

Assessment Officer Report

PA2503781– 28-30
Stephenson Street
Cremorne



Officer Report
Development Assessment

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Executive Summary



Key Information	Details		
Application No:	PA2503781		
Received:	20 June 2025		
Statutory Days:	145 days as at 20 March 2026		
Applicant:	Matter House Group Pty Ltd c/- Tract		
Planning Scheme:	Yarra		
Land Address:	28-30 Cremorne Street Cremorne		
Proposal:	Construction of a thirteen storey Office building (no permit required for use) including Food and drink premises, Restricted recreation facility and Waste to energy facility (anaerobic digester) uses and reduction in visitor bicycle parking facilities.		
Development Value:	\$ 28 m		
Why is the Minister responsible?	In accordance with Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the responsible authority for use and development to which clause 53.22 applies.		
DFP eligibility criteria in accordance with 53.22	Category	3	
	Sector	Office	
	Land use	Office <i>The combined gross floor area of all buildings associated with the proposed use or development must be at least 10,000 square metres if any part of the land is in metropolitan Melbourne¹</i>	
	Location	Metropolitan Melbourne	
	Alignment with the DFP threshold/criteria	The Minister for Planning has advised in writing that they are satisfied the proposal is of significance having regard to the purpose of Clause 53.22, estimated cost of development and extent to which the development supports or implements planning policy.	
	OVGA	Yes	
	Invest Victoria	Yes	
	Quantity Surveyor Report	N/A	
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 34.02-1	Commercial 2 Zone (C2Z)	Use the land for a food and drink premises Use the land for a restricted recreation facility Use the land for a waste to energy facility
	Clause 34.02-4	Commercial 2 Zone (C2Z)	Construct a building or construct or carry out works
Overlays:	Clause 45.06	Development Contributions Overlay Schedule 1	N/A

¹ Note: The threshold does not need to be met and may include a use that is not specified in Table 2 of Clause 53.22, under Category 3.



	Clause 45.07	City Link Project Overlay (CLPO)	N/A		
	Clause 43.02-2	Design and Development Overlay, Schedule 51 (DDO51)	To construct a building or construct or carry out works (Area CW-E)		
Particular Provisions:	Clause 52.34-2	Bicycle Facilities	Reduce bicycle facility requirements		
Cultural Heritage:	The site is not in an area of cultural heritage sensitivity.				
Total Site Area:	842 m ²				
Gross Floor Area:	11,790 m ² (including basement)				
Height:	13	Storeys excluding plant			
	54	Metres			
Land Uses:	Office	Communal	Retail	Restricted recreation	Waste to energy
	6735 m ²	180 m ²	383 m ² (2x food and drink premises)	245 m ²	132 m ²
Parking:	Cars	Motorcycles	Bicycles		
	27	0	48 on-site employee spaces 16 on-street visitor spaces		
Referral Authorities:	Head, Transport for Victoria (no objection subject to conditions) EPA (no objection)				
Advice sought:	Yarra City Council (s52 – notice), OVGA (informal), CitiPower (no response),				
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Department of Transport and Planning under delegation to the Minister for Planning: No objections have been received as of 20 March 2026 .				
Delegates List:	Approval to determine under delegation received on 22 December 2025 .				



Application Process

1. The application has gone through the Clause 53.22 (Significant Economic Development) Development Facilitation Program (DFP) process, involving substantial pre-application review including consultation with the OVGA.
2. The site benefits from an existing planning permit (PLN21/07291) issued by Yarra City Council on 17 October 2022. The permit provides for construction of a multi-storey building with associated basement car parking, use of the land for office and food and drink premises (no permit required for uses) and a reduction of standard car parking requirements.
3. The ten-storey development approved under PLN21/07291 adopts a sheer street wall and side and rear interfaces. The building included an anaerobic digester with input and output capable of powering the building (but not generating energy for external consumption).
4. Planning application PLN23/0501 sought approval for construction of a thirteen-storey building, use of the land for offices, waste to energy facility (anaerobic digester) and food and drink premises (no permit required for office land use), a reduction to the statutory car parking requirements and visitor bicycle parking requirements was lodged with Council. The application was withdrawn on 27 November 2024 and relodged with DFP under Clause 53.22.
5. The key milestones in the application process were as follows:

Milestone	Date
Pre-application lodgement	28 November 2024
Application lodgement	20 June 2025
Further information requested	24 July 2025
Further information received	24 October 2025, 11 November 2025 and 3 December 2025
Decision Plans	Plans prepared by Hassell titled 'Matter House 28-30 Stephenson Street, Cremorne' dated 25 June 2025 and submitted 3 December 2025. Façade Maintenance Details prepared by Hassell dated 13 April 2023.
Other Assessment Documents	Town Planning Report prepared by Tract dated 24 October 2025; Transport Impact Assessment prepared by onemilegrid and dated 7 July 2025; Waste Management Plan prepared by Ratio and dated 4 July 2025; Sustainable Management Plan prepared by Finding Infinity dated 7 August 2025; Landscape Plans prepared by Hassell and dated 26 June 2025; Wind Impact Assessment Prepared by ViPac and dated 5 July 2024. Wind Tunnel Test on Façade Prototype prepared by J Synnot, T Ker and J Kostas dated 24 September 2025 and addendum Acoustic Report Prepared by DDEG and dated 16 May 2023. Waste to Energy Facility Plans (Anaerobic Digester) prepared by Wrap Consulting Engineers dated 26 May 2023. Waste to Energy Facility Plans (Anaerobic Digester) prepared by Inoplex dated 16 August 2023. Odour Impact Statement prepared by The Odour Unit dated 20 October 2023.

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



Proposal Summary

7. The application proposes construction of a commercial 13-storey office building, including a basement carpark. The proposed development seeks to accommodate a range of innovative and creative businesses and incorporates complementary land uses.
8. A food and drink premise is proposed at ground floor and top level. The top level (Level 12) will also include a restricted recreation facility and communal area (including rooftop garden).
9. A waste to energy facility is also proposed in a mezzanine level of the basement. A description of the land use is summarised below from the town planning report prepared by Tract (page 21):
 - *An anaerobic digester converts food waste into biogas and organic fertiliser. The biogas can then be used to generate electricity and heat.*
 - *The anaerobic digester involves the collection of organic (food) waste by EcoCaddy in cutting-edge, electric-assist cargo tricycles (rickshaws) from food businesses around Cremorne within a 3km radius of Matter House. EcoCaddy will then deliver the food waste to the Site, loading it directly into a chute located in the waste storage room at ground level (adjacent to the carpark entry). The chute transfers the waste to the basement level where the system sorts the matter into organic matter for digesting, and packaging for separate disposal.*
 - *The energy will be available for use within the building and beyond (with capability to export to the grid or a local community battery) and will help to significantly reduce the volume of organic waste being sent to landfill by businesses in Cremorne.*
 - *The anaerobic digester will be in continuous operation 24 hours a day.*
 - *Management of the digester will primarily be remote. Staff will only require incidental access to maintain the equipment (anticipated frequency of once a week).*
 - *4-6 cargo tricycles are expected to be in use for collection and delivery of food waste to the Site.*
10. Key features of the proposed development are:
 - Primary pedestrian entrance toward northern end of Stephenson Street frontage via an 'Oculus' concrete entry portal, and a lift tilt door, both opening onto a central lobby area with integrated café area.
 - Entry to end of trip bicycle facilities is proposed via a separate entrance on the south side of the Stephenson Street frontage.
 - Footpath widening works along the entirety of the street frontage to Stephenson Street, involving the removal of 3-4 on-street car parking spaces and inclusion of 16 on-street bicycle parking spaces and street tree planting. Outdoor dining and seating areas are proposed, and subject to Council approval.
 - 11 office levels (Levels 1-11) with minimum 3.65m floor-to-floor ceiling heights.
 - Communal areas on Level 12 accessed via lifts.
 - A basement mezzanine waste-to-energy facility with a total installed capacity of 400 kW (0.4 MW), a generated capacity of 0.2 MW (equivalent to approximately 12 hours per day at full capacity), and storage capacity of approximately 933 kWh.
 - Basement 01 car park includes 8x 3-tier car stackers, 2x standard car parking spaces and 1x DDA parking for a total of 27 car parking spaces.
 - External materials and finishes of the development include:
 - A feature façade system above ground level, which wraps around the north and east elevations, as well as part of the west and south elevations. The façade would consist primarily of open terracotta-coloured pipes most of which will have glazing behind, with automated louvres to 15% of the glazed area. Fire-rated obscure glass blocks (FT-17) would be installed on the north elevation and part of the south

elevation. Most of the south-facing elevations have precast concrete finished in terracotta colour behind (Ground and Level 1 on the South West/West elevation and Ground to Level 4 on the South Elevation).

- The pipes would have a diameter of 300mm and a 250mm depth, set 150mm in front of the building façade, installed with a metal 'exoskeleton' façade system to control spacing and extrusion.
- Other elevations would feature precast concrete finished in terracotta colour.
- The landscaping response consists of rooftop garden (Level 12), the 'Cremorne Art Chimney' supporting hanging plants and commissioned artwork located within the ground floor western boundary setback to 5-9 Cubitt Street, and canopy trees and shrubs within the garden beds contained in the public realm.
- A sawtooth roof is proposed, which will be finished in a variety of materials including metal sheeting, glazing, louvre windows and solar panels.
- Glazing is proposed along the street frontage at ground level to Stephenson Street.
- No canopy over the public footpath is proposed.

11. Other environmentally sustainable design (ESD) initiatives incorporated into the design includes:

- A Built Environment Sustainability Scorecard (BESS) score of 73%, equating to 'ESD Excellence'.
- A commitment to achieve a NABERS rating of at least 5 stars.
- A 15 kL rainwater tank for toilet flushing and irrigation, achieving a STORM rating of 145%.
- A rooftop solar greenhouse enabling dual rooftop use.
- Net positive on-site energy generation via the anaerobic digester and a 20 kW photovoltaic solar system.
- High-performance building fabric and HVAC systems.
- Energy-efficient LED lighting with daylight and motion sensors and timers in common areas.
- Energy- and water-efficient fixtures, fittings and appliances.
- A fully electric, fossil-fuel-free building with no gas connection.
- Mixed-mode ventilation and maximised access to natural light.
- Materials selected to minimise embodied energy and adverse health and environmental impacts.
- Provision of electric vehicle charging facilities.

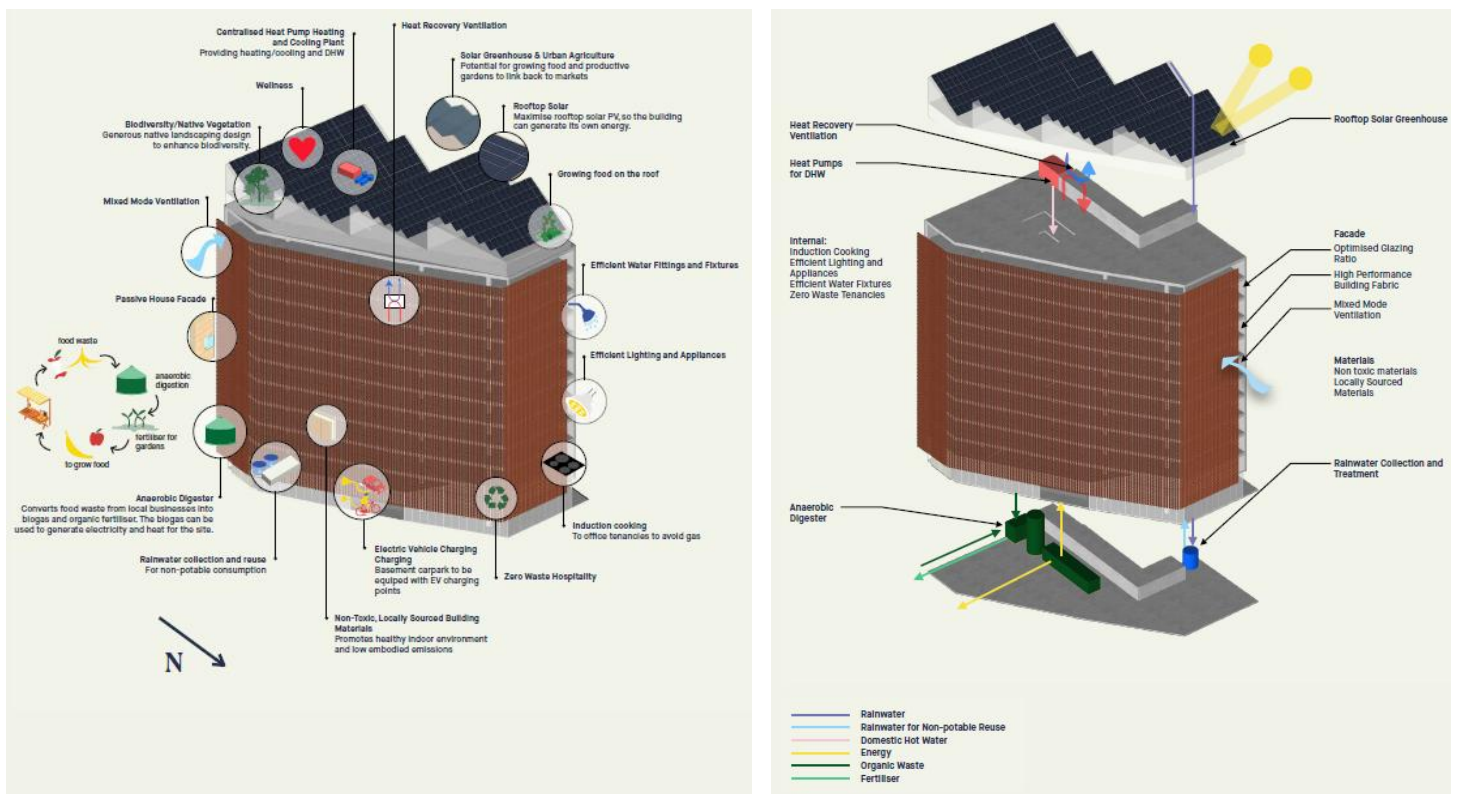


Figure 1: ESD initiatives (Source: Urban Context Report, pg 40-41)

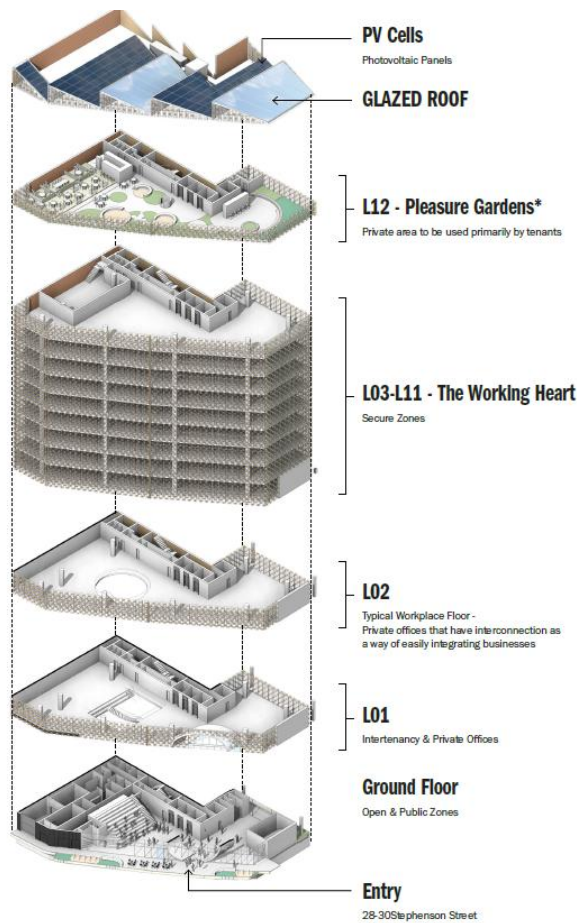


Figure 2: Concept axonometric diagram of the proposed building floor-by-floor (Source: Urban Context Report, pg 34)

12. Vehicle access including loading and waste collection will be via the Gwynne Street frontage. A car lift within the building will be used to access the basement 01 car park.
13. The existing 2 storey commercial building would be demolished.
14. The proposal can be summarised as follows:

Key Information	Details
Gross Floor Area:	11,185 m ²
Height:	54 metres
Setbacks:	North: Zero metres
	South: Zero metres
	East: Zero metres
	West: Northern part of building setback 3.45 metres to west boundary (to 5-9 Cubitt Street), southern part of building setback zero metres (built to boundary).
Car Parking Spaces:	27



Bicycle Parking Spaces: 48

Loading and Waste arrangements:

A waste collection room and loading zone is proposed at ground level accessed via the driveway from Gwynne Street. Organic waste generated by the building occupants, as well as from external sources, will be used by the waste-to-energy plant, which will also be accessed via the driveway from Gwynne Street. The car lift will be disabled during collection, so it can be used by the collection vehicle and avoid overhanging the footpath.

Organic waste for the waste-to-energy plant will be delivered 30 times per day via EcoCaddy tricycles and emptied into the chute located at ground level. Each delivery will take approximately 10 minutes to deposit the waste into the system. Assuming the tricycles deposit waste over an 8 hour period across the day (avoiding peak periods), there will be a delivery once every 16 minutes, across the course of the day, inclusive of 4 movements per hour.

Byproduct from the waste-to-energy plant – ‘digestate’ which can be used as fertiliser – will also be collected from the via a pump from the basement.

Both collections will be 15 minutes duration – the digestate will involve 7 collection per week, general waste will require 3 collections per week, while other waste streams (recycling, glass) will each require 2 collections per week.

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

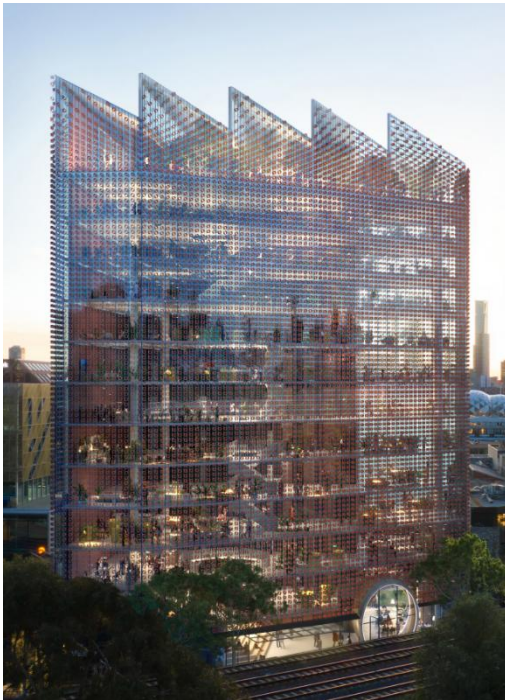


Figure 1: Concept when viewed from Stephenson Street, railway, outdoor and rooftop activation (Source: Urban Context Report)

Subject Site and Surrounds



Site Description

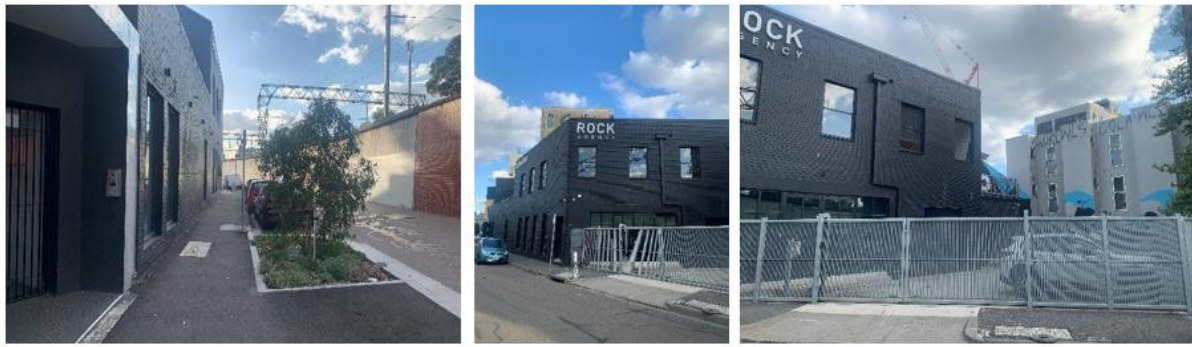
16. The site is irregular in shape and is located on the western side of Stephenson Street, opposite the elevated railway. The site forms a general 'L' shape with a slightly curved frontage of approximately 38.7 metres to Stephenson Street (running parallel to the curvature of the street and railway line). The site also fronts the top end of Gwynne Street, where it intersects with Stephenson Street, for a length of approximately 7.7 metres.
17. The Site has a total area of approximately 842sqm.
18. The Site is currently occupied by a two-storey brick building accommodating the advertising agency Taboo and other commercial tenants. The part of the site not occupied by the building is used as a carpark.
19. There are two existing vehicle crossovers to the site; a dual crossover at the northern end of the Site and a single crossover at the southern end.
20. The site is formally described as the land in Plan of Consolidation 379409M.
21. The site is not affected by any easements or covenants registered on title.
22. A site inspection of the subject site and surrounds was undertaken in February 2026, which confirmed the accuracy of the site photos contained in the Applicant's Town Planning report with exception for a recently planted street tree within the public realm of the Site.



Site frontage to Gwynne Street – looking west; Site frontage to Stephenson Street -looking south-west and west



View toward elevated rail line from northern end of Gwynne Street; recently completed pocket park at juncture between Gwynne Street and Stephenson Street; Interface between 2-6 Gwynne Street and Site (looking south-west).



Stephenson Street looking north; Site looking south-west; Site frontage and existing crossover, looking south-west toward rear of 5-9 Cubitt Street townhouses.



Rear of 3 Cubitt Street (adjoins Site to the north); 1 Cubitt Street, looking south-west; Cubitt Street – view looking south from Stephenson Street.

Figure 7: Site photos (Source: Planning Report, Figure 3)

Site Surrounds

23. The site is located within a commercial and light industrial precinct characterised by a mix of warehouse/factory buildings, finer grain residential cottages and contemporary medium-high density development.
24. Regarding land use, the site is in the Cremorne West sub-precinct of the Cremorne Enterprise Precinct in Commercial 2 zoned land designated for office/commercial uses. Residential uses interface to the east across the railway line, and some residential uses in commercial zone are dispersed to the south-west and west. To the north of the site is the Swan Street retail corridor, and to the southwest are educational uses such as Kangan Institute.
25. The site is proximate to a range of amenities (open space, recreation and shopping) within walking distance, and is accessible via a wide range of rail, tram, bus, bicycle and road infrastructure.
26. Development surrounding the site is as follows:
 - **North:** Adjoining the Site to the north-east is 3 Cubitt Street; a 3-4 storey precast panel building. Further north-east is 1 Cubitt Street; a two storey brick building holding the corner where Cubitt Street meets Stephenson Street. Further north-west is a recently constructed development at 4-6 Cubitt Street (12 storeys inclusive of mezzanine level).
 - **South:** Situated immediately south of the Site is 2-6 Gwynne Street, a seven-storey building with four storey podium to Gwynne Street. South-west of the Site is 15-17 Cubitt Street; a brick warehouse building. Further south at 8 Gwynne Street and 19 Cubitt Street are six and seven-storey office buildings. A recently completed pocket park is located at the corner of Gwynne and Stephenson Street which is complementary to the public realm works approved under the existing permit.



- **East:** East of the Site is Stephenson Street and the trainline running generally in a north-south direction. Further east of the trainline is a pocket of residentially zoned land.
- **West:** Immediately west of the Site is 5-9 Cubitt Street; a three storey precast panel building and 11-13 Cubitt Street; a brick warehouse building.

27. The surrounding area in Cremorne is undergoing significant transformation in built form including the following notable projects (status: under assessment, approved, under construction or completed) approved or developed in the vicinity of the Site:

- 9-11 Cremorne Street, Cremorne (8 storeys, completed in 2019).
- 14-18 Cremorne Street, Cremorne (12 storeys, approved).
- 24 Cremorne Street, Cremorne (11 storeys, under assessment).
- 31-53 Cremorne Street, Cremorne (10 storeys, complete).
- 2-6 Gwynne Street, Cremorne (7 storeys, completed).
- 8 Gwynne Street, Cremorne (8 storeys, completed).
- 70-80 Gwynne Street, Cremorne (10 storeys, approved).
- 4-6 Cubitt Street, Cremorne (12 storeys (including mezzanine), complete).
- 30-32 Cremorne Street and 23 Jessie Street, Cremorne (9 storeys, approved).
- 34 Cremorne Street, Cremorne (9 storeys, approved).
- 38-42 Cremorne Street, Cremorne (8 storeys, approved).
- 68-88 Green Street, Cremorne (7 storeys, under construction).
- 65-81 Dover Street, Cremorne (9 storeys, complete).
- 12 Dover Street, Cremorne (8 storeys, approved).
- 101 Cremorne Street, Cremorne (12 storeys, approved).
- 49-51 Balmain Street, Cremorne (9 storeys, approved).

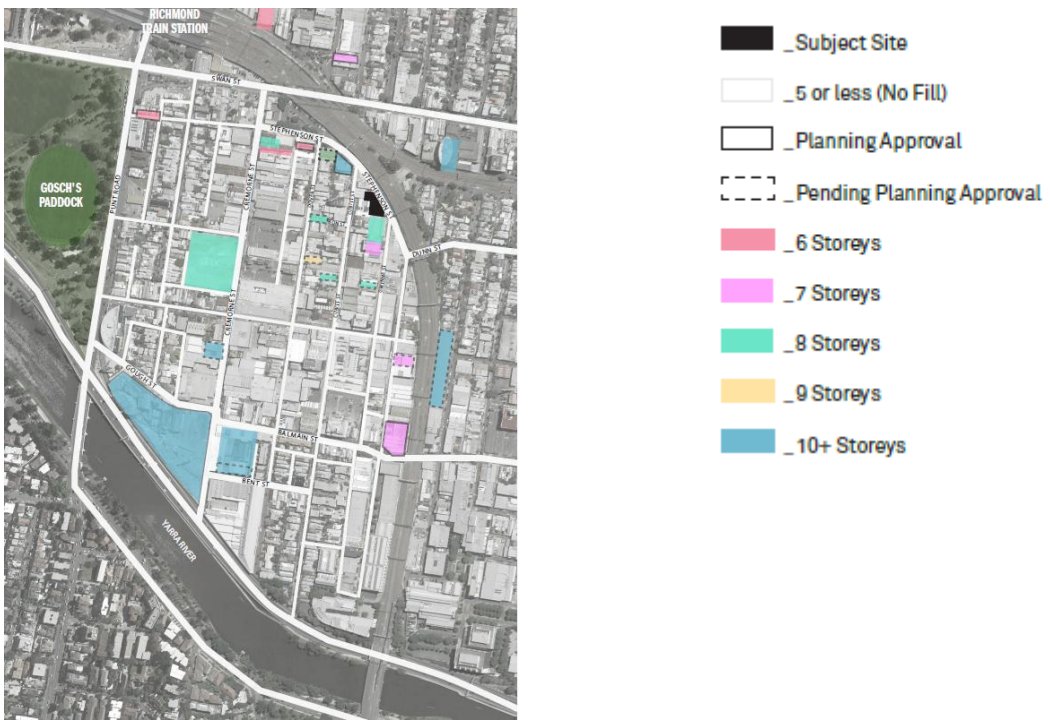


Figure 8: Surrounding developments (Source: Urban Context Report, pg 18)



Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03-3	Amenity, Safety, Noise
02.03-4	Built environment and heritage
02.03-6	Economic development
02.03-7	Transport

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of urban land
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
13.07-1S	Land use compatibility
13.07-1L-01	Interfaces and amenity
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L	Urban design
15.01-2S	Building design
15.01-2L	Building design
15.01-2L-01	Environmentally sustainable development
15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods – Metropolitan Melbourne
15.01-5S	Neighbourhood character
Clause 17	Economic Development
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Metropolitan Melbourne
17.01-1R	Diversified economy – Metropolitan Melbourne – Inner Metro Region
17.01-1L	Employment
17.01-2S	Innovation and research



17.02-1S	Business
17.02-1L	Retail
Clause 18	Transport
18.01-1S	Land use and transport integration
18.02-3S	Public transport
18.01-3L	Sustainable and safe transport – Metropolitan Melbourne
18.02-1S	Walking
18.02-1L	Walking
18.02-2S	Cycling
18.02-2R	Cycling – Metropolitan Melbourne
18.02-2L	Cycling
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
18.02-4L	Road system
18.02-4L-01	Car parking
Clause 19	Infrastructure
19.01-1S	Energy supply
19.01-2S	Renewable energy
19.03-1S	Development and infrastructure contributions plans
19.03-3S	Integrated water management
19.03-3L	Water sensitive urban design
19.03-5S	Waste and resource recovery
19.03-5L	Waste

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

Zoning and Overlays


Applicable Zone/s

Commercial 2 Zone

31. A permit is required to construct a building or construct or carry out works in accordance with Clause 34.02-4.

32. The purpose of the Commercial 2 Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

- 
33. A planning permit is also required to use land for a food and drink premise (exceeding 100sqm leasable floor area), waste to energy facility² and restricted retail facility in accordance with Clause 34.02-1.
34. A permit is not required to use land for an office in the Commercial 2 Zone.
35. Pursuant to Clause 34.02-7 an application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Applicable Overlay/s

Development Contributions Overlay – Schedule 1 (Area 11) – Yarra Development Contributions Plan

36. Pursuant to Clause 45.06-1 a permit granted must:
- Be consistent with the provisions of the relevant development contributions plan.
 - Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
37. The Yarra Development Contributions Plan (DCP) applies to any proposal for increased commercial and retail floor area. A Development Infrastructure Levy is required under the DCP and is to be required as a condition of permit.

City Link Project Overlay (CLPO)

38. The site is subject to the CLPO.
39. 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".*

Design and Development Overlay – Schedule 51 (DDO51) – Cremorne Enterprise Precinct – Cremorne West

40. Pursuant to clause 43.02-2, a permit is required to construct a building or construct or carry out works.
41. The Site is covered by DDO51, an interim built form control that was gazetted into the Yarra Planning Scheme on 25 September 2025 via Amendment C317yara.
42. The design objectives of DDO51 are as follows:
- *To create a thriving enterprise precinct which delivers high quality, innovative and environmentally sustainable development to support commercial and employment opportunities.*
 - *To support mid-rise built form with taller built form on Cremorne Street and the northern portion of Stephenson Street, transitioning to a lower built form on narrow streets and interfaces with adjoining low rise residential areas.*
 - *To reinforce the fine grain industrial character of the precinct through a mix of well-designed new buildings and protection and adaptation of heritage and character buildings.*

² Noting that Industry uses in Section 1 must not be a use specified with no threshold distance in Clause 53.10. There is no specified threshold distance for 'combustion, treatment or bio-reaction of waste to produce energy', therefore a Waste to energy facility is a Section 2 use.



- To ensure development enhances the public realm and contributes to a network of pedestrian orientated streets through street activation, human scale development, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.
- To ensure development responds to interfaces with residential precincts to minimise amenity impacts such as visual bulk, overlooking and overshadowing through appropriate scaling and transition of built form.

43. DDO51 outlines several discretionary design requirements that apply to an application to construct a building or construct or carry out works. These generally reflect objectives of the Cremorne Urban Design Framework.

44. The Site is identified in Area CW-E on the ‘Cremorne West precinct heights, setbacks and interface plan’.

45. Precinct CW-E has preferred requirements as set out below.

Built Form	Preferred Requirement	Mandatory Requirement
Maximum building height	36m	N/A
Maximum street wall height	16m	N/A
Minimum upper level setback	3m	N/A
Minimum boundary wall height	24m	N/A

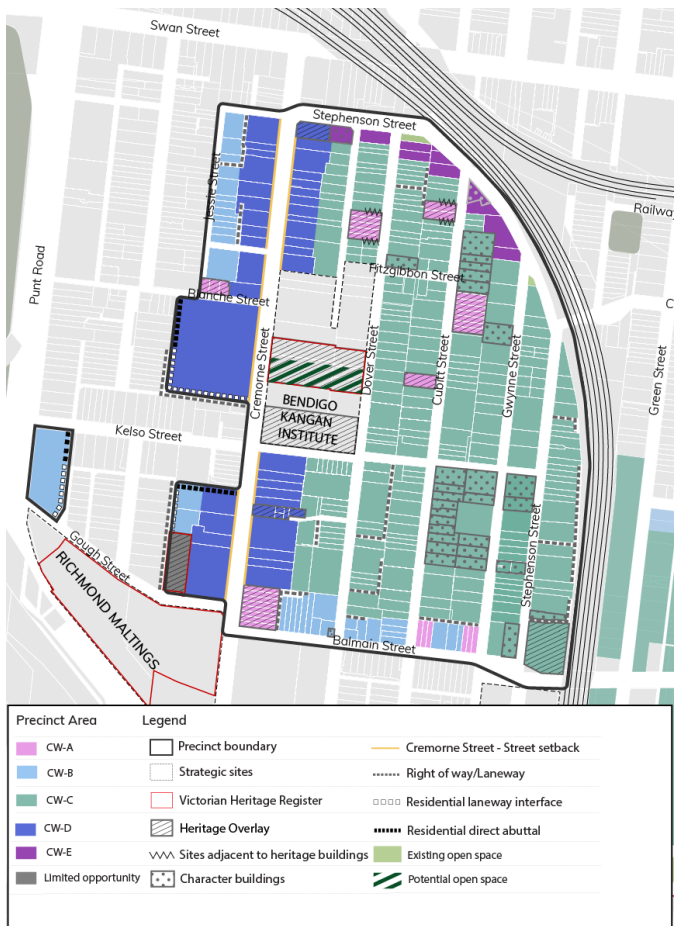


Figure 9: Cremorne West precinct heights, setbacks and interface plan (Source: Town Planning report, pg41)

46. Pursuant to subclause 2.15, an application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.



Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Car parking

47. Clause 52.06 specifies that before a new use commences, the number of car parking spaces must be provided to the satisfaction of the responsible authority and sets out the requirements for the provision of car parking for a variety of uses at Table 1 of Clause 52.06-5.
48. The site is now within Category 4 (Minimum and maximum requirement) following changes to parking provisions introduced under VC277. Office and Food and drink premise now attract a total rate of maximum 34 spaces. Minor Sports and Recreation Facility (wellness centre) and Waste to Energy facility is not a prescribed use within Table 1, therefore pursuant to Clause 52.06-6, the provision of car parking is to the satisfaction of the Responsible Authority.
49. Car parking provision is discussed further in the report.

Bicycle facilities

50. Clause 52.34 specifies that a new use must not commence until the required bicycle facilities have been provided on the land and sets out the requirements for the provision and design of bicycle parking for a variety of uses at Table 1 to Clause 52.34. Bicycle parking provision are discussed in the report.

General Requirements and Performance Standards

Uses with Adverse Amenity Potential


51. The purpose of Clause 53.10 is to identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.
52. Clause 53.10-1 specifies threshold distances from any part of the land proposing a use or activity with potential adverse impacts to:
 - land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or
 - land used for a hospital, an education centre or a corrective institution; or
 - land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
53. There is no specified threshold distance for 'combustion, treatment or bio-reaction of waste to produce energy'.
54. Pursuant to Clause 53.10-1, 'An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified'.
55. The application was referred to the EPA as the proposal included use of land for a waste to energy facility (bio-reaction of organic waste to produce energy). EPA has not objected to the proposal.

Stormwater Management in Urban Development

56. Clause 53.18 seeks 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.

Significant Economic Development

57. Clause 53.22 Significant Economic Development seeks to facilitate the planning, assessment and delivery of project that will make a significant contribution to Victoria's economy and provide substantial public benefit. The application



seeks approval under this provision. The proposal falls under Category 3 (i.e. deemed significant by the Minister for Planning) and proposes uses in Table 2 (Office) and other land uses not within Table 2.

58. The clause allows the responsibility to waive or vary any building height or setback requirements and application requirements of the planning scheme and also exempts applications from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

Relevant Strategic Plan / Background Documents

Strategic Documents and Planning Scheme Amendments

59. Draft amendments C317yarra and C318yarra seek to introduce interim and permanent (respectively) built form controls to the Yarra Planning Scheme, via a new Schedule 51 to the Design and Development Overlay (Cremorne West Precinct). The amendments are underpinned by the *Revised Cremorne Urban Design Framework* (UDF) (September 2023) which provides the strategic basis for the proposed DDO's across Cremorne and is an action from the *Cremorne Place Implementation Plan* (2020).
60. C317yara was approved by the Minister for Planning on 25 September 2025 and applied DDO51 to the site on an interim basis (expiring on 27 January 2027).
61. Draft Amendment C318yara which proposes permanent controls, revises the UDF and proposes a new local policy Clause 11.03-6L (Cremorne Precinct) finalised exhibition on 8 December 2025 and has been referred to the Yarra Activity Centre Standing Advisory Committee for an independent review.
62. C318yara seeks to, among others, introduce permanent planning controls applying to Cremorne West (DDO51), a Parking Overlay, and new planning policy to support Cremorne as a vibrant, diverse, accessible and high amenity enterprise precinct. This will include specific policy on land use, built form, access and movement, open space and the public realm.
63. The application was received on 20 June 2025. This is before the interim controls were introduced to the planning scheme. C317yara did not include transitional provisions. Accordingly, the requirements of DDO51 apply to the proposal and are considered in the assessment of the application.
64. In accordance with section 60(1A)(g) and (j) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider (g) any strategic plan, policy, statement, code or guideline which has been adopted by a municipal council and (j) any other relevant matter.
65. This provision in the Act applies to the Revised UDF and proposed Local Policy. While consideration should be given to the overarching strategic vision and key directions of the *Revised Cremorne Urban Design Framework*, the more prescriptive built form controls proposed by the UDF are formalised in the interim DDO51. Notwithstanding consideration of the application against the Revised UDF and draft Clause 11.03-6L-01 is undertaken in Appendix 1. Cremorne Enterprise Precinct (Cremorne Place Implementation Plan)



Referrals

66. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	No objection subject to conditions – 25 August 2025 Amended response received on 5 March 2026 consenting to substitute rail interface conditions to permit notes.
Section 55 – Determining	Environment Protection Authority (EPA)	No objection and no conditions - 8 August 2025 The EPA advises that a Development Licence and Operating Licence is required.
Informal	Office of the Victorian Government Architect (OVGA)	No objection subject to conditions – 14 November 2025

Municipal Council Comments

67. The Yarra City Council (the council) considered the application at their committee meeting on 9 December 2025.

68. The council determined that the proposal is supported subject to conditions.

69. Council provided a list of recommended permit conditions should one be granted, including, among others:

- Reduction of building height by deletion of 3 storeys.
- Removal of the terracotta pipe façade system from the northern wall (with exception of a 2.65m return where no building wall abuttal exists at 3 Cubbitt Street) and replace with a finish that complements the architectural design of the building to protect equitable development opportunities.
- Restrictions on patron numbers and operating hours of the proposed land uses.
- Changes to show or clarify details on the plans or locate building elements within title boundaries.
- Standard conditions regarding construction management, civil works, street trees, among others.

70. Council's recommended conditions are discussed further in the report.

Advice sought from other agencies

71. The application was also referred internally to DTP's 3D and Visualisation team, who generated shadow diagrams to verify the overshadowing extent in the application material and reviewed the wind assessment reports.

Notice

72. The applicant was directed to give notice in accordance with s52 of the *Planning and Environment Act 1987*, by way of erecting signs on the site and notifying adjoining owners and occupiers from 4 December to 18 December 2025.

73. No objections were received.



Key Considerations

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

- Strategic Direction and Land Use
- Height and setbacks (including equitable development)
- Design detail
- Amenity Impacts
- Interface with the public realm
- Car and Bicycle Parking, Loading and Waste
- Sustainability
- OVGA concerns
- Council concerns

Strategic Direction and Land Use

Municipal Planning Strategy

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

- The proposal is consistent with the Vision of the Yarra Planning Scheme, which seeks to facilitate a local economy that includes businesses and creative industries seeking to locate in popular employment precincts.
- The proposal is a satisfactory response to Strategic Directions (Clause 02.03) including:
 - Directing mid-rise buildings to appropriate locations within employment areas and creating people-oriented places with high standards of amenity (Clause 02.03-4).
 - Growing the Yarra's major employment precincts (MEC) by supporting the economic primacy of MECs, including Cremorne (Clause 02.03-3, 02.03-6).
 - Using sustainable environmental practices in the building design (Clause 02.03-3).
 - Creating compact, walkable, pedestrian-oriented, mixed use communities proximate to train stations (Clause 02.03-7).
 - Providing reduced carparking and increased bicycle facilities (Clause 02.03-3, 02.03-7).
- The proposal will create additional supply of office floorspace in an area identified for future strategic growth, and a premier destination for creative design in tech and digital technologies, supporting Cremorne's role as an enterprise precinct. The proposal is consistent with the role of the precinct where large global companies can sit 'side by side' with smaller firms, start-ups and co-working spaces (Clause 02.01, 02.03-6 and 02.04).

Planning Policy Framework

77. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on commercial and retail provision, and integrates transport and infrastructure planning.

78. The proposal is consistent with the strategic directions for the growth and intensification of the Cremorne major employment precinct and will support its function as a key part of the metropolitan economy (Clause 17.01-1R and 17.01-1L).



79. The proposal is also consistent with strategies to create 20-minute neighbourhoods, including at Clause 15.01-4R, by facilitating the creation of jobs close to where people live or can access via public or active transport.
80. The proposal is also consistent with other strategies encouraging improvements to pedestrian environments and prioritising walking, cycling and public transport over car reliance (Clause 17.01-1L).
81. Furthermore, the proposal is consistent with land use compatibility strategies (Clauses 13.07-1S and 13.07-1L-01) as the proposed uses are compatible with other employment and supporting retail uses that are establishing in the immediate area. Further details are provided in the following assessment.

Land use

82. A permit is not required for use of the land for office.
83. The provision of food and drink premises and minor sports and recreation facility (wellness centre) at ground and rooftop floor level is consistent with the purpose of the Commercial 2 Zone and policies encouraging the provision of services for workers in employment areas (Clause 17.01-1L).
84. The provision of a waste to energy facility (anaerobic digester) that converts organic waste to energy at a scale that exceeds the energy demands of the building to achieve 'net-positive' energy generation with capacity to feed back into the grid is consistent with the purpose of Clause 19.01-1 (Energy supply) and 19.01-2S (Renewable Energy).
85. The Food and drink premise, Restricted recreation facility (wellness centre) and Waste to energy facility (anaerobic digester) land uses are appropriate having regard to the objectives and decision guidelines of the C2Z as follows:
 - The proposed uses are compatible with the established uses in the Cremorne Major Employment Precinct. In particular, this is compatible with the proposed waste to energy facility and providing organic waste for collection.
 - Potential amenity impacts have been appropriately managed via design response subject to permit conditions. Furthermore, the proposed waste to energy facility is designed to feed renewable energy to the grid, offering broader public benefit.
 - Stormwater will be managed in accordance with best-practice water sensitive urban design (WSUD) principles, subject to permit conditions.
 - The land is suitably serviced and capable of being serviced to accommodate the proposed use
 - The traffic generated by the proposed uses can be accommodated in the local road network. The operation of the waste to energy facility will involve minimal impact to traffic generation on roads through organic delivery by small cargo tricycles that are well suited to navigate narrow streets in Cremorne.

Buildings and Works

86. The purpose and decision guidelines of the zoning, as well as current and proposed planning policy provisions, have been considered in the following assessment of the proposal.
87. The proposal is regarded as an appropriate response to the Commercial 2 Zone, DCPO, DDO51, and to the objectives of current and proposed planning policy for the Cremorne major employment precinct.

Height and Setbacks

88. No maximum building height is specified in the Commercial 2 Zone.
89. As noted earlier, the Municipal Planning Strategy directs mid-rise buildings to employment areas such as Cremorne. The Planning Policy Framework provides relevant considerations, including:
 - Ensuring the form, scale and appearance of development enhances the function and amenity of the public realm and protects valued landmarks, views and vistas (Clause 15.01-2S).

- Supporting high quality mid-rise built form that demonstrates architectural excellence, provides a transitional scale to buildings in adjoining low-rise neighbourhoods and contributes to an improved public realm (Clause 15.01-2L).
- Setbacks should reflect the general pattern of front, side and rear setbacks in the streetscape and limit excessively tiered profiles on street and laneway frontages, as well as encourage contextual materials and finishes to upper levels (Clause 15.01-2L).

90. Other built form strategies (Clause 15.01-2L) include:

- Ensure walls on boundaries minimise adverse impacts on the amenity of adjoining development through unreasonable overshadowing of private open space, visual bulk, overlooking, noise or loss of daylight to habitable room windows.
- Ensuring development supports public realm amenity, including minimising wind impacts (Clause 15.01-1S)

91. The Council raised concerns with the building scale, height, massing and relationship with adjacent buildings and generally considers the proposal should comply with the maximum building heights and setbacks in the Design and Development Overlay (DDO51) applied as interim controls under planning scheme amendment C317yara³.

Built form	Cremorne West Precinct (DDO51)	Decision Plans	Does the proposal meet the DDO51 requirement?
Maximum building height	36 metres (preferred maximum)	54m to top of saw tooth roof (49.9m including roof terrace)	No
Minimum street wall setback	None specified	Gwynne and Stephenson Street: <ul style="list-style-type: none"> • Ground level: 0m 	Yes
Maximum street wall height	16 metres (preferred maximum)	54m (i.e does not introduce a podium to Stephenson Street)	No
Minimum upper level (street) setback	3 metres (preferred minimum)	0m	No
Boundary wall height	34 metres (preferred maximum)	North: 50.45m South: 53.95m	No
Building separation	For sites with a frontage of 20m or more, upper level development at common side and rear property boundaries should be set back above the boundary wall height: <ul style="list-style-type: none"> • 3m at 1-3 levels above boundary wall height • 4.5m at 4 or more levels above boundary wall height <p>* Where a site adjoins an existing blank boundary wall, development may be constructed on that boundary to the height of that existing wall.</p>	North: <ul style="list-style-type: none"> • 0m West: <ul style="list-style-type: none"> • 0m and 3.45m South: <ul style="list-style-type: none"> • 0m 	North: No West: No East: No

³ There are no metric differences in terms of building height and setbacks in the permanent controls proposed in amendment C318yara.



92. The proposal exceeds the preferred 36m maximum building height by 18m with a proposed maximum building height of 54m. DDO51 specifies a permit should only be granted to construct a building that exceeds the preferred building height if all the following requirements are met:

The building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule.

The development achieves design excellence through each of the following:

- *Greater building separation than the minimum requirement in this schedule.*
- *Provide safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bicycle parking.*
- *No additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.*

93. Notwithstanding these provisions, Clause 53.22 provides the discretion to waive or vary any building height or setback requirements.

94. Council's recommended conditions include, among others, requiring reduction of building height (deletion of 3 storeys). These conditions are unnecessary as it is considered the proposed variation of preferred maximum building height under the DDO51 is acceptable.

95. The design objectives of DDO51 includes supporting 'a new mid-rise built form character with taller built form on the Cremorne Street activity spine'. The objectives also include reinforcing the industrial character of the area through innovative architecture that reinforces a human scale, fine grain character and does not overwhelm narrow streets', and the protection of sunlight access to open spaces, among others.

96. The proposed height achieves 'elegant verticality' and is well suited to its context set opposite the Richmond-South Yarra rail corridor and utilising angular frontage features to achieve design excellence and meet the design objectives for the 'precinct-edge' location in Cremorne West Precinct as follows:

- The proposed height and massing reflect a deliberate design decision to depart from a conventional podium-and-tower form, supporting greater architectural diversity and expression within the Cremorne Enterprise Precinct while minimising impacts on the public realm and surrounding amenity.
- Given the absence of an opposite pedestrian footpath, the upper levels of the building will predominantly be perceived from the adjacent rail corridor and longer-range viewpoints. In this context, the cohesive architectural form and distinctive saw-tooth roof treatment will read as a prominent visual marker and contribute to a gateway role for the CBD and the Cremorne Enterprise Precinct.
- At street level, the development presents a legible pedestrian interface. The terracotta pipe façade system provides functional sun-shading and textural contrast to the glazed elements, while the activated ground floor and landscaped setback to Stephenson Street support pedestrian engagement and local street activity.

Equitable development

97. The proposed development has been designed to respect the equitable development opportunity and potential amenity impact on adjoining sites, as set out below.

Adjoining Site	Assessment
3 Cubitt Street (North)	<ul style="list-style-type: none">• Council's recommended conditions include, among others, requiring deletion of the return of the terracotta pipe façade system along the northern boundary façade (with the exception of a 2.65m return where no building wall abuttal exists at 3 Cubitt Street) and replacement with a finish that complements the architectural design of the building.• This condition is not considered necessary, and it is considered application of a Section 173 Agreement (to the effect of requiring the terracotta pipe façade system to be removed if and when the adjoining property is further developed in a manner that would affect the pipe façade system at this location) to protect equitable development opportunities is sufficient.

2–6 Gwynne Street and 8 Gwynne Street (South)

- The existing development provides a deep setback from its northern boundary as well as taking primary daylight access from the east.
- The large outdoor terrace at 2–6 Gwynne Street receives light and outlook from multiple directions including uninterrupted views to the east and over the trainline.
- The existing outdoor terrace and windows will receive direct sunlight during the day.
- The visual bulk impact to 2–6 Gwynne Street is negligible.
- Council’s recommended conditions include, among others, requiring removal of portal windows from the southern boundary wall and providing alternative visual interest to this wall. This is considered appropriate and will be included on any permit which may issue.

5–9 Cubitt Street (West)

- Daylight provision and building separation is provided through a 3.45m western boundary setback which is greater than setbacks provided to adjoining sites where there are windows.

11–15 Cubitt Street (West)

- The proposal is designed to preserve the equitable development opportunity noting that this site if redeveloped will achieve much of its daylight from the west (Cubitt Street).
- The setback of the proposed building from the northern-west interface also provides daylight from the north.

Overshadowing and daylight access

98. The DDO51 Overshadowing requirement states that “development should ensure there is no additional overshadowing of existing public spaces between 10am and 2pm on 22 September as identified on Plan 1”.

99. The proposed building will overshadow the existing parklet on the corner of Gwynne and Stephenson Street from between 1pm and 2pm on 22 September. The additional building height and massing is considered acceptable noting that the existing 10-storey permit granted for the site already overshadows this park from 1pm onwards.

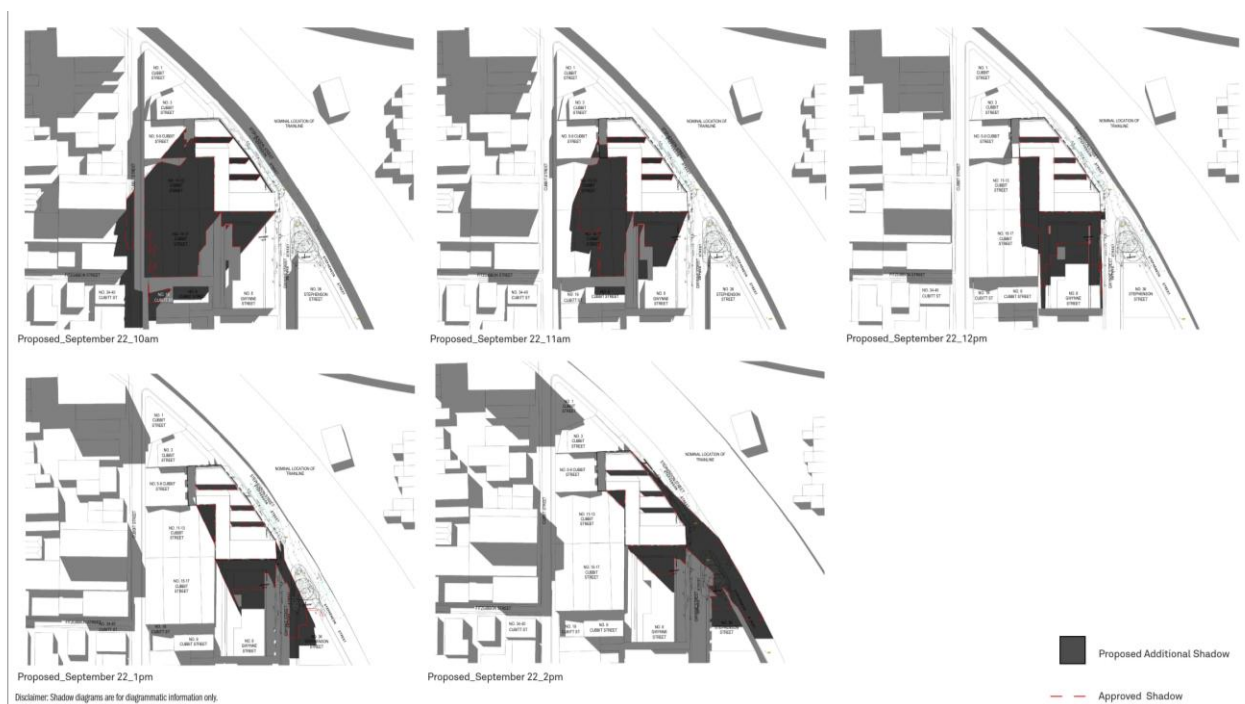
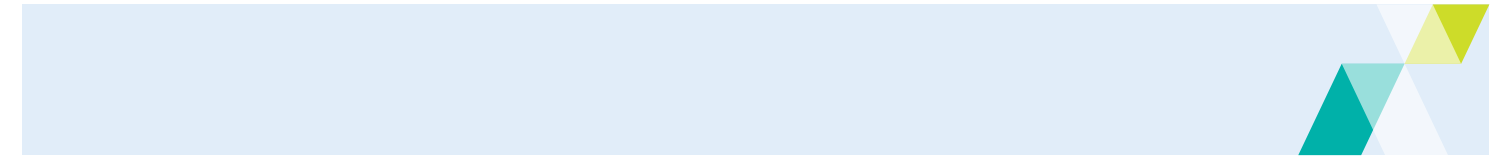


Figure 10: Shadow diagrams comparing the existing approval (PLN21/0729) and proposed plans from 10am to 2pm at Equinox

100. The building is located on the north-east side of the street block, and solar access is maintained to Stephenson Street for a large proportion of the day. A small amount of shadow is cast to dwellings 12, 20, 22 Cubitt Street and 1



Fitzgibbon Street on the west side on 22 September and there will be no overshadowing of SPOS from 10am onwards. These dwellings are in the C2Z, where residential amenity expectations need to be tempered.

101. The proposal has responded to the existing light courts at 5-9 Cubitt Street (commercial building), by providing a 3.46m recession to the west boundary. This is considered acceptable noting the highly-built up, principally commercial context and it will not result in any unreasonable amenity impacts.

Protection of views

102. The proposal will not interrupt the significant views identified in the DDO51 to the Nylex Sign from the Morell Bridge or to the Slade Knitwear sign.

Building scale and massing

103. The proposed building will be one of the larger buildings in the area, but as discussed earlier, it is an appropriate response to its robust precinct edge context, the emerging built form in the surrounding area, as well as existing and proposed strategic planning directions.

Design Detail

104. Proposed materiality incorporates open terracotta-coloured pipes in a feature external façade system and precast concrete in terracotta colour to external elevations, 'Oculus' concrete entry portal at ground level, fire-rated obscure glass blocks and clear glazing.
105. Design detailing pays homage and subtle reference to the industrial heritage of Cremorne through materiality and fenestration design, taking a solid material naturally sourced and kilned and transforming it into a thermally dynamic façade system.
106. The design response is consistent with objectives of the Revised UDF which include encourages design that builds on Cremorne's precinct identity.
107. The design response is consistent with Clause 2.10 (Building design requirements) of the DDO which outlines that development should:
- *Reinforce the industrial character of the precinct through robust and durable materials which reference industrial typologies.*
 - *Apply high quality materials which complement the materiality of an adjacent heritage building.*
 - *Be designed as a series of smaller building forms on larger sites which contribute positively to their context and historic urban grain form.*
108. The plans have responded to the OVGA comments and satisfactorily demonstrated that the ambitious vision and standards sought to be achieved in terms of architectural quality, ESD outcomes, landscape and the public realm can be practically achieved and maintained into the future.
109. The plans demonstrate that building elements such as fire booster cabinet doors, building entry portal doors when fully open, the terracotta pipe façade screen are all located within title boundaries and not projecting so as to impact the public realm. The stairwell to common areas is also unenclosed where feasible. As such Council's recommended conditions requiring changes to this effect are not required.

DDO51 Decision Guidelines

110. Overall, the proposal is consistent with the decision guidelines of DDO51 as follows:
- The proposal includes excellent activation of the public realm and positively interacts with street edges on each frontage.
 - Façade design and materiality reflect and references the industrial character of the precinct. Fenestration design replicates the fine grain character of the Cremorne West precinct within the context of a consolidated lot. Materials are robust and durable consistent with industrial typologies of the precinct.

- The distribution of built form and massing is considerate of sensitive interfaces.
- The proposal is located at the north-eastern edge of the Cremorne West precinct on the curved Stephenson Street adjacent to the rail corridor.
- Street wall design addresses the robust mid-block and railway interface context by reinforcing an appropriate scale for pedestrians along streets, including architectural detailing with tactile materials, depth and articulation to ensure an engaging experience.
- The proposal is a well resolved architectural response incorporating quality materials and is an integrated response to siting, scale, massing and articulation considerations and represents design excellence.

Amenity and Microclimate

Overlooking

111. Clauses 13.07-1L-01 and 15.01-2L -1L-01 encourages development to minimise overlooking into residential properties, regardless of the zone. The proposal provides no direct views into habitable rooms or private open space of existing dwellings and will not result in any unreasonable overlooking.

Odour

112. A memorandum prepared by The Odour Unit dated 20 October 2023 undertook a preliminary review in the context of the requirement for an odour impact assessment. The anaerobic digester use is located in the basement and is considered a 'segregated activity' that does not form the primary use of the building. As such an odour impact assessment could be triggered at the EPA licencing stage but is not yet determined.

Noise

113. The proposal includes potential noise-generating activities from the rooftop plant, food and drink premise at ground level and rooftop, and the restricted recreation facility use (wellness centre) at rooftop.
114. Clause 13.05-1S states that community amenity should not be reduced by noise emissions. Similarly, local policy at clause 22.05 calls for commercial development to consider noise attenuation in its design response.
115. The application proposes four (4) land uses – two (2) food & drink premises at ground floor and rooftop, a restricted recreation facility use (wellness centre) at rooftop, a waste to energy facility (anaerobic digester) in the basement, with the remainder of the building used for office. The office use is a section 1 uses under the C2Z and therefore do not require a planning permit. In any case, the proposed office use is not associated with problematic noise impacts.
116. The Acoustic Report prepared by DDEG dated 16 May 2023 outlines that the proposed food and drink premises are not expected to affect the nearest dwellings given they are located approximately 50-60m from the Site.
117. Notwithstanding the above, a condition will require the development to comply at all times with the EPA noise regulations that apply to commercial developments (the EPA Noise Protocol). These measures will ensure minimal noise impacts arising from the development in accordance with State and Local planning policy.
118. The council has requested additional conditions restricting the patron numbers and hours of operation for the food and drink premises (café at ground floor and restaurant at rooftop level) be limited to between 7am and 10pm on any day as well as for the restricted recreation facility (wellness centre at rooftop level) use.
119. Given these uses are reasonably expected in a commercial zone and a Major Employment Precinct, and there are nearby uses that operate at similar or later times after hours, it is considered appropriate to allow the restaurant use at roof top to extend to 1am for Thursday to Saturday and the night before a public holiday.
120. In addition, a consent mechanism in the condition is recommended to be included to consider proposals for extended hours and patron numbers where technical evidence can demonstrate limited amenity impacts to nearby sensitive noise receptors such as residences.



121. The council has also requested delivery and collection of goods (including deliveries for the waste to energy facility) hours be limited to between 7am and 10pm Monday to Saturday. The delivery hours should be amended to comply with the EPA Noise Control Guidelines Publication 1254.2 which is 7 am – 10 pm Monday to Saturday and 9 am – 10 pm Sundays and public holidays.
122. Given the loading and waste collection bay is within the building and accessed via Stephenson Street, away from existing dwellings, it is considered the hours of the EPA Noise Control Guidelines are appropriate.
123. General amenity conditions will also be included on any permit issued, which will require all land uses to avoid unreasonable noise impacts on existing dwellings.
124. Subject to these conditions and having regard to the requirements of the EPA Noise Control Guidelines, the proposal is considered to appropriately address Clause 13.05-1S.

Wind

125. The application is supported by a desktop Wind Impact Assessment prepared by ViPac and dated 14 February 2024. The report reviewed the wind impacts related to the public realm with a focus on potential impacts to pedestrians using the public realm and concluded the building design will effectively mitigate adverse wind impacts.

Lighting

126. The proposal includes lighting to frame the building. A nominal location for lighting has also been shown for projected 'artwork or lighting to train wall' along Stephenson Street in the plans prepared by Hassell.
127. Council has requested a permit condition for civil work and drainage design plans to include, among others, existing and proposed street lighting to manage and avoid unreasonable offsite amenity impacts. This should be included as a condition on permit.

Public Realm

Ground Level Activation and Landscaping

128. The Cremorne Revised Urban Design Framework (2023) states that sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, space for outdoor dining, street level bike parking or landscaping where heritage is not a constraint.
129. Clause 15.01-2L encourages trees and vegetation planting to contribute to an urban forest and also encourages the retention and provision of canopy and significant trees to reduce urban heat island effects.
130. The proposed demolition of existing kerb along the Stephenson Street frontage and realignment with extended footpath or pedestrian realm provides for this outcome. The proposed public realm treatment includes 16x visitor bicycle hoops, rain gardens, three (3) new street trees, public seating, perforated metal and asphalt surface treatments and opportunities for future outdoor seating.
131. Council's Urban Design unit supports the proposed public realm improvements but has requested a public realm plan and civil works and drainage plan condition to amend, among others, the street tree planting proposal (to retain a recently planted street tree), substitute footpath surface material with asphalt, and reduce maintenance requirements to Council by substituting raingardens to passive irrigation beds.
132. The request to seek retention of a recently planted street tree is not considered necessary, noting that the application includes demolition of the street tree to undertake a comprehensive footpath widening outcome as part of the public realm improvements of the proposal. The balance conditions are reasonable to include.
133. The proposed entry lobby with small food and drink premise at ground level, along with the 'Oculus' concrete entry portal, operable glazing/doorways, amphitheatre seating facing the lobby and entry, landscaped terrace within the western building setback will provide publicly visible opportunities to activate the streetscape.



134. Overall, the OVGA considers that the landscape elements are suitably integrated into the design and commends the project design response in a complex and highly urban context.

Cremorne Art Chimney

135. To the rear of the Food and drink premises within the west ground level setback, a steel structure column is proposed to support a commissioned artwork ‘the Cremorne Art Chimney’ with creeping plants along the structure and hanging, shade tolerant plants.

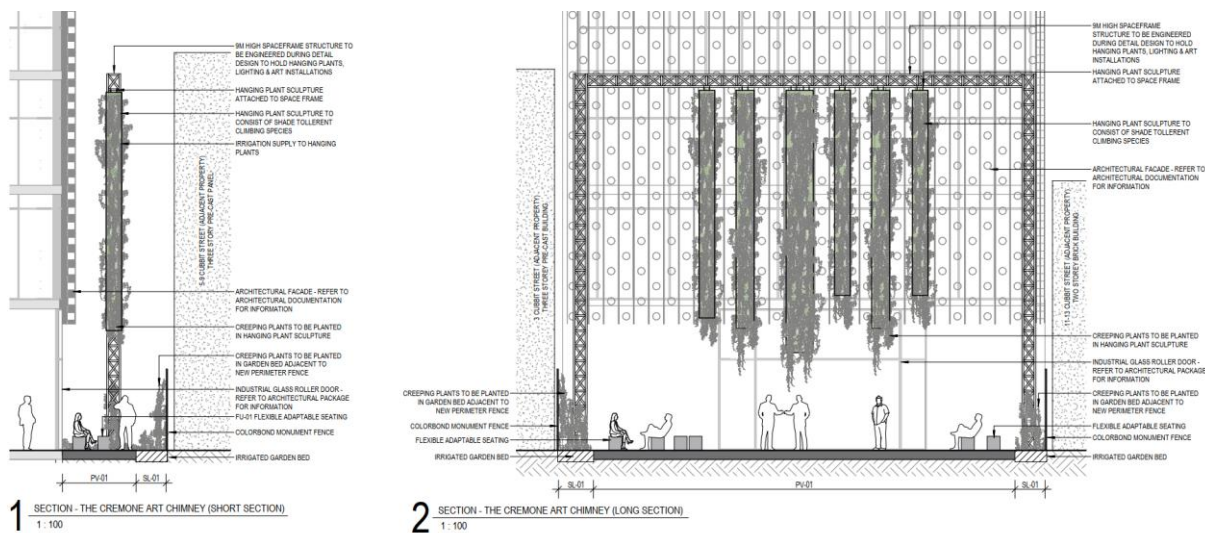


Figure 11: Cremorne Art Chimney concept plans (source: Landscape Plans)

136. The Art Chimney is an interactive greenery art space also provides potential screening to adjacent neighbours and will be accessible for café patrons during operating hours. This is consistent with the design objectives of DDO51,

Landscaping above Ground Level

137. In addition to the ground level landscaping, the landscape plans also show the communal roof terrace at Level 12 (rooftop) that builds upon the historic Cremorne ‘pleasure gardens’ concept with a variety of vibrant garden spaces as possible activations.

138. The council have reviewed the plans and did not request any changes to landscaping within the site. Conditions will be included in the permit to ensure the landscaping concepts are delivered.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

139. Under the car parking requirement maps, the subject site is located within ‘Category 4.’

140. The table at clause 52.06-5 specifies the following rates apply to use of land for Office and Food and Drink Premise:

- Maximum requirements of 1 space per 100sqm leasable floor area of Food and Drink Premise (no minimum requirement)
- Maximum requirements of 0.45 space per 100sqm net floor area for Office (no minimum requirement)
- Minor Sports & Recreation Facility – to the satisfaction of the Responsible Authority
- Anaerobic Digester – to the satisfaction of the Responsible Authority



141. However, in accordance with Transitional Provision B under clause 52.06-12, the maximum car parking rates do not apply to this application as it was lodged before the introduction of amendment VC277.
142. The application involves 383 square metres of Food and Drink Premise generating a requirement for 3.83 spaces, and 6735 square metres of Office generating a requirement for 30.3 spaces. Therefore, the minimum statutory requirement is zero spaces, and the maximum statutory requirement is 34 spaces.
143. The development provides a total 27 car spaces, which exceeds the minimum requirement. It is noted that were the maximum car parking requirement of 34 spaces be applicable, the development would still comply.
144. Car parking has been provided to the satisfaction of the Responsible Authority for the Anaerobic Digester and Minor Sports and Recreation Facility land uses. There is ample short term parking opportunities in the vicinity to accommodate the parking demand and the variety of transport options available to encourage behaviour change.
145. Accordingly, a planning permit is not triggered under clause 52.06-3.
146. Nevertheless, the traffic engineering assessment by onemilegrid, dated 3 December 2025 assessed the carparking provision as satisfactory under previous car parking rates, given the support in local policy, as well as the high level of accessibility of the site to public transport, including Richmond railway station and trams along Swan Street and Church Street. The site has a high level of walkability and good access to active transport links, including the Capital City bike trail and other on-road bike lanes. There are also share-cars available in the area.
147. The council has requested a Green Travel Plan as a permit condition which will be included on any permit issued.

Design Standards for Car Parking

148. The traffic engineering report has assessed the proposal as compliant with Clause 52.06-9 and also concludes that the operation of the car lift is not expected to have an adverse impact on the operation of Stephenson Street or Gwynne Street nor the proposed EcoCaddy tricycles.
149. The Council's engineers have reviewed the design of the car parking area based on Clause 52.06-9 (Design standards for car parking) and has not raised any concerns with the proposed arrangement, subject to permit conditions requiring a ground clearance assessment to be undertaken. This is appropriate and will be included on any permit issued.

Access, Traffic Movement and Circulation

150. The traffic generated by the proposal is considered reasonable to be accommodated within the local road network without adversely impacting on the traffic operation of nearby streets in the traffic engineering report. Council's engineers have reviewed and confirmed this finding.
151. Swept path diagrams have been provided showing vehicles will be able to access and exit the site in a forward direction. Aisle widths within the carpark are generally compliant with the dimensions specified in Clause 52.06-9.

Loading / Unloading

152. The proposal incorporates a single width vehicle entry point from Gwynne Street to provide access to the car park entry and car lift to basement levels.
153. The loading zone would provide for 6.4m long waste mini loader, including waste collection for waste and recycling bins and the collection of digestate by private waste contractor.
154. Swept path diagrams are shown in the traffic engineering report demonstrating that delivery and waste trucks (mini loader and EcoCaddy tricycles) will be capable of entering and exiting the site in a forwards direction.
155. The Council's engineers have reviewed the design of the car parking area based on Clause 52.06-9 (Design standards for car parking) and has not raised any concerns with the proposed arrangement, subject to permit



conditions requiring the width and depth of the loading/waste collection area to be clearly dimensioned. This is appropriate and will be included on any permit issued.

Waste

- 156. Clause 19.03-5L include directions for waste and recycling to be provided for in new development and to ensure the size and design of waste and recycling facilities can be accommodated.
- 157. A waste management plan (WMP) has been provided. The waste (bin) storage room is provided at ground level, behind the fire booster cabinet, and accessed from the car park access and end of trip facilities corridor. Waste is proposed to be collected within the ground floor when vehicle entry area via a private collection service.
- 158. The WMP details the expected waste generation in streams: general waste, digestate (by-product of anaerobic digester), recycling and glass. It also outlines expected volume of waste (organics) delivered and frequency.

Table 5.1: Waste Collection Requirements

Waste Stream	Volume (L/week)	Bin Size (L) / Equipment	Quantity	Collection Frequency (per week)	Capacity (L/week)
General Waste	8,760	1100	3	3	9,900
Digestate (by-product of anaerobic digester)	500-1,000 kg/day	Digestate holding vat	1	7	7,000 kg
Recycling	4,678	1100	3	2	6,600
Glass	1,170	240	3	2	1,440

Table 5.2: Organic Waste Delivery to Site Requirements

Waste Stream	Weight Delivered (kg/day)	Bin Size (kg)	Bin Quantity per load	Delivery Frequency (per day)	Capacity (kg/day)
Organics	10,000	20	18	30	10,800

Figure 12: Waste collection and delivery (source: Waste Management Plan, pg9)

- 159. Waste collection of general waste and recycling is proposed via a private contractor, who will park in the designated loading area on Stephenson Street, wheel the bins from the waste storage room at ground level for transfer into the vehicle before returning them to storage.
- 160. Collection of the digestate from the anaerobic digester is also proposed to be performed by a private contractor. The digestate bi-product is intended to be pumped into a pipe connection adjacent to the organic waste chute for collection by a contractor that will reverse into the car park entry point internal to the Site. Delivery of organic waste to the Site is proposed to be undertaken by *EcoCaddy*.
- 161. Commercial waste collection will be undertaken in accordance with the Environment Protection (Residential Noise) Regulations 2008.
- 162. The Council has requested that the WMP be revised to include risk assessments associated with waste management and need for potential review into the service if operational requirements change via permit condition. The WMP should also be updated to accord with any changes to the architectural plan layout. This is considered appropriate and will be included on any permit issued.
- 163. Swept path diagrams prepared for the waste collection vehicle have been reviewed by Council's Engineering Unit who have raised no concerns from an access perspective.
- 164. Overall, the proposed waste arrangements for general waste and recycling are appropriate to the use and likely volume of waste generated.

Bicycle Facilities

- 165. Clause 52.34-1 requires bicycle parking facilities as follows:



Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Minor sports and recreation facility	Employee	1 space / 4 employees	0	0
	Visitor	1 space / 200m ² of net floor area	1	Not onsite
Retail (Food and Drink Premise)	Employee	1 space / 300m ² of net floor area	1	1
	Customer	1 space / 500m ² of net floor area	0	Not onsite
Office	Employee	1 / 300m ² of net floor area (NFA), if the NFA exceeds 1000m ²	23	47
	Visitor	1 / 1000m ² of net floor area (NFA), if the NFA exceeds 1000m ²	6	Not onsite
Total			24 employee 7 visitors	48 employees 16 visitor (on-street)

166. The proposal includes extensive bicycle parking for both employees and visitors and end of trip facilities for employees. This includes on-site provision of 48 bicycle spaces for employees, which exceeds the statutory requirements of 24 bicycle spaces for staff. The proposal also meets the BESS best practice requirements for employee office rates (1 space per 100sqm).
167. The proposal seeks a reduction to the requirement to provide eight visitor spaces on-site.
168. The proposed reduction of standard visitor bicycle parking requirements is appropriate having regard to the decision guidelines of Clause 52.34-4, considering the design response provides 16 spaces for visitors on Stephenson Street in front of the building within the proposed extended pedestrian zone (public works), rather than on site. This is considered an appropriate outcome.
169. Pursuant to Clause 52.34-2 (Permit requirement), shower and change room facilities are required where 5 or more employee bicycle spaces are provided.
170. The proposal includes provision of end of trip facilities including change rooms and seven (7) showers on ground level, thereby exceeding the required provision rates.
171. The Council has also recommended the provision for employee bicycle parking spaces for cargo bicycles and bicycles with trailers as well as requiring a minimum of 20% of employee bicycle parking spaces to be accessible to an electric bicycle charging place. It is considered appropriate to future proof the development with provision for cargo bicycles to the satisfaction of the Responsible Authority and a condition will be included to this effect.
172. It is considered that the proposal is acceptable and appropriately responds to Clause 52.34.

Sustainability

Environmentally Sustainable Design (ESD)

173. The application is supported by a Sustainability Management Plan (SMP) prepared by Finding Infinity and dated 7 August 2025 in response to Clause 15.01-2L-01 of the planning scheme.
174. The council has assessed the proposal and notes that it exceeds the minimum ESD requirements in the planning scheme. A condition has been recommended by the council that the SMP should be amended to remove reference to the passive house innovation credit, to require the plans to show the location of the solar panel system, and that



evidence be submitted to ensure that all ESD commitments have been implemented. This is considered reasonable and will be included on any permit to issue.

175. As stated previously, the waste to energy facility (anaerobic digester) is relied upon for the claimed 73% BESS score. OVGA queries regarding the practicality and feasibility of the organic waste quantity and scale of operation have been clarified through the traffic assessment, waste management plan, and mechanical drawings.
176. The OVGA commends the stated intentions and ESD innovations of the project and recommends a NABERS Commitment Agreement for a minimum of 5.5 stars and a commitment to a Greenstar rating of at least 5 stars be entered into. This is considered reasonable and will be included on permit which may issue.

Water Sensitive Urban Design (WSUD)

177. The application is supported by stormwater modelling in the SMP achieving 145% STORM rating and includes 792sqm of non-trafficable roof area diverted to 15kL of onsite storage in rainwater tanks and re-use for toilet flushing and landscape irrigation.
178. The council has assessed these measures to exceed the planning scheme requirements, including Clauses 19.03-3L and 53.18. Implementation of the SMP via permit condition will be included in any permit issued.

Other Matters

Development Contributions

179. DCPO1 applies to all land in Yarra with the Schedule to the Overlay setting payable levies for commercial development. The proposal is subject to Area 11 contribution requirements.
180. A condition of the permit requires payment of relevant levies to Yarra City Council.



181. The proposal demonstrates clear alignment with the policy vision, design guidelines and overarching ambitions of the *Yarra Planning Scheme* and relevant planning policy. This is demonstrated through the project's genuine leadership in sustainable building design and exceptional architectural quality.
182. The proposal will contribute to the provision of a contemporary office use in the Cremorne Major Employment Precinct with a built form response appropriate to the site's commercial zoning and programmed in a manner that responds to the evolving business ecology of Cremorne.
183. It is recommended that Planning Permit No. PA2503781 for the Development of a multi-storey building comprising office, use of land for food and drink premise, restricted recreation facility and waste to energy facility (anaerobic digester), and a reduction of visitor bicycle parking requirements be issued subject to conditions.
184. It is recommended that the applicant and the Council be notified of the above in writing.

The weight to be given to draft planning scheme amendments and other policies adopted by a municipal council but not yet forming part of the planning scheme, is normally assessed under the concept of 'seriously entertained planning proposal'. This concept was first developed in *Lyndale & Black Pty Ltd v MMBW and Shire of Melton* (1983) 1 PABR 207 (editorial comment 1 PABR 206 and further developed (including for broader application to strategic policies) in *O'Connell Street Developments Pty Ltd v Yarra CC* [2003] VCAT 448, *Whitehorse City Council v Golden Ridge Investments Pty Ltd* [2005] VSCA 195 and *Double LZ Development Pty Ltd v Moreland CC (Red Dot)* [2015] VCAT 1558. An assessment against these principles is provided below:

1. The form of the planning proposal – a formal planning scheme amendment should be given much more weight than a planning proposal of a less formal nature.

Response: C318yarra would seek to amend Clause 72.08 to incorporate the Revised Urban Design Framework and other related strategic documents as background documents in the Yarra Planning Scheme and further enshrine the UDF policy objectives in the scheme, including through permanent built form controls within Design and Development Overlay schedules. C318yarra proposes to permanently apply DDO schedules that were introduced to the planning scheme on an interim basis under C317yarra. The policy's intended final form in a statutory planning context is therefore of a highly formal nature.

2. The stage which the proposal has reached in the planning process – greater weight will be given to a planning proposal which has reached an advanced stage in the planning process.

Response: The preparation of the revised UDF (and introduction of new planning controls if necessary) was a key implementation action of the Cremorne Place Implementation Plan (December 2020) that was prepared in partnership between the VPA, Yarra City Council, DJSIR and DTP, to help set a long-term vision and action plan for Cremorne as a global innovation precinct. The council has since undertaken a number of strategic reviews, community engagement and community engagement in late 2022 before adopting the strategic background documents of C317yarra, including the revised UDF adopted in September 2023 at Yarra City Council's Ordinary Meeting. Interim DDO controls were introduced to the planning scheme on 25 September 2025 and will cease to have effect after 29 January 2027.

As a strategic plan, the UDF has reached an advanced stage of development and is the result of a large breadth of strategic work that has been undertaken over a number of years for the Cremorne precinct. However, the Revised UDF is still a document under construction, with the Council resolution in September 2023 still seeking further public engagement and revision of the UDF to respond to public engagement in tandem with the exhibition of C318yarra. C318yarra has undertaken formal exhibition (3 November 2025 to 8 December 2025) and Council has resolved to refer this to a standing advisory committee.

3. The seriousness in which the State Government is pursuing the implementation of the planning proposal.

Response: As above, while the development of strategic policy for the Cremorne precinct (and Enterprise Precincts more broadly) has previously been seriously pursued or supported by the State Government, the UDF and the draft planning scheme amendments have not been further pursued since late 2023. Exhibition of C318yarra has been undertaken and further independent review is being sought.

4. Whether the grant of the planning permit would impair the objectives of the planning proposal and not merely be inconsistent with the strict letter of the planning proposal.

Response: The proposal is only a moderate development in proportion with other development sites and the overall precinct, and the site is also not designated as a strategic development site within the UDF. The proposed development is largely in line with the overarching vision, strategies and guidelines of the UDF and draft Clause 11.03-6L-01. The proposal's variation from the UDF and draft Clause 11.03-6L-01 are only to the more prescriptive built form controls regarding heights and setbacks which are generally discretionary and are applicable to a broad area of the precinct. The grant of the planning permit would not impair the objectives of the UDF or draft amendment.

5. Whether the adopted policy/proposal has been the subject of an adverse independent Panel report and/or departs from the recommendations of the Panel in a material way.

Response: The UDF and draft planning scheme amendment C318yarra have not yet been subject to any independent Panel review.

6. The time at which the adopted policy was prepared and, potentially, the lapse of time between this and the consideration of an application (wherein the planning context may have further changed or evolved).

Response: The implementation of updates to the UDF, the review of current planning policy and controls and introduction of new planning control if necessary were all identified as short-term implementation actions in the Cremorne Place Implementation Plan, to be completed within 1-2 years (ie. by December 2022). Implementation has occurred through C317yara (approved) and C318yara with the latter yet to be subject to independent panel review. Various planning activity and approvals has occurred across the broader Enterprise Precinct since actions of the Cremorne Place Implementation Plan (December 2020) were initiated. This includes several developments in proximity to the site (57 Balmain Street, 70-80 Gwynne Street, Bryant & May redevelopment, 49-51 Balmain Street, Cremorne and 108-110 Stephenson Street, Cremorne and 79-83 Balmain Street and 116-122 Chestnut Street, Cremorne) which do not adhere to some of the built form controls proposed for these sites, including building and street wall heights.

In summary, the Revised Cremorne Urban Design Framework and related strategic background documents intend to form the basis of the draft C318yarra planning scheme amendments, presents an advanced, generally well-resolved strategic plan for the precinct that is sought to be formalised through new planning controls and guiding other implementation actions by the council.

This is the result of a large breadth of strategic work, including public engagement and the Cremorne Place Implementation Plan (developed in partnership with the State Government), as well as a body of other relevant state and local policy. The broader vision and aspirations for urban design in the Cremorne/Railway West Precinct that are included in the UDF, and which have formed the basis for C318yara and could therefore be considered ‘seriously entertained’ and should be given some weight when assessing the application.

Assessment against draft Clause 11.03-6L-01 (Cremorne Precinct)

Topic	Relevant Objectives	Relevant Strategies	Assessment
Land Use and Activity	<ul style="list-style-type: none"> To facilitate economic growth in Cremorne as Melbourne’s premier global innovation precinct. To support innovative and diverse employment opportunities across Cremorne’s employment precincts. 	<ul style="list-style-type: none"> Support a diverse range of creative and innovative businesses, including anchor tenants and small businesses. Support affordable workspaces in Cremorne. Support a diversity of day and night-time activities. Within the Cremorne West Precinct, encourage creative industries, complementary uses, active frontages along Cremorne Street. 	Complies.
Movement and Access	<ul style="list-style-type: none"> To create a highly accessible and well-connected movement network prioritising sustainable and active transport. To provide a safe and attractive cycling and pedestrian network. 	<ul style="list-style-type: none"> Promote Cremorne as a walkable precinct with reduced traffic speeds and traffic volumes, new footpaths and greening to provide safe pedestrian access to buildings and new pedestrian connections. Discourage new vehicle access on pedestrian, cycling and public transport priority routes. 	Complies subject to conditions.
Streets and Spaces for People	<ul style="list-style-type: none"> To create a network of high-quality public spaces and streets as places for people. 	<ul style="list-style-type: none"> Encourage development to provide spaces for meeting, gathering and socialising. Interpret and celebrate heritage and Aboriginal cultural heritage. Support public art and consider undergrounding 	Complies.



powerlines on large frontage sites.

Design Quality	<ul style="list-style-type: none">To facilitate Cremorne as a place of design excellence with a distinct identity and character.	<ul style="list-style-type: none">Encourage varied built-form typologies.Ensure a fine-grain, pedestrian-scale public realm.	Complies.
Strategic Sites	<ul style="list-style-type: none">To ensure strategic site development is integrated with heritage, residential interfaces and the Yarra River (Birrarrung).To ensure development contributes to a high-quality public realm through permeability and accessibility.	<ul style="list-style-type: none">Ensure development enhances the Yarra River environs and railway interfaces.Avoid additional overshadowing on 22 September of key pedestrian routes and open spaces.	Complies – the subject site is not identified as a Strategic Site.