meets the objective and is acceptable.

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.	MET
Standard D29 • The design and layout of dwellings should maximise operable windows, doors or other ventilation devices in external walls of the building, where appropriate. • At least 40 per cent of dwellings should provide effective cross ventilation that has: ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. • The breeze path is measured between the ventilation openings on different orientations of the dwelling.	All dwellings have operable windows to living rooms and bedrooms. The ventilation standard is met for the following apartments: Building A: 133 of 182 apartments (73%) Building B: 163 of 252 apartments (65%) Building C: 72 of 112 apartments (64%) Building D: 91 of 141 apartments (62%). The standard is met.