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**Date**

18 May 2026

**To**

Taylor Alley  
Planner  
Development Assessment

**Address**

Department of Transport and Planning  
GPO Box 2392  
Melbourne, VIC 3001

**Sent**

Via online portal

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Dear Taylor,

## Application for Planning Permit PA2604326

### 188-202 Swan Street, Cremorne

We continue to act for **188 Swan Street Holdings Pty Ltd** as town planning consultants, and reference is made to the Department's letter dated 6 May 2026 that sets out a request for further information pursuant to Section 54 of the Planning and Environment Act 1987.

In response to the request and on behalf of our client, we provide the below responses.

We note that the project has been subject to an extensive pre-application process, has undergone significant discussions with the Department and has incorporated design changes to the original scheme.

Generally, the matters raised by the Department or Council can be addressed via permit conditions, as necessary, and are not matters that need to be addressed in order for the application to proceed to notice, for an assessment of the proposal to be undertaken and for a planning permit to issue.

### Further Information

With regard to the information requested in the Department's letter, we note the following in relation to each of the matters raised (in the same order as the letter):

#### Formal Further Information (DTP – Section 54)

| Requested Item  | Response  |
|---|---|
| 1. 'Commercial tenancy' space shown on ground floor amended to nominate a land use consistent with Yarra Planning Scheme (i.e. office) and subsequent Clause 52.06 and 52.34 assessments to be included in the application. | The TIA submitted with this application assessed the commercial tenancy, for the purposes of Clause 52.06 and 52.34, as office. The re-labelling of this on the plans can be addressed via permit condition.  |
| 2. Clause 58 (BADS) Assessment within Architectural Plans amended to show:<br>a) 1.2m clear path into the living areas<br>b) 1.2m clear path to be clear of all furniture in line with access standard                      | Updates to the plans to demonstrate full compliance with these Clause 58 requirements can be addressed via way of condition.<br><br>In regards to accessibility requirements, it is noted that the development shows 100% of apartments as accessible |



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| <p>c) Any hinged doors to accessible bathrooms to open outwards or have readily removable hinges shown via annotation</p> <p>d) Compliance with Standard D15 relative to northern elevation looking down from Level 2 to Level 1 balcony areas (SPOS)</p> | <p>where the standard only requires 50%. Whilst there are some instances where the plans do not fully show all details, it is apparent that full compliance can be achieved, to at least 50% of dwellings.</p> |
| <p>3. Waste Management Plan (WMP) to be amended to show further detail on waste collection and scheduling where practicable.</p>  | <p>A WMP has been submitted as part of the application. Any necessary updates to the report can be addressed by way of conditions.</p>   |

| Preliminary Assessment – DTP  |   |
|---|---|
| Issue   | Response  |
| <p>1. The 8 visitor bicycle parking spaces should be relocated to a prominent and convenient location near the laneway or building entries – and proposed landscaping (residual landscape buffer) extended along the entire rear of the commercial tenancy facing Royal Place and toward Railway Place.</p>                                   | <p>No concerns raised with this recommendation. Can be addressed via permit condition.</p>  |
| <p>2. It is recommended that the ground level residential lobby be reconfigured so that the concierge desk and seating area is located in the location of the mailroom, while retaining entry from the retail arcade. Clear sightlines are to be established from Railway Place to the residential lobby.</p>                                 | <p>No concerns raised with this recommendation. Can be addressed via permit condition.</p>  |
| <p>3. Heritage interface constraints – if the wall cannot include a window for passive activation onto the laneway, consider other CPTED strategies (catenary lighting, wall lights) to ensure safety and illumination at key times of day.</p>   | <p>No concerns raised with this recommendation. Can be addressed via permit condition.</p>  |
| <p>4. Façade refinements suggested:</p> <ul style="list-style-type: none"> <li>• Consider a deeper burgundy tone extended to recessed upper levels, for a more cohesive material and colour palette.</li> <li>• Introducing metal (or similar solid) balustrades could further reinforce materiality and reduce glazed expression.</li> </ul> | <p>Any further changes required to the façade can be addressed via permit conditions. It is suggested these conditions should be worded to allow for suitable flexibility in achieving the intent of the outcome.</p> |
| <p>5. Previously raised Urban Design matters are assumed to be still under review, particularly internal apartment units in close proximity to one another near the lift cores.</p>   | <p>Urban design matters have either been addressed in the revised submission, or where further changes are necessary can be addressed via permit condition.</p>   |

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## Yarra Council Preliminary Assessment

We further note that the application has been referred to Yarra City Council for comment. A response to the matters raised in their letter dated 4 May 2026 is provided below.

| Yarra City Council – Preliminary Advice  |  |
|--|--|
| Issue Raised   | Response   |
| <p><b>Heritage and Built Form – Height</b><br/>The development substantially exceeds the DDO26 preferred maximum building height of 34m. Some exceedance could be contemplated given the site size, but not to the current extent. The height overwhelms the retained heritage building and wider streetscape.</p>   | <p>As detailed in the Town Planning and Urban Context Report, the proposed building height is appropriate for the site and its context and does not jeopardise view lines to Dimmeys. The design has been through a comprehensive pre-application process including referral comments and design advice around the building height and form, which has been incorporated into the formally submitted proposal.</p>   |
| <p><b>Heritage and Built Form – Setbacks</b><br/>a) Street wall setback to Swan Street does not comply with DDO26 mandatory zero-setback requirement. The setback disrupts the heritage street wall character.<br/>b) Upper level setback projections do not comply with DDO26 mandatory requirements.<br/>c) The development does not comply with building separation requirements of DDO26. Balconies and habitable room windows on the west and north elevations (behind No 204 Swan St) should be set back at least 6m from the respective boundaries above 28m.</p> | <p>a) The front façade setbacks have been carefully designed to respect the heritage fabric of Swan Street. Removing these setbacks and extending the street wall would impact the heritage response, particularly the depth and architectural integrity provided by the arches.<br/>b) &amp; c) Similar to the above response, the design has been through a comprehensive pre-application process including referral comments and design advice around the building height and form, which has been incorporated into the formally submitted proposal.</p> |
| <p><b>Heritage and Built Form – Views to Key Landmarks (Clause 15.01-2L-02)</b><br/>No information has been provided to illustrate the impacts on key view lines along Swan Street particularly to the Dimmeys Clock and Bell Tower (VHR). Sightline diagrams from the intersection of Waverley Street/Swan Street and Yan Lane/Swan Street are requested.</p>   | <p>Sightline diagrams were provided in the Urban Design Principles Report that was included in the pre-application documentation and has already been resolved with the Department as satisfactory in that they demonstrate that the proposed building retains the prominence of the Dimmeys tower.</p>  |
| <p><b>Heritage and Built Form – Retained Heritage Building</b><br/>A Conservation Management Plan (CMP) is required showing details of the reconstructed eastern boundary wall, restoration works to the retained heritage façade and awning, and a structural engineering report on how the retained heritage building will be protected during construction.</p>   | <p>This can be addressed via permit condition.</p>   |
| <p><b>Architectural Expression</b><br/>a) The street wall design is not respectful of the heritage streetscape – a greater degree of solid to void is required.<br/>b) The retail arcade entry disrupts the rhythm of the heritage streetscape. The arcade interface with Swan Street needs more solid elements complementing the heritage street wall.</p>  | <p>The street wall and the arcade entry have undergone several refinements in consultation with the Department's Planning and Urban Design teams.</p>  |
| <p><b>ESD</b><br/>A preliminary NatHERS rating report is required to support the Sustainability Management Plan's</p>  | <p>This can be addressed via permit condition.</p>   |

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| <p>claim that dwellings will achieve an average minimum rating of 7 stars.</p>   |  |
| <p><b>Engineering</b><br/> a) A splay at the south-east corner is required for vehicle manoeuvring between Railway Place and Royal Place, confirmed with swept path diagrams for an 8.8m long medium rigid vehicle, with minimum 4.6m headroom clearance.<br/> b) Public realm works required at developer's cost: re-sheeting of road pavement along Railway Place and Royal Place frontages; reconstruction of spoon drain along Railway Place; removal and reinstatement of concrete apron.</p>   | <p>a) A condition can be applied the permit to confirm vehicle manoeuvring between Railway Place and Royal Place with swept path diagrams for an 8.8m long medium rigid vehicle, with minimum 4.6m headroom clearance.<br/> b) This can be addressed via permit condition</p>  |
| <p><b>Internal Amenity &amp; Layout</b><br/> The Clause 58 summary table claims compliance but this has not been demonstrated on plans. Studios have no private open space and living room areas do not comply with the Functional Layout objective. Full compliance with Standards for private open space, accessibility, functional layout, natural ventilation, and windows (secondary spaces) is expected.</p>   | <p>An assessment of the plans against Clause 58 requirements is depicted on Plans TP51-1000 – TP51-1073.<br/> Non-compliances with Clause 58 requirements are minimal and, on balance, the proposal provides an acceptable outcome.</p>  |
| <p><b>Bicycle Parking</b><br/> a) Increase residential bicycle parking to 1 space per dwelling, located at ground level.<br/> b) The 8 visitor spaces along Royal Place are not supported as they obstruct the laneway. Relocate to a more prominent and convenient location.<br/> c) All bicycle parking spaces and accessways to comply with AS2890.3.</p>   | <p>a) Bicycle parking is provided in accordance with the requirements of Clause 52.34. The proposed provision exceeds that required under this clause.<br/> b) This can be addressed via permit condition.<br/> c) This can be addressed via permit condition.</p>   |
| <p><b>Street Trees and Public Realm</b><br/> a) A Tree Protection and Management Plan and Street Tree Protection Bond for each tree on Railway Place and the eastern side of Royal Place will be required.<br/> b) Further details required on management of public access through the north-south laneway, including gate operation during and after business hours.<br/> c) Narrow landscaped area in Royal Place to be removed and replaced with paving.<br/> d) Gas and water meter cabinets to be located at the most northern section of the Royal Place interface, set back 1.4m from boundary.<br/> e) Footpaths in front of the site to be reconstructed to Council standards, ensuring DDA compliance.</p> | <p>a) This can be addressed via permit condition.<br/> b) The pedestrian link is intended to operate as a public link providing improved pedestrian access to the East Richmond Station. It is proposed that public access would be available 7am to 10pm, 7 days a week, and private access thereafter to provide sufficient security and noise control for residents.<br/> c) The proposed treatment has been retained as per Department advice.<br/> d) Meters are appropriately located.<br/> e) This can be addressed via permit condition.</p> |
| <p><b>Waste Management</b><br/> a) WMP cover page date is inconsistent with report.<br/> b) Further details required on where hard waste will be collected from and by whom for the dwellings.</p>   | <p>A revised WMP can be required via permit condition.</p>   |
| <p><b>Off-site Amenity</b><br/> a) Minimum standing comfort criteria to be achieved for the north-south laneway.</p>   | <p>a) The wind assessment addresses the north-south laneway and demonstrates that minimum standing comfort criteria will be achieved.</p>  |

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b) Wind conditions to be confirmed with a wind tunnel study.  
c) The development will overshadow the car park to the east (designated for future public open space) and does not comply with DDO26 in relation to overshadowing of this area.

b) A wind tunnel study has been undertaken and is enclosed with this submission. The study confirms wind conditions at pedestrian level across the site and surrounds.  
c) The development casts limited overshadowing of this space throughout the day, with shadow only cast across the car park to the north of Railway Place and east of Shakespeare Place between 2pm and 3pm.

We trust that the submitted application material is satisfactory and that the application can progress. Should you require any further information, please contact the undersigned, or Mimi Nuciforo ([mnuciforo@contour.net.au](mailto:mnuciforo@contour.net.au) / 0434 162 717) or Jessica Thomas ([jthomas@contour.net.au](mailto:jthomas@contour.net.au) / 0402 673 921).

Yours sincerely,  
Contour Consultants Australia Pty Ltd

Vaughan Connor  
Director

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