

Planning Assessment Officer Report

188-202 Swan Street
Cremorne, VIC

Application No:PA2604326



Planning Assessment Officer Report
Development Assessment

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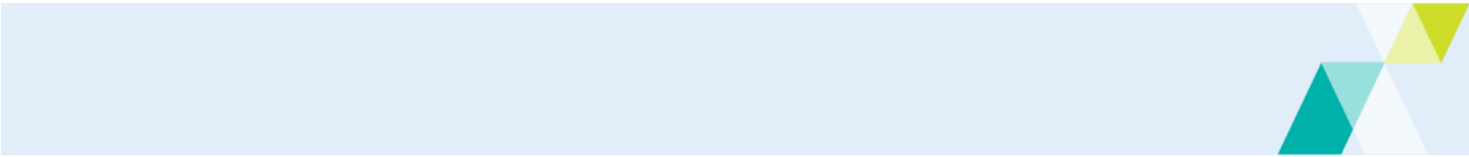
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Executive Summary



Key Information	Details		
Application No:	PA2604326		
Received:	9 April 2026		
Statutory Days:	55		
Applicant:	Lennox c/- Contour Consultants		
Planning Scheme:	Yarra		
Land Address:	188-202 Swan Street Cremorne		
Proposal:	Demolition and development of a 14-storey mixed use development comprising dwellings and retail premises		
Development Value:	\$113.8 m		
Why is the Minister responsible?	In accordance with Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for this application because it is a matter under Divisions 1, 1A, 2 and 3 of Part 4 of the Act and Clause 53.23 (Significant Residential Development with Affordable Housing) (Category 1) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 34.01-4	Commercial 1 Zone (C1Z)	Construct a building or construct or carry out works
Overlays:	Clause 43.01-1	Heritage Overlay – Schedule 335 (HO335 – Swan Precinct – Richmond)	Demolish or remove a building
	Clause 43.01-1	Heritage Overlay - Schedule 335 (HO335 – Swan Precinct – Richmond)	Construct a building or construct or carry out works
	Clause 43.02-2	Design and Development Overlay – Schedule 5	N/A – No permit required
	Clause 43.02-2	Design and Development Overlay – Schedule 26	Construct a building or construct or carry out works
	Clause 45.07-1	City Link Project Overlay (CPLO)	Develop land not in the City Link Project Area or CityLink Tulla Widening Project Area
	Clause	Development Contributions Plan Overlay (DCPO1)	N/A – However, developer contributions apply to the development proposal and is located in Area 10. Area 10 relates to Burnley and Richmond South.
Particular Provisions:	Clause 52.06	Car Parking	
	Clause 52.34	Bicycle Facilities	
	Clause 53.18	Stormwater Management in Urban Development	
	Clause 53.23	Significant Residential Development with Affordable Housing	
	Clause 58	Apartment Developments	
Total Site Area:	2822	m ²	
Gross Floor Area:	18,174	m ² (above ground)	
Height:	44.7	14 storeys excluding plant	



47.7	Metres including plant
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Metres (total to Australian Height Datum – highest point for PANS OPS)
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Land Uses:	Dwellings	Office	Retail	Other
	165	231m ²	901m ²	1,207m ² publicly accessible area (through-site link)
Parking:	Cars	Motorcycles	Bicycles	
	196	0	113	
Referral Authorities:	Yarra City Council (s52(1)(b) – Notice) Head, Transport for Victoria (s55 – Determining) Victrack (Informal) EPA (Notice) Transurban City Link (Notice)			
Advice sought:	DTP Urban Design (Informal) DTP 3D Visualisation (Informal)			
Public Notice:	4 objections have been received. Notice of the application was undertaken by the applicant at the direction of the Minister for Planning from 29 May 2026 until 12 June 2026 in the following manner: • Notice poster erected on the northern elevation fronting Swan Street • Owners and occupiers surrounding the subject site (refer to notice section below for further detail. 4 objections have been received as of 28 July 2026.			
Delegates List:	Approval to determine under delegation received on 15 July 2026			



Application Process

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

Milestone	Date
Pre-application meeting	N/A
Application lodgement	9 April 2026
Further information requested	6 May 2026
Further information received	18 May 2026
Decision Plans	Plans prepared by COX Architects , and dated 27 March 2026
Other Assessment Documents	- Urban Context Report prepare by COX Architects dated April 2026 - Affordable Housing Commitment letter prepared by Affordable Development Outcomes dated 26 March 2026 - Wind assessment prepared by MEL Consultants dated 1 April 2026 - Green Travel Plan prepared by Traffix Group dated 7 April 2026 - Heritage Impact Statement prepared by Bryce Raworth dated September 2025 - Landscape Report prepared by Oculus dated 02 April 2026 - MPL Certificate - Planning Report prepared by Contour Town Planners dated April 2026 - Sustainability Management Plan prepared by WRAP Engineering dated 2 April 2026 - Traffic Engineering Assessment prepared by Traffix Group dated 7 April 2026 - Waste Management Plan prepared by Traffix Group dated 7 April 2026

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

Proposal Summary

- The proposal can be summarised as follows:

Key Information	Details
Proposal:	Demolition of the existing structures at 188-190, 192, 194-196 and 202 Swan Street to facilitate the construction of a 14-storey mixed use development with a three-level basement, ground level retail / commercial tenancies and a through-site link/arcade along the eastern boundary connecting Swan Street and Railway Place. The podium will incorporate the façade of the existing two-storey heritage building at 198-200 Swan Street.
Setbacks:	Royal Place (South, side) - Built to boundary for 37 then setback 7m Swan Street (east, front) – 10m then increasing to 20m then 24m then 30m Railway Place (west, rear) - Built to boundary 37.6m then 4m, 5.7m Northern boundary (side) – 4.8m
Street wall:	8.5m
Land Uses:	Dwelling – 165 dwellings Retail – 902sqm Office – 229sqm
Car Parking:	196 car parking spaces



Bicycle Parking:	113 bicycle parking spaces
Motorcycle Parking:	0
Loading and Waste arrangements:	

4. Specific details of the application include:

- Demolition is proposed for all buildings on site with the exception of part of 198-200 Swan Street.
- Four basement levels are proposed
- At the ground floor, the following is proposed:
 - Retail tenancies fronting Swan Street and the north-south pedestrian link
 - A commercial tenancy to the rear (which could be provided for community use) activating the north-south pedestrian link
 - Residential lobby accessed from pedestrian link
 - Bike workshop
 - Onsite short term parking along Railway Place
- The remainder of the tower form proposes the following:
 - 165 dwellings
 - Communal outdoor open space and resident amenity area on Level 01
 - Communal space at the rooftop level, including an outdoor terrace

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



Figure 1 Indicative render of proposed elevation to Swan Street



Figure 2 Indicative render of proposal from Church Street (east)



Figure 3 Indicative render of proposed pedestrian link

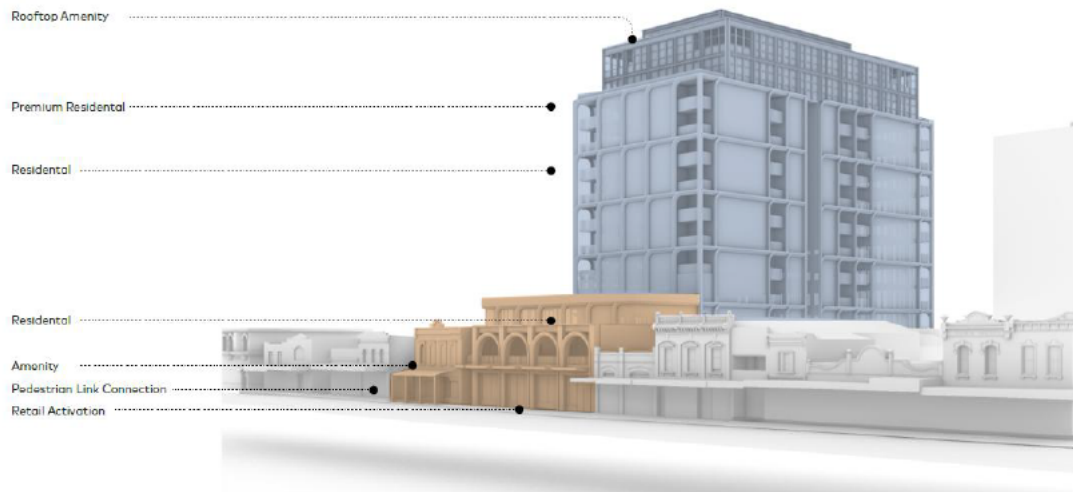


Figure 4 Indicative proposed built form



Site Description

6. The site is located at 188–202 Swan Street, Cremorne, within the Yarra City Council municipality. It is situated within a predominantly commercial context and forms part of Precinct 2 of the Swan Street Major Activity Centre.
7. The existing site comprises several commercial buildings, including a two-storey terrace and a warehouse-style building, both presenting as two storeys in height. Five individual retail tenancies front Swan Street. The site is affected by a Heritage Overlay, with all buildings within the planning unit identified as non-contributory, except for 198–200 Swan Street, which is identified as a significant heritage place.

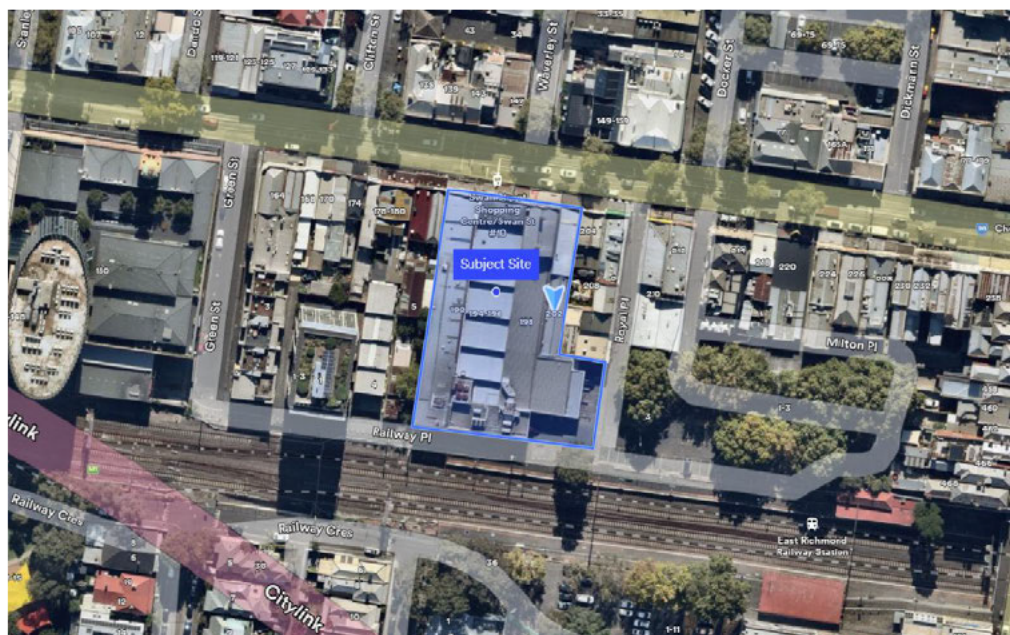
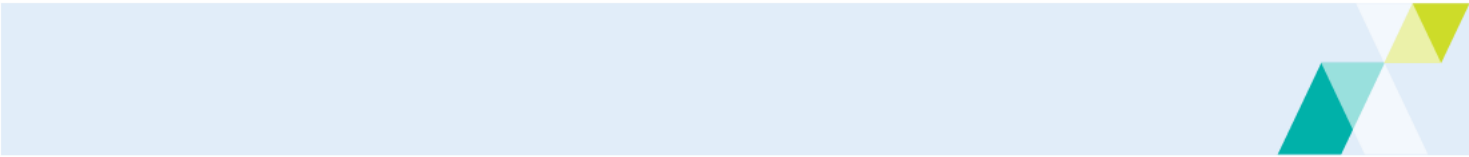


Figure 5 Aerial image of subject site

8. The buildings maintain a consistent street wall and verandah presentation to Swan Street, with a zero setback to Railway Place. Vehicle access for servicing and loading associated with the commercial premises is provided from Railway Place to the south-east of the site.
9. The site is irregular in shape, has an area of approximately 2,823 square metres, and slopes gently from north to south by approximately 0.9 metres. It has a primary northern frontage of 38.09 metres to Swan Street and a southern rear boundary of 51.49 metres to Railway Place.
10. The site is formally described as comprising the following land parcels:
 - 188–196 Swan Street – Lot 1 on Title Plan 372526T.
 - 198–200 Swan Street – Lots 1 and 2 on Plan of Subdivision 348063J.
 - 202 Swan Street – Lots 1 and 2 on Plan of Subdivision 335544P.
11. There are no restrictive covenants, agreements, easements or reserves affecting the site.

Site Surrounds

12. The surrounding development consists of a mix of fine-grained retail and commercial tenancies within heritage style dwellings a top ranging in height from one to two storeys, with some higher density mixed use buildings in close proximity along Swan St.
13. The surrounding area accommodates a range of commercial uses, including retail, food and drink premises, entertainment venues and licensed premises, with residential development located further north and south. The site is located within the Swan Street Precinct (HO335), between Richmond Station and Burnley Station. Heritage places



in proximity to the site include the Former State Bank at 216 Swan Street, Cremorne (VHR H732), and Dimmeys at 140–160 Swan Street, Cremorne (VHR H2184), both of which are included on the Victorian Heritage Register.

14. Development surrounding the site can be described as follows:

- To the **north** of the site: Swan Street which is in the Transport Zone (TRZ2) and accommodating tram line 70. Beyond Swan Street are commercial buildings including retail and food and drink premises.
- To the **south** of the site: Railway Place, a public road, and beyond it is the train line and East Richmond Station, servicing the Alamein, Belgrave, Glen Waverley and Lilydale train lines all providing connections to the south-eastern suburbs. A pedestrian underpass provides connection to the Cremorne Major Employment Precinct further south.
- To the **east** of the site: two commercial buildings (204 Swan Street and 2 Royal Place) fronting Swan Street containing retail and food and drink premises.
- To the **west** of the site: commercial premises fronting Swan Street with rear access to Railway Place. A 9 storey mixed use (retail at ground level and dwellings above) building is located at 1-3 Railway place to the west, with access from Railway Place.



Zoning and Overlays

Clause	Permit trigger																				
Commercial 1 Zone	Permit required. Use - Pursuant to Clause 32.07-2, a retail premises, office and dwelling and accommodation (provided the frontage at ground level must not exceed 2 metres) are section 1 uses, therefore no permit is required. Buildings and Works - Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works. Pursuant to Clause 34.01-6, for two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the objectives, standards and decision guidelines of clause 58.																				
Design and Development Overlay – Schedule 5 (City Link Exhaust Stack Environs)	No permit required. A planning permit is not required to construct a building or construct or carry out works in accordance with Subclause 2.0 of DDO5.																				
Design and Development Overlay – Schedule 26 (Swan Street Activity Centre – Precinct 2)	Permit required. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 43.02-2																				
Heritage Overlay – Schedule HO335 (Swan Street Precinct, Richmond)	Permit required. A planning permit is required to demolish or remove a building in accordance with Clause 43.01-1(HO). A planning permit is required to construct a building or construct or carry out works in accordance with Clause 43.01-1(HO).																				
City Link Project Overlay	Permit required. A planning permit is required develop land not in the City Link Project Area or CityLink Tulla Widening Project Area in accordance with Clause 45.07-1																				
Development Contributions Plan Overlay – Schedule 1	No permit required. The site is affected by Development Contributions Plan Overlay – Schedule 1 (DCPO1), this refers to 'Yarra Development Contributions Plan'. Pursuant to Clause 45.06-1, a permit granted must be consistent with the provisions of the relevant development contributions plan and, include conditions required to give effect to any contributions or levies imposed. Schedule 1 of Clause 45.01 outlines that the subject site is within Area 10, relating to Burnley and Richmond South requiring \$1,717.79 per dwelling. A condition has been included within the recommendation to give effect to DCPO1.																				
Particular Provisions																					
52.06- Car parking	No permit required. The subject site is located partially within Category 4 as identified in the Car Parking Requirement Maps (Department of Transport and Planning, 2025) (CPR maps). The following statutory car parking rate applies to the development: <table><tr><th>Use</th><th>Size</th><th>Category 4 – maximum rate</th><th>Requirement</th></tr><tr><td>Dwellings</td><td>165 dwellings</td><td>2 car spaces to each dwelling for tenants</td><td>330</td></tr><tr><td>Retail premises (café)</td><td>901sqm</td><td>2 car spaces to each dwelling for tenants</td><td>9</td></tr><tr><td>Commercial (office)</td><td>165</td><td>0.45 spaces to each 100 m2 of NFA</td><td>1 space</td></tr><tr><td></td><td></td><td></td><td>340</td></tr></table> The proposal includes the provision of 196 parking spaces to be allocated to residents of the	Use	Size	Category 4 – maximum rate	Requirement	Dwellings	165 dwellings	2 car spaces to each dwelling for tenants	330	Retail premises (café)	901sqm	2 car spaces to each dwelling for tenants	9	Commercial (office)	165	0.45 spaces to each 100 m2 of NFA	1 space				340
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	development. These allocations do not exceed the statutory maximum of 340 spaces and therefore no permit is sought under Clause 52.06.																
52.34- Bicycle parking	No permit required. Pursuant to Clause 52.34-1, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. <table><tr><th>Use</th><th>Size</th><th>Statutory Requirement</th><th>Requirement</th></tr><tr><td>Dwellings</td><td>165 dwellings</td><td>1 space per 5 dwellings for residents 1 space per 10 dwellings for visitors</td><td>33 residents 17 visitors</td></tr><tr><td>Food and drink premises (café)</td><td>1,132 sqm</td><td>1 space per 300sqm for staff 1 space per 500sqm for customers</td><td>4 staff 2 customers</td></tr><tr><td></td><td></td><td></td><td>56 total 33 residents 4 staff 9 visitors</td></tr></table> The application plans illustrate the provision of 113 bicycle spaces, comprising 90 spaces within Basement 1 for residents, 15 spaces within the bike workshop to the south of the site (4 staff & 11 visitors) and 8 spaces provided as horizontal loops for visitors at the rear of the site. The requirement of 4 staff spaces does not trigger the requirement for the development to provide End of Trip facilities under Clause 52.34-5 of the Planning Scheme. However, End of Trip facilities have been provided at the ground floor, including a shower / changeroom and 6 lockers.	Use	Size	Statutory Requirement	Requirement	Dwellings	165 dwellings	1 space per 5 dwellings for residents 1 space per 10 dwellings for visitors	33 residents 17 visitors	Food and drink premises (café)	1,132 sqm	1 space per 300sqm for staff 1 space per 500sqm for customers	4 staff 2 customers				56 total 33 residents 4 staff 9 visitors
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53.18 – Stormwater Management in Urban Development	No permit required. Pursuant to Clause 53.018-1, the provisions of Stormwater Management in Urban Development apply to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works.																
58 - Apartment Developments	No permit required. Pursuant to Clause 58, provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development if the apartment development is in the Commercial 1 Zone.																



Referrals

15. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	The Head, Transport for Victoria	No Objection subject to conditions - 11 June 2026
Section 52 Notice	Yarra City Council	Objection – 23 June 2026
Section 52 Notice	Transurban	Defer to TfV Submission
Informal	Victrack	No objection subject to TfV CMP conditions – 12 June 2026
Section 55 Referral – Recommending	EPA	No response received.

Municipal Council Comments

16. Yarra City Council (the council) considered the application at their committee on **23 June 2026**.

17. The council determined that they object to the proposal for the key reasons provided below. However, provided recommended conditions in the instance that a planning permit is issued (refer to table below).

- *The proposal does not comply with DDO26*
- *The affordable housing offer is insufficient for a development of the scale proposed*
- *The detailed design results in poor internal amenity and a poor public realm response*

Condition	Applicant Response	DTP Response
Amended Plans Before development commences, amended plans to the satisfaction of the RA must be submitted and approved (then endorsed), generally in accordance with the COX Architecture decision plans dated 27 March 2026 but modified to show the items listed below (1a-1ii).	<u>Reworded to allow for early works to commence:</u> Before development commences (excluding site establishment, demolition, heritage building retention, bulk excavation, site preparation, soil removal, site remediation, in ground works and retention works), amended plans to the satisfaction of the RA must be submitted and approved (then endorsed), generally in accordance with the COX Architecture decision plans dated 27 March 2026 but modified to show the items listed below (1a-1ii).	DTP does not support alternative timing put forward by applicant. Condition to be drafted in line with council recommended timing.
a. Overall building height reduced to a maximum 34m (excluding services).	Not accepted. The proposal demonstrates a variation in building height in comparison to the discretionary building height prescribed by DDO26. In relation to this variation, DDO26 outlines a number of requirements that should be met in order to grant a permit to construct a building in excess of the preferred building height. These include meeting design objectives, greater building separation, 70% BESS score, overshadowing and overlooking provisions, and relevant BADS provisions (subject to conditions). These requirements are generally met, and the Responsible Authority is able to grant a permit to construct building exceeding the preferred	DTP is supportive of the proposed height and discretionary uplift provided under the DDO26. No changes required.



	building height. Reference is also made to the various iterations of supportive DTP Urban Design feedback.	
b. All built form at Level 3 and above (incl. architectural features) set back min. 10m (up to 21m height) and 20m (above 21m height) from Swan Street.	Not accepted.	On balance, DTP is supportive of current building setback from Swan Street. No further changes required.
c. Street wall to have a hard edge (no setback) to Swan Street.	Not accepted. The proposed arrangement is acceptable and provides footpath widening.	DTP do not accept the council's condition.
d. Removal of seating plinths along Swan Street frontage	Should Council's preference be that these standalone plinths are removed, a condition would be accepted. It is noted that the application cannot give approval for works outside of the title boundary, and these are indicative only.	DTP acknowledges that the seating plinths are located outside of the title boundary. A sub-condition will be added to the landscape and public realm plan to show indicative works only.
e. Min. 6m setback (incl. balconies) from the western boundary and from the northern boundary (behind No. 204 Swan St) above a building height of 28m.	Not accepted.	DTP do not accept the council's condition.
f. Provision of a splay at the south-east corner (Railway PI / Royal PI junction), min. 4.6m headroom clearance; dimensions confirmed by swept-path diagrams for an 8.8m medium rigid vehicle travelling Railway PI to Royal PI.	Not accepted. There is no legal requirement to provide a splay for the site, and existing arrangement relies on illegal access through the site.	DTP do not accept the council's condition.
g. Demolition floor plans and elevations showing extent of demolition in red.	Condition not required. Additional standalone condition required to facilitate early works (refer Condition 1A below)	DTP accept council condition. Extent of demolition is not currently shown in the architectural plans.
h. Notations confirming extent of retention of the retained heritage building and any reconstruction of the eastern wall per the Construction Management Plan.	Condition accepted.	DTP partially accept council condition. Condition to be generalised to show areas of retention and any reconstruction elements of heritage form.
i. Entrance to the north-south laneway (east) and street wall (west of retained heritage buildings) to adopt a higher degree of solid to void	Moved to façade strategy condition.	
j. No additional overshadowing of the car park area east of Royal Place (designated future public open space) - via reduced height and/or increased setbacks.	The overshadowing impact complies with the overshadowing requirements of DDO26, and between 10am and 2pm on 22 September there is no overshadowing to the future open space adjacent to East Richmond Station.	DTP do not accept the council's condition as it requires the implementation of a 14m height reduction. As stated, DTP is supportive of the proposed height and note that proposed shadows cast onto the future public open space are limited to 21 September and comply with the DDO26 overshadowing requirements. No further changes required.
k. Podium height, street wall height and maximum building height dimensioned from NGL on all elevations.	Condition accepted.	DTP accept the council's condition.



l. The "Commercial" tenancy in the south-east corner relabelled as "Office".	Condition accepted.	DTP accept the council's condition.
m. Bicycle parking allocation notated between residents, employees and visitors	Not required. Bicycle parking is provided in accordance with the requirements of Clause 52.34 of the Yarra Planning Scheme.	DTP accept the council's condition.
n. Relocate fire booster to northern boundary; cupboard doors open max. 180 degrees and latch to the building when open.	Not required. The fire booster location is coordinated with servicing requirements.	DTP do not accept the council's condition. The current location of the fire booster is considered acceptable and meets servicing requirements. No further changes required.
o. Notation showing the secure north-south laneway entry provides unobstructed access during business hours and safe/efficient access after hours, without obstructing the Swan St footpath or laneway.	Condition accepted as follows: North-south link will be publicly accessible between 7am and 10pm, and access doors will not obstruct any public land.	DTP accept the council's condition.
p. Clearly show awnings over the ground floor Swan Street frontage, with dimensions and setback from kerb.	Condition accepted.	DTP accept the council's condition.
q. Residential mailroom replaced with concierge desk and seating area, incl. an entry into the residential lobby from the southern wall.	Condition accepted.	DTP accept the council's condition.
r. Remove landscaping along Royal Place; replace with paving within the setback between the "Commercial" tenancy and the laneway.	Condition accepted.	DTP accept the council's condition.
s. Gas and water meter cupboards set back 1.4m from the eastern boundary to Royal Place.	1.4 metre setback is provided. Condition not required.	DTP do not accept the council's condition. As stated by the applicant, this detail is already addressed.
t. Relocate the 8 visitor bicycle spaces along Royal Place to near a main entrance, complying with the Clause 52.34 visitor rate and AS2890.3.	Condition accepted.	DTP accept the council's condition.
u. Provision of lighting along the north-south laneway.	Condition accepted.	DTP accept the council's condition with exception of specifying the type of lighting.
v. Notation confirming planters (excl. deep soil areas) and other features along the eastern boundary of the laneway can be removed to facilitate future pedestrian access from adjoining development.	Condition not accepted. In the event that property to the east is redeveloped, there are openings available in between planters, and the two site owners could agree any changes. There is no easement along the eastern interface securing access to this space, and temporary planters are generally unsuccessful. In ground planters allow for more successful, well integrated and high quality planting.	DTP do not accept the council's condition. Applicant justification is considered acceptable in this instance.
w. Provision of a secure door at the entrance to the back-of-house / retail passage and the north-south laneway.	Condition accepted.	DTP accept the council's condition.
x. Residential bicycle parking increased to at least 1 per dwelling, located at ground level.	Not accepted. Bicycle parking is provided in accordance with the provisions of Clause 52.34 of the Yarra	DTP do not accept the council's condition. The applicant meets statutory requirements.



Planning Scheme.

However, as the area labelled as 'commercial' is to be nominated as an 'office' use, a condition will be placed on the permit requiring the provision of bicycle parking in accordance with Clause 52.34 to ensure consistency.

y.	At least 40% of employee bicycle spaces and all visitor bicycle spaces as on-ground horizontal spaces, complying with Clause 52.34 and AS2890.3.	Not accepted. Visitor and employee bicycle parking is provided in an accessible location. Clause 52.34 does not prescribe a location for visitor bicycle parking.	DTP do not accept the council's condition. No further action required.
z.	Dimensions of bicycle parking spaces (door openings, aisle widths, lifts, corridors, accessways) demonstrating compliance with Clause 52.34 and AS2890.3.	Condition accepted.	DTP accept the council's condition.
aa.	Car park walkway dimensions to meet DDA accessibility standards and AS2890.3 Clause 2.6.2 (whichever is wider).	Not required. Compliance with building regulations will achieve this outcome.	DTP do not accept the council's condition. No further action required.
bb.	At least 9 electric-bicycle charging points provided to resident bicycle spaces suitable for e-bikes.	Not accepted. Not a planning scheme requirement.	DTP do not accept the council's condition as there are no planning scheme requirements to enforce the provision of charging stations. Residents have the ability to charge their EV batteries within their dwellings. No further changes required.
cc.	A minimum of 19 EV charging spaces ready for use when the building opens.	Not accepted. Not a planning scheme requirement.	Refer to 1(bb) comments.
dd.	A minimum 40A single-phase electrical sub-circuit installed to these areas to allow for future EV charging.	Not accepted. Not a planning scheme requirement.	Refer to 1(bb), (cc) comments.
ee.	Bicycle parking wayfinding signage locations shown and a schedule provided.	Condition accepted.	DTP accept the council's condition.
ff.	An amended Green Travel Plan consistent with the development plans.	Condition accepted.	DTP accept the council's condition.
gg.	Full compliance with the Standards for Clause 58.05-1 (Accessibility), 58.05-3 (Private Open Space), 58.07-1 (Functional Layout), 58.07-3 (Windows) and 58.07-4 (Natural Ventilation).	Condition accepted with the exception of including 58.05-3 (Private Open Space) and 58.07-3 (Windows).	DTP accept the applicant's variation of the condition. The variations to SPOS and Window standards are limited to 9 of 165 dwellings and are considered acceptable outcomes subject to conditions i.e. Juliette balconies for studios. Refer to Appendix 1 for further detail.
hh.	North correctly depicted on the plans.	Condition accepted.	DTP accept the council's condition.
ii.	Any changes per the Facade Strategy, Conservation Management Plan, Structural Report and the amended SMP, Public Realm Functional Layout Plan, Landscape Plan, Waste Management Plan, Wind Report and Acoustic Report.	Condition accepted.	DTP accept the council's condition.
Retention of Architect		Condition accepted.	DTP accept the council's

COX Architects (or an architectural firm to the RA's satisfaction) must be engaged as part of the ongoing consultant team to oversee design and construction and ensure the design quality and appearance is realised as endorsed.

condition.

FFLS	Condition accepted.	DTP do not accept the council's condition as this is not typically enforced unless the subject site is located within a Flooding Overlay, Urban Flood Zone or similar. Any future finished floor level change would constitute a secondary consent amendment subsequently assessed by the Department prior to endorsement.
Finished floor levels shown on the endorsed plans must not be altered without the prior written consent of the RA.		
Facade Strategy Concurrent with Condition 1 plans, a Facade Strategy and Materials and Finishes Plan to be submitted and approved, detailing: (a) elevation drawings at 1:20/1:50, including (podium, entries/doors, utilities, typical tower facade); (b) section drawings of facade systems incl. fixings and joints; (c) ground floor frontage details; (d) all services along Swan St, Royal Pl and Railway Pl; (e) confirmation glazing reflects no more than 20% visible light at 90 degrees; (f) facade maintenance (incl. vegetation); (g) coloured renders of colours, materials and finishes. (h) Entrance to the north-south laneway (east) and street wall (west of retained heritage buildings) to adopt a higher degree of solid to void.	<u>Alternate wording proposed - Standard condition - acceptable. Reworded (a) to provide more detail, inclusive of recommended Condition 1(h) above, and Condition 1(i) to respond to DTP Urban Design feedback. Condition (g) reworded to include reference to facade refinements.</u> Concurrent with Condition 1 plans, a Facade Strategy and Materials and Finishes Plan to be submitted and approved, detailing: (a) elevation drawings at 1:20/1:50, including i. podium, entries/doors, utilities, typical tower facade ii. entrance to the north-south laneway (east) and street wall (west of retained heritage buildings) ensuring appropriate solid to void; (b) section drawings of facade systems incl. fixings and joints; (c) ground floor frontage details; (d) all services along Swan St, Royal Pl and Railway Pl; (e) confirmation glazing reflects no more than 20% visible light at 90 degrees; (f) facade maintenance (incl. vegetation); (g) coloured renders of colours, materials and finishes, including refinement of colour palette and material specification; (h) Entrance to the north-south laneway (east) and street wall (west of retained heritage buildings) to adopt a higher degree of solid to void. (i) Response to DTP Urban Design feedback dated 30 June 2026. (j) Any screening to improve internal amenity being well integrated and resolved.	DTP accept the council's condition but modified to standard DTP wording that captures recommended detail.
Conservation Management Plan Before demolition commences, a Conservation Management Plan to be submitted and	<u>Remove (a) - redundant, and the extent of retention is supported by Bryce Raworth.</u> <u>Reword (b)(ii) - to remove 'if more retention is</u>	DTP partially accept the council's condition. Sections (ii) and (iii) requesting reconstruction of eastern wall



approved, including: (a) assessment of whether retention of more of the individually significant building is possible; (b) fully dimensioned measured plans ($\geq 1:50$) by a qualified heritage practitioner/architect - (i) existing facade, roof and return walls incl. sections showing thickness; (ii) if more retention not possible, reconstruction of the eastern return wall with materials/finishes consistent with the original, reusing existing bricks where possible; (iii) restoration of the front facade, retained chimney and shopfront awning; (c) written description of demolition and construction methods.	<u>not possible</u>: Before demolition commences, a Conservation Management Plan to be submitted and approved, including: (a) fully dimensioned measured plans ($\geq 1:50$) by a qualified heritage practitioner/architect - (i) existing facade, roof and return walls incl. sections showing thickness; (ii) reconstruction of the eastern return wall with materials/finishes consistent with the original, reusing existing bricks where possible; (iii) restoration of the front facade, retained chimney and shopfront awning; (b) written description of demolition and construction methods.	of heritage form and restoration of the front façade remains consistent with the development plan requirements and will be adopted.
Conservation Management Plan The provisions, recommendations and requirements of the endorsed CMP must be implemented and complied with to the RA's satisfaction.	Condition accepted.	DTP accept the councils' condition.
Structural Report Before demolition commences, a structural report by a suitably qualified structural engineer to be submitted and approved, demonstrating how the retained portions of the heritage building will be supported during demolition and construction to ensure their retention. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with.	Condition accepted.	DTP accept the council's condition. Request for a structural report is addressed through DTP's standard CMP condition.
Sustainability Management Plan Concurrent with Condition 1 plans, an amended SMP (generally per Wrap Engineering, 2 April 2026) to be submitted and approved, modified to include: (a) consistency with Condition 1 plans; (b) if western elevation setbacks above 28m are not increased to $\geq 6m$, daylight modelling for west-facing apartments incl. an equitable development scenario on the western-adjointing lot (BESS methodology) demonstrating best-practice daylight; (c) preliminary NatHERS report for a representative sample showing min. 7-star average and no dwelling exceeding 30 MJ/m2 cooling load.	<u>Alternate wording proposed:</u> Concurrent with Condition 1 plans, an amended SMP (generally per Wrap Engineering, 2 April 2026) to be submitted and approved, modified to include: (a) consistency with Condition 1 plans; (b) preliminary NatHERS report for a representative sample showing min. 7-star average and no dwelling exceeding 30 MJ/m2 cooling load. Condition accepted, save for item (b). Not required. Equitable development opportunity is provided to the west by way of upper-level setbacks at a minimum of 4.8 metres at all points from Level 01 onwards.	DTP partially accept the council's condition. Inclusion of item (b) conflicts with DTP's condition 3 requirements.
Sustainability Management Plan Prior to occupation, a report from the SMP author (or similarly qualified person) confirming all SMP measures have been implemented in accordance with the approved plan.	Condition accepted.	DTP accept the council's condition.
Sustainability Management Plan The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with.	Condition accepted.	DTP do not accept the council's condition as it is addressed via the implementation condition above.



Public Realm Concurrent with Condition 1 plans (or later as approved), a Public Realm Plan of all public realm improvements to be prepared, submitted and approved by Yarra City Council, showing: (a) consistency with Condition 1 plans; (b) general layout and surface levels; (c) streetscape infrastructure; (d) dimensioned paths and parking bays; (e) surface grades; (f) DDA-compliant level transitions across footpaths and into the principal entrance; (g) drainage infrastructure; (h) a splay at the SE corner for vehicle/truck movements Railway PI to Royal PI; (i) re-sheeting of Railway PI and Royal PI pavements at the permit holder's cost; (j) reconstruction of the Railway PI spoon drain; (k) removal/reinstatement of the Railway PI concrete apron; (l) adjustment of service pits to footpath grades; (m) clear paving delineation between public and private land.	<u>Alternate wording proposed:</u> Concurrent with Condition 1 plans (or later date as approved), a Public Realm Plan of all public realm improvements to be prepared, submitted and approved by Yarra City Council, showing: (a) consistency with Condition 1 plans; (b) general layout and surface levels; (c) streetscape infrastructure; (d) dimensioned paths and parking bays; (e) surface grades; (f) DDA-compliant level transitions across footpaths and into the principal entrance; (g) drainage infrastructure; (h) Works necessary to facilitate continued legal vehicle access between Railway Place and Royal Place, including tree removal, kerb reinstatement and localised road resurfacing. Condition (h) - (m) not accepted. Add condition (h).	DTP partially accept the council's condition. A landscape and public realm plan document will be consolidated into a single condition, to the satisfaction of the responsible authority in consultation with the council.
Public Realm Before development commences (excl. site prep/demo/bulk excavation), detailed design drawings of the Public Realm Plan works (incl. soft/hard landscaping) to be submitted to and approved by Council's Civil Engineering Department, then endorsed.	Condition accepted.	DTP accept the council's condition.
Public Realm Before the building is occupied, all public realm works on the endorsed detailed design plans must be fully constructed and completed to the Civil Engineering Department's satisfaction, at no cost to the RA.	Condition accepted.	DTP accept the council's condition.
Public Realm Before occupation (or later as approved), the open spoon drain along the Railway Place frontage must be reconstructed at the permit holder's cost, to the RA's satisfaction.	Not accepted at this stage, we are seeking engineering advice from the project engineer.	DTP do not accept the council's condition.
Public Realm Before occupation (or later as approved), the concrete apron in Railway Place (next to the spoon drain) must be removed and reinstated with full depth pavement at the permit holder's cost.	Not accepted at this stage, we are seeking engineering advice from the project engineer.	DTP do not accept the council's condition.
Landscape Plan Concurrent with Condition 1 plans, an amended Landscape Plan (generally per Peninsula Landscape Architects, 25 March 2025) to be submitted and approved, modified to include: consistency with Condition 1 plans; drawn to scale (1:100/1:200); details per Council's Landscape Requirements Checklist; a detailed	<u>Alternate wording proposed:</u> Concurrent with Condition 1 plans, an amended Landscape Plan (generally in accordance with Oculus Landscape Plan) to be submitted and approved, modified to include: consistency with Condition 1 plans; drawn to scale (1:100/1:200); details per Council's Landscape Requirements Checklist; a detailed maintenance schedule	Refer to public realm comments consolidated into single condition.



maintenance schedule (tasks, frequency, record-keeping, contractor qualifications); demonstration of safe maintenance access to balcony garden beds located outside balustrades.	(tasks, frequency, record-keeping, contractor qualifications); demonstration of safe maintenance access to balcony garden beds located outside balustrades. Condition accepted. Reference to Peninsula Landscape Architects is incorrect. Landscape Architect is Oculus.	
Landscape Plan Before occupation (or later as approved), the landscaping works must be carried out and completed, and maintained by implementing the endorsed plan, not using landscaping areas for other purposes, and replacing dead/diseased/dying/damaged plants.	Condition accepted.	DTP accept the council's condition.
Waste Management Concurrent with Condition 1 plans, an amended Waste Management Plan (generally per Traffic Group, 7 April 2026) to be submitted and approved, modified to include: consistency with Condition 1 plans; cover page corrected to show the final revision date; details of where hard rubbish will be collected from and by whom.	Condition accepted.	DTP accept the council's condition.
Waste Management The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with.	Condition accepted.	Condition 1 of planning permit addresses implementation of conditions under the planning permit. No further changes required.
Waste Management Waste collection from the site must be by private collection, unless with the prior written consent of the RA.	Condition accepted. Already provided for within the existing WMP.	The current waste management plan nominates a private contractor. No further changes required.
Wind Report Concurrent with Condition 1 plans, an amended Wind Assessment Report (generally per MEL Consultants, 1 April 2026) to be submitted and approved, modified to include: consistency with Condition 1 plans; minimum standing comfort criteria for the southern covered portion of the north-south walkway incl. the residential lobby entry; wind comfort criteria for building frontages, entries, private balconies, terraces, outdoor amenities and the north-south link confirmed via a wind tunnel study.	<u>Alternate wording proposed:</u> Concurrent with Condition 1 plans, an amended Wind Assessment (labelled as Pedestrian Wind Assessment) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants, 1 April 20265, but modified to: (a) accurately reflect the plans required by Condition 1 of this Permit; and (b) include wind tunnel testing demonstrating that acceptable wind levels will result from the development on and off site. Reword consistent with other standard wind conditions.	DTP accept a variation of the condition. The current wind assessment achieves a minimum walking comfort criteria across the development and sub-conditions therefore not required. DTP are to adopt applicants' recommendation to request wind tunnel testing.
Wind Report The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with.	Condition accepted.	Condition 1 of planning permit addresses implementation of conditions under the planning permit. No further changes required.
Acoustic Report	Condition accepted.	DTP accept the council's



Concurrent with Condition 1 plans, an amended Acoustic Report (generally per Acoustic Logic, 1 April 2026) to be submitted and approved, modified to include consistency with the Condition 1 plans.		condition.
Acoustic Report Before occupation, an Acoustic Report by a suitably qualified acoustic engineer assessing compliance of the residential use and, where necessary, recommending measures to limit noise impacts per the Environment Protection Regulations under the EP Act 2017 and the Noise Protocol (Publication 1826.4, EPA May 2021).	Condition accepted.	DTP accept the council's condition.
Acoustic Report The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with.	Condition accepted.	Condition 1 of planning permit addresses implementation of conditions under the planning permit. No further changes required.
Acoustic Report The use and development must at all times comply with the noise limits in the Environment Protection Regulations under the EP Act 2017 and the Noise Protocol (Publication 1826.4, EPA May 2021).	Condition accepted.	Condition 1 of planning permit addresses implementation of conditions under the planning permit. No further changes required.
Street Trees Before development commences (incl. demolition/site prep/bulk excavation), a Tree Management Plan by a suitably qualified arborist to be submitted and approved, making recommendations for: (a) protection of the street trees within the Railway Place frontage and on the eastern side of Royal Place (pre/during/post construction); (b) provision of barriers; necessary pruning; watering and maintenance regimes.	<u>Alternate wording proposed:</u> Before development commences (incl. demolition/site prep/bulk excavation), a Tree Management Plan by a suitably qualified arborist to be submitted and approved, making recommendations for: (a) protection of the street trees on the eastern side of Royal Place (pre/during/post construction); (b) provision of barriers; necessary pruning; watering and maintenance regimes. Condition required to be reworded to delete reference to Railway Place frontage as this tree is required to be removed to facilitate legal access between Railway Place and Royal Place. Trees along Royal Place can be protected in accordance with condition.	DTP accept a variation of the condition. Removal of the Railway Place frontage street tree referenced by the applicant has not been included as part of the application and is subject to the council's consent. As such, a standard street tree protection condition will be adopted into the permit, however removal of street trees is subject to separate council approval.
Street Trees Before development commences (incl. demolition/site prep/bulk excavation), the permit holder must provide an Asset Protection Bond of \$20,000 (ex GST) per tree for the trees within the Railway Place frontage and on the eastern side of Royal Place, on terms to the RA's satisfaction.	<u>Alternate wording proposed:</u> Before development commences (incl. demolition/site prep/bulk excavation), the permit holder must provide an Asset Protection Bond of \$20,000 (ex GST) per tree for the trees within on the eastern side of Royal Place, on terms to the RA's satisfaction. Condition required to be reworded to delete reference to Railway Place frontage as this tree is required to be removed to facilitate legal access between Railway Place and Royal Place. Trees along Royal Place can be protected in accordance with condition.	DTP partially accept the condition. As stated, the applicant will need to seek separate approval to remove any street trees. DTP accept the adoption of the applicants alternate wording to retain flexibility in what trees are to be retained and/or impacted.



Green Travel Plan Concurrent with Condition 1 plans, an amended Green Travel Plan (generally per Traffix Group, April 2026) to be submitted and approved, modified to include consistency with the Condition 1 plans.	Condition accepted.	DTP accept the council's condition.
Green Travel Plan The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with.	Condition accepted.	
Car Parking Before development commences (excl. demolition/bulk excavation/site prep), a Car Park Management Plan to be submitted and approved, addressing: wayfinding/cleaning/security of end-of-trip bicycle facilities; policing arrangements and formal agreements (if applicable); a signage schedule; waste collection incl. separate organics and recyclables (per Condition 21); management of loading and unloading.	<u>Alternate wording proposed:</u> Prior to occupation of the development, a Car Park Management Plan to be submitted and approved, addressing: wayfinding/cleaning/security of end-of-trip bicycle facilities; policing arrangements and formal agreements (if applicable); a signage schedule; waste collection incl. separate organics and recyclables (per Condition 21); management of loading and unloading.	DTP accept a variation of the council's condition.
Car Parking The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with.	Condition accepted.	Condition 1 of planning permit addresses implementation of conditions under the planning permit. No further changes required.
Car Parking Before occupation (or later as approved), car parking spaces, access lanes, driveways and associated works must be constructed and available per the endorsed plans; formed to levels and drained; treated with an all-weather seal/durable surface; and line-marked or otherwise adequately marked.	Condition accepted.	DTP do not accept the council's condition as it is not required.
Car Parking Before occupation (or later as approved), a notice showing the location of car parking must be placed near the entry to the land and maintained thereafter.	Condition accepted.	DTP do not accept the council's condition as it is not required.
Affordable Housing Concurrent with Condition 1 plans, an Affordable Housing Report (generally per Affordable Development Outcomes, 26 March 2026) to be submitted and approved, modified to include a commitment to an affordable housing contribution of a minimum of 10% - whether as a number of dwellings within the development or a financial contribution based on the cost of the development.	Condition not accepted. In seeking this condition, Council relies on its own affordable housing policy at Clause 16.01-2L of the Yarra Planning Scheme. We note that policy cannot mandate a particular outcome, and this is reflected in the wording of the policy that only seeks to consider, as relevant, the provision of affordable housing.	DTP do not accept the council's condition as it is not required.
Affordable Housing Before development begins (excl. demolition/excavation/piling/site prep/remediation), the owner must enter a Section 173 agreement providing an affordable housing contribution via either: (a) at least 10% of total dwellings as affordable housing for	Condition not accepted, as above.	DTP do not accept the council's condition. Mandatory Clause 52.34-4 condition to be adopted in its place.

sale/lease to a registered housing agency or Homes Victoria (representative of the approved dwelling mix); or (b) an alternative contribution to the RA's satisfaction. The owner pays the RA's reasonable s.173 costs.

Head, Transport for Victoria ** DTP to insert any conditions applicable to DDO5 or CLPO ** (placeholder in the officer report - to be confirmed by DTP).	Noted.
Construction Management Within 2 months of completion (or later as approved), any damage to Council infrastructure resulting from the development must be reinstated (incl. re-sheeting the Railway PI and Royal PI footpath/road pavement for the frontage width if required) at the permit holder's cost.	Condition accepted. DTP accept variation of condition by removing timing and adding as permit note.
Construction Management Except with prior written RA consent, demolition/construction works must not occur: Mon-Fri (excl. public holidays) before 7am or after 6pm; Saturdays and public holidays (other than ANZAC Day, Christmas Day, Good Friday) before 9am or after 3pm; Sundays, ANZAC Day, Christmas Day and Good Friday at any time.	Condition accepted. DTP do not accept the council's condition as it is not required and regulated by the relevant EPA noise attenuation policy.
Construction Management Before development commences, a Construction Management Plan to be submitted and approved, providing for: a pre-conditions (dilapidation) survey; protection and remediation of road/infrastructure; containment of dust/dirt/mud; on-site vehicle washing; locations of loading zones/site sheds/cranes/gantries; site security; management of environmental hazards (contaminated soil, materials/waste, dust, stormwater contamination, sediment, truck washing, refuelling spillage); construction program; truck delivery arrangements; worker parking; compliance measures; requests to occupy footpaths/roads; a 24-hour emergency contact; a traffic management plan (AS 1742.3-2002); and a Noise and Vibration Management Plan (Noise Control Guideline 12, Publication 1254). During construction: EPA-compliant stormwater discharge and protection measures; no vehicle-borne material on roads; on-site machinery cleaning; responsible litter disposal.	<u>Alternate wording proposed:</u> Before development commences (excluding site establishment, demolition, heritage building retention, bulk excavation, site preparation, soil removal, site remediation, in ground works and retention works), a Construction Management Plan to be submitted and approved, providing for: a pre-conditions (dilapidation) survey; protection and remediation of road/infrastructure; containment of dust/dirt/mud; on-site vehicle washing; locations of loading zones/site sheds/cranes/gantries; site security; management of environmental hazards (contaminated soil, materials/waste, dust, stormwater contamination, sediment, truck washing, refuelling spillage); construction program; truck delivery arrangements; worker parking; compliance measures; requests to occupy footpaths/roads; a 24-hour emergency contact; a traffic management plan (AS 1742.3-2002); and a Noise and Vibration Management Plan (Noise Control Guideline 12, Publication 1254). During construction: EPA-compliant stormwater discharge and protection measures; no vehicle-borne material on roads; on-site machinery cleaning; responsible litter disposal. Reworded to allow for early works commencement.
Construction Management The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with.	Condition accepted. Condition 1 of planning permit addresses implementation of conditions under the planning permit. No further changes required.



General Any new apartment development must not be connected to a reticulated gas service (per clause 53.03). This condition continues to have force after the development is completed.	Condition accepted.	DTP do not accept the council's condition as it is not required.
General Prior to commencement of development, the Development Infrastructure Levy must be paid to Yarra City Council per the approved Development Contributions Plan.	Condition accepted.	DTP accept variation of condition by adding further detail of the agreement to the consent of the council.
General Prior to issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council per the approved Development Contributions Plan.	Condition accepted.	DTP accept variation of condition by adding further detail of the agreement to the consent of the council.
General Before occupation, any wall on a boundary facing public property must be treated with a graffiti-proof finish.	Condition accepted.	DTP do not accept the council's condition as it is not required.
General All pipes, fixtures, fittings and vents servicing any building must be concealed in service ducts or otherwise hidden from view.	Condition accepted.	DTP do not accept the council's condition as it is not required.
General Delivery and collection of goods may only occur 7am-10pm Mon-Sat, or after 9am on a Sunday/public holiday, except as allowed under any relevant local law.	Condition accepted.	DTP do not accept the council's condition as it is not required.
General The amenity of the area must not be detrimentally affected by the development, including via the transport of materials; the appearance of buildings/works/materials; emissions (noise, light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water/products, grit, oil); or the presence of vermin.	Condition accepted.	DTP do not accept the council's condition as it is not required.
General Before occupation (or later as approved), external lighting capable of illuminating car park access and pedestrian entrances must be provided within the property boundary, and be located, directed, shielded and of limited intensity.	Condition accepted.	DTP do not accept the council's condition as CPTED measures are required to be addressed in a public realm and landscape plan and s173 Agreement as it relates to the pedestrian link.
General Permit expiry: if development is not commenced within 3 years, or not completed within 5 years, of the permit date. The RA may extend if a request is made in writing before expiry (or within 6 months for commencement / 12 months for completion).	Condition accepted.	DTP accept the councils condition.



Advice sought from other agencies

18. The application was referred to DTP Urban Design on 20 April 2026. On 29 June 2026, DTP Urban Design provided the following comments:

Bicycle Parking

- *We acknowledge and support the provision of eight bicycle spaces within the extended paved area adjoining the rear commercial tenancy. While our earlier advice recommended additional landscaping in this location, the revised alternative is supported as it improves passive surveillance opportunities.*
- *Having regard to Council's comments, a permit condition is only required to reorientate the bicycle parking layout so that bicycles are parked parallel to the building rather than perpendicular. In its current arrangement, parked bicycles are likely to project into the Royal Place laneway. Reorienting the spaces within the same location would resolve this issue. Refer to bike parking standards provided.*

Lobby Location

- *As previously stated, the refinements to the lobby location represent a clear improvement and are supported in their current form. Signage and wayfinding location should be provided from both street access locations. No permit condition to relocate is considered necessary.*

CPTED and Lighting

- *A permit condition is recommended requiring a detailed CPTED and lighting strategy to ensure appropriate surveillance, visibility and perceived safety along the laneway, side boundary interfaces and throughout the public link connecting to the station.*

Built form and height – glazed façade

- *DTP maintains that refinements to the overly glazed façade are required, particularly the extent of the glazed balustrading, to reduce the perception of excessive bulk and visual dominance from both local and long-range vantage points. These recommendations were first raised during preliminary engagement through the eligibility process and reiterated during handover to Development Assessment.*
- *These suggested façade refinements are considered reasonable and proportionate responses to concerns raised by both DTP and Council regarding built form and height. The current response does not demonstrate sufficient effort to meaningfully ameliorate these concerns and should be resolved prior to the permit conditions being imposed.*

Internal Amenity & Layout

- *DTP does not consider screening an exemplary design response to compromised internal amenity, particularly where proximate apartment interfaces span multiple levels, and the screening approach appears inconsistent with the broader façade design strategy and vision.*
- *With reference to annotated plans, clear and reasonable design solutions are identified (mirroring selected apartment layouts). Addressing these matters may also assist with Council's concerns regarding BADS Standards compliance.*

Built form – views to key landmarks

- *DTP considers the proposal satisfactorily maintains key landmark sightlines; however, concerns remain regarding the building's appearance in the skyline and long-range views.*



19. The applicant responded to DTP Urban Design by deferring outstanding items to be addressed via planning permit condition. On 29 June 2026, DTP Urban Design provided a final response highlighting key issues to be conditioned relating to the following items:
- CPTED considerations and public realm lighting to ensure appropriate visibility and perceived safety along the laneway, side boundary interfaces and throughout the public link connecting to the station.
 - Reduce extent of façade glazing by introducing metal (or similar) balustrades to balconies.
 - Resolve façade materiality by extending burgundy cladding material at podium into upper recessed levels.
 - Removal of privacy screening from Apartment Type C03.1 by reconfiguring Apartment Type C04.1 to achieve better internal amenity standards.
20. The application was referred to DTP 3D Visualisation Team on 15 April 2026. On 20 April 2026 DTP 3D confirmed that the 3D model was consistent with the architectural plans and subsequently integrated into Vic 3D.

Notice

21. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 43.01 (Heritage Overlay)
 - Clause 43.02 (Design and Development Overlay – Schedule 5)
 - Clause 43.02 (Design and Development Overlay – Schedule 26)
22. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 34.01 (Commercial 1 Zone)
23. The applicant was directed to give notice by way of erecting a sign/s on the site and notifying adjoining owners and occupiers.
24. 4 objections were received, raising the following issues:
- Building height and overall scale
 - Overshadowing and loss of daylight
 - Side setbacks and equitable development
 - Management of the north-south laneway
 - Traffic and car parking



Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.03	Strategic Directions
02.04	Strategic Framework Plan

Planning Policy Framework

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

Clause 11	Settlement
11.03-1S	Activity Centres and Precincts
11.03-1L	Activity Centres
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise Management
Clause 15	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1L	Urban Design
15.01-2S	Building Design
15.01-2L	Building Design
15.01-2L-01	Environmentally Sustainable Development
15.01-2L-02	Landmarks
15.03-1L	Heritage
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
18.01-3L	Sustainable Transport
Clause 19	Infrastructure
19.03-3L	Water Sensitive Urban Design
19.03-5L	Waste



Plan for Victoria

28. Victoria's Housing Statement: The Decade Ahead 2024–2034 (DPC, 2023) and Plan for Victoria (DTP, 2025) together establish the State's strategic framework for accommodating population and employment growth by significantly increasing housing supply in well-serviced locations. Both policies prioritise streamlined planning and the concentration of higher-density housing within activity centres and areas with strong access to public transport, jobs and essential services, aligning land use planning with major infrastructure investment to support liveable and sustainable communities.
29. The City of Yarra has been assigned a housing target of approximately 44,000 additional dwellings by 2051. This target reflects Yarra's role as an inner-urban municipality with high accessibility to public transport, employment and services, and is intended to be primarily delivered within activity centres, mixed-use precincts and well-serviced locations.

Yarra Planning Scheme Planning Policies

30. The Planning Policy Framework encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
31. Policy generally encourages intensification of development and compatible land uses in appropriate areas with proximity to key services, infrastructure, and the Principal Public Transport Network (Clause 11.01-1S- Settlement) and high-quality design that responds to the context of the surrounding area is encouraged (Clause 15 - Built Environment and Heritage).
32. The proposal comprises 165 dwellings and a ground level retail premises which will support investment and economic growth in the surrounding area (Clause 17.01-1S – Diversified Economy and Clause 17.02- 1S - Business)
33. The site is well served by public transport, with access to East Richmond Station and the Route 70 tram within 500m. The application provides car parking below the maximum parking requirements and includes the provision of bicycle parking and end-of-trip facilities in excess of the statutory requirements, consistent with Clause 18.01-1S (Land use and transport integration), Clause 18.02-2S (Cycling) and Clause 18.02-2R (Cycling – Metropolitan Melbourne). The proposal also supports the creation of a 20-minute neighbourhood in accordance with Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne).
34. The proposal responds to environmentally sustainable design (ESD) initiatives with the provision of high-performance materials, energy efficient building services, bicycle facilities, sustainable waste management, and stormwater reuse and treatment measures (Clause 19.03-3L – Stormwater Management (Water Sensitive Urban Design) and Clause 19.03-5S – Water and Resource Recovery). Assessment of the ESD response is detailed below.
35. The proposed use and development is compatible with surrounding development within this precinct and has been designed (including orientation and layout) to appropriately manage environmental risks and off-site amenity impacts in accordance with (Clause 13.05-1S – Noise management, Clause 13.06- 1S – Air quality management, and Clauses 13.07-1S – Land use compatibility). Conditions will be included on any permit issued to ensure all relevant environmental risks and off-site amenity impacts can be appropriately managed.

Buildings and Works

36. The zoning and overlay provisions have been considered in the application.
37. The primary built form issue arising from this application relates to the proposal consistency with the DDO26 discretionary and mandatory controls. Refer to the table below for a full response to the relevant DDO26 controls.



38. In regard to building height, the proposal exceeds the preferred building height of 34m, proposing a height of 47 metres.. However, pursuant to section 2.3 (Design Requirements) of the DDO26, the preferred building height can be exceeded if the proposal achieves each the following:

- *greater building separation than the minimum requirement in this schedule;*
- *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;*
- *no additional overshadowing and overlooking to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and*

where the proposal includes dwellings, it also achieves each of the following:

- *accessibility provision objective that exceeds the minimum standards in Clauses 55.07-7 and 58.05-1 as relevant;*
- *communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and*
- *private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3.*

The following design requirements and guidelines of the Design and Development Overlay – Schedule 26 are relevant:

Design quality requirements	Comments
<i>Development should achieve urban design and architectural excellence.</i>	Complies An Urban Design Principles Report prepared by Urbis has been provided, which includes a set of principles guiding urban design for the site.
<i>Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.</i>	Complies Upper-level setbacks are provided to reduce visual bulk and ensure equitable access to daylight and outlook for future occupants and adjoining properties.
<i>Development should provide for street activation at ground levels.</i>	Complies The development activates Swan Street, Railway Place and Royal Place by way of active commercial and retail offerings fronting Swan Street, as well as the provision of a north south through site link which is activated by landscaping, office/community led space and a large residential lobby area.
<i>Development should be designed to avoid repetitive stepped form at upper levels.</i>	Complies Upper-level setbacks are largely concealed from the public realm, with the building's presentation to Swan Street expressed through only two visible built-form steps at close range.
<i>Upper-level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.</i>	Complies The upper levels incorporate articulated façade elements and varied material expression to provide visual interest and support apartment amenity, with further façade modulation and a reduction in glazing to be secured as permit conditions.
<i>Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.</i>	Complies The ground level Swan Street frontage incorporates a metal balustrade, consistent with the canopy for the existing retained heritage building within the site, and adjoining sites to the east and west.
<i>Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.</i>	Complies Potential impacts on the low-scale residential area south of the railway line are appropriately managed through the proposed setbacks and building height, which avoid additional overshadowing of secluded private open space, while the substantial separation distance mitigates visual bulk and



overlooking effects.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- *be visually recessive and not visually dominate the heritage building and the heritage streetscape; and*
- *avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.*

Complies

The site is located within the Swan Street Heritage Precinct, and while the upper-storey setbacks do not fully comply with the preferred height-related setback requirements (exceeding preferred building height), the 10m setback from Swan Street and generally compliant side setbacks contribute to a visually recessive built form, enhanced by articulated masonry framing elements that break down building mass and reinforce a well-defined upper-level façade expression.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Map 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- *the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and*
- *the proposal achieves each of the following:*
 - *greater building separation than the minimum requirement in this schedule;*
 - *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;*
 - *no additional overshadowing and overlooking to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and*
- *where the proposal includes dwellings, it also achieves each of the following:*
 - *accessibility provision objective that exceeds the minimum standards in Clauses 55.07-7 and 58.05-1 as relevant;*
 - *communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and*
 - *private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3.*

Map 1 – DDO26

- *18m building height along Swan Street (mandatory)*
- *34m building height southern part of site (preferred)*

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- *Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);*
- *The equipment does not cause additional overshadowing of adjoining properties; and*
- *The equipment does not extend higher than 3.6 metres above the maximum building height.*

Comments

Complies – North

Variation sought – South

The proposal would comply with the building height requirement at the northern part of the site, which prescribes 18m (12m maximum proposed within 10m of frontage).

A variation is sought in relation to the preferred 34m height limit and 47.7m height proposed.

The variation is considered appropriate, noting that the proposal:

- Demonstrates building separations exceeding minimum requirements, including increased setbacks along the eastern interface and up to 21 metres on the western interface.
- Achieves a BESS score of 70%, reflecting an excellent sustainability outcome.
- Results in no additional overshadowing of residential dwellings located to the south.
- Demonstrates a high level of compliance with Clause 58 (BADS), including:
 - 100% compliance with Clause 58.05-1.
 - Communal open space exceeding the requirements of Clause 58.03-2.
 - Private open space exceeding minimum standards, with the exception of 6 studio apartments where no SPOS is provided.

N/A – Proposal already seeks to exceed preferred building height.

Street Wall and Setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant

Comments

Swan Street (north) proposed



preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule; and
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Table 1 – Street Wall Heights and Setbacks for Precinct 2

Swan Street (north)

- Interface type D – north
- Street wall height = 8m min, 11m maximum (mandatory)
- Street wall height = Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building (preferred)
- Street wall setback = 0m (mandatory)
- Upper level setback = 10m min up to 21m, 20m min above 21m (mandatory)

Royal Place (east)

- Interface type H - Street wall height = N/A
- Street wall setback = 0m (preferred)
- Upper level setback – 0m (preferred)

Railway Place (south) - Interface type H

- Street wall height = N/A
- Street wall setback = 0m (preferred)
- Upper level setback = 0m (preferred)

- Street wall proposed = 8.55m (complies)
- Street wall height matches height of existing heritage building within site - Street wall setback = 0m
- Upper-level setback = 10m to outer edge of L03 balcony, 20m to L03 built form

The Swan Street interface is generally compliant with the mandatory and nonmandatory provisions, and the tower form exceeds the upper-level setback prescribed by the DDO (20m proposed, 10m preferred)

Royal Place (east) proposed

The part of the building interfacing with Royal Place is constructed to the boundary at all points at the upper levels, and the ground floor is setback at ground level.

The built form cantilevers over the public space providing weather protection. This is considered an outcome generally consistent with the intent of the provisions for Interface Type H

Railway Place (south) proposed

The part of the building interfacing with Railway Place is constructed to the boundary at all points at the upper levels, and the building is setback to allow vehicular access and parking onsite. The built form cantilevers over the public space providing weather protection. This is considered an outcome generally consistent with the intent of the provisions for Interface Type H

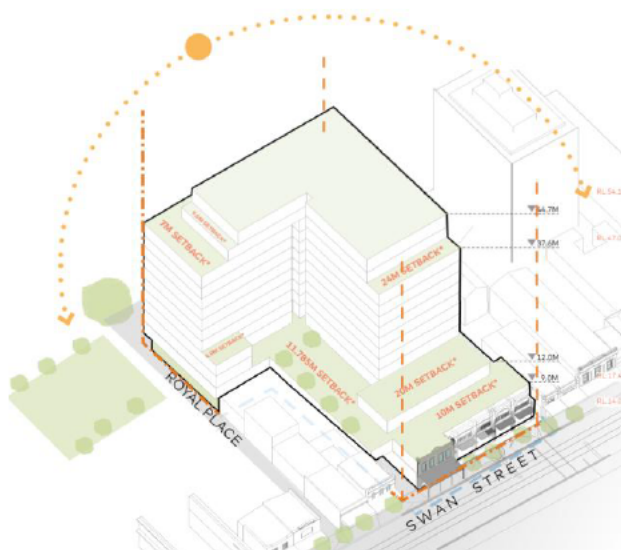


Figure 6: Proposed setbacks

Projections such as balconies, building services and architectural features must not intrude into a setback.

Complies

On corner sites where two different street wall heights are nominated, buildings should 'turn the corner' and apply the Swan Street wall height. If the Swan Street wall is higher it should transition to the lower nominated street wall height on the side street.

N/A

Building separation requirements

Comments

Where development shares a common boundary and no interface treatment is shown in Map 1, upper level development should:

There is no interface treatment shown on Map 1 for the western or eastern elevation.

Eastern Elevation – Complies



- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.

The eastern elevation of the building where the boundary adjoins 204-206 Swan Street contains balconies and habitable room windows.

Above Level 01, the building is setback in excess of the minimum requirement (6m where the requirement specifies 4.5m) up to Level 04 and then is further setback in excess of the minimum requirement (11.78m where the standard specifies 6m) at all levels.

Western Elevation – Variation

The western elevation of the building at the upper levels contains balconies and habitable room windows.

Above Level 01, the building is setback in excess of the minimum requirement (4.8m where the requirement specifies 4.5m) up to 28m.

Above 28m a variation is sought as there is no further setback (6m above 28m required).

Along Railway Place, the southern elevation is appropriately articulated via a variation in materiality, fenestration and balconies so that the elevation does not present as a continuous wall.

Overshadowing requirements	Comments
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A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

N/A – Subject site is located on the south side of Swan Street

A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb.
- any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured from the property boundary to the existing kerb.
- any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.

Complies

As demonstrated within the submitted shadow diagrams, there would be no additional shadow between 10am and 2pm at the 22 September for the potential future open space adjacent to the East Richmond Station.

Vehicle and pedestrian access requirements	Comments
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Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Map 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Map 2 of this schedule.

Map 2 – Access and Movement

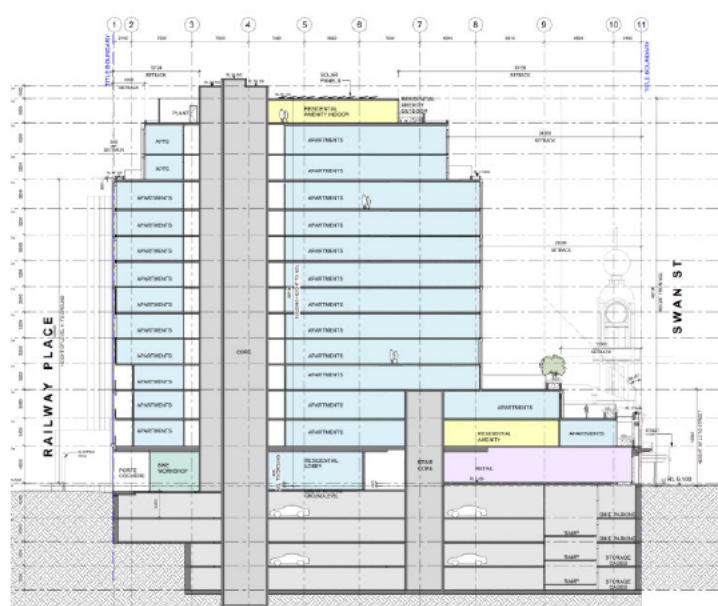
Royal Place = Access Type C: Access Preferred Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Map 2 should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Complies

The site planning strategy ensures that vehicle access is provided from Railway Place.

Complies

Height and Setbacks





43. The application meets the overlay requirements above, and is otherwise considered acceptable as follows:

- The overall size of the consolidated lot used primarily for dwellings; satisfying density local and state policies for locations within Major Activity Centres
- A street wall height and presentation which provides a positive response to the heritage streetscape by way of arched elements
- The provision of 3% of total cost of development as a social and affordable housing cash contribution under Clause 53.23
- The overall height does not result in any adverse or unreasonable offsite amenity impacts
- The provision of genuine mixed use and activation along the ground floor
- The proposed north-south pedestrian link to be privately owned but publicly available 7am-10pm, 7 days a week
- Subsequent public realm landscaping and pedestrian connection to East Richmond train station via the proposed public through-site link

44. Overall, the building design is well resolved subject to façade refinements to be enforced via permit condition.

Heritage

45. The application was supported by a Heritage Impact Assessment, prepared by Bryce Raworth dated September 2025 to support the application.

46. As previously stated, it is proposed to demolish all buildings on site with the exception of 198-202 Swan Street which is to be partially demolished, retained and refurbished. The HO335 (Swan Street Precinct, Richmond) is located along the street frontage and respective shopfront parcels located on the land. All buildings on site are within a precinct wide heritage overlay with no contributory status with the exception of 188-202 Swan Street.

47. The Heritage Impact Statement determines that the proposal is appropriate as follows:

- *The proposed development for 188-202 Swan Street has been prepared with appropriate consideration for the significance of the Swan Street Heritage Precinct (HO335). Demolition of the non-contributory buildings and partial demolition of the individually significant building on the site is consistent with Council policy. The scheme provides a respectful setting to the retained Victorian shop through the provision of a low scaled, adjacent podium interface of a compatible, contemporary character. The new built form responds to the heritage character of the wider streetscape and precinct by presenting a lower scale glazed and rendered podium Swan Street, with the levels above located at significant setbacks and of a lighter character to make them less visually dominant. The scheme reflects the expectations of the DDO26 for more intensive development in this area.*
- *The scheme represents a considered and balanced outcome having consideration for the objectives and design guidelines of Clause 43.01, and the associated heritage policies provided within Clause 15.03 of the Yarra Planning Scheme, as well as broader urban planning considerations.*

48. The proposed street wall heights and presentation provide a positive response to the heritage streetscape by incorporating arched elements that reference the existing arched windows of heritage buildings along Swan Street while maintaining a modern interpretation that remains independent of the heritage buildings (Refer Figure 9).

49. Planning permit conditions will be placed onto the permit ensuring that a Conservation Management Plan is to be endorsed prior to any works commencing on site.

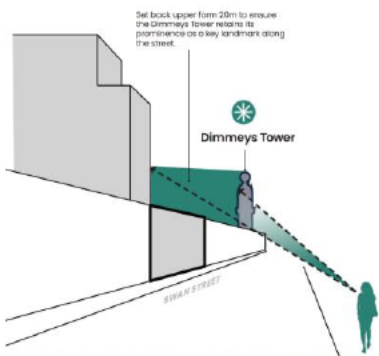
50. The DDO26 seeks to preserve the visual prominence of the nearby Dimmey's Tower (VHR listed site), located approximately 80m west of the site. The proposal appropriately maintains key views of this landmark from the northern side of Swan Street through a visually recessive upper-level built form and appropriate setback treatment (Refer Figure 10-11).



Figure 8: 198-202 Swan Street Building to be retained and refurbished



Figure 9: Proposed retention of heritage frontage integrated with design scheme



VIEW 2: North West corner of intersection of Waverley and Swan Street

VIEW 3: North West corner of intersection of Steward Street and Swan Street

Figure 10: Key views diagram Urban Context Report

Figure 11: 3D view analysis showing Dimmeys's tower in red and proposal in orange

Amenity

Amenity Impacts (internal and offsite)

51. 4 objections were received during the formal notice period which related to building height, setbacks, management of the pedestrian link and car parking. Amenity impacts are discussed throughout this report and within Appendix 1 as it relates to both on-site and off-site amenity.

Overlooking

52. Overlooking impacts are appropriately mitigated to the north and east via the upper-level setbacks in excess of 4.5m, as well as the commercial interfaces to the east and west. The railway line and Swan Street provide an appropriate separation between new habitable windows and interfaces to the north and south.

Overshadowing

53. The solar analysis diagram demonstrates that the proposed building heights will not result in any additional overshadowing of the proposed park adjoining Railway Place. The design has been developed in response to the built form objectives of Design and Development Overlay Schedule 26 (DDO26), ensuring an appropriate balance of height, scale, and amenity.
54. As stated within this assessment, council policy nominates the adjoining car park to the east of the development as a future open space/park. DTP is supportive of the proposed height and note that any proposed shadows cast onto the future public open space are limited to 21 September and complies with the DDO26 overshadowing requirements. Consistent with the City of Yarra's vision for areas experiencing urban renewal and change, the proposal achieves a built form outcome that respects surrounding public spaces while maintaining access to sunlight and supporting a high level of amenity for users of the park.

Wind

55. A Wind Assessment prepared by Mel Consultants and dated 1 April 2026 has been submitted to support the application.

56. The wind assessment concludes that the proposed development achieves the relevant comfort criteria as follows:

- *walking comfort criterion along Swan Street, Royal Place and Railway Place.*
- *standing comfort criterion outside retail tenancy entrances.*
- *standing comfort criterion along the central part of the northern (uncovered) section of the north south thoroughfare, and walking comfort criterion at its ends.*
- *above walking comfort criterion and approaching safety criterion along the southern (covered) section of the north south thoroughfare, which includes the residential lobby entrance.*
- *walking comfort criterion at a minimum for all balconies, with balconies located away from building corners assessed as satisfying standing or sitting comfort criteria.*
- *walking comfort criterion at a minimum for the Amenity Outdoor areas on Level 1 and the rooftop level.*
- *All areas around the development, with the exception of the southern section of the north south thoroughfare, would satisfy the safety criterion.*

57. The report recommends for wind tunnel testing to be made to quantify the wind conditions along the pedestrian link, and if required, develop wind mitigation strategies. A condition will be included on the permit requesting that a wind tunnel test is conducted as appropriate.

Acoustic attenuation

58. An Acoustic Report prepared by Acoustic Logic and dated 14 April 2026 has been submitted to support the application.

59. The acoustic report recommends that the incorporation of minimum glazing requirements, combined with the concrete masonry elements of the building façade will adequately address external noise factors, and that the current design does not require additional acoustic treatments or reconfigurations.

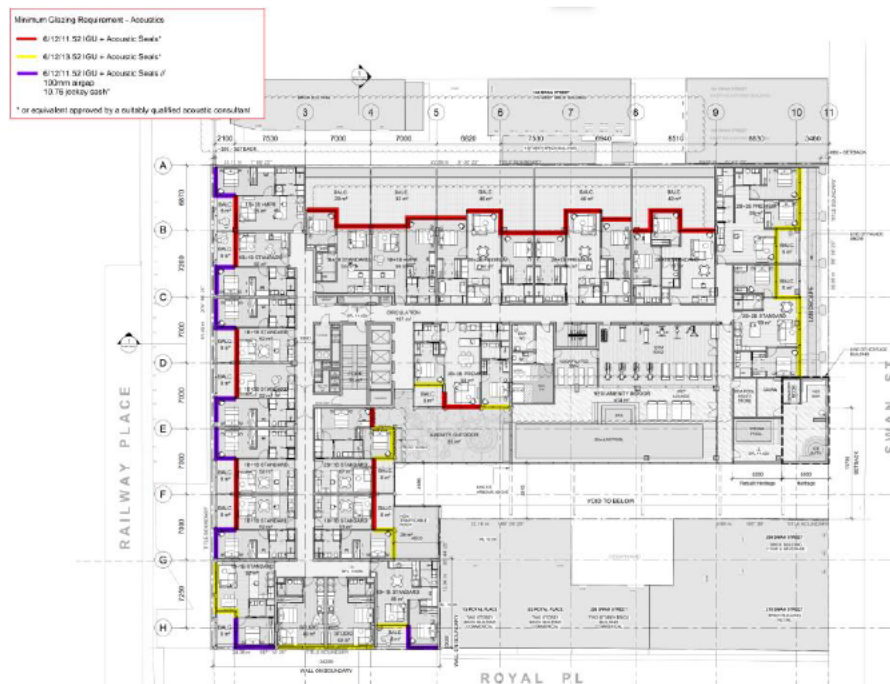


Figure 12: Minimum glazing requirements and acoustic seals recommended in acoustic report



Equitable Development

60. The proposed building massing has been informed by the Urban Design Principles Report prepared by Urbis and responds to the built form objectives and requirements of DDO26, including building separation and setback provisions. Side setbacks are generally consistent with the preferred separation distances, assisting to minimise amenity impacts on adjoining properties and achieve an appropriate built form outcome. The proposal has also been assessed against Clause 58 of the Yarra Planning Scheme, with compliance demonstrated against the relevant objectives and standards, including on-site and off-site amenity outcomes (refer to Appendix 1).

Public Realm

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

61. The proposed development seeks to create a north-south pedestrian link connecting Swan Street and Railway Place. The link will be open to air and activated by the resident lobby entry, retail activation along Swan Street and resident amenity spaces to the rear (refer below for further detail). The link is to remain privately owned but publicly accessible between 7am-10pm 7 days a week.
62. The proposed development improves pedestrian connectivity and enhances the public realm through a clear and efficient circulation strategy. A new pedestrian link connects Swan Street to Railway Place, improving site permeability and encouraging foot traffic. A retail-activated arcade provides a safe, vibrant thoroughfare supported by passive surveillance and clear wayfinding. BOH access via Railway Place ensures service functions are separated from public areas. Direct access to East Richmond Station and nearby tram services strengthens transport connectivity.
63. The masterplan delivers a 5.3% increase in publicly accessible open space and a 16.2% expansion of the overall public realm. These enhanced public areas incorporate high-quality landscaping, seating, and supporting amenities, fostering a comfortable, attractive, and inclusive environment for users. Active residential and commercial frontages overlooking public spaces contribute to increased safety through passive surveillance while enhancing precinct vitality.
64. The provision of the north-south through-site link will be secured through a Section 173 Agreement between the applicant and Council. The Agreement will ensure the appropriate delivery, maintenance and ongoing management of the through-site link as a privately owned but publicly accessible space, including mechanisms to secure public access in perpetuity, clarify maintenance responsibilities, and ensure the link remains safe, functional and accessible for public use in accordance with the approved development outcomes.

Retail Activation and Residential Lobby

65. Ground floor retail tenancies are strategically positioned along Swan Street (primary frontage). This arrangement enhances street-level activity and contributes to a vibrant public realm. The retention and integration of the existing heritage fabric provide a fine-grain streetscape character that enriches the pedestrian experience and reinforces Richmond's distinctive identity. By combining contemporary retail uses with heritage elements, the development creates an active and engaging environment that responds sensitively to the area's established urban character.
66. The residential lobby has been recessed into the centre of the site, creating a distinctive and considered entry experience for residents and generating natural foot traffic into the north-south pedestrian link. The active edge of permeable/glazed food and beverage tenancies along the pedestrian link not only enriches the public realm but also provides passive surveillance over the laneway, supporting safety and comfort throughout the precinct.
67. To further reinforce Crime Prevention Through Environmental Design (CPTED) principles for the north-south link, a public realm plan will be required to be prepared and endorsed by the responsible authority. The public realm plan will require appropriate design to enhance perceived pedestrian safety and the use of public lighting such as centenary lighting to sufficiently light the entirety of the link.

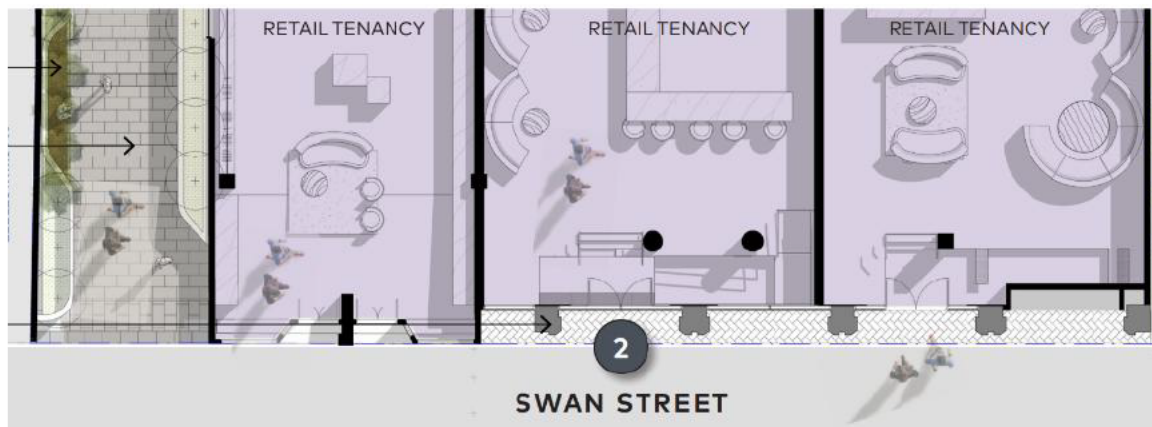


Figure 13: Proposed retail configuration and north-south pedestrian link

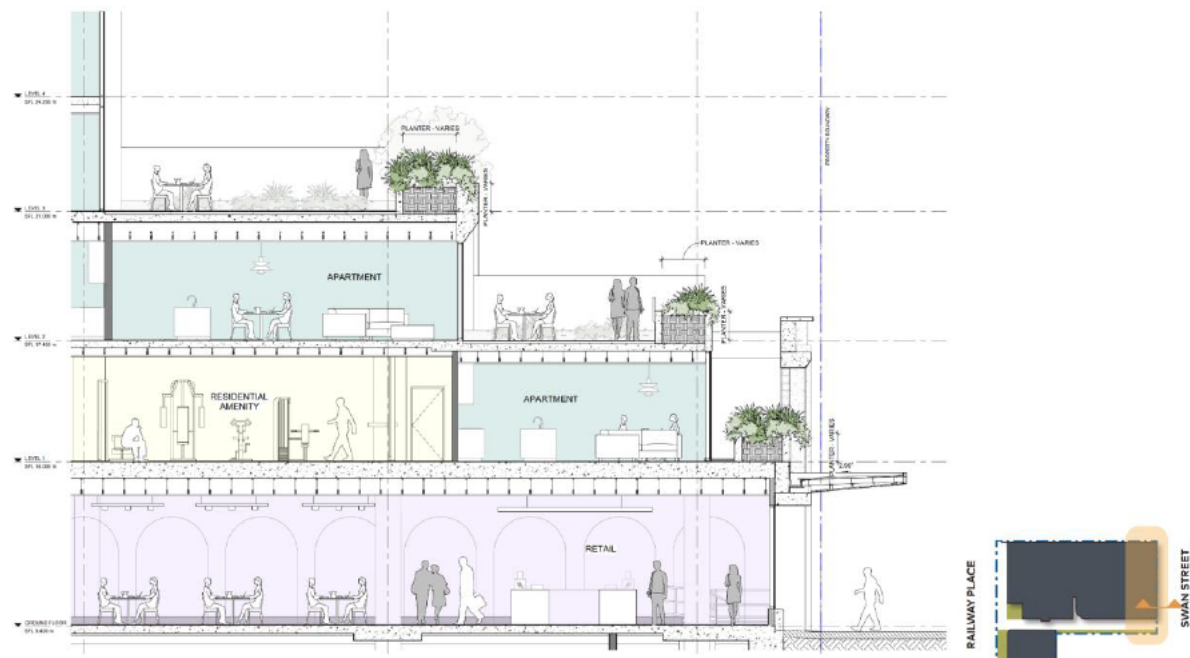


Figure 14: Retail activation along north-south pedestrian link

Rear activation along Railway Place

68. A bicycle workshop space is proposed for residents and is located to the rear of the development along Railway Place. Although the space is reserved as resident amenity, the transparent façade and activity within the workshop offers a form of functional activation along Railway Place while also being co-located with a bicycle cycling route that can be utilised by resident commuters.
69. Positioned at the south-east corner of the site, a 229sqm commercial 'social enterprise' space is proposed to accommodate a variety of uses; from workshops and creative enterprises to pop-up events and community programs. The space is co-located the future public open space adjoining East Richmond station and is anticipated to promote a strong connection to landscape, indoor-outdoor activation and informal uses.
70. It is noted however that 'commercial' is not recognised as a land use term within the Yarra Planning Scheme. In order to appropriately assess bicycle parking and car parking provisions on site, a condition will be placed on the

planning permit requesting that the 'commercial' space be re-labelled as 'office'. Office as a land use term best encapsulates the applicants intent to allow social enterprises or programs to temporarily occupy the space.

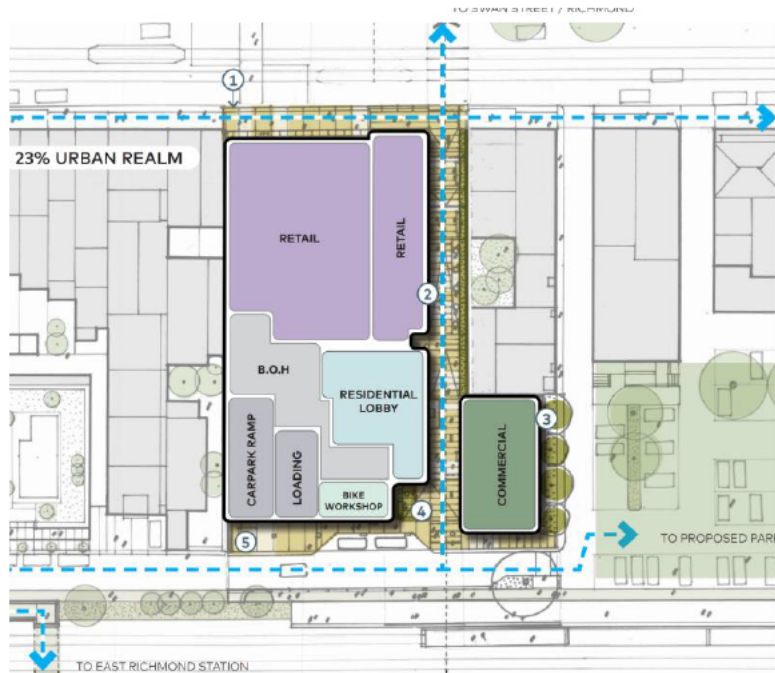


Figure 15: Proposed ground floor configuration and public realm pedestrian links

71. A condition will be placed on the planning permit requesting that the applicant enter into a s173 agreement with the council to appropriately deliver and manage the north-south pedestrian link. The agreement will ensure that the link is to be privately owned but publicly accessible from 7am-10pm 7 days a week, as well as other standard maintenance conditions to the satisfaction of the council.

Communal Resident Amenity

72. The proposal seeks to deliver open space in excess of the minimum area required under Clause 58, including approximately:

- 81sqm outdoor space (Level 1)
- 414sqm indoor space (Level 1)
- 183sqm outdoor space (Roof)
- 270sqm indoor space (Roof)

Total = 948sqm communal open space (including 244sqm of outdoor space)

73. The proposed development provides a high level of resident amenity through a range of indoor and outdoor communal spaces. This is further enhanced by the inclusion of the community "office" space and the future adjoining park, which will expand opportunities for recreation, social interaction and community connection. Overall, these features contribute to a well-served and highly liveable residential environment.

Landscaping

74. The applicant has submitted a Landscape Report prepared by Oculus dated 2 April 2026 to support the application.
75. Landscaping is proposed throughout the development, including within the pedestrian link, the communal amenity areas, and in integrated façade planters interspersed across the lower levels of the building.

76. The rooftop planting comprises raised planters, consistent with those integrated into the lower-level façades. The selected species are resilient to rooftop conditions, including high sun exposure and wind. A mix of low shrubs and grasses provides greening while maintaining views to the city and surrounding areas, with small tree species incorporated to add height, canopy, and seasonal interest to the rooftop garden.



Figure 16: Proposed render of landscaping on Level 1 amenity space and pedestrian through-site link (left)

Figure 17: Proposed render of landscaping on rooftop (right)

77. A condition will be placed on the permit requiring the Landscape Plan to be amended into a Landscape and Public Realm Plan, prepared in consultation with Council. The amended plan must include additional detail on public realm works, including CPTED measures to improve pedestrian safety and site permeability.
78. Additionally, a separate condition requested by the council, civil specification drawings for all public realm elements will be submitted to and approved by Council's Civil Engineering Team. These civil specification drawings will remain separate to the endorsement of the Landscape and Public Realm Plan.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

79. As previously outlined, the proposal includes the provision of 196 parking spaces to be allocated to residents of the development. These allocations do not exceed the statutory maximum of 340 spaces.
80. The Traffic Report confirms that the proposed car parking layout and access arrangements comply with Clause 52.06-8 (Design Standards for Car Parking) and the relevant Australian Standards. In addition, the report states that the level of traffic generated as a result of this proposal is acceptable will not have a detrimental impact on the surrounding road network subject to the removal of the tree within Railway Place.
81. Council raised no objection to the car parking provision, subject to conditions requiring 19 EV charging stations and future proofing. While DTP generally supports the provision of electric vehicle infrastructure in accordance with Clause 18.02-4L-01, it is not a planning requirement and will not be required via planning permit condition.

Access, Traffic Movement and Circulation

82. The application proposes vehicular access from Railway Place at the rear of the site. Although the site has frontage to Swan Street, it is more appropriate from a traffic and transport perspective that vehicle access be taken from the lower-order road, which in this case is Railway Place. Direct access from Swan Street is not considered appropriate, given the potential impacts on the functioning of the arterial road network, including tram operations, on-street parking, and traffic movements.



83. As such, access from Railway Place is supported as the preferred access arrangement for the site. Notwithstanding this, further consideration is required regarding the interface at the south-eastern corner of the site, as the current arrangement does not enable vehicles to access Royal Parade without traversing the subject land. This issue will need to be resolved to ensure appropriate vehicle circulation and access outcomes are achieved.
84. Should a splay at the southeast corner be required for vehicle/truck movements Railway PI to Royal PI, a condition has been included on the planning permit (Public Realm Plan) as follows:
- *Works necessary to facilitate continued legal vehicle access between Railway Place and Royal Place, including tree removal, kerb reinstatement and localised road resurfacing.*
85. In addition, a civil works condition will be included on the planning permit to ensure that construction of any new crossovers, structures or damage to assets occur, it is to be rectified to the satisfaction of the council.

Bicycle Facilities

86. A statutory requirement of 56 bicycle spaces is required in accordance with Clause 53.34-5. The application plans illustrate the provision of 113 bicycle spaces, comprising 90 spaces within Basement 1 for residents, 15 spaces within the bike workshop to the south of the site (4 staff & 11 visitors) and 8 spaces provided as horizontal loops for visitors at the rear of the site.
87. The requirement of 4 staff spaces does not trigger the requirement for the development to provide End of Trip (EoT) facilities under Clause 52.34-5 of the Planning Scheme. However, EoT facilities have been provided at the ground floor, including a shower / changeroom and 6 lockers.
88. Council recommended the inclusion of the following bicycle parking conditions. DTP has not sought to incorporate all of these recommended conditions, as detailed in the table below:

Council condition	DTP recommendation
Plans to notate bicycle parking allocation between residents, employees and visitors;	Supported.
The 8 visitor bicycle parking spaces along Royal Place relocated to an area close to a main building entrance, ensuring compliance with the Clause 52.34 visitor bicycle parking rate and AS2890.3;	Supported.
Residential bicycle parking increased to at least 1 per dwelling, located at ground level;	Not supported. As outlined above, bicycle parking is provided in excess of the statutory requirement.
At least 40% of employee bicycle parking spaces and all visitor bicycle parking spaces provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;	Not accepted. Visitor and employee bicycle parking is provided in an accessible location. Clause 52.34 does not prescribe a location for visitor bicycle parking.
Dimensions of bicycle parking spaces, including door openings, aisle widths, lifts, corridors and relevant accessways demonstrating compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;	Supported.
At least 9 electric bicycle charging points provided for resident bicycle spaces adjacent spaces suitable for electric bikes to use;	Not supported. The planning scheme does not mandate the requirement for EV bicycle parking.
Bicycle parking wayfinding signage locations shown and a schedule provided;	Supported. Bicycle signage should be provided in accordance with Clause 52.34-7

89. The application was supported by a Green Travel Plan in accordance with Clause 15.01-2L-01. A condition has been included within the recommendation requiring the endorsement of the GTP.



Loading / Unloading

90. Clause 65.01 states that consideration must be given to the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
91. The proposal includes an on-site loading bay is provided at ground floor accessed via the Railway Place along the site's southern boundary. The loading area is to be utilised for waste collection, residential move in/move-out and retail deliveries for vehicles up to an 8.8 metre Medium Rigid Vehicle.
92. Council raised no objection to the proposed loading arrangements, however recommended a condition requiring delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law. DTP have included the condition as part of the recommendation.

Waste

93. A waste management plan has been provided. Overall, the proposal provides dedicated waste storage areas for both residential and commercial uses, located at the rear of the site adjacent to the on-site loading bay. A dual-chute waste system is proposed for each level, with all chutes discharging into the ground-floor waste management area.
94. Waste collection will occur on site within the loading dock by a private waste contractor using a vehicle up to 8.8 metres in length (MRV). Swept path analysis demonstrates that the required waste collection vehicle can safely access and manoeuvre within the site.
95. Council provided conditional support for the proposed waste management plan, requiring a updated cover page with a correct date of the WMP and provide details of where hard waste will be corrected from and by who, for the residential component. DTP have sought to adopt Council's conditions within the recommendation.

Sustainability

Environmentally Sustainable Design (ESD)

96. The application was supported by a Sustainable Management Plan prepared by WRAP in accordance with 15.02-2L-02 (Environmentally Sustainable Development). The report provides the following overall assessment of the proposal:
 - 70 % BESS Score, demonstrating 'excellence
 - Compliant daylight assessment overall for apartments
 - 6-7 star energy rating for apartments.
 - Efficient water fixtures and fittings.
 - Rainwater tanks and irrigation to planters.
97. Council concluded the SMP is not supported with changes required to daylight modelling to include an equitable development scenario on the western adjoining lot to demonstrate best practice in daylight will be achieved, provide a NatHERS report to demonstrate development will achieve a minimum average 7-star rating as claimed in the SMP and increase bicycle parking for residents to 1 per dwelling.
98. DTP has adopted Council's recommendation for an amended SMP in part, to require a 7-Star NatHERS rating, DTP has not sought to adopt conditions relating to bike parking or setbacks to upper levels noting that a full assessment of equitable development and bicycle parking has been provided elsewhere in this report.



Water Sensitive Urban Design (WSUD)

99. Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design)) seeks to achieve best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Clause 53.18 (Stormwater Management in Urban Development) includes objectives and standards in relation to stormwater management, management of stormwater during construction, and cooling and local habitat improvements.
100. Water Sensitive Urban Design (WSUD) measures have been considered as part of the submitted Stormwater Management Plan (SMP). The proposal includes 100% STORM rating and commits to the use of 3 x 12KL Rainwater Tanks.
101. DTP is satisfied that, subject to appropriate permit conditions (outlined above) to implement the SMP, the proposed WSUD response will be adequately addressed and will achieve an acceptable environmental performance outcome.

Affordable Housing

102. The proposal includes an Affordable Housing Strategy prepared by Affordable Development Outcomes, dated 26 March 2026. The proposal commits to affordable housing in the form of a cash contribution to the Social Housing Growth Fund, calculated as 3% of the development cost, and an estimated \$3.41 million.
103. Whilst Council supports the in-principle delivery of affordable housing, they recommended conditions to require an affordable housing report and provision of 10% social and affordable dwellings on site.
104. Pursuant to Clause 53.23-4 the inclusion of the mandatory permit condition to secure the affordable housing contribution through a Section 173 Agreement will be applied to the permit. While the current proposal nominates a cash contribution, the mandatory condition provides sufficient flexibility for the applicant to amend the delivery mechanism to onsite affordable housing should this be pursued. This approach ensures the affordable housing commitment is secured while maintaining the opportunity to respond to Council's preference for physical affordable housing provision. The proposed arrangement is therefore considered acceptable.



105. The proposal is generally consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of housing and retail activation within the Cremorne area.
106. The proposal is generally supported by the various referral agencies.
107. It is recommended that Planning Permit No. PA2604326 for the development of a 14-storey mixed-use residential building at 188-202 Swan Street, Cremorne be issued subject to conditions.
108. It is **recommended** that the applicant and the council be notified of the above in writing.

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:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Reviewed / Approved by:

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

- ☒ **No Conflict**
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Name:

[Redacted]
[Redacted]
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[Redacted]
[Redacted]
[Redacted]
[Redacted]

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.	Complies The submitted material includes an urban context report and design response.

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.	Complies The urban context report prepared by Cox Architecture together with the architectural material provides a site plan, photographs, aerial imagery, visualisations and a written description of the proposal contained within the Town Planning Report.

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.	Complies The design response and architectural plans prepared by Cox Architecture demonstrate compliance.



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
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

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
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

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

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives - To ensure development is provided with appropriate utility services and infrastructure. - To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Met
Standard D4 - Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. - Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. - In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or	Complies



mitigation of the impact on services or infrastructure

Integration with the street objective

Clause 58.02-5		Assessment
Objective To integrate the layout of development with the street.		Met
Standard D5 - Developments should be oriented to front existing and proposed streets. - Along street frontage, development should: - Incorporate pedestrian entries, windows, balconies or other active spaces. - Limit blank walls. - Limit high front fencing, unless consistent with the existing urban context. - Provide low and visually permeable front fences, where proposed. - Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility. - Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.		Complies

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.		Complies



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

Note:

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

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
Standard D7 • A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. • If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. • Each area of communal open space should be: ○ Accessible to all residents. ○ A useable size, shape and dimension. ○ Capable of efficient management. ○ Located to: - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. • Any area of communal outdoor open space should be landscaped and include canopy cover and trees.	Complies Open space in excess of the minimum of 220sqm is provided, including approximately: • 81sqm outdoor space (Level 1) • 414sqm indoor space (Level 1) • 183sqm outdoor space (Roof) • 270sqm indoor space (Roof) Total = 948sqm communal open space (including 244sqm of outdoor space)



Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective To allow solar access into communal outdoor open space	Met
Standard D8 - The communal outdoor open space should be located on the north side of a building, if appropriate. - At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.	Complies

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

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.	N/A – There is no existing canopy cover on site										
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.	Variation sought <table><tr><td>Site area</td><td>2,823 sqm</td></tr><tr><td>Canopy trees</td><td>14</td></tr><tr><td>Canopy cover overall</td><td>198sqm</td></tr><tr><td>Deep soil area requirement (15%)</td><td>423sqm</td></tr><tr><td>Deep soil provided at ground level and within planters</td><td>431sqm</td></tr></table> The proposal does not comply numerically with the canopy cover and deep soil requirements of this	Site area	2,823 sqm	Canopy trees	14	Canopy cover overall	198sqm	Deep soil area requirement (15%)	423sqm	Deep soil provided at ground level and within planters	431sqm
Site area	2,823 sqm										
Canopy trees	14										
Canopy cover overall	198sqm										
Deep soil area requirement (15%)	423sqm										
Deep soil provided at ground level and within planters	431sqm										

- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

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

standard. The proposal is considered acceptable and consistent with the objective of Clause 58.03-5 given the following:

- The existing condition of the site contains no landscaping or vegetation, and the proposal provides a significant improvement by way of landscaping in planters and provision of canopy trees in communal amenity spaces
- The site is within a major activity centre, in a commercial context where landscaping and planting is not part of the existing character
- The landscaping selection made by Oculus will support greening, are climate and locationally resilient and are selected to ensure viability is maximised.



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

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

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.

Complies**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**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

Privacy screening is proposed to internally facing apartments to prevent overlooking into the SPOS of other dwellings. However, although compliant with the standard, DTP consider this as a poor amenity outcome for the dwellings with privacy screening. A condition will be included in the planning permit requesting that Apartment Type C03.1 is mirrored to relocate the SPOS to the northeast corner and away from the habitable rooms of Apartment Type C04.1. This achieves an improved outcome without changing

the internal dimensions of any dwellings.

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. - 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.	Complies																		
Table D5 Noise influence area <table> <tr> <th>Noise source</th><th>Noise influence area</th></tr> <tr> <td colspan="2">Zone interface</td></tr> <tr> <td>Industry</td><td>300 metres from the Industrial 1, 2 and 3 zone boundary</td></tr> <tr> <td colspan="2">Roads</td></tr> <tr> <td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td><td>300 metres from the nearest trafficable lane</td></tr> <tr> <td colspan="2">Railways</td></tr> <tr> <td>Railway servicing passengers in Victoria</td><td>80 metres from the centre of the nearest track</td></tr> <tr> <td>Railway servicing freight outside Metropolitan Melbourne</td><td>80 metres from the centre of the nearest track</td></tr> <tr> <td>Railway servicing freight in Metropolitan Melbourne</td><td>135 metres from the centre of the nearest track</td></tr> </table>		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
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Note: The noise influence area should be measured from the closest part of the building to the noise source.																			

Wind impacts objective

Clause 58.04-4	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				
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. - Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area. Table D6 Wind conditions <table> <tr> <th>Unsafe</th><th>Comfortable</th></tr> <tr> <td>Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.</td><td> Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: 3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas. </td></tr> </table>	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.	Complies
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.				

Accessibility objective

Clause 58.05-1	Assessment												
Objective To ensure the design of dwellings meets the needs of people with limited mobility.	Met												
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><tr><th colspan="3">Table D7 Bathroom design:</th></tr><tr><th></th><th>Design option A</th><th>Design option B</th></tr><tr><td>Door opening</td><td>A clear 850mm wide door opening</td><td>A clear 820mm wide door opening located opposite the shower</td></tr><tr><td>Door Design</td><td>Either: - A slide door, or </td><td>Either: - A slide door, or </td></tr></table>	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	Either: A slide door, or	Complies
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	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.	• A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	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.	Complies

- 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.

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	Mostly met
Standard D20 - 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.	Variation sought All dwellings comply with the standard with the exception of 6 studio apartments that provide no secluded private open space. The proposal will include 948sqm of communal open space and the planning permit will condition Juliette balconies to allow the studio apartments to have greater ventilation and access to daylight where practicable. The variation is acceptable in this instance.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

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



Storage objective

Clause 58.05-4	Assessment																		
Objective To provide adequate storage facilities for each dwelling	Mostly met																		
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><tr><td>1 bedroom dwelling</td><td>10 cubic metres</td><td>6 cubic metres</td></tr><tr><td>2 bedroom dwelling</td><td>14 cubic metres</td><td>9 cubic metres</td></tr><tr><td>3 or more bedroom dwelling</td><td>18 cubic metres</td><td>12 cubic metres</td></tr></table>	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	Variation sought A total of 15 dwellings do not comply with the standard to provide minimum external storage space. Apartment Types A01.1 (Studio) and B01.1 (1 Bed 1 Bath) provide storage external to the dwelling but do not meet the minimum requirement. The variations fall short by 0.5-2.5 cubic metres and are limited to 9% of dwellings. The variation is considered acceptable in this instance.
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																	

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

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

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives	Met

- To ensure dwellings are designed to encourage waste recycling.
- To ensure that waste and recycling facilities are accessible, adequate and attractive.
- To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

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

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

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

Complies

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.	Complies

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. - A maximum depth of 1.5 times the width, measured from the external surface of the window.	Variation sought Apartment types D07.1, D09.1 and D12 exceed the minimum room widths but not depths. These spaces are large and serve the purpose of being a study space, whereby the width significantly exceeds the minimum requirement and whilst the depth is non-compliant with the standard, it only relates to 3 apartments in the overall development. The wide spaces are functional and offer a practical study space while avoiding the traditional narrow snorkel typologies. The variation is therefore considered minor and

acceptable in its current form.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives <i>To encourage natural ventilation of dwellings.</i> <i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	Met
Standard D29 <i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</i> <i>At least 40 per cent of dwellings should provide effective cross ventilation that has:</i> <i>A maximum breeze path through the dwelling of 18 metres.</i> <i>A minimum breeze path through the dwelling of 5 metres.</i> <i>Ventilation openings with approximately the same area.</i> <i>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>	Complies *63% of dwellings comply with the standard