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Town Planning Report

188 – 202 Swan Street, Cremorne

April 2026

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Attachment 1 Clause 58 Assessment

Attachment 2 DD026 Assessment

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1 Introduction

This report has been prepared on behalf of **188 Swan Street Holdings Pty Ltd** to accompany an application for a Planning Permit to the Minister for Planning to develop the land at 188-202 Swan Street, Cremorne.

Approval of the project is sought through the Department of Transport and Planning (DTP) Development Facilitation Program (DFP), pursuant to the provisions of Clause 53.23 (Significant Residential Development with Affordable Housing).

The application seeks Planning permission for the construction of a 14 storey building (dwellings and shop), above four levels of basement.

This report will provide an assessment of the proposal having regard to the relevant provisions of the Yarra Planning Scheme, and contains:

- A description of the subject site and its surrounds;
- A description of the relevant statutory planning framework within the Yarra Planning Scheme;
- A description of the proposed use and development; and
- An assessment of the proposed application in relation to the relevant provisions of the Yarra Planning Scheme.

The project team comprises:

Cox Architecture
Architect

Contour Consultants
Town Planning

Urban Design
Urbis

WRAP Engineering
Sustainability Consultant & Services Engineer

Traffix Group
Traffic and Waste Engineer

Oculus
Landscape Architect

Acoustic Logic
Acoustic Engineer

MEL Consultants
Wind Engineer

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1 Introduction

Figure 1.1
3D Render

Cox Urban Context Report



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2 Site and Surrounds

2.1 Subject Site

The subject site is located on the south side of Swan Street, is irregular in shape and has frontages to Swan Street to the north, Railway Place to the south and Royal Place to the east.

The planning unit is made up of several titles, identified as:

- 188-196 Swan Street (formally known as Lot 1 on Title Plan 372526T)
- 198-200 Swan Street (formally known as Lot 1 & 2 on Plan Subdivision 348063J)
- 202 Swan Street (formally known as Lot 1 & 2 on Plan of Subdivision 335544P)

The site contains several commercial buildings. The site is affected by a Heritage Overlay (HO335) and all buildings within the planning unit are identified as 'non-contributory', except for 198-200 Swan Street which is identified as 'significant'.

The buildings have a consistent street wall and verandah over the Swan Street footpath, and a zero setback to Railway Place. To the south-east of the site are vehicle access points for loading purposes associated with the commercial premises.

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Figure 2.1
Aerial Map

Landchecker, May 2025



2 Site and Surrounds

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Figure 2.2
Site photos

Swan Street frontage, July 2025



Figure 2.3
Site photos

Royal Place interface



2 Site and Surrounds

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Figure 2.4
Site photos

View to west along Railway Place



Figure 2.5
Site photos

View to future open space to the east



2 Site and Surrounds

2.2 Immediate Surrounds

The subject site is located within a predominantly commercial context, and within Precinct 2 of the Swan Street Major Activity Centre (refer Figure 2.2).

The site's immediate interfaces are:

- To the **north** is 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 **east** are two commercial buildings (204 Swan Street and 2 Royal Place) fronting Swan Street containing retail and food and drink premises.
- To the **south** is 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 **west** are more 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.

The broader context is characterised by commercial (retail, food and drink), entertainment, licensed premises, as well as residential uses further north and south. The precinct is a vibrant mixed-use area anchored by Richmond Station to the west and Burnley Station to the east.

All of Swan Street is located within the Swan Street Precinct (HO335), and proximate to the site are the Former State Bank (216 Swan Street, Cremorne – H732) and Dimmeys (140-160 Swan Street, Cremorne – H2184) both which are included on the Victorian Heritage Register.

There are several examples of higher density development proximate to the site.

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3 Proposal

The application proposes the following:

- Demolition of all buildings onsite (except for part of 198-200 Swan Street).
- Construction of a 14-storey building containing 165 apartments, over 4 levels of basement.
- Creation of an open air pedestrian link between Swan Street and Railway Place, with a minimum width of 3.5 metres at all points.
- Vehicle access to the site for car parking and loading provided from Railway Place.
- Vehicle access to the basement provided from Railway Place, along the western boundary. The basement contains:
 - 196 car parking spaces and 113 bicycle parking spaces
 - Services and substation.
- At ground level, the following is provided:
 - 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
- At the upper levels, the following is provided:
 - 165 dwellings
 - Communal outdoor open space and resident amenity area on Level 01
 - Communal space at the rooftop level, including an outdoor terrace

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3

3 Proposal

Future Community Use

The proposal includes a commercial space positioned at the south-eastern corner of the site, with a total area of 229sqm.

This space could be offered as a flexible space within the development for community groups. This space could be made available to prioritise eligible “For Purpose” organisations on the basis of a temporary license tenure arrangement whereby depending on the use, the space can service short term events/ such as exhibitions or educational community forums or lecture style functions.

Subject to interest from various prequalified “For Purpose” groups currently being sounded, longer tenured activities such as administrative office occupancy would be managed under a leasehold arrangement, based on an assessment of the selected group’s mission and funding capacity.

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4 Statutory Planning Framework (Yarra Planning Scheme)

4.1 Planning Policy Framework

The Municipal Planning Strategy sets out the context, vision and strategic directions for the municipality. The following is relevant:

- Clause 02.01 Context
- Clause 02.03 Strategic Directions
- Clause 02.04 Strategic Framework Plan

The following Clauses within the Planning Policy Framework of the Yarra Planning Scheme are relevant to the assessment of the application:

Clause 11 Settlement

- Clause 11.03-1S Activity Centres and Precincts
- Clause 11.03-1L Activity Centres

Clause 13 Environmental Risks and Amenity

- Clause 13.05-1S Noise Management

Clause 15 Built Environment and Heritage

- Clause 15.01-1S Urban Design
- Clause 15.01-1L Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-2L Building Design
- Clause 15.01-2L-01 Environmentally Sustainable Development
- Clause 15.01-2L-02 Landmarks
- Clause 15.03-1L Heritage

Clause 16 Housing

- Clause 16.01-1S Housing Supply
- Clause 16.01-1L Location of Residential Development
- Clause 16.01-1L-01 Housing Diversity

Clause 17 Economic Development

- Clause 17.02-1S Business
- Clause 17.02-1L Retail

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**4 Statutory Planning Framework
(Yarra Planning Scheme)**

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Clause 18 Transport

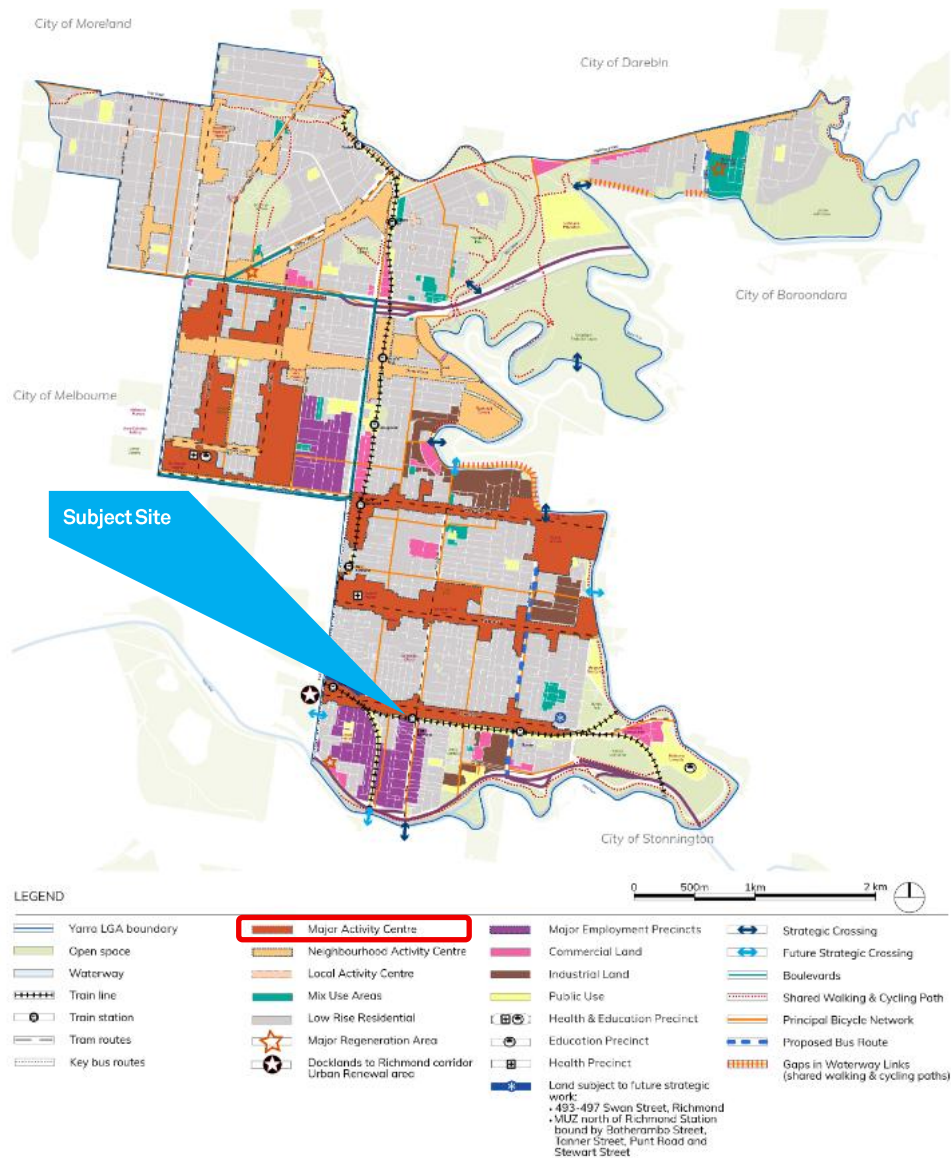
- Clause 18.01-3L Sustainable Transport

Clause 19 Infrastructure

- Clause 19.03-3L Water Sensitive Urban Design
- Clause 19.03-5L Waste

**Figure 4.1
Strategic Framework Plan**

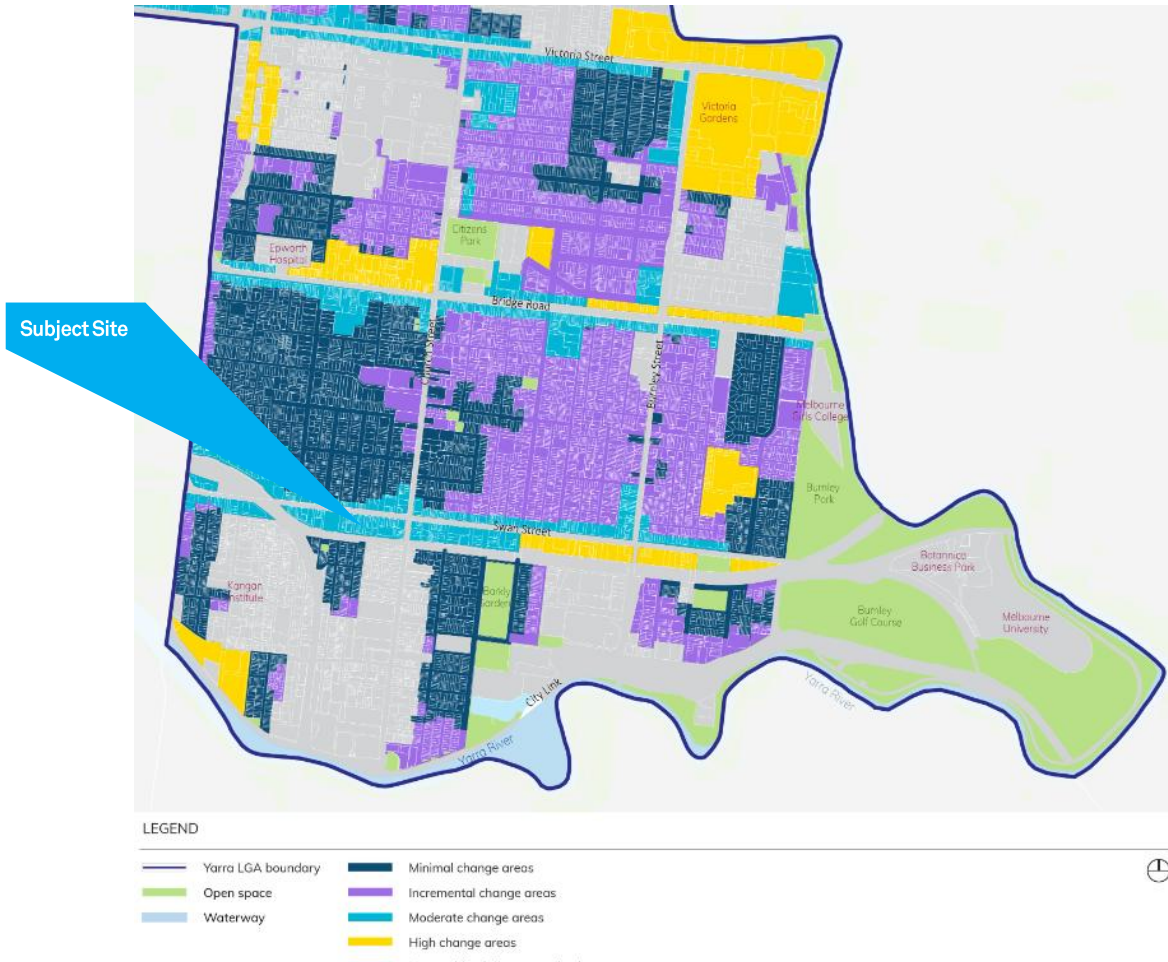
Yarra Planning Scheme



4 Statutory Planning Framework (Yarra Planning Scheme)

Figure 4.2
Strategic Housing Framework Plan

Yarra Planning Scheme



4.2 Zoning

The site is in the Commercial 1 Zone (C1Z) pursuant to the provisions of the Yarra Planning Scheme.

The purpose of the C1Z is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

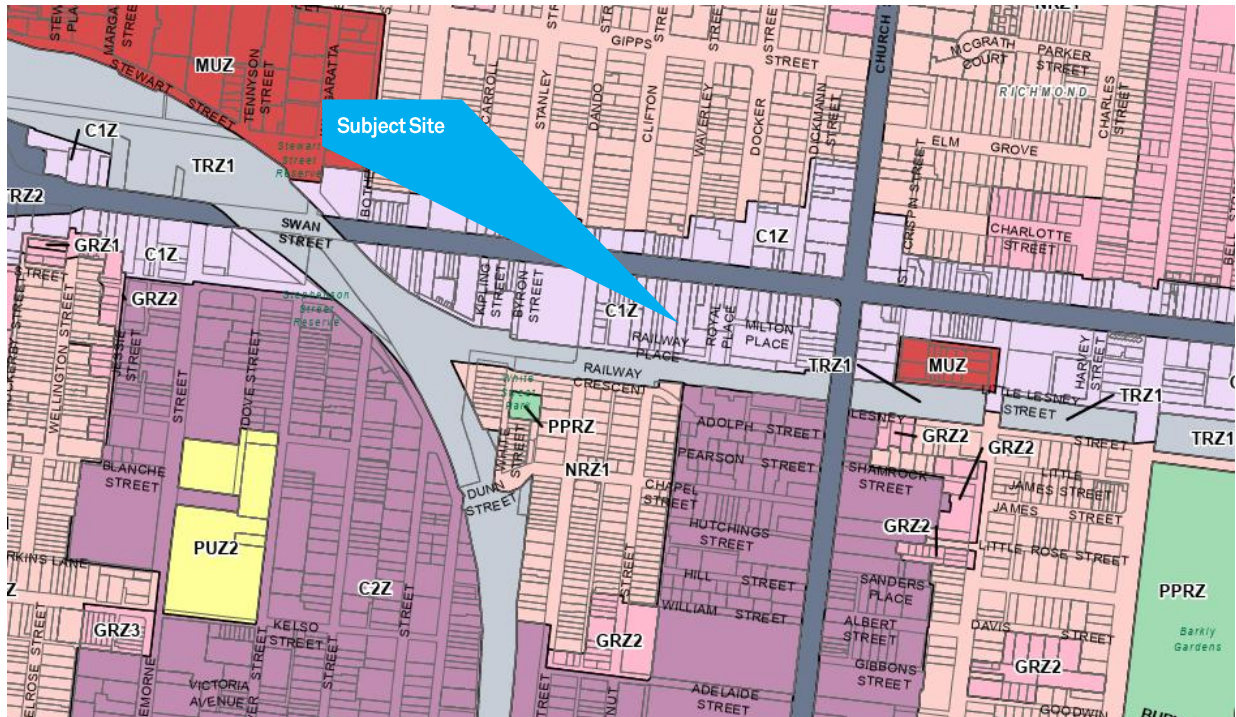
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Pursuant to the provisions of the C1Z, a permit is required to construct a building or construct or carry out works.

4 Statutory Planning Framework (Yarra Planning Scheme)

Figure 4.3
Zoning Map (C1Z)

Yarra Planning Scheme



4.3 Overlays

Design and Development Overlay

The site is affected by the Design and Development Overlay (DDO). The following schedules are relevant:

- Schedule 5 (DDO5); City Link Exhaust Stack Environs
- Schedule 26 (DDO26); Swan Street Activity Centre – Precinct 2
Swan Street Retail Centre

The purpose of the DDO is:

- To implement the *Municipal Planning Strategy and the Planning Policy Framework*.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

DDO5

The Design objectives in DDO5 include:

- To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.
- To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.

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4 Statutory Planning Framework (Yarra Planning Scheme)

-
- *To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.*

Pursuant to the provisions of the DDO5, a permit is not required to construct a building or construct or carry out works.

Clause 66.06 outlines that notice must be given to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation.

DDO26

The Design objectives in DDO26 include:

- *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.*
- *To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.*
- *To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.*
- *To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.*
- *To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a varied skyline and provides street walls that create a stronger sense of enclosure to the streets.*

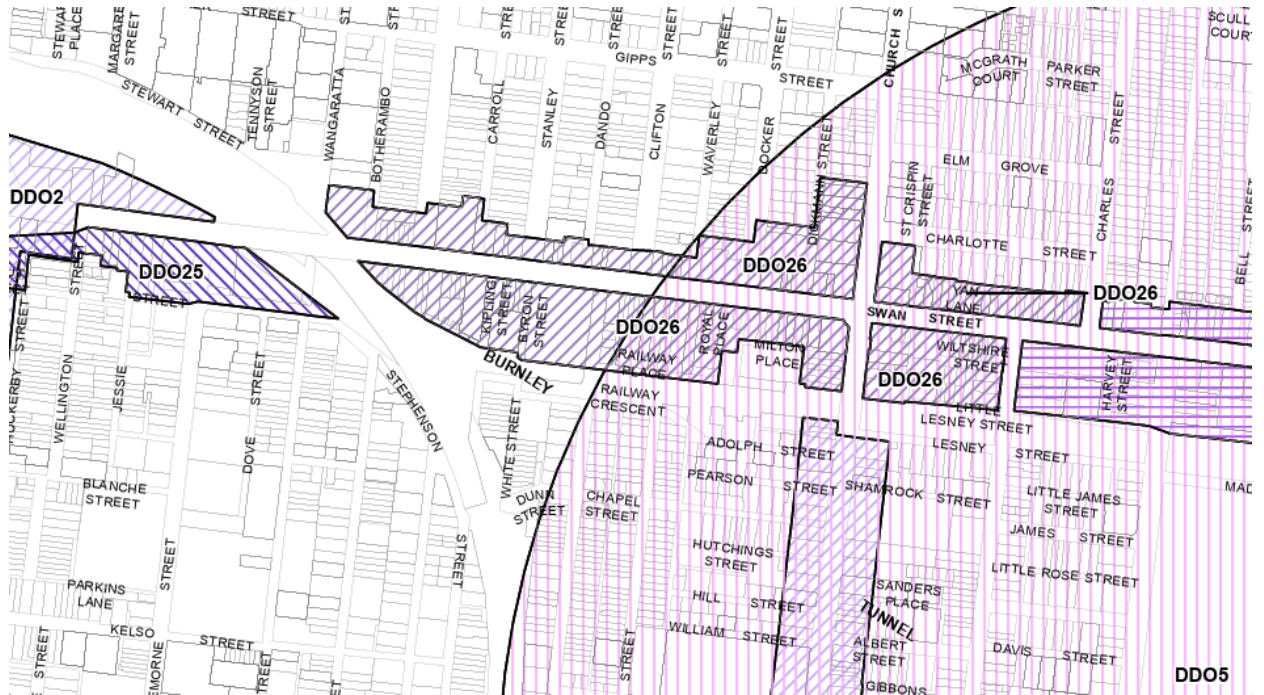
Pursuant to the provisions of the DDO26, a permit is required to construct a building or construct or carry out works.

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4 Statutory Planning Framework (Yarra Planning Scheme)

Figure 4.4
Overlay Map (DDO26)

Yarra Planning Scheme



Heritage Overlay

The site is affected by the Heritage Overlay (H0335). The purpose of the HO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

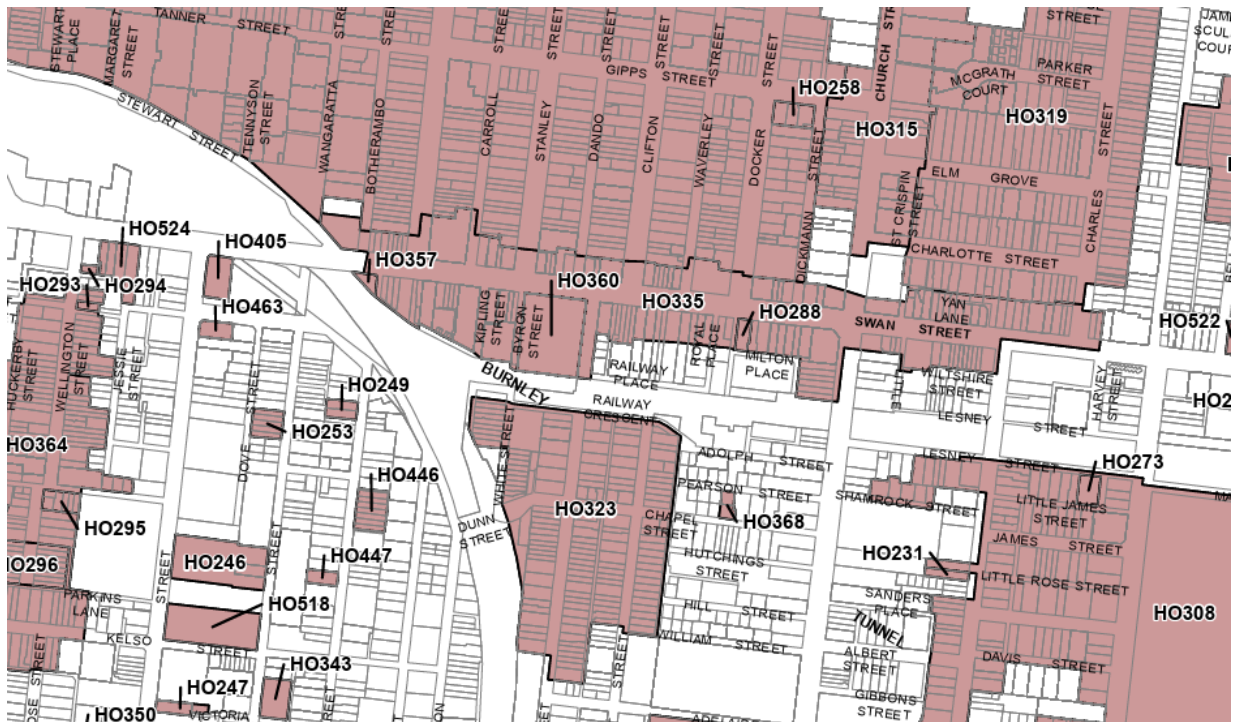
Schedule 335 relates to the Swan Street Precinct, Richmond.

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4 Statutory Planning Framework (Yarra Planning Scheme)

Figure 4.5
Overlay Map (HO335)

Yarra Planning Scheme



Citylink Project Overlay (CLPO)

The site is affected by the Citylink Plan Overlay (CLPO). The purpose of the CLPO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the efficient construction, operation and maintenance of the Melbourne City Link Project, the Exhibition Street Extension Project and CityLink Tulla Widening Project.
- To ensure that the display of a Business identification sign on land no longer required for the Melbourne City Link Project or the Exhibition Street Extension Project is limited to a level that does not compete with the display of signs shown on the plan titled "Melbourne City Link Project - Advertising Sign Locations November 2003".

There are no applicable planning permit triggers within the CLPO relevant to the development.

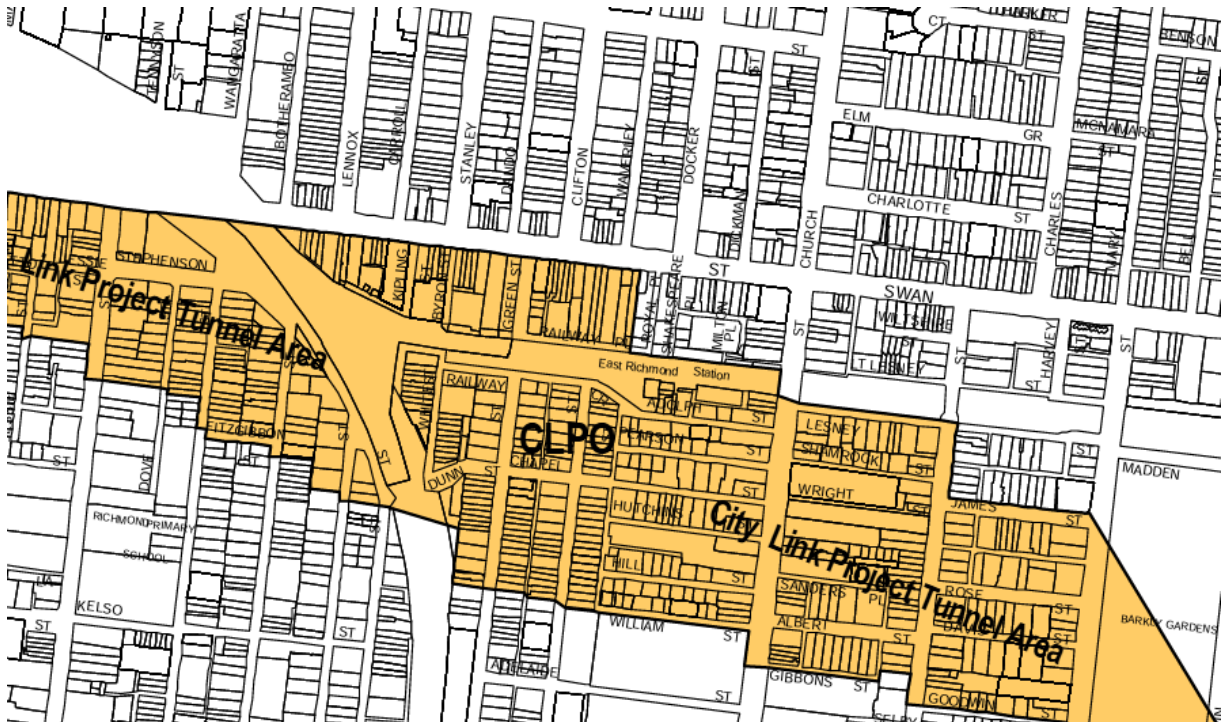
Clause 66.03 outlines that an application must be referred under Section 55 of the Act to the Head, Transport for Victoria as a Determining referral authority.

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4 Statutory Planning Framework (Yarra Planning Scheme)

Figure 4.6
Overlay Map (CLPO)

Yarra Planning Scheme



Development Contributions Plan Overlay (DCPO1)

The site is affected by the Development Contributions Plan Overlay (DCPO1). The purpose of the DCPO1 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

The site is in Area 10 which relates to Burnley and Richmond South.

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4 Statutory Planning Framework (Yarra Planning Scheme)

- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The subject site is located in the Principal Public Transport Network (PPTN), and therefore Clause 52.06-5 requires car parking at the following rates:

Use	Rate (Maximum)	Car Parking Measure
Dwelling	2	To each dwelling for tenants
Retail	1	To each 100 sqm of leasable floor area
Office	0.45	To each 100sqm of net floor area

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Based on the above, the development has a statutory maximum of 340 spaces, inclusive of 9 retail spaces, 1 commercial space and 330 residential spaces. A detailed assessment of car parking considerations is contained within the submitted Traffic Engineering Assessment prepared by Traffix Group.

Clause 52.34 Bicycle Facilities

Clause 52.34 sets out the statutory provisions for the design and quantum of bicycle spaces to be provided in association with new use and development. The purpose of Clause 52.34 is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Pursuant to Clause 52.34-5 the following statutory bicycle parking rates are relevant.

Use	Resident/Staff	Visitor/Customer
Dwelling	In developments of four or more storeys. 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings.

4 Statutory Planning Framework (Yarra Planning Scheme)

Retail	1 to each 300 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres.
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Based on the above, the development has a statutory requirement to provide a total of 56 spaces, comprising 33 resident spaces, 4 staff spaces and 19 visitor spaces. The development provides an excess of bicycle parking spaces (113 spaces). A detailed assessment of bicycle parking considerations is contained within the submitted Traffic Engineering Assessment prepared by Traffix Group.

Clause 53.18 Stormwater Management in Urban Development

The purpose of this Clause is:

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

Pursuant to Clause 53.18-3 (Requirements) an application to construct a building or construct or carry out works:

- *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.*
- *Should meet all the standards of Clauses 53.18-5 and 53.18-6.*

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Clause 58 Apartment Developments

The purpose of Clause 58 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

Pursuant to Clause 34.01-4, an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

An assessment against the Clause 58 provisions has been prepared and is attached to this report. Refer Attachment 1.

4 Statutory Planning Framework (Yarra Planning Scheme)

4.5 General Requirements and Performance Standards and General Provisions

Clause 53.23

Significant Residential Development with Affordable Housing

The application is made pursuant to the provisions of Clause 53.23 of the Yarra Planning Scheme.

This Clause sets out provisions which would prevail over any inconsistent provision in the Yarra Planning Scheme, and applies to an application under any provision of this planning scheme if all of the following are met:

- *The applicant submits written confirmation that the application is an application to which this clause applies.*
- *The application includes the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling).*
- *The conditions corresponding to a category in Table 1 are met.*

Table 1

Category	Condition
Category 1	<p><i>The estimated cost of the proposed development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:</i></p> <ul style="list-style-type: none"> - <i>At least \$50 million if any part of the land is in metropolitan Melbourne.</i> - <i>At least \$15 million if the land is not in metropolitan Melbourne.</i> <p><i>The application includes an affordable housing report required under clause 53.23-3 that demonstrates how the affordable housing contribution specified in clause 53.23-4 (being at least 10 per cent of the total number of dwellings in the proposed development provided as affordable housing or an alternative contribution towards the provision of affordable housing) is intended to be provided if a permit is granted.</i></p> <p><i>Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria.</i></p>

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4 Statutory Planning Framework (Yarra Planning Scheme)

The responsible authority may waive or vary the minimum garden area requirement, any building height or setbacks requirement.

Clause 65

Decision Guidelines

This Clause sets out decision guidelines the Responsible Authority must consider, as appropriate, before deciding on an application or approval of a plan.

4.6 Planning Permit Triggers

The proposal triggers the following requirements for a permit pursuant to the provisions of the Yarra Planning Scheme:

- To construct a building or construct or carry out works (Clause 34.01-4);
- To demolish or remove a building (Clause 43.01-1);
- To construct a building or construct or carry out works (Clause 43.01-1, 43.02-2).

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5 Planning Assessment

5.1 Preamble

Having regard to the applicable land use and development provisions within the Yarra Planning Scheme, an assessment of the proposal requires consideration of the following:

- Strategic policy;
- Design and built form;
- Amenity;
- Equitable development;
- Car parking, traffic and access;
- Environmentally sustainable development.

An assessment of each of the above considerations is outlined below.

5.2 Strategic Policy Considerations

There is broad policy support within the Planning Policy Framework for the intensification of land within the Swan Street Major Activity Centre.

State planning policy seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres with good public transport services (Clause 11.03-1S).

Local policy seeks to encourage uses and development in activity centres that and facilitate appropriate economic and housing growth and provide attractive places for social and community interaction, and to promote use and development that support street level activation and passive surveillance of the public realm (Clause 11.03-1L).

In response, the application would deliver on Activity Centre policy at both a state and local level, by providing intensification of land within the Swan Street Activity Centre, including commercial activation at ground level, and an appropriate density of dwellings above.

The extent of commercial activation at ground level is appropriate having regard to the site's location, and the proposed tenancies fronting Swan Street and Royal Place would provide activation and passive surveillance of the public realm.

The proposal includes the creation of a publicly accessible north-south link within the stie, which would provide a positive contribution to the activity centre and allow safe pedestrian movements delineated from vehicles between Swan Street and East Richmond Station.

In terms of delivering on housing, the proposal would facilitate well located, integrated and diverse housing stock that meets community needs, consistent with the objectives of Clause 16.01-1S.

State housing supply policy sets out housing targets for the City of Yarra (Clause 16.01-1S).

Local planning policy relating to residential development outlines that the site is in a 'Moderate Change area' and that higher density residential and mixed use development that is responsive to heritage

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5 Planning Assessment

significance and streetscape character should be supported, along with lot consolidation to facilitate increased densities and efficient use of land(Clause 16.01-1L).

Having regard to the local policy context, the consolidation of several lots, and the density of built form represents an orderly planning outcome.

Local policy relating to housing diversity sets out that well designed apartment development in high and moderate change areas should be supported, and should include:

- *A diverse range of housing types.*
- *The provision of larger dwellings suitable for families and shared households particularly on the lower levels of the building and the ground floor, with good access to well-designed communal open space.*
- *External spaces and large common rooms that promote social interaction as well as shared break out spaces and quiet areas (Clause 16.01-1L).*

In response, the proposal includes a range of dwelling sizes, including studio, one-, two- and three-bedroom dwellings, which would cater to a diverse range of households, including families and shared households. There are two main common areas within the development, one at Level 01 comprising both indoor and outdoor area, and a rooftop space with both indoor and outdoor areas.

The proposal will deliver on the objectives set out in Clause 17.02-1S and Clause 17.02-1L by providing commercial uses within the activity centre, contributing to the sustainability of the precinct and improve the existing presentation of the commercial uses to Swan Street and Royal Place.

Overall, the proposal would demonstrate a high level of compliance with the key policy objectives at a state and local level within the Yarra Planning Scheme. The proposal would deliver an appropriate density of housing having regard to the activity centre context (165 apartments) and with a mix of studios, one, two, three and four bedroom dwellings.

The provision of commercial activation at ground level is an outcome consistent with policy, and activation to Swan Street, Royal Place and Railway Place is improved by way of the proposal.

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5 Planning Assessment

Figure 5.1
Architectural Render

Cox Urban Context Report



5.3 Built Form Considerations

The built form proposition is guided by state and local built form policy within the Yarra Planning Scheme, the provisions of the DDO26 and Urban Design Advice prepared by Urbis, which sets out key built form principles (see submitted Urban Design Principles Report).

Planning Policy Framework

From a policy perspective, the built form proposition respects and responds positively to the preferred character of heritage buildings and the streetscape (Clause 11.03-1L), by way of a street wall height consistent with the height of heritage buildings within and adjacent to the site, a recessed mid-rise form with limited visibility from the street, and arched elements referencing the arched window elements on the proximate heritage buildings along Swan Street.

With regard to building height, the proposal exceeds the preferred building height set out in DDO26, however this is justified having regard to the following:

- The overall size of the consolidated lot;
- Policy settings in relation to density and change within Major Activity Centres
- The height does not result in any unreasonable offsite amenity impacts
- The design quality of the building

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5 Planning Assessment

The ground plane including the north-south pedestrian link, landscaped area to the east along Royal Place, and delineation of public and private spaces ensure that the ground plane is of a high quality, safe and enables easy and efficient use. The landscaping proposed supports the attractiveness and safety of the public realm, including landscaped edges along the walkway and in the forecourt area along Royal Place (Clause 15.01-1S).

Council's local Urban Design Policy (Clause 15.01-1L) sets out a range of relevant Urban Design Strategies. Each is addressed below:

- *Public realm*

In response, a new public space is created to service the needs of residents, workers, traders and visitors. The space would be fully accessible at all times of the day to the public, and allow for a safe, vehicle free connection for pedestrians between the railway line (and Cremorne to the south) through to Swan Street.

Figure 5.2
North-south link render

Oculus Landscape Package



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- *Wind*

In response, wind impacts will be managed, refer to submitted Environmental Wind Assessment prepared by MEL Consultants.

- *Weather protection*

In response, the pedestrian pathway area is primarily open air, to allow a sense of openness, natural ventilation and sunlight. The public space to the east along Royal Place is protected from weather by way of a 4.5m height cantilever, so a sense of openness is maintained whilst providing appropriate cover.

- *Laneways*

In response, the proposal creates a new pedestrian link that is well integrated with the street, primarily open air, well lit and ventilated, and would improve the permeability of the consolidated sites.

- *Development adjacent to a public open space*

In response, whilst there is no existing public open adjacent to the site, Council policy indicates that a potential future open space is anticipated on the car park site to the east, and the ground plane includes a landscaped area along the eastern boundary to respond to this condition, as well as windows and openings along the eastern elevation to provide passive surveillance to the potential future park.

The design response ensures no additional overshadowing to the potential future park.

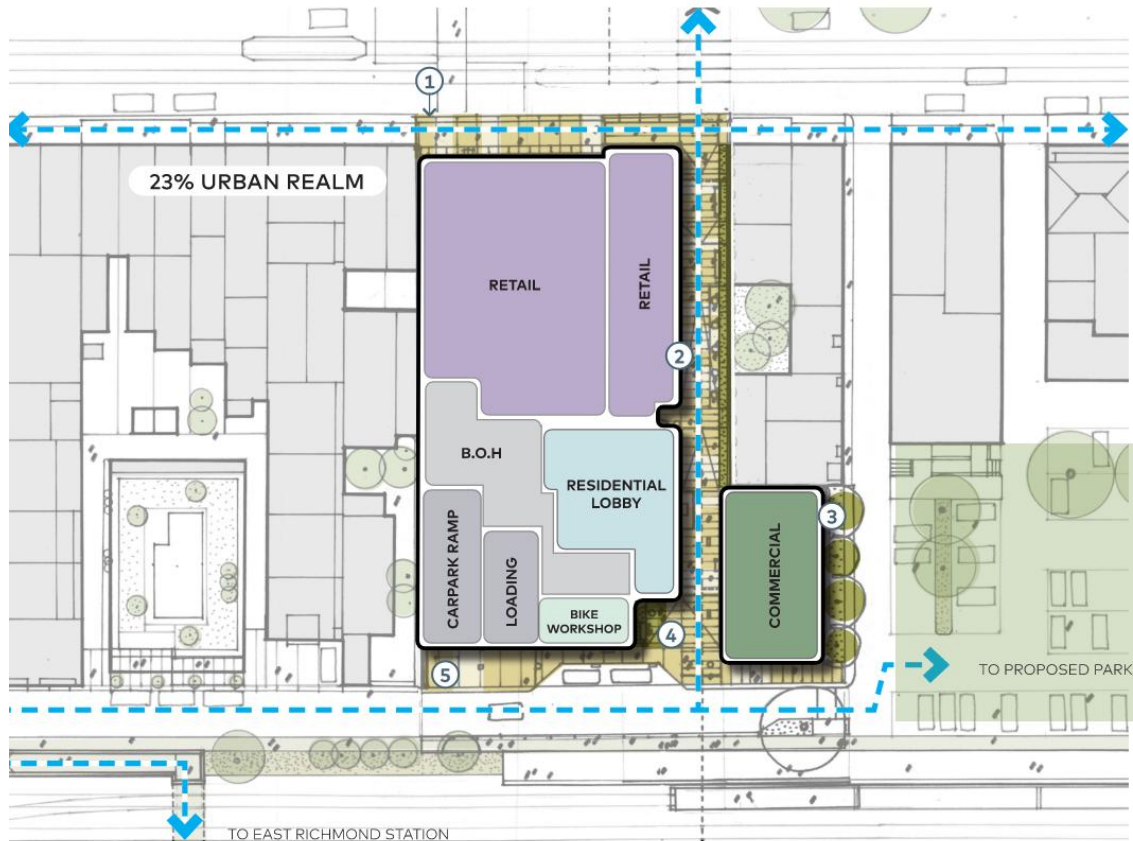
Overall, the proposal responds positively to the strategies within Clause 15.01-1L.

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Figure 5.3
Urban Design Response

Urban Context Report – Cox Architecture



Local policy seeks to maintain the visual prominence of landmarks and protection of primary views to Yarra's valued landmarks. Proximate to the site further west along Swan Street is the former Dimmays store (140-160 Swan Street Richmond). Clause 15.01-2L-02 outlines that the following elements of the building are significant:

- Ball
- Clock stage
- Arcade stage

The following primary views are important:

- North-west corner of intersection of Swan Street and Yan Lane
- North-west corner of intersection of Stewart and Swan Streets
- North-east corner of intersection of Waverley Street and Swan Street

The primary views are addressed in the Urban Design Report prepared by Urbis, noting that the proposal also complies with the upper level setbacks prescribed by the DDO26, which was introduced into the Yarra Planning Scheme after the Landmarks Policy (Clause 15.01-2L-02), and the setbacks contained within the DDO26 should be considered an acceptable response to minimise impacts from the primary viewpoints outlined above.

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5 Planning Assessment

Design and Development Overlay (DDO26)

The design requirements set out in the DDO26 are addressed in the assessment within Attachment 2.

In summary, the proposal achieves:

- An overall building height that is commensurate with the opportunity of the site's location within an activity centre and its consolidation of several sites.
- A street wall height and presentation which provides a positive response to the heritage streetscape by way of arched elements that reference the existing arched windows of heritage buildings along Swan Street.
- East and western setbacks in excess of minimum requirements, ensuring that at the lower levels the building responds to the adjoining context and providing equitable development opportunities.
- Upper level setbacks to Swan Street in excess of the minimum requirements.
- No additional overshadowing to key interfaces, including existing secluded private open space and the potential future open space to the east of the site.
- Vehicular access consolidated to the rear of the site, and pedestrian access from several points to the north, east and south, clearly delineated from vehicle access to ensure safety and activation.

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Urban Design Advice

The Urban Design Report prepared by Urbis sets out the following key principles which have been developed to guide the preferred built form outcome for the site:

1. A prominent heritage street wall
2. Respect Dimmeys Tower view corridor
3. A varied and interesting skyline
4. Enhance through block connectivity
5. A welcoming and safe ground floor plane
6. Protect the amenity of public open space
7. High amenity communal open space

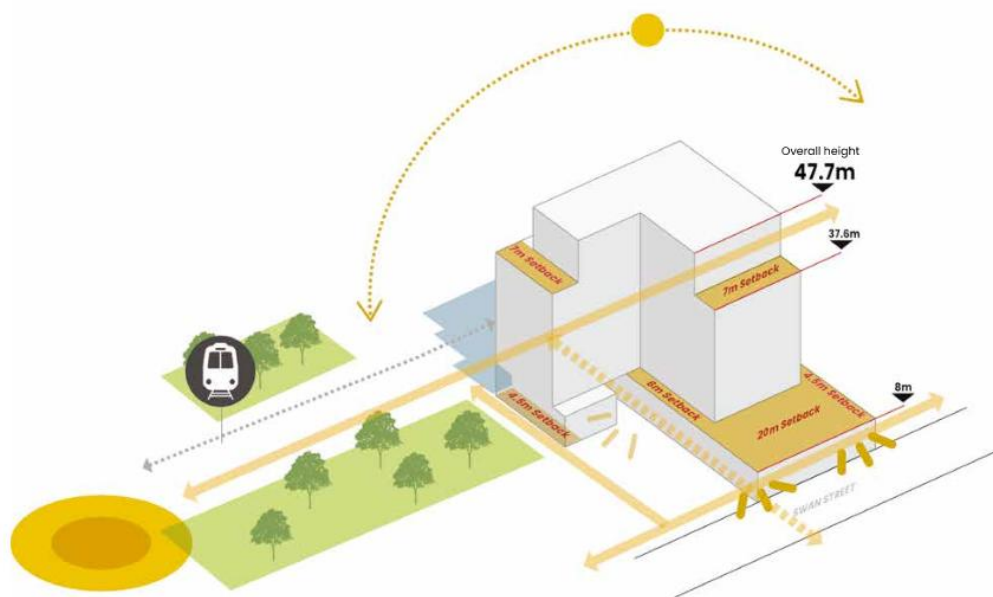
5 Planning Assessment

8. Built form responsive to context

Refer Figure 5.1 for supportable massing.

Figure 5.4
Supportable Urban Design Massing

Urban Design Report (prepared by Urbis)



5.4 Amenity Considerations

The subject site has a direct interface to properties to the east (204, 208 Swan Street) and west (184, 186 Swan Street), and further south an interface to residential properties along the south side of the railway line. Therefore a range of factors are required to be considered, including:

- Overlooking
- Equitable development
- Overshadowing
- Building separation

Overlooking

These impacts are managed to properties to the north and east by way of setbacks at the upper levels in excess of 4.5 metres, noting that the east and west are commercial interfaces.

The railway line and Swan Street provide appropriate separation between new windows and interfaces to the north and south.

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Equitable development

Upper level setbacks ensure that equitable development of the adjoining properties to the east and west are prioritised. The development provides a minimum 4.8m setback to the east and 6m to the south.

Overshadowing

There are no overshadowing impacts to the low scale residential area to the south, and secluded private open space for these properties is unimpacted by way of overshadowing at the September equinox.

Building separation

The building mass proposed is guided by the Urban Design Principles Report prepared by Urbis, which includes a set of principles guiding urban design for the site. The building mass proposed is responsive to these principles, as well as key provisions within the DDO which seek to minimise impacts to the context, including building separation and setbacks.

The separation of the building from side boundaries minimises impacts to adjoining properties by including side setbacks generally compliant with building separation requirements within the DDO26 at the lower levels of the building.

Clause 58 of the Yarra Planning Scheme contains objectives, standards and decision guidelines relevant to the assessment of the building.

Refer Attachment 1 which sets out the proposal's compliance with all standards and objectives of Clause 58, including the on and offsite amenity standards.

5.5 Heritage Considerations

Bryce Raworth has prepared a Heritage Impact Statement to accompany the application, which assesses the proposal against the relevant provisions of the Yarra Planning Scheme, and provides the following conclusion in relation to the proposal:

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.

5 Planning Assessment

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.

5.6 Traffic Considerations

Traffix Group has prepared a Traffic Engineering Assessment addressing the key traffic considerations. A Green Travel Plan prepared by Traffix Group is also submitted with the application.

The assessment notes that the existing tree within the road reserve along Railway Place requires removal in order to facilitate safe traffic access through Railway Place, and to remove the existing arrangement whereby vehicles traverse over the subject site's private property to move through Railway Place. Whilst not part of the application because the tree is not on the subject site, permission for removal of the tree will be sought through a future application.

The assessment concludes:

Having undertaken a detailed traffic engineering assessment of the proposed mixed use development at 188-202 Swan Street, Richmond, we are of the opinion that:

- a) *The proposed development has a statutory car parking maximum of 340 car spaces under Clause 52.06-5 of the Planning Scheme and the provision of 196 car spaces does not exceed this maximum.*
- b) *Bicycle parking is provided in accordance the requirements set out at Clause 52.34 of the Planning Scheme.*
- c) *The on-site loading and waste collection area has been designed to meet the objectives of Clause 65.01 of the Planning Scheme.*
- d) *The design of the proposal, including the car parking layout and access arrangements, bicycle parking and access, and loading arrangements generally accord with the requirements of the Planning Scheme and the AS2890 Series (where relevant) and current practice,*
- e) *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.*
- f) *There are no traffic engineering reasons why a planning permit for the proposed mixed use development at 188–202 Swan Street, Richmond, should not be issued, subject to appropriate conditions.*

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5.7 Acoustic Considerations

An Acoustic Assessment prepared by Acoustic Logic is submitted with the application. The report provides an assessment impacts from external noise sources, including vehicles, traffic, rail and music, based on noise measurement testing undertaken by Acoustic Logic. The report recommends glazing, combined with the concrete/masonry elements of the building façade will adequately address external noise intrusion and no further acoustic treatment is required.

5.8 Environmentally Sustainable Design Considerations

A Sustainability Management Plan has been prepared by Wrap Engineering. The following initiatives are proposed:

- 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.
- 100% STORM rating.

5.9 Wind Considerations

MEL Consultants have prepared an Environmental Wind Assessment. The assessment provides the following conclusion:

The wind conditions have been assessed with consideration of the proposed 188-202 Swan Street development and the comfort criteria satisfied are 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.

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5 Planning Assessment

Recommendations for wind tunnel testing have been made to quantify wind conditions along the north-south thoroughfare and, if required, to develop wind mitigation strategies.

A permit condition requiring a wind tunnel test would be appropriate.

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6 Conclusion

The proposal represents an excellent planning outcome for the subject land, having regard to the applicable provisions of the Yarra Planning Scheme.

The proposal will:

- Assist in the implementation of the objectives of the Planning Policy Framework associated with urban consolidation, and new employment space in appropriate locations, particularly noting the site's location within a Major Activity Centre.
- Provide a highly considered massing and design that has a height and scale responsive to the site's physical and strategic context, and its respective interfaces.
- Contribute to the delivery of an improved public realm by way of improving the northern, eastern and southern interfaces at ground level and providing activation, openings and landscaping, as well as a north-south pedestrian link through the site.
- Deliver a range of sustainability measures, including a 70% BESS Score, as detailed in the Sustainability Management Plan prepared by Wrap Engineering.
- Incorporate high-quality landscaping, including deep soil areal in the south-eastern corner of the site.
- Provide an exemplary design outcome through the use of architectural detailing and materiality that provides a contemporary response to the context by way of colours and materiality.
- Ensure that car parking, traffic, waste, loading and access arrangements are appropriately managed.

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Attachment 1

Clause 58 Assessment

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A1

Clause 58 Assessment

Better Apartments Design Standards

188-202 Swan Street, Cremorne

April 2026

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Better Apartments Design Standards

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58.01 URBAN CONTEXT REPORT AND DESIGN RESPONSE

58.01-1 Application requirements

Requirements	Complies / Does Not Comply / Variation required
<p>An application must be accompanied by:</p> <ul style="list-style-type: none"> An urban context report A Design Response 	<p>✓ Complies</p> <p>The submitted material includes an urban context report and design response.</p>

58.01-2 Urban context report

Requirements	Complies / Does Not Comply / Variation required
<p>The urban context report may use a site plan, photographs or other techniques and must include:</p> <p>An accurate description of:</p> <ul style="list-style-type: none"> 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. <p>An assessment of the characteristics of the area including:</p> <ul style="list-style-type: none"> 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. 	<p>✓ Complies</p> <p>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.</p> <p style="text-align: center;">ADVERTISED PLAN</p>

Requirements	Complies / Does Not Comply / Variation required
<ul style="list-style-type: none"> - Architectural style, building details and materials. - Off-site noise sources. - The relevant NatHERS climate zones (as identified in Clause 58.03-1). 	

58.01-3 Design response

Requirements	Complies / Does Not Comply / Variation required
<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> - 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. - Selects materials and finishes for the external walls. - Derives from and responds to the urban context report. <p>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.</p>	<p>✓ Complies</p> <p>The design response and architectural plans prepared by Cox Architecture demonstrate compliance.</p>

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58.02 URBAN CONTEXT

58.02-1 Urban context 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.

Standard D1	Complies / Does Not Comply / Variation required
The design response must be appropriate to the urban context and the site.	<p>✓ Complies</p> <p>The use and development of the land for mixed use activities comprising commercial spaces at ground level and residential dwellings above in the manner proposed is an acceptable response to the context.</p>
The proposed design must respect the existing or preferred urban context and respond to the features of the site.	<p>✓ Complies</p> <p>The proposal has been designed to respond to the activity centre context, particularly the commercially zoned land along Swan Street.</p>

58.02-2 Residential policy 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.

Standard D2	Complies / Does Not Comply / Variation required
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.	<p>✓ Complies</p> <p>The planning policy framework relevant to this application is contained within the Town Planning Report.</p> <p>The locational attributes of the review site make it highly suitable for a mixed use development.</p>

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58.02-3 Dwelling diversity objective

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

Standard D3	Complies / Does Not Comply / Variation required
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	<p>✓ Complies</p> <p>165 apartments are provided overall, made up of studios, one-, two- and three-bedroom dwellings.</p>

58.02-4 Infrastructure 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.

Standard D4	Complies / Does Not Comply / Variation required
Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional.	<p>✓ Complies</p> <p>Any necessary upgrade to utilities to support the proposal would be undertaken as part of the civil works. New building services are provided at ground level and within the basement.</p>
Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.	<p>✓ Complies</p>
In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	<p>N/A</p>

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58.02-5 Integration with the street objective

- To integrate the layout of development with the street.
- To support development that activates street frontage.

Standard D5	Complies / Does Not Comply / Variation required
Development should be oriented to front existing and proposed streets.	<p>✓ Complies</p> <p>The development is oriented to front Swan Street, and provide active interfaces to Railway Place, Royal Place and the north-south pedestrian link within the site.</p>
<p>Along street frontage, development should:</p> <ul style="list-style-type: none"> - 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. 	<p>✓ Complies</p> <p>Along the Swan Street frontage, pedestrian and commercial entries are provided, and glazing ensures that the ground level tenancies are visible from the street and provide an active frontage to the street.</p> <p>The Railway Place frontage includes vehicle entries, services and bike store, and car parking and waste collection is generally concealed from the street.</p>
Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.	N/A

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58.03 SITE LAYOUT

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58.03-1 Energy efficiency 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.

Standard D6	Complies / Does Not Comply / Variation required
Buildings should be: <ul style="list-style-type: none"> • 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. 	✓ Complies Several of the apartments are oriented to face north to make appropriate use of solar access.
Living areas and private open space should be located on the north side of the development, if practicable.	✓ Complies Where possible, this is achieved.
Developments should be designed so that solar access to north-facing windows is optimised.	✓ Complies Where possible, this is achieved.
A dwelling located in a climate zone identified in Table D1 should not exceed the specified maximum NatHERS annual cooling load specified in the following table.	✓ Complies Refer submitted SMP prepared by Wrap Engineering.

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).

58.03-2 Communal open space objective

- 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.

Standard D7	Complies / Does Not Comply / Variation required
A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.	<p>✓ Complies</p> <p>The development contains 165 dwellings, and two communal open space areas.</p>
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.	<p>✓ Complies</p> <p>Space in excess of the minimum of 220 square metres is provided, including approximately:</p> <ul style="list-style-type: none"> - 81sqm outdoor space (L01) - 414sqm indoor space (L01) - 183sqm outdoor space (Roof) - 270sqm indoor space (Roof) <p>Total = 948sqm communal open space (including 244sqm of outdoor space)</p>
<p>Each area of communal open space should be:</p> <ul style="list-style-type: none"> - Accessible to all residents. - A useable size, shape and dimension. - Capable of efficient management. - Located to: <ul style="list-style-type: none"> - 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. 	<p>✓ Complies</p> <p>The communal open space areas are of a usable size and shape, located to avoid overlooking into habitable rooms and private open spaces of new dwellings.</p>
Any area of communal outdoor open space should be landscaped and include canopy cover and trees.	<p>✓ Complies</p> <p>Landscaping is provided in the communal outdoor open spaces, as well as the north-south pedestrian link, as depicted in the landscape plan prepared by Oculus.</p>

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58.03-3 Solar access to communal outdoor open space objective

- To allow solar access into communal outdoor open space.

Standard D8	Complies / Does Not Comply / Variation required
The communal outdoor open space should be located on the north side of a building, if appropriate.	✓ Complies
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 The proposal complies with this requirement, and more than 50% of the space receives access to daylight between 11am and 3pm on 21 June.

58.03-4 Safety objective

- To ensure the layout of development provides for the safety and security of residents and property.

Standard D9	Complies / Does Not Comply / Variation required
Entrances to dwellings should not be obscured or isolated from the street and internal accessways.	✓ Complies The residential entry is clearly delineated from the commercial tenancies, and residential lifts provide access to the dwellings within the building.
Planting which creates unsafe spaces along streets and accessways should be avoided.	✓ Complies
Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.	✓ Complies
Private spaces within developments should be protected from inappropriate use as public thoroughfares.	✓ Complies

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58.03-5 Landscaping 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.

Standard D10	Complies / Does Not Comply / Variation required										
Development should retain existing trees and canopy cover.	<p>N/A</p> <p>There is no existing canopy cover on the site.</p>										
Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	<p>N/A</p> <p>There is no existing significant trees onsite.</p>										
<p>Development should:</p> <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. - Consistent with the canopy diameter and height at maturity specified in Table D4. - Located in communal outdoor open space or common areas or street frontages. - Comprise smaller trees, shrubs and ground cover, including flowering native species. - Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. - Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. - Protect any predominant landscape features of the area. 	<p>Variation required</p> <p>Refer to enclosed Landscape pack prepared by Oculus. The following is noted.</p> <table border="1" data-bbox="687 875 1385 1305"> <tbody> <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> </tbody> </table> <p>The proposal does not comply numerically with the canopy cover and deep soil requirements of this standard. The proposal would comply with the objective of Clause 58.03-5 given the following:</p> <ul style="list-style-type: none"> - The existing condition of the site contains no landscaping at all, and the proposal provides a significant improvement by way of landscaping in planters and provision of canopy trees - 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 would support greening, are climate and locationally resilient and are selected to ensure viability is maximised. <p style="text-align: center;">ADVERTISED PLAN</p>	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										

Standard D10	Complies / Does Not Comply / Variation required
<ul style="list-style-type: none"> - 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. 	

Table D2 Canopy cover and deep soil requirements

Site Area	Canopy cover	Deep soil
1000 square metres or less	5% 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 of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 6.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

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

Table D4 Tree type

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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

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58.03-6 Access objective

- 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.

Standard D11	Complies / Does Not Comply / Variation required
Vehicle crossovers should be minimised.	✓ Complies A consolidated crossover to Railway Place is provided.
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.	✓ Complies The car parking basement entry is located along Railway Place, which is not a main road context.
Pedestrian and cyclist access should be clearly delineated from vehicle access.	✓ Complies Access for cyclists is provided from ground level.
The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.	✓ Complies One crossover is provided, along Railway Place where there is no existing footpath and pedestrians do not traverse the north-side.
Developments must provide for access for service, emergency and delivery vehicles.	✓ Complies

58.03-7 Parking location objectives

- To provide convenient parking for resident and visitor vehicles.
- To protect residents from vehicular noise within developments.

Standard D12	Complies / Does Not Comply / Variation required
Car parking facilities should:	✓ Complies

Standard D12	Complies / Does Not Comply / Variation required
<ul style="list-style-type: none"> - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. 	<p>Car parking is provided within the basement. Future residents would be afforded convenient lift access from within the car parking areas to all levels of the development.</p>
<p>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.</p>	<p>✓ Complies</p>

58.03-8 Integrated water and stormwater management 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.

Standard D13	Complies / Does Not Comply / Variation required
<p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p>	<p>✓ Complies</p> <p>Refer enclosed SMP prepared by Wrap Engineering which details a 100% STORM Rating, and rainwater reuse to toilets within the building.</p>
<p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p>	<p>✓ Complies</p> <p>Supply of non-potable water from the water authority is a servicing matter, however non-potable water is collected on the rooftop and able to be reused by toilets within the building.</p>
<p>The stormwater management system should be:</p> <ul style="list-style-type: none"> - Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater – Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee 1999). - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>✓ Complies</p> <p>Refer enclosed SMP prepared by Wrap Engineering which details a 100% STORM Rating.</p>

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58.04 AMENITY IMPACTS

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58.04-1 Building setback 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.

Standard D14	Complies / Does Not Comply / Variation required
The built form of the development must respect the existing or preferred urban context and respond to the features of the site.	✓ Complies
Buildings should be set back from side and rear boundaries, and other buildings within the site to: <ul style="list-style-type: none"> - 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 Refer enclosed architectural drawings, noting that: <ul style="list-style-type: none"> - Side setbacks are generally compliant with the provisions of the DDO, and in some instances in excess of the DDO provisions. - Setbacks ensure that direct views into habitable room windows and private open spaces are managed. - Appropriate outlook is provided to all dwellings. - The proposal demonstrates a high level of compliance with the objectives of Clause 58.

58.04-2 Internal views objective

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

Standard D15	Complies / Does Not Comply / Variation required
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.	✓ Complies The proposed siting of new windows and balconies have been designed to limit overlooking to other private open spaces within the development.

58.04-3 Noise impacts objectives

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

Clause 58 Assessment - Better Apartments Design Standards

Standard D16	Complies / Does Not Comply / Variation required
Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.	✓ Complies
The layout of new dwellings and buildings should minimise noise transmission within the site.	✓ Complies
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.	✓ Complies
New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.	✓ Complies The layout of the building has been designed to minimise noise transition. No sensitive rooms are located adjacent to the services core.
Buildings within a noise influence area specified in Table D5 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.	✓ Complies Refer enclosed Acoustic Assessment prepared by Acoustic Logic.
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.	✓ Complies
Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	✓ Complies

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Table D5 Noise influence area

Noise Source	Noise Influence Area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

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

58.04-4 Wind impacts objective

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

Standard D17	Complies / Does Not Comply / Variation required
<p>Development of five or more storeys, excluding a basement should:</p> <ul style="list-style-type: none"> 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 <p>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.</p>	<p>✓ Complies</p> <p>An Environmental Wind Report is prepared and submitted with the application which details a desktop assessment has been undertaken, and general compliance is demonstrated with comfort criteria.</p>
<p>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.</p>	<p>✓ Complies</p>
<p>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.</p>	<p>✓ Complies</p>

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Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none">- 3 metres per second for sitting areas,- 4 metres per second for standing areas,- 5 metres per second for walking areas

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58.05 ON-SITE AMENITY AND FACILITIES

58.05-1 Accessibility objective

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

Standard D18	Complies / Does Not Comply / Variation required
<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> 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. 	<p>✓ Complies</p> <p>100% of dwellings comply with the standard, refer enclosed BADS diagrams.</p> <p style="text-align: center; color: red; font-weight: bold; font-size: 2em;">ADVERTISED PLAN</p>

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	<p>Either:</p> <ul style="list-style-type: none"> 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 	<p>Either:</p> <ul style="list-style-type: none"> A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation Area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum area of 1.2m x 1.2m Located in front of the shower and the toilet Clear of the toilet, basin and the door swing <p>The circulation area for the toilet and shower can overlap</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum width of 1m The full length of the bathroom and a minimum length of 2.7m Clear of the toilet and basin. <p>The circulation area can include a shower area.</p>
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.

58.05-2 Building entry and circulation objectives

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

Standard D19	Complies / Does Not Comply / Variation required
<p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> - Be visible and easily identifiable. - Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>✓ Complies</p>
<p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> - Clearly distinguish entrances to residential and non-residential areas. - Provide windows to building entrances and lift areas. - Provide visible, safe and attractive stairs from the entry level to encourage use by residents. - Provide common areas and corridors that: <ul style="list-style-type: none"> ▪ Include at least one source of natural light and natural ventilation. ▪ Avoid obstruction from building services. ▪ Maintain clear sight lines. 	<p>✓ Complies</p> <p style="text-align: center; color: red; font-weight: bold; font-size: 2em;">ADVERTISED PLAN</p>

58.05-3 Private open space objective

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

Standard D20	Complies / Does Not Comply / Variation required
<p>A dwelling should have private open space consisting of at least one of the following:</p> <ul style="list-style-type: none"> - An area of 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 	<p>Variation required</p> <p>All dwellings comply with the standard, except for 6 studios which contain no private open space. Therefore, 97% of dwellings contain compliant private open space provision.</p> <p>The number of non-compliant dwellings is minimal (6/165), and a variation is acceptable for the following reasons:</p> <ul style="list-style-type: none"> - The locational attributes of the site providing access to recreation and service needs - The extent of communal open space (both indoor and outdoor) greatly exceeds the minimum requirements <p>It is considered that future occupants of the studios would be provided with a high level of amenity and access to alternative spaces for recreation purposes.</p>

Standard D20	Complies / Does Not Comply / Variation required
An area on a roof of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.	
If an air conditioning/heating/condenser unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.	N/A
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.	N/A

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 30 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

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

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58.05-4 Storage objective

- To provide adequate storage facilities for each dwelling.

Standard D21	Complies / Does Not Comply / Variation required
Each dwelling should have convenient access to usable and secure storage space.	✓ Complies
The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.	Variation required Minor variation required, as detailed in the BADS compliance summary table prepared by Cox Architecture.

Table D10 Storage

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

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58.06 DETAILED DESIGN

58.06-1 Common property 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.

Standard D22	Complies / Does Not Comply / Variation required
Developments should clearly delineate public, communal and private areas.	✓ Complies
Common property, where provided, should be functional and capable of efficient management.	✓ Complies Common property in the form of a basement, residential lobby and communal spaces are sited and designed to be easily accessed by residents, and can be maintained and managed by the owners corporation in the future.

58.06-2 Site services 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.

Standard D23	Complies / Does Not Comply / Variation required
Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.	✓ Complies The proposal is designed to provide appropriate access to building services should maintenance works be required.
Meters and utility services should be designed as an integrated component of the building or landscape.	✓ Complies
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 A mailroom is provided within the residential entrance area.

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58.06-3 Waste and recycling objectives

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

Standard D24	Complies / Does Not Comply / Variation required
Developments should include dedicated areas for:	
<ul style="list-style-type: none"> - Waste and recycling enclosures which are: <ul style="list-style-type: none"> - 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. 	<p>✓ Complies</p> <p>Bins for the residential and commercial uses will be stored within bin storage rooms on ground level and accessed via the waste loading area.</p> <p>Separate rooms are provided for residential and retail waste.</p> <p style="text-align: center; color: red; font-weight: bold; font-size: 1.5em;">ADVERTISED PLAN</p>
<ul style="list-style-type: none"> - Adequate facilities for bin washing. These areas should be adequately ventilated. 	<p>✓ Complies</p> <p>There is adequate space within the waste truck loading zone area for bin washing.</p>
<ul style="list-style-type: none"> - 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. 	<p>✓ Complies</p> <p>Refer to Waste Management Plan prepared by Traffix Group.</p>
<ul style="list-style-type: none"> - Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. 	<p>✓ Complies</p>
<ul style="list-style-type: none"> - Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. 	<p>✓ Complies</p> <p>Refer to swept path diagrams within Waste Management Plan prepared by Traffix Group.</p>
<ul style="list-style-type: none"> - Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. 	<p>✓ Complies</p>
Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:	
<ul style="list-style-type: none"> - Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. 	<p>✓ Complies</p>
<ul style="list-style-type: none"> - Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and 	<p>✓ Complies</p>

hazards associated with waste collection vehicle movements.	
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58.06-4 External walls and materials objective

- 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.

Standard D25	Complies / Does Not Comply / Variation required
External walls should be finished with materials that: <ul style="list-style-type: none"> - Do not easily deteriorate or stain. - Weather well over time. - Are resilient to the wear and tear from their intended use. 	✓ Complies
External wall design should facilitate safe and convenient access for maintenance.	✓ Complies

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58.07 INTERNAL AMENITY

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58.07-1 Functional layout objective

- To ensure dwellings provide functional areas that meet the needs of residents.

Standard D26	Complies / Does Not Comply / Variation required
Bedrooms should: <ul style="list-style-type: none"> 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. 	✓ Complies All bedrooms demonstrate compliance.
Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.	✓ Complies All living areas demonstrate compliance.

Table D11- Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3.0 metres

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

58.07-2 Room Depth Objective

- To allow adequate daylight into single aspect habitable rooms.

Standard D27	Complies / Does Not Comply / Variation required
Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.	✓ Complies
The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:	✓ Complies All single aspect rooms are less than 9m in depth.

<ul style="list-style-type: none"> - 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. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	
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58.07-3 Windows objective

- To allow adequate daylight into new habitable room windows.

Standard D28	Complies / Does Not Comply / Variation required
Habitable rooms should have a window in an external wall of the building.	✓ Complies All habitable room windows 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 bed room, where the window is clear to the sky.	Not applicable
The secondary area should be: <ul style="list-style-type: none"> - A minimum width of 1.2 metres. - A maximum depth of 1.5 times the width, measured from the external surface of the window. 	Not applicable

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58.07-4 Natural ventilation objectives

- To encourage natural ventilation of dwellings.
- To allow occupants to effectively manage natural ventilation of dwellings.

Standard D29	Complies / Does Not Comply / Variation required
<p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p>	<p>✓ Complies</p> <p>Where possible, this is achieved.</p>
<p>At least 40% of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> - A maximum breeze path through the dwelling of 18 metres. - A minimum breeze path through the dwelling of 5 metres. - Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>✓ Complies</p> <p>63% of dwellings comply with the standard.</p>

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Attachment 2

DDO26 Assessment

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A2

Design and Development Overlay (DDO26) Assessment

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Map 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Map 1 of this schedule.

DDO26	Assessment
Design quality requirements	
<i>Development should achieve urban design and architectural excellence.</i>	<p>Complies Refer to Urban Design Principles Report prepared by Urbis, which includes a set of principles guiding urban design for the site.</p> <p>The proposed building design and materiality would achieve urban design and architectural excellence.</p>
<i>Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.</i>	<p>Complies Upper level setbacks are provided and ensure equitable access to outlook and daylight are provided to future occupants and adjoining properties.</p>
<i>Development should provide for street activation at ground levels.</i>	<p>Complies The development activates Swan Street, Railway Place and Royal Place by way of active commercial program fronting the street, as well as the provision of a north-south link through the site which is activated by landscaping, commercial program and a large residential lobby area.</p>
<i>Development should be designed to avoid repetitive stepped form at upper levels.</i>	<p>Complies Upper level stepping is minimized from view from the public realm. The building presentation to Swan Street is contained within 2 steps which would be visible at proximity.</p>
<i>Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.</i>	<p>Complies The upper levels are appropriately articulated through glazing to allow daylight into apartments, and with curved masonry feature framing elements. Variation is provided in colour and expression of façade glazing height to provide detail and visual interest when viewed from all directions.</p>

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<p><i>Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.</i></p>	<p>Complies</p> <p>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.</p>
<p><i>Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.</i></p>	<p>Complies</p> <p>The primary impact to the sensitive, low scale residential context to the south of the railway line would be overshadowing, and this is managed by way of setbacks and building height to ensure that there is no <u>additional</u> shadow to the secluded private open spaces for residential properties to the south, fronting Chestnut Street and Green Street.</p> <p>In terms of visual bulk and overlooking, the significant setback between the subject site and low scale residential properties to the south assists in mitigating these impacts.</p>
<p><i>Development adjoining Milton Place should be designed to address the potential future public park adjoining East Richmond Railway Station.</i></p>	<p>Not applicable</p>
<p><i>Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:</i></p> <ul style="list-style-type: none"> - <i>be visually recessive and not visually dominate the heritage building and the heritage streetscape; and</i> - <i>avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.</i> 	<p>Complies</p> <p>The site is within the Swan Street heritage precinct. The upper level setback from Swan Street is consistent with the 10m nominated within the DDO, and from the northern and southern boundaries, the setbacks at the lower levels are generally compliant (save for the upper storeys which do not comply with the height requirements).</p> <p>The building appears visually recessive by way of these setbacks, as well as the curved masonry feature framing elements which serve to articulate the upper level facades and provide a grid presentation in the upper levels.</p>
Building height requirements	
<p><i>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:</i></p> <ul style="list-style-type: none"> - <i>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</i> 	<p>Complies (north), variation sought (south)</p> <p>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).</p> <p>A variation is sought in relation to the preferred 34m height limit, and 48.7m is proposed.</p>

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<ul style="list-style-type: none"> - <i>the proposal achieves each of the following:</i> <ul style="list-style-type: none"> - <i>greater building separation than the minimum requirement in this schedule;</i> - <i>excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;</i> - <i>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</i> - <i>where the proposal includes dwellings, it also achieves each of the following:</i> <ul style="list-style-type: none"> - <i>accessibility provision objective that exceeds the minimum standards in Clauses 55.07-7 and 58.05-1 as relevant;</i> - <i>communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and</i> - <i>private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3.</i> <p><i>Architectural features may exceed the preferred or mandatory height.</i></p> <p>Map 1 – DDO26</p> <ul style="list-style-type: none"> - 18m building height along Swan Street (mandatory) - 34m building height southern part of site (preferred) 	<p>The variation is appropriate, given that the proposal:</p> <ul style="list-style-type: none"> - Demonstrates greater building separation on the eastern interface than the minimum requirement, and on the western interface demonstrates greater building separation up to 21m. - Includes a BESS score of 70%, demonstrating excellence. - Demonstrates no additional overshadowing to residentially zoned properties to the south. - Demonstrates a high level of compliance with BADS (Clause 58) standards and objectives, including: <ul style="list-style-type: none"> ■ 100% compliance with Clause 58.05-1 ■ Communal open space exceeding the minimum standards in Clause 58.03-2 ■ Private open space provision exceeding minimum standards, except for the studio typologies which do not include SPOS.
<p><i>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:</i></p> <ul style="list-style-type: none"> - <i>Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);</i> - <i>The equipment does not cause additional overshadowing of adjoining properties; and</i> - <i>The equipment does not extend higher than 3.6 metres above the maximum building height.</i> 	<p>Not applicable</p>
<p>Street wall and setback requirements</p>	
<p><i>A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant 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:</i></p> <ul style="list-style-type: none"> - <i>The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;</i> 	<p><u>Swan Street (north) proposed</u></p> <ul style="list-style-type: none"> - Street wall proposed = 8.55m (compliant) - 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

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<ul style="list-style-type: none"> - 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. <p>Table 1 – Street Wall Heights and Setbacks for Precinct 2</p> <p>Swan Street (north)</p> <ul style="list-style-type: none"> - 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) <p>Royal Place (east)</p> <ul style="list-style-type: none"> - Interface type H - Street wall height = N/A - Street wall setback = 0m (preferred) - Upper level setback – 0m (preferred) <p>Railway Place (south)</p> <ul style="list-style-type: none"> - Interface type H - Street wall height = N/A - Street wall setback = 0m (preferred) - Upper level setback = 0m (preferred) 	<p>The Swan Street interface is generally compliant with the mandatory and non-mandatory provisions, and the tower form exceeds the upper level setback prescribed by the DDO (20m proposed, 10m preferred)</p> <p>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.</p> <p>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</p> <p>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.</p> <p>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</p>
<p><i>Projections such as balconies, building services and architectural features must not intrude into a setback.</i></p>	<p>Complies</p>
<p><i>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.</i></p>	<p>Not applicable</p>
<p>Building separation requirements</p>	
<p><i>Where development shares a common boundary and no interface treatment is shown in Map 1, upper level development should:</i></p> <ul style="list-style-type: none"> - 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. 	<p>There is no interface treatment shown on Map 1 for the western or eastern elevation.</p> <p>Eastern elevation – compliant The eastern elevation of the building where the boundary adjoins 204-206 Swan Street contains balconies and habitable room windows.</p> <p>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</p>

<p>- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.</p> <p>Where the common boundary is a laneway, the setback is measured from the centre of the laneway.</p> <p>Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.</p>	<p>where the standard specifies 6m) at all levels.</p> <p><u>Western elevation – variation required</u> The western elevation of the building at the upper levels contains balconies and habitable room windows.</p> <p>Above Level 01, the building is setback in excess of the minimum requirement (4.8m where the requirement specifies 4.5m) up to 28m.</p> <p>Above 28m a variation is sought as there is no further setback (6m above 28m required).</p> <p>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.</p>
Overshadowing requirements	
<p>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:</p> <ul style="list-style-type: none"> - any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb. 	<p>Not applicable</p> <p>The site is located on the south side of Swan Street.</p>
<p>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:</p> <ul style="list-style-type: none"> - 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. 	<p>Complies</p> <p>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.</p>
Vehicle and pedestrian access requirements	
<p>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.</p> <p>Map 2 – Access and Movement Royal Place = Access Type C: Access Preferred</p>	<p>Complies</p> <p>The site planning strategy ensures that vehicle access is provided from Railway Place.</p>

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<i>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.</i>	Not applicable
<i>Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.</i>	Not applicable There are no redundant vehicle access points to Swan Street.
<i>Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.</i>	Complies Loading and access to the basement are clearly delineated from pedestrian entries.
<i>Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Map 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.</i>	Complies Pedestrian access to the building is provided via the north-south pedestrian laneway accessed from Swan Street and Railway Place.
<i>Development at 108-120 Swan Street and 2 Kipling Street, as shown in Map 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.</i>	Not applicable
<i>Development of 94-98 Swan Street, as shown in Map 2, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.</i>	Not applicable
<i>Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Map 2.</i>	Not applicable
<i>Development should improve the pedestrian environment and amenity of streets and laneways that provide a pedestrian connection to Swan Street, Church Street, East Richmond Train Station, and entrances to buildings.</i>	Complies The proposal would provide a safe, public pedestrian connection between Swan Street and East Richmond Train Station, separate from vehicles.

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