

Assessment Officer Report

PA2503747 – 675 Victoria
Street, Abbotsford



Planning Assessment Officer Report
Development Assessment

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Executive Summary



Key Information	Details	
Application No:	PA2503647	
Received:	2 May 2025	
Statutory Days:	274 days	
Applicant:	EG Funds Management c/- Tract Consultants	
Planning Scheme:	Yarra	
Land Address:	675 Victoria Street, Abbotsford and part Crown Allotment 63B Parish of Jika Jika	
Proposal:	Use of the land for dwellings and place of assembly (community facility), construction of a building, removal of vegetation and alter access to a road in a Transport Zone 2.	
Development Value:	\$ 122,000,000	
Metropolitan Planning Levy:	Paid – \$158,600	
Why is the Minister responsible?	<p>The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for:</p> <ul style="list-style-type: none"> Use or development to which Clause 53.23 applies. 	
DFP eligibility criteria in accordance with Clause 53.23	Category	1
	Sector	Residential
	Land Use	Residential <i>The estimated cost of the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) as specified in the quantity surveyor report required under clause 53.23-3 must be at least \$50 million if any part of the land is in metropolitan Melbourne.</i>
	Location	Metropolitan Melbourne – Yarra City Council
	Alignment with the DFP threshold / criteria	The proponent seeks to provide a 3% cash contribution to the Social Housing Growth Fund (SHGF), which is to be implemented via a Section 173 agreement.
	OVGA	<p>The OVGA sought a height reduction of 2-3 storeys to match that of the other nearby towers which interface with the Yarra River. OVGA also sought an improved through-block-link outcome and revised bicycle storage area.</p> <p>The proponent revised the through block link location and design and bicycle storage access to address those specific OVGA comments.</p>
	Invest Vic	Yes – dated 12 February 2025
	Quantity Surveyor Report	Yes – dated 6 November 2024

Why is a permit	Clause	Control	Trigger
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required?

Zone:	Clause 34.01	Commercial 1 Zone	<i>Use of land for dwellings and community facility (place of assembly). Construct a building or construct or carry out works.</i>
	Clause 36.02	Public Park and Recreation Zone	<i>N/A – No permit is required for pathways and trails</i>
Overlays:	Clause 42.03	Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs)	<i>Construct a building or construct or carry out works. Remove, destroy or lop vegetation.</i>
	Clause 43.02	Design and Development Overlay – Schedules 1 (Yarra (Birrarung) River Corridor – Area G) and 2 (Main Roads and Boulevards)	<i>Construct a building or construct or carry out works.</i>
	Clause 44.04	Land Subject to Inundation Overlay	<i>Construct a building or construct or carry out works.</i>
	Clause 45.06	Development Contributions Plan Overlay – Schedule 1 (Yarra Development Contributions Plan)	<i>A permit granted must:</i> <ul style="list-style-type: none"> <i>Be consistent with the provisions of the relevant development contributions plan.</i> <i>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.</i>
Particular Provisions:	Clause 51.06	Birrarung (Yarra River) Protection	<i>A responsible authority must have regard to the principles in Part 2 of the Birrarung Act when deciding on an application or approval of a plan.</i>
	Clause 52.06	Car Parking	<i>Before a new use commences, the minimum number of car parking spaces required under clause 52.06-5 must be provided to the satisfaction of the responsible authority.</i>
	Clause 52.29	Land Adjacent to the Principal Road Network	<i>A permit is required to create or alter access to a road in a Transport Zone 2.</i>
	Clause 52.34	Bicycle Parking	<i>N/A – A permit is only required to provide less than the required bicycle facilities.</i>
	Clause 53.03	Residential Reticulated Gas Service Connection	<i>A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.</i>
	Clause 53.18	Stormwater Management in Urban Development	<i>An application to construct a building or construct or carry out works:</i> <ul style="list-style-type: none"> <i>Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.</i> <i>Should meet all of the standards of Clauses 53.18-5 and 53.18-6.</i>
	Clause 58	Apartment Developments	<i>A development:</i> <ul style="list-style-type: none"> <i>Must meet all of the objectives of this clause.</i>



- *Should meet all of the standards of this clause.*

Cultural Heritage:	Reports have been provided to demonstrate that a Cultural Heritage Management Plan is not required.		
Total Site Area:	3,821 m ² (including part of Crown land)		
Gross Floor Area:	26,164 m ²		
Height:	13 storeys to Victoria Street		
	15 storeys to the Yarra River (due to the slope of the land)		
	41.57 metres		
	55.9 m AHD		
Land Uses:	Dwellings	Community facility	Office
	21 x 1 bedroom	122 m ² / 12 patrons	287 m ²
	67 x 2 bedroom		
	35 x 3 bedroom		
	Total: 123 dwellings		
Communal areas:	Internal	External	
	279 m ²	672 m ²	
Parking:	Cars	Motorcycles	Bicycles
	169	26	158
Referral Authorities:	Melbourne Water (s55 – determining and recommending referral) Head, Transport for Victoria (s55 – determining referral)		
Advice sought:	Yarra City Council (s52 Notice) Boroondara City Council (s52 Notice) Parks Victoria (informal referral) CitiPower (informal referral) DTP Urban Design (internal referral) DTP (Birrarung), Strategic Land Use Planning (internal referral)		
Public Notice:	<p>Notice of the application was undertaken by the applicant at the direction of the Department of Transport and Planning (DTP) under delegation from the Minister for Planning in July 2025, in the following manner:</p> <ul style="list-style-type: none"> • Two (2) public notices, one on the Victoria Street frontage and one on the Yarra River frontage; and • Mail to owners / occupiers of adjoining and nearby land. <p>109 objections have been received from neighbouring properties.</p> <p>Notice was also given to the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation on 18 September 2025.</p>		
Delegates List:	Approval to determine under delegation received on 6 March 2026.		



Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	2 May 2025
s50 Amendment received	30 May 2025
Notice instructions sent to applicant	24 June 2025
Statutory Declaration for notice received	15 July 2025
Decision Plans	Plans prepared by SJB Architects, titled 'EG Abbotsford, 675 Victoria Street Abbotsford' and within the package dated May 2025.
Other Assessment Documents	Planning Report prepared by Tract and dated 30 May 2025; Urban Design Report prepared by SJB Architects and dated May 2025; Traffic Engineering Assessment prepared by Traffix Group and dated 24 March 2025; Waste Management Plan prepared by Traffix Group and dated 4 April 2025; Green Travel Plan prepared by Traffix Group and dated 4 April 2025; Sustainable Management Plan prepared by GIW Environmental Solutions Pty Ltd and dated 7 April 2025; Landscape Concept Design prepared by Tract and dated 28 May 2025; Pedestrian Level Winds – Wind Tunnel Test prepared by ViPac and dated 22 October 2024; Flood Impact Analysis prepared by HARC and dated 24 October 2024; Significant Ground Disturbance Assessment prepared by Tim Stone Pty Ltd and dated March 2022; Cultural Heritage Advice prepared by Tim Stone Pty Ltd and dated 25 November 2024; Amended Tree Impact Assessment prepared by Joe Kellett Arboriculture, received 8 April 2025; Acoustic Report prepared by Acoustic Logic and dated 16 October 2024; Detailed Estimate Report prepared by Rider Levett Bucknall and dated 6 November 2024; and 3D Model received 15 May 2025.



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

Proposal Summary

3. The application proposes to:

- demolish the existing building on the land (no permit required);
- construction of a part 13, part 15 storey mixed-use building;
- use of the land for dwellings and community facility (place of assembly);
- remove vegetation; and
- alter access to Victoria Street.

4. Specific details of the application include:

- an overall height of 41.57 metres (55.9 m AHD) measured from the Victoria Street frontage;
- 123 dwellings (21 x 1 bedroom, 67 x 2 bedroom and 35 x 3 bedroom);
- 287 m² of office and 122 m² / 12 patrons of community facility (place of assembly);
- affordable housing contribution comprising a cash contribution of 3% of the cost of the development;
- a public pedestrian link along the eastern boundary connecting Victoria Street with the Yarra River;
- a staircase on Crown land to the north of the site, connecting the pedestrian link with the Yarra River Main River Trail;
- removal of seven (7) trees (permit required under SLO1) and ten (10) trees (no permit required);
- 169 car parking spaces (167 for residents and 2 for office / community uses);
- 158 bicycle spaces (114 for residents and 6 for office and 28 for visitors);
- 26 motorcycle spaces; and
- Total GFA of 26,164 m².



Figure 1: Concept image of proposal from the south west (Source: Application)



Figure 2: Concept image of the proposal from the north west (Source: Application)



Figure 3: Concept image of the proposal from the north east (Source: Application)



Figure 4: Concept image of Victoria Street podium (Source: Application)



Figure 5: Concept image of residential entry, Victoria Street (Source: Application)



Figure 6: Pedestrian link (Source: Application)



Figure 7: Pedestrian link (Source: Application)



5. A detailed description of the building envelope is as follows:

- The proposed building is generally located within Lot 1 on Title Plan 222160B, with the exception of the stairs and path leading to the Yarra River and a raingarden that are located within the Crown Allotment. All lower levels are setback a minimum 25 metres from the Yarra River reference line.
- Basement Levels 1-2 are generally built to all boundaries, with the exception of the south-west corner and the north-west corner, where the basements are setback 6.2 metres and 4.2 metres respectively.
- The Lower Ground Level is generally setback consistent with the Basement Levels, with increased setbacks to the north, north-east and north-west to provide outdoor terraces and part of the pedestrian link along the eastern boundary.
- The Ground Floor Level is setback between 1 metre and 2.3 metres from Victoria Street (not including the basement entry), between 1.24 and 4.5 metres from the western boundary, 12.34 metres from the northern boundary (also 25 metres from the Yarra River reference line) and between 3.3 and 8.81 metres from the eastern boundary. On Victoria Street, the façade is sculptured around the existing canopy tree.
- The Upper Ground Floor Level is built to Victoria Street (with the exception of the sculptured setback for the retained tree), between 1 and 4.54 metres from the western boundary, 12.34 metres from the northern boundary (also 25 metres from the Yarra River reference line) and between 3 and 10.93 metres from the eastern boundary.
- Level 1 includes similar setbacks to the level below, however the building line for the north facing dwellings is setback between 25.03 and 26.74 metres from the northern title boundary. Terraces for each of the north facing dwellings extend to the levels below.
- Level 2 includes similar setbacks to the level below, however the edge of the balconies for the north facing dwellings are setback between 22.4 and 24.28 metres from the northern title boundary. Canopies for the terraces to the north facing dwellings on the level below project beyond the balconies on this level and project between 0.66 and 1.95 metres beyond the 35 metre setback reference line from the Yarra River.
- Level 3 includes similar setbacks to the level below, however the building line for the north facing dwellings is setback between 39.64 and 42.08 metres from the northern title boundary. Terraces for each of the north facing dwellings extend to the levels below.
- Level 4 is built to Victoria Street (with a reduced setback from the west over the retained tree), with limited projections extending 800 mm beyond the title boundary, between 4.6 and 6.67 metres from the western boundary, between 37.59 and 37.99 metres from the northern boundary (also 50 metres from the Yarra River reference line) and between 3 and 8.18 metres from the eastern boundary. Canopies for the terraces to the north facing dwellings on the level below project beyond the balconies on this level and project between 1.88 and 2.69 metres beyond the 50 metre setback reference line from the Yarra River.
- Levels 5 and 6 include similar setbacks to the level below.
- Level 7 includes similar setbacks to the levels below, however the building line from the Victoria Street boundary is setback 2.4 metres and 8.18 metres from the east boundary. Terraces and balconies for the dwellings along the east extend to the levels below.
- Levels 8 and 9 include similar setbacks to the levels below, however some balconies along the east elevation, extend beyond the 8.18 metre setback, with setbacks between 7.17 and 7.73 metres from the eastern title boundary.



- Levels 10 and 11 are setback further from the levels below, including a minimum 6 metres from the Victoria Street boundary, between 7.87 and 9.86 metres from the western boundary, between 39.16 and 42.28 metres from the northern boundary and a minimum 10.78 metres from the western boundary. Level 10 includes balconies built to the level below.
6. Basement Levels 1 and 2 include 153 car spaces, 26 motorcycle spaces, 80 storage spaces, a 20,000 litre rainwater tank, plant and services.
 7. The Lower Ground Level includes 16 car spaces (9 of which are EV charging stations), 42 storage spaces, 130 bicycle spaces, residential communal spaces, a community space, management office, part of the pedestrian link from Victoria Street, stairs to the Yarra River, separate commercial and residential bin rooms, plant and services.
 8. The Ground Floor Level includes an office tenancy, residential lobby, mail room, substation, 28 bicycle spaces, the pedestrian link along the eastern boundary and 10 dwellings. The basement car park entry is located along the southern boundary and is accessible via the (relocated) double width crossover to Victoria Street. There are a number of trees to be retained and removed.
 9. The Upper Ground Level and Levels 1-11 are for dwellings. Part of Level 11 includes plant and services.
 10. The podium will have a height of 14.17 metres, the mid rise extent of the building above the podium will have a height of 26.77 metres and the tower will have a height of 41.57 metres (55.9 m AHD), measured from the Victoria Street central footpath level of 14.33 m AHD.
 11. Pedestrian access to the residential lobby is via Victoria Street, with the publicly accessible pedestrian link through the site (from Victoria Street to the Yarra River) provided along the eastern boundary. The link has a minimum width of 3.8 metres at ground level and gradually ramps down consistent with the slope of the land towards the north. The link is open to the sky along the entire length of the eastern boundary, with a minimum 3 metres setback of the building above at the southern and northern ends of the link, with the central section providing a generous setback of a minimum 8 metres.
 12. The crossover to Victoria Street is proposed to be altered and continue to allow for left-in and left-out access for vehicles and loading access in the basement levels.
 13. The built form has been designed having regard to the maximum building height and setback requirements of DDO1 (Yarra (Birrarung) River Corridor – Area G).
 14. The materials and finishes include different patterns and colours of brick, concrete, metal, glazing and painted finishes.
 15. The application is supported by consultant reports including a planning report, urban design report, landscape plans, wind tunnel assessment, traffic report, waste management plan, green travel plan, sustainable management plan flood report, cultural heritage advice, tree impact assessment, acoustic report and a 3D model.
 16. The proposal under consideration in this report is based on the plans prepared by SJB Architects titled 'EG Abbotsford, 675 Victoria Street Abbotsford' and within the package dated May 2025.

Previous Planning Permit Application – Yarra City Council

17. On 21 September 2022, planning permit application PLN22/0732 was lodged with the Yarra City Council (the council) for the use and development of the land for a 16 storey mixed-use building.
18. This application was similar to the current application, but had an additional two storeys (inclusive of services level) and included an alternative pedestrian through link on the western boundary, which required the removal of native vegetation within the Crown land to the north.



19. The application was placed on public notice on 11 July 2023, and 186 objections were received and summarised as follows:
- Amenity impacts;
 - Building height;
 - Traffic and car parking;
 - Environmental impacts; and
 - Neighbourhood character.
20. Melbourne Water and DEECA (land owner to the north) also objected to the application.
21. The Council was not supportive of the proposal and sought a reduction in the height of the built form and a relocation of the pedestrian link.
22. The proponent withdrew the council application on 13 March 2024.



Site Description

23. The subject site is located on the northern side of Victoria Street, directly opposite the Victoria Gardens Shopping Centre. The site rectangular in shape with a frontage to Victoria Street of 40.31 metres, a frontage to the Yarra River shared path of 40.34 metres, a depth of 84 metres and 88 metres and an overall area of 3,459 square metres. The subject site also includes part of Crown land to the north, extending the depth by 6.83 metres, resulting in an overall subject site area of 3,821 square metres.
24. The site is formally known as Lot 1 on Title Plan 222160B in Volume 09697 Folio 670 and part Crown Allotment 63B Parish of Jika Jika in Volume 11742 Foli 378. No covenants affect the site.
25. Caveat R513238 applies to Lot 1, which applies two easements for carriageway and powerline purposes for the benefit of the State Electricity Commission of Victoria. These easements contain CitiPower high voltage electricity infrastructure.
26. The Crown land adjoining the Yarra River is managed by Parks Victoria and public land manager consent has been provided via a letter dated 6 January 2025 that states:

Parks Victoria consents to the application for permit and the proposed public staircase connection and ancillary landscape works proposed on 63B\PP2796 subject to the following conditions:

 - *Prior to the commencement of works on Crown Land, an agreement must be in place under the Crown Land Reserves Act. The agreement will address the construction works and any ancillary landscaping and ongoing management of the staircase.*
 - *Parks Victoria being involved in the review approval of any weed removal/ landscape plan for the Crown land embankment so that the scope of proposed landscaping works is clear and agreed upon.*
 - *Parks Victoria being involved in the review and approval of any Construction and Environmental Management Plan for works within Crown Land.*
27. The site is occupied by a four storey building (two storeys to Victoria Street) stepped back in three tiers from Victoria Street. At the rear, the building includes a paved area leading towards the Yarra River interface. The building is currently used as an office building, with a number of separate car parking areas within the front setback and at ground and lower ground levels. A double width crossover is provided at the south west corner of the site.
28. The site includes vegetation within the front setback, along the western boundary and along the northern interface with the Yarra River. Vegetation includes mature native and exotic trees, smaller native and exotic trees and exotic grasses.
29. There is a considerable fall in the land from Victoria Street to the south, to the Yarra River to the north, of approximately 6 metres.



Figure 8: Subject site (Source: Application)



Figure 9: Victoria Street frontage (Source: Application)

Site Surrounds

30. The subject site is located within the Victoria Street Major Activity Centre and an area experiencing use and development change from predominantly industrial, warehousing and office activities to medium rise residential developments. Land uses within proximity to the site include retail, commercial, office, education and open space functions, including:
- Open space - Yarra River Corridor including Main Yarra Trail.
 - Education - Yarra Primary School, Melbourne Girls College, Richmond High School, Collingwood College, Xavier College, Trinity Grammar School, Methodist Ladies College.
 - Services - Victoria Gardens Shopping Centre, Yarra Medical Richmond.
 - Entertainment and Dining - The National Hotel, Terminus Hotel Abbotsford.
31. The site is well-serviced by numerous public transport connections, including:
- Victoria Street, which is serviced by tram route 109, connecting the site to the CBD, Port Melbourne and Box Hill. The nearest tram stop is located directly in front of the site.
 - Hawthorn Station located approximately 1.45km south-east of the site which connects the CBD to the Alamein, Lilydale and Belgrave train lines.
 - North Richmond Station located approximately 1.8km west of the site which connects with the CBD to the Hurstbridge and Mernda train lines.
32. Development surrounding the site can be described as follows:



- To the **north** of the site is Yarra River corridor and environs, which includes the Main Yarra Trail connecting the CBD with the north-eastern suburbs. On the northern side of the Yarra River are a number of residential properties with extensive rear yards located within Kew (and the City of Boroondara).
- To the **east** of the site are three buildings known as 1, 4 and 6 Acacia Place, at 1-24 Acacia Place. These buildings are 10 and 12 storeys high, comprise commercial uses at ground level with dwellings above and with a publicly accessible pedestrian staircase and through block link from Victoria Street to the Main Yarra Trail.
- To the **south** of the site is Victoria Street, a 20 metre wide arterial road comprising 5-6 lanes of traffic, bike lanes, pedestrian paths and a separated tram line and tram stop in the centre. On the southern side of Victoria Street is a car park associated with the Victoria Gardens Shopping Centre. To the east of River Boulevard, at 678 Victoria Street, is a four storey commercial building. It is noted that the Victoria Gardens Precinct has recently obtained planning approval for an expansion of the shopping centre and residential precinct, which will comprise multiple mixed-use buildings ranging between 7 and 17 storeys.
- To the **west** of the site, at 661-663 Victoria Street, are a number of commercial buildings, including a three storey brick building and a two storey heritage building covered by the HO65 (Former Alma Woolworks Complex).



Figure 10: the Acacia buildings to the east (Source: Site visit)



Figure 11: Main Yarra Trail along the northern boundary of the site (Source: Site visit)

33. The site's primary frontage is to Victoria Street, which is an important east-west transport corridor connecting the eastern suburbs with Melbourne's CBD. This part of Victoria Street is undergoing urban renewal, featuring various medium-density contemporary commercial and residential buildings. This emerging built form character is reflective of the large lot subdivision pattern of the commercial and industrial activity that has historically taken place along the Yarra River, as well as the proximity of this precinct to public transport, open space and other amenities, which makes it suitable for higher density development.
34. New buildings fronting Victoria Street typically do not provide a street setback and establish a sheer street wall condition with minor setbacks provided to upper level forms. Commercial uses are located at ground level of some buildings to provide for activation and to service residents of the new buildings.
35. The site's secondary frontage is to the Yarra River, or more specifically the Main Yarra Trail, which runs along the southern side of the river at this location. The key features of this context include:
 - Established industrial, commercial and residential buildings along the crestline of the river corridor.
 - Mature trees and understorey planting along the river bank in many locations, which contribute to a landscape character. A high level of vegetation cover on the river bank partially screens views to buildings from the river in many locations.
 - A mix of building styles, scales and heights, including many higher scale buildings constructed adjacent to the river's edge.
 - The Main Yarra Trail provides access and viewing locations along the river's edge with a mix of public and private access to the river.



36. A number of newly constructed (and under construction) residential buildings have emerged in the site's immediate vicinity are establishing a new higher density residential character for the area. These developments provide high-quality architecture and appropriate interfaces and connections with the Yarra River corridor.



Plan for Victoria

37. Plan for Victoria (DTP 2025) sets a long-term vision for a well-connected, liveable, and inclusive state. It identifies the need for approximately 2.24 million new homes over the next 30 years across Melbourne and regional centres, highlighting that location is critical to ensure these homes support community wellbeing and sustainability.
38. A core principle of the plan is the 20-Minute Neighbourhood, an urban model where residents can easily access daily services, employment, and amenities within 20 minutes of their home. This is seen as vital to reducing travel times, improving liveability, and strengthening local communities.
39. Plan for Victoria includes strong policy directions notably regarding:
- Housing for all Victorians;
 - Great places, suburbs and towns; and
 - Sustainable environments.
40. It places emphasis on the need to provide all Victorians with a choice of a well-designed homes at an affordable price and close to daily needs and to ensure that housing is affordable, diverse and accessible is central to creating inclusive, prosperous, liveable communities.
41. Key strategies include:
- More homes;
 - Greater diversity;
 - Affordable and fair housing;
 - More housing and choice across regional Victoria; and
 - Innovative building solutions.
42. The proposal supports the objectives of Pillar 1: Housing for all Victorians, including:
- Enabling more homes; and
 - Providing a diverse dwelling mix in a location close to jobs, shops and public transport.
43. The Plan sets a housing target of 44,000 additional homes for the City of Yarra up until 2051.

Municipal Planning Strategy

44. 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	Strategic Directions
02.04	Strategic Framework Plans



Planning Policy Framework

45. 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
11.03-1S	Activity centres
11.03-1R	Activity centres – Metropolitan Melbourne
11.03-1L	Activity Centres
11.03-6L	Victoria Street East Precinct
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of biodiversity
12.01-1L	Biodiversity
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
12.03-1R	Birrarung (Yarra River)
12.03-1L	Yarra River, Darebin and Merri Creek corridors
Clause 13	Environmental Risks and Amenity
13.03-1S	Floodplain management
13.04-1S	Contaminated and potentially contaminated land
13.07-1S	Land use compatibility
13.07-1L-01	Interfaces and amenity
Clause 14	Natural Resource Management
14.02-1S	Catchment planning and management
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
15.01-2L-02	Landmarks
15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods – Metropolitan Melbourne
15.03-2S	Aboriginal cultural heritage
Clause 16	Housing
16.01-1S	Housing supply



16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L	Location of residential development
16.01-1L-01	Housing diversity
16.01-2S	Housing affordability
16.01-2L	Housing affordability
Clause 17	Economic Development
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Metropolitan Melbourne
17.01-1L	Employment
17.02-1S	Business
Clause 18	Transport
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
18.01-3L	Sustainable transport
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
19.02-4S	Social and cultural infrastructure
19.02-6S	Open space
19.02-6R	Open space – Metropolitan Melbourne
19.02-6L	Open space
19.03-3S	Integrated water management
19.03-3L	Water sensitive urban design
19.03-5S	Waste and resource recovery
19.03-5L	Waste

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

Zoning and Overlays

Zones

Commercial 1 Zone

47. Pursuant to Clause 34.01-1, a permit is required for use of the land for accommodation (dwellings – given that the frontage at ground floor level exceeds 2 metres) and place of assembly (community facility). A permit is not required for use of the land for office.
48. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.
49. An apartment development must meet the requirements of Clause 58.

Public Park and Recreation Zone

50. Pursuant to Clause 36.02-2, a permit is required to construct a building or construct or carry out works. This does not apply to:
 - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
 - Planting and landscaping.
51. As such, a permit is not required for buildings and works under this zone as only a pedestrian connection and landscaping is proposed in this zone, which are exempt.


Overlays

Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs)

52. Pursuant to Clause 42.03-2, a permit is required to construct a building or construct or carry out works and remove, destroy or lop any vegetation.

Design and Development Overlay – Schedules 1 (Yarra (Birrarung) River Corridor – Area G) and 2 (Main Roads and Boulevards)

53. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
54. Pursuant to Clause 2.0 of Schedule 1, buildings and works:
 - The following requirements **must be met**:
 - o Buildings and works must not cast any additional shadow across the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) between 11:00am and 2:00pm on 22 June.
 - o New buildings must not exceed the maximum building height specified in the applicable table to this schedule. A building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

- 
- New buildings (including basements and projections) must be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.
 - The complete or partial replacement of an existing building within the minimum setback distance specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway) must not:
 - Exceed the maximum building height specified in the applicable table to this schedule.
 - Reduce the existing setback of the building from the Yarra River and public open space.
 - Increase the existing gross floor area of the existing building.
 - The following requirements **should be met**:
 - Buildings and works should not cast any additional shadow across any public open space between 11:00am and 2:00pm on 22 September.
 - Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
 - Fencing within the minimum setback specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway), should not:
 - Impede the flow of flood waters.
 - Exceed a height of 1.4 metres above ground level.
 - Be less than 25 per cent visually permeable.
 - Use reflective colours and finishes.
 - The site area covered by buildings, tennis courts, swimming pools and other impervious surfaces within a Residential Zone or on land used for accommodation should not exceed 40 per cent of the lot area.
 - Tennis courts, swimming pools and other outbuildings associated with a dwelling should be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.
 - Building materials should utilise non-reflective colours and finishes that blend with the natural landscape.

The site is located within **Area G** and the following table is applicable:



Map Reference Area	Location	Minimum setback	Maximum building height		Discretionary maximum building height
			0m to 10m from setback line	10m to 25m from setback line	>25m from setback line
G	Victoria Street, Abbotsford	25 metres	11 metres	18 metres	18 metres

Land Subject to Inundation Overlay

55. Pursuant to Clause 44.04-2, a permit is required to construct a building or construct or carry out works.
56. Pursuant to Clause 44.04-7, an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

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

57. 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.

Particular Provisions

58. The following particular provisions apply:
- Clause 51.06 – Birrarung (Yarra River) Protection
 - o Pursuant to Clause 51.06, a responsible authority must have regard to the principles in Part 2 of the Birrarung Act (now Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017) when deciding on an application or approval of a plan.
 - Clause 52.06 – Car Parking
 - o Amendment VC277 was gazetted on 18 December 2025 which amended Clause 52.06 (Car Parking) to amend car parking requirements to align car parking rates with demand and reduce the number of car parks required in locations well-served by public transport.
 - o The subject site is located in Category 2 in the Car Parking Requirement maps (CPR maps), where minimum car parking requirements apply.

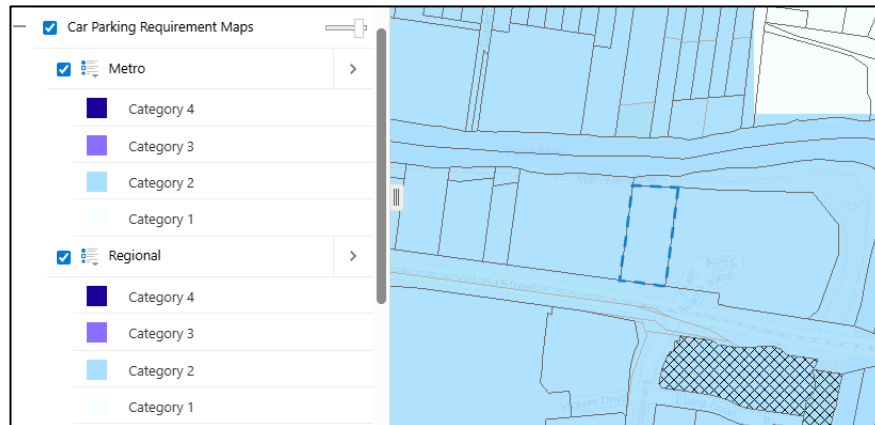



Figure 12: CPR map (Source: VicPlan)

- Pursuant to Clause 52.06-2, before a new use commences, the minimum number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
- Pursuant to Table 1, the following car parking spaces are required:
 - Minimum one space to each dwelling – 123 spaces
 - Minimum 0.45 spaces to each 100 square metres of net floor area – 1 space
 - Minimum 0.15 spaces to each patron – 1 space
 - Total: 125 spaces
- Pursuant to Clause 52.06-12 'Transitional Provision A', a reference to 'clause 52.05' in the current clause is taken to be reference to 'clause 52.06' in the former clause in respect of a transition proposal (except in relation to a minimum car parking requirement) if both of the following apply:
 - The transition proposal is for a use specified in Table 1 to the current clause.
 - The number of car parking spaces that would be required for the transition proposal under the former clause is less than the minimum number of car parking spaces required under the current clause.
- Given that the former minimum statutory car parking requirement of 169 spaces is not less than the current minimum requirement of 125 spaces, the transitional provisions under Clause 52.06-12 do not apply to this application. Accordingly, the application must be assessed against the current Clause 52.06-5.
- The proposal includes 167 resident spaces and 2 commercial / community spaces, which meets the requirements of Clause 52.06-5.
- Clause 52.29 – Land Adjacent to the Principal Road Network
 - Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2.
 - Victoria Street is a Transport Zone 2 and the proposal seeks to alter access to Victoria Street. Hence, a permit is required under this provision.
- Clause 52.34 – Bicycle Facilities
 - Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

- 
- Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirements of Clause 52.34-5 and Clause 52.34-6.
 - Pursuant to Table 1 in Clause 52.34-5, the following bicycle spaces are required:
 - One space to each five dwellings for residents – 25 spaces
 - One space to each ten dwellings for visitors – 12 spaces
 - One space to each 300 sqm of net floor area if the net floor area exceeds 1,000 sqm for office employees – 0 spaces
 - One space to each 1,000 sqm of net floor area if the net floor area exceeds 1,000 sqm for office visitors – 0 spaces
 - One space to each 1,500 sqm of net floor area for place of assembly employees – 0 spaces
 - Two spaces plus one space to each 1,500 sqm of net floor area for place of assembly visitors – 2 spaces
 - Total: 39 spaces
 - Given 124 resident spaces, 6 commercial spaces and 28 visitor spaces are provided within the development, no permit is required under this provision.
 - Clause 53.03 – Residential Reticulated Gas Service Connection
 - Pursuant to Clause 52.03-2:
 - A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.
 - A permit granted for buildings and works in relation to an application to which this clause applies must include the following mandatory condition(s) as relevant:

For an apartment development:

"Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed."
 - Clause 53.18 – Stormwater Management in Urban Development
 - Pursuant to Clause 53.18-3, 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 of the standards of Clauses 53.18-5 and 53.18-6.
 - Clause 53.23 – Significant Residential Development with Affordable Housing
 - Pursuant to Clause 53.23-1:
 - The provisions of this clause prevail over any inconsistent provision in this planning scheme.
 - This clause 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.
- Clause 58 – Apartment Developments
 - o Pursuant to Clause 58, a development:
 - Must meet all of the objectives of this clause.
 - Should meet all of the standards of this clause.



Referrals

59. The application was referred to the following groups:

Provision / Clause	Organisation	Date and response received
Design and Development Overlay – Schedule 1 (Section 55 Referral – Recommending) Land Subject to Inundation Overlay (Section 55 Referral – Determining)	Melbourne Water	15 August 2025 No objection, subject to conditions 11 September 2025 - Correction to condition 4
Clauses 52.29-4 and 66.02-11 (Section 55 Referral – Determining)	Head, Transport for Victoria	10 June 2025 No objection, subject to conditions
Section 52 – notice	Yarra City Council	23 July 2025 Objection
Section 52 – notice	Boroondara City Council	8 July 2025 Objection
Section 52 – notice	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	31 October 2025 No objection, subject to additional information
Informal	Parks Victoria	6 January 2025 (Public Land Manager consent) 20 August 2025 (conditions for permit)
Informal	CitiPower	No response received
Internal	DTP Urban Design Team	19 May 2025 No objection, subject to comments
Informal	DTP (Birrarung) Strategic Land Use Planning	16 September 2025
Internal	OVGA (through the DFP Pathway)	15 April 2024

Melbourne Water

60. Melbourne Water updated their previous response (16 June 2025) on 15 August 2005 and advised that they do not object to the application, subject to the following conditions:

- The buildings must be constructed with finished floor levels (lower & ground floor) set no lower than 11.50 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 10.90 m to AHD.*
- The entry / exit driveway of the basement carpark must incorporate a flood proof apex of a minimum of 600mm above the applicable flood level.*
- All doors, windows, vents and openings to the basement car park must be a minimum of 600mm above the applicable flood level.*



4. *A 25 metres setback for the building from the setback reference line (the closest parallel property boundary aligned to the banks of the waterway).*
5. *Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for comment and acceptance. The SEMP identify relevant environmental values and detail the proposed measures to protect or mitigate risk to those values that will be implemented during the works. The SEMP must include a site map detailing the identified environmental values and related mitigation measures such as:*
 - *Silt fencing*
 - *Access tracks*
 - *Spoil stockpiling*
 - *Trenching locations*
 - *Machinery/Plant locations*
 - *Exclusion fencing around native vegetation/habitat;*
 - *Vehicle wash down bays (to prevent introduction of weeds)*
 - *Areas subject to dust, noise and/or light control*
 - *Litter control measures*
 - *Any other relevant controls.*
6. *Prior to commencement of works, a weed management program based on a site survey must be provided to Melbourne Water and include the following information: botanical name of species targeted; location; method of control and timing of control.*
7. *Prior to the commencement of works, a Work Method Statement and a Task Risk Assessment must be submitted to Melbourne Water for review, outlining the general construction techniques to be adopted. The statement must address the following:*
 - *Process for machinery to access the creek*
 - *OH&S measures in place to reduce risk*
 - *Diversion of flows for low and high flows*
 - *Evacuation procedure during times of high flows.*
8. *Prior to completion of detail design, the proponent will need to formally apply to Melbourne Water's Asset Protection Team to conduct any works on or near a Melbourne Water asset (including waterways). Prior to undertaking any works, the proposal must be accepted by Melbourne Water and the contractor must be in receipt of a Melbourne Water Permit to Work. Please contact Melbourne Water's Customer Service Centre on 131 722 for more information.*
9. *A Permit to Work can only be issued to a contractor who has undertaken Melbourne Water's Permit Recipient training. Please contact Melbourne Water's Customer Service Centre on 131 722 (with the details of the contractor) to arrange training, providing at least 28 days' notice.*
10. *Separate applications for Stormwater must be sought, with provision of detailed design noting Melbourne Water guidelines on drawings.*
11. *Prior to the commencement of works, a separate application direct to Melbourne Water (Asset Protection Team) must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.*
12. *Prior to the commencement of works, landscape plans (indicating top of the bank) to be forwarded to Melbourne Water for approval, showing all plants intended for the riverbank/riparian corridor to be as per Ecological Vegetation Class (EVC) benchmarks and planted to be as per a natural environment condition. Locally indigenous plant sourced material must be preference to ensure providence is maintained. No cultivar species*

are to be planted into the riverbank areas. Use of permeable surfaces to be maximised to ensure health of riparian vegetation and condition.

13. *Any proposed alteration to the existing bank profile condition here (stair connection to the riverbank area), including any proposed earthworks requires the provision of detailed design, including material selection, proposed cut/excavation works to be forwarded to Melbourne Water for approval.*

Head, Transport for Victoria

61. On 10 June 2025, Head, Transport for Victoria advised that it does not object to the application, subject to the following conditions:
 1. *All vehicles must always enter and exit the site in a forward direction to the satisfaction of the Head, Transport for Victoria.*
 2. *Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the occupation of the development, the crossings and associated works shown on the endorsed plans must be completed to the satisfaction and at no cost to the Head, Transport for Victoria.*
 3. *All disused or redundant crossings along Victoria Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.*

Yarra City Council


62. The Yarra City Council considered the application at their Planning Decisions Committee Meeting on 22 July 2025. At the meeting, and as advised on 23 July 2025, the council resolved:

At the meeting, Council determined that it does not support the proposal on the following grounds:

- (a) *The proposal fails to provide a meaningful affordable housing contribution, including the number and lack of diversity in accommodation;*
 - (b) *The proposal would have an unacceptable impact on the surrounding area as a result of its building height, built form and massing, lack of building separation (setbacks), interface with the Yarra River and Yarra Trail and poor public realm outcomes;*
 - (c) *The overall building height proposed is taller than all other buildings along the northern side of Victoria Street and significantly exceeds the prescribed height of 18m set out in Design Development Overlay Schedule, and the proposal exceeds the mandatory heights by 1m at the riverfront interface;*
 - (d) *The building setback from the eastern boundary does not allow for adequate building separation failing to meet the requirements of DDO1 which seeks to ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for planting and growth of vegetation, including large canopy trees; and*
 - (e) *The size and extent of the proposed basement levels are considered to be excessive and require reduction to ensure tree protection, increase landscaping opportunities and the protection of adjoining properties.*
63. Notwithstanding the above, the council provided draft conditions, should the Minister for Planning consider to issue a permit. An assessment of these conditions is included in Appendix 2.

Boroondara City Council

64. On 8 July 2025, the Boroondara City Council provided the following comments:



Council notes that there have been some minor modifications from the proposal since it was advertised by City of Yarra in 2023, primarily the removal of one level of development, some adjustment to setbacks and materiality, and alteration of landscaping/access to the river corridor interface.

While the changes to plans are welcomed as a positive progression of the design, Council notes that, notwithstanding these modifications, the matters set out in our objection (dated 14 August 2023) remain unresolved in the latest iteration of the proposal.

Council hereby continues to object to the proposed height and scale of the proposal in the natural character setting of the Yarra River Corridor as set out in our previous objection grounds. Please find attached letter (previously provided to City of Yarra) which continues to set out our detailed objection to the proposal.

65. The Boroondara City Council letter dated 14 August 2023 to the Yarra City Council reads:

Following a detailed review of the proposal, the City of Boroondara hereby object to the proposal on the following grounds:

Objection:

The proposed development would unduly impact upon the natural character and setting of the Yarra River Corridor; by reason of its proximity, scale, bulk and overall height, which is 2.7 times higher than the 18m discretionary height control of DDO1; resulting in a development which fails to meet (or performs poorly against) the design objectives of DDO1, the decision guidelines of SLO1, the strategies of Clause 12.03-1R and the objectives and policies of Clause 22.11, of the Yarra Planning Scheme.

The issues with the development, as they impact upon the Yarra River Corridor and the City of Boroondara, stem from the overall height, scale and bulk of the proposal. There is insufficient justification for a development of the height proposed, with the relevant planning controls and policies being explicit that a development of the scale proposed in this sensitive river corridor is discouraged.

Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

66. On 18 September 2025, notice of the application was given to the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC).

67. On 14 October 2025, DTP officers met with the WWCHAC representatives to discuss the application.

68. On 31 October 2025, the WWCHAC provided a response to the application, which is summarised as follows:

- Concerns with the Significant Ground Disturbance (SGD) report and the arborist report. Specifically:
 - An additional assessment of SGD should be undertaken by a Heritage Advisor who is on the public list;
 - Additional boreholes should be undertaken in the basement and in the crown allotments, to provide evidence of any disturbances or show if any natural soil profiles are present;
 - A voluntary Cultural Heritage Management Plan should be prepared to mitigate harm to Aboriginal cultural heritage; and
 - An additional arborist report should be undertaken to assess the mature native trees along the Birrarung, as the previous report did not take into consideration the native wildlife that currently rely on the trees located along the Birrarung, including a family of Kookaburras and Currawong, and note the removal of these will impact the native wildlife that lives in the area.

- The developer should be more ambitious in their plans to utilise stormwater created by the impervious surfaces and reduce their demand on potable water supplies and what contingencies would be in place to manage any overflow event of the rainwater tank, noting that it should not go directly, untreated into the Birrarung.

Parks Victoria

69. On 19 May 2025, Parks Victoria provided the following comments:

Parks Victoria consents to the application for permit and the proposed public staircase connection and ancillary landscape works proposed on 63B\PP2796 subject to the following conditions:

- *Prior to the commencement of works on Crown Land, an agreement must be in place under the Crown Land Reserves Act. The agreement will address the construction works and any ancillary landscaping and ongoing management of the staircase.*
- *Parks Victoria being involved in the review approval of any weed removal/ landscape plan for the Crown land embankment so that the scope of proposed landscaping works is clear and agreed upon.*
- *Parks Victoria being involved in the review and approval of any Construction and Environmental Management Plan for works within Crown Land.*

70. Conditions were drafted by DTP planners and sent to Parks Victoria for their comment. They confirmed on 20 August 2025, that the conditions, with minor modifications, were satisfactory to include on any permit to issue.

DTP Urban Design Team


71. On 19 May 2025, DTP's Urban Design Team provided the following comments:

Public interfaces

The ground floor 'civic' strategy is successful, incorporating engaging elements such as integrated seating, planting, and a variety of human-scaled details to enhance public interfaces. The incorporation of these elements creates a welcoming, interactive environment for pedestrians, encouraging active engagement with the space. It also fosters a sense of place and community, making the ground floor an attractive destination that supports both social interaction and passive recreation. To enhance the public realm strategy, we recommend:

Urban Design is of the view that the application, with subsequent revisions, present a strong urban outcome for Abbotsford. We commend the proponent on being receptive to feedback and support the changes made to date, though we note some minor recommendations for further consideration:

1. *We acknowledge the improved through-link connection from Victoria Street to the River Pathway that now includes a direct and clear line of sight. Consider the following:*
 - a. *Though we note Clause 11.03-6L (Victoria Street East Precinct) promotes improved pedestrian connectivity, it does not explicitly reference accessibility. In this regard, the DDA and overarching Clause 15.01-2S (Building design) necessitate equitable access, consider including a DDA compliant ramp (in accordance with AS 1428.1) where the staircase is proposed towards the river. Demonstrate an on-balanced approach (crown land, vegetation, other ramps) as to whether this level of design excellence is necessary and can be achieved.*
 - b. *Where the through-link traverses under the built form, which is not double-heighted, seek to ensure this extent has lighting and passive surveillance strategies to achieve optimal and safe function at nighttime.*
2. *With reference to extracts from the Architecture Package of Plans (pg. 43) attached, consider increasing dual aspect to the middle mass of the building along Victoria Street, along the western interface, Level 4, 5 and 6*



(see attached), this will improve cross-ventilation, solar gain and reduction in blank facades. Alternatively, demonstrate the necessity to provide enclosed balconies at these locations.

DTP Strategic Land Use comments

72. On 21 August 2025 and 16 September 2025, DTP's Strategic Land Use team suggested that the views of the Birrarung Council and Wurundjeri Woi-wurrung Traditional Owner Aboriginal Corporation (WWCHAC) be respectively sought in relation to this application. It is noted that DTP engaged with the Birrarung Council who had no comment to make on the application. The application was referred to the WWCHAC and their comments are responded to in the assessment section of this report.

OVGA

73. During the DFP pathway process and pre-lodgement, the OVGA provided comment on the proposal. Their comments are summarised as follows:

- The OVGA sought a height reduction of 2-3 storeys to match that of the other nearby towers which interface with the Yarra River. OVGA also sought an improved through-block-link outcome and revised bicycle storage area.

The proponent revised the through block link location and design and bicycle storage access to address these specific OVGA comments. No change was made to the building height.

74. The current application with these changes was not re-referred to the OVGA for comment following positive feedback from DTP Urban Design.

Notice

75. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:

- Commercial 1 Zone: an application to construct a building or construct or carry out works. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. Given there is no land within a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre within 30 metres, the application is exempt.
- Land Subject to Inundation Overlay: an application under this overlay.
- Clause 52.29 – Land Adjacent to the Principal Road Network: an application under this provision.

76. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:

- Significant Landscape Overlay: an application to construct a building or construct or carry out works and to remove, destroy or lop vegetation.
- Design and Development Overlay – Schedules 1 and 2: an application for construction of a building or to construct or carry out works.
- Clause 52.06 – Car Parking: an application under Clause 52.06-3 if:

- the application is only for a permit under Clause 52.06-3; or
- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Given the application includes other permit triggers and some of the other permit triggers do not exempt the application from notice, this application is not exempt from notice under Clause 52.06.

77. Given the application is not exempt from the notice requirements of the Significant Landscape Overlay, Design and Development Overlay – Schedules 1 and 2, and Clause 52.06, the applicant was directed to give notice by way of erecting two (2) signs on the site and notifying adjacent and nearby property owners and occupiers.
78. At the time of writing, 109 submissions have been received in response to the application (including 108 objections and one letter of support). One objection also included a petition with 135 names and some of these people also submitted their own individual objections. Key issues include (but are not limited to) the following:
- Built form (height, setbacks, bulk, streetscape, views from the Yarra River corridor);
 - Amenity impacts (loss of view, outlook, sunlight, privacy, overshadowing, wind, noise);
 - There's already an oversupply of apartments in the City of Yarra;
 - Impact on the natural landscape;
 - Traffic congestion and lack of appropriate visitor and commercial parking spaces and loading area;
 - Flood risk and stormwater management;
 - Location and design of pedestrian link;
 - No Cultural Heritage Management Plan submitted with the application;
 - No Social Impact Assessment submitted with the application;
 - No affordable housing provided on site;
 - Overcrowding of public transport services;
 - Breach of the Yarra River protection;
 - Construction impacts;
 - Reduction in property values;
 - Application process (DFP) and removal of third party appeal process;
 - Notice not provided to Boroondara City Council;
 - Impact on adjoining heritage buildings of the Alma Wool Scouring complex;
 - Misuse of Crown land;
 - Impact to local wildlife; and
 - Token community space.



79. The issues raised in the objections are discussed in further detail below and addressed throughout the assessment section of the report.
80. Given the decision requirements of section 64(1), (2) and (3) of Clause 53.23-5 of the Yarra Planning Scheme, all objectors will be notified of the decision on the application.



Key Considerations

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

- Strategic Direction and Land Use
- Built Form
- Internal Amenity: Compliance with Clause 58 (Apartment Developments)
- Amenity Impacts
- Car Parking, Bicycle Facilities, Loading and Waste
- Sustainability
- Public Benefits
- Response to referral comments and objections

Strategic Direction and Land Use

Municipal Planning Strategy (MPS)

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

- The proposed development has been assessed against the MPS of the Yarra Planning Scheme and is considered to be consistent with its key directions, which seek to guide sustainable, equitable, and context-sensitive urban growth across the municipality.
- The City of Yarra is a diverse inner-city municipality experiencing continued population growth, urban regeneration, and increasing demand for housing and services. The subject site is strategically located within a Major Activity Centre with good access to public transport, employment opportunities, and community infrastructure, making it an appropriate location for intensified mixed-use development. The proposal supports the renewal of underutilised urban land while respecting the municipality's valued character and environmental assets, such as the Yarra River corridor.
- The proposal contributes to urban consolidation within a well-serviced and strategically identified growth area. It supports a compact, walkable city by placing higher-density development close to services, sustainable transport, and open space (Clause 2.03-1).
- The proposal responds sensitively to the Yarra River corridor, which is a significant environmental and cultural asset (Clause 02.03-2). The development includes:
 - Appropriate setbacks and massing to protect the river's visual character;
 - Retention of key vegetation and landscaping treatments to enhance the green interface; and
 - Improved public access to the river, including a pedestrian link and staircase.

This approach is consistent with objectives to protect and enhance environmental values while enabling access and activation of the river edge.

- The proposal retains vegetation where appropriate, providing generous setbacks from the Yarra River, and enhancing public access without compromising environmental values. The development respects the site's



proximity to the Yarra River and includes design features that maintain amenity and reduce potential impacts. Integration of environmentally sustainable design measures also support this clause (Clause 02-3-3).

- The proposal incorporates a contemporary architectural design that positively contributes to the evolving character of the activity centre while respecting key interfaces. Building height, form, and articulation respond to surrounding context, particularly in relation to the Yarra River and adjacent public land (Clause 02.03-4).

The development contributes to the public realm through:

- A good-quality ground level interface;
 - Active uses along Victoria Street; and
 - Public pedestrian links improving connectivity.
- The project provides 123 new dwellings in a range of configurations (1, 2, and 3 bedrooms), supporting housing diversity and choice. The 3% affordable housing cash contribution aligns with State government and council objectives to increase access to affordable housing (Clause 02.03-5).
 - The inclusion of office and community space (place of assembly) within the development enhances local employment opportunities and service provision, contributing to the vibrancy and resilience of the activity centre (Clause 02.03-6).
 - The site is well-connected to existing public transport (tram and train services) and supports sustainable mobility by (Clause 02.03-7):
 - Providing ample bicycle parking (158 spaces) and pedestrian infrastructure;
 - Maintaining car parking at appropriate levels to avoid car dependency; and
 - Enhancing walkability and permeability via the pedestrian link to the Yarra River.
 - The proposal supports efficient use of existing infrastructure and enhances social infrastructure through the provision of new community space. It also improves public realm infrastructure, including river access and pedestrian movement through the site (Clause 02.03-8).
 - The Strategic Framework Plan identifies the site within a Major Activity Centre, which is a designated location for higher-density residential and commercial development. The proposal aligns strongly with this strategic direction by delivering a mixed-use, higher density development that optimises the site's locational advantages (Clause 02.04).

Planning Policy Framework

83. The proposal aligns with the strategic intent of Clause 11.01-1S (Settlement) and Clause 11.03-1S (Activity Centres) by facilitating higher-density residential and commercial development within a Major Activity Centre, where access to public transport, jobs, and services is maximised. The development supports the creation of a more compact and sustainable urban form, helping to accommodate population growth in appropriate locations.
84. The proposal is consistent with the objectives of Clause 11.03-6L (Victoria Street East Precinct), which encourages mid-rise, mixed-use development that enhances the precinct's urban character, improves access and connectivity, and delivers high-quality public realm outcomes.

The development responds appropriately by:

- Delivering a mid-rise built form in line with the preferred scale for the precinct;



- Providing active frontages and mixed uses that contribute to a vibrant activity centre;
 - Enhancing pedestrian connectivity through a new public link between Victoria Street and the Yarra River; and
 - Ensuring appropriate setbacks and massing to protect amenity, views, and the sensitive Yarra River interface.
85. The proposal is consistent with this objective by maintaining appropriate setbacks from the Yarra River, retaining mature vegetation where possible, and enhancing the public interface through improved pedestrian access. The design considers the river's landscape character and avoids adverse visual and environmental impacts (Clause 12.03-1R). The development respects the river's visual and environmental sensitivity through carefully designed built form transition, incorporation of landscaping, and provision of a new public pedestrian link and staircase improving river access. The interface with the river responds to its context through careful consideration of views, vegetation, and public realm quality (Clause 12.03-1L).
86. The proposal is consistent with the objectives of Clause 13.07-1L-01 (Interface and Amenity) by appropriately managing the sensitive interfaces by incorporating setbacks, building articulation, and landscaping to reduce visual bulk and protect adjoining amenity. Residential, commercial, and community uses are well-integrated, with careful attention to noise, traffic, and visual impacts, particularly along the Yarra River and Victoria Street frontages.
87. The proposal is consistent with the objectives of Clause 14.02-1S (Catchment planning and management) by appropriately protecting the buffer zone to the south side of the Yarra River.
88. The proposal responds positively to Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) by delivering a high-quality, architecturally considered design that integrates well with its urban context and contributes positively to the public realm. It introduces a pedestrian link and improved river access, enhancing connectivity and permeability in the area. The massing and setbacks have been designed to ensure appropriate transition and minimal visual and amenity impact on the surrounding environment, including the Yarra River corridor.
89. The proposal integrates key sustainable design strategies including energy-efficient design, water-sensitive urban design, and provision for natural ventilation and daylight. These measures support reduced resource consumption and improved environmental performance in line with the policy's objectives (Clause 15.01-2L-01). The proposal respects view lines to the nearby heritage landmark, the Skipping Girl sign, which will be discussed further below (Clause 15.01-2L-01).
90. In accordance with Clause 16.01-1S (Housing Supply) and Clause 16.01-2S (Housing Affordability), the proposal contributes to housing diversity and supply through a mix of 1, 2, and 3-bedroom dwellings. The inclusion of an affordable housing contribution (3% cash contribution) supports broader objectives for housing affordability and inclusive communities.
91. The inclusion of office and community facility (place of assembly) space supports Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by creating opportunities for local employment and service provision. This contributes to a mixed-use, activated urban environment that supports both residents and the broader community.
92. The development promotes sustainable transport in accordance with Clause 18.02-1S (Sustainable Transport) and Clause 18.02-2S (Public Transport) by:
- Locating within walking distance of high-frequency public transport;
 - Providing 158 bicycle parking spaces and 26 motorcycle spaces;
 - Minimising reliance on car use, while providing adequate parking for residents and commercial uses.

The new pedestrian link from Victoria Street to the Yarra River improves walkability and connectivity, aligning with active transport objectives.



93. The proposal supports Clause 19.02-6S (Open Space) and Clause 19.02-4S (Social and Cultural Infrastructure) through the delivery of a community facility and enhanced public realm access to the Yarra River. These additions provide benefit beyond the site, supporting a liveable and inclusive neighbourhood.

Birrarung (Yarra River) Protection

94. The purpose of Clause 51.06 of the scheme is to ensure responsible public entities have regard to the principles specified in the Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 (Birrarung Act).

95. This clause applies to land defined as ‘Yarra River Land’ under Part 3 of the Birrarung Act, which includes the entire site.

96. The applicant has provided the following response to the principles outlined in Birrarung Act:

Principles	Applicant comments
General principles	
<p>(1) Proposed development and decision- making should be based on the effective integration of environmental, social and cultural considerations in order to improve public health and wellbeing and environmental benefit.</p>	<p><i>The proposed development offers a broad range of benefits to the Site and wider environs, specifically through:</i></p> <ul style="list-style-type: none"> <i>The revegetation of the Site and removal of environmental weeds along the embankment, allowing the Site to return to an improved landscaped setting incorporating plant species indigenous to the area that contributes to the biodiversity of the river corridor.</i> <i>The provision of a publicly accessible pedestrian connection from Victoria Street to the Main Yarra trail, offering leisure and recreational benefits for residents and the broader community.</i> <i>Architectural and landscape response which prioritises human health and wellbeing by ensuring the apartments are high-amenity, sustainable, and offer an outlook to nature through a landscape solution which is integrated with the built form.</i> <i>Achievement of a range of sustainability initiatives which allow the development to achieve 'ESD excellence.'</i> <i>Provision of a river fronting communal space enabling small functions, meetings and events, which will assist in fostering an improved sense of community and sharing of amenity.</i> <p><i>Accordingly, the proposed development is considered to result in public health, wellbeing and environmental benefits.</i></p>
<p>(2) Decision-makers should take into account the best practicably available information about the potential impacts of climate change so as to avoid, so far as possible, serious or irreversible damage resulting from climate change.</p>	<p><i>The proposal has considered the most practicably available information with respect to the impacts of climate change, in particular recent flood modelling undertaken by Yarra City Council and Melbourne Water. The proposed levels achieved across the Site ensure that future residents, and the community accessing the trail, will not be adversely impacted by flood events. Furthermore, the extensive landscaping proposed across the Site contributes to urban cooling and mitigating the heat island effect.</i></p>
<p>(3) Decision-makers should take into account the impact of any individual action or policy on public health and wellbeing and seek to ensure that public health and wellbeing is enhanced by the action or</p>	<p><i>As outlined above, the proposal provides a broad range of public health and wellbeing benefits, particularly through the provision of a pedestrian connection to the Main Yarra trail and the delivery of high-amenity apartments with an outlook to nature. It also includes the retention of existing mature tree</i></p>



<p>policy.</p>	<p>species along the riverbank, and maintains a generous (approximately 16m) setback to the Main Yarra River Trail, which will be extensively landscaped using endemic species consistent with the Landscape Plan. The development therefore provides a positive contribution to public health and wellbeing.</p>
<p>(4) Each generation should ensure that the environmental, social and cultural benefits that have been acquired are maintained or enhanced for the benefit of future generations.</p>	<p>The high-quality landscape and architectural outcome offered by the proposal, and documented in the submitted Architectural Package prepared by SJB and Landscape Concept Plan prepared by Tract, will ensure that future generations continue to enjoy the benefits on offer. Conditions of the planning permit will ensure that these public benefits are maintained in perpetuity.</p>
<p>(5) Protection of the environment and delivery of sustainable development is a responsibility shared by all levels of government, industry, business, communities and the people of Victoria.</p>	<p>The proposal provides a design and landscape response that achieves and in many instances exceeds the provisions of the Yarra Planning Scheme as they relate to protection of the environment and sustainable development. The proposal achieves an environmentally sustainable design rating of 'excellence' through a broad range of sustainability initiatives and ensures that environmental impacts are mitigated through careful siting and design.</p>
<p>Environmental principles</p>	
<p>(1) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation or for failing to assess the risk-weighted consequences of the options.</p>	<p>The proposal is not considered to result in serious or irreversible environmental damage. Rather, the proposal will enhance the contribution of the Site to the ecology and biodiversity of the Yarra River Corridor through the removal of weed species and the planting of vegetation which is better suited to the pre 1750 Ecological Vegetation Classes (EVC) which include Riparian Woodland and Plains Grassy Woodland.</p>
<p>(2) Environmental practices and procedures should ensure that biodiversity and ecological integrity is maintained or enhanced in ways that are proportionate to the significance of the environmental risks and consequences being addressed.</p>	<p>The proposed development is not considered to result in any environmental risks. Where there is potential for environmental impact, specifically the removal of vegetation, the species proposed for removal are considered to be lower value and will be replaced by the planting of canopy trees and vegetation which is more suited to the EVC class and which will provide a greater contribution to the biodiversity of the Yarra River corridor. Through this, and a landscape design response which allows the Site to be 'reclaimed by nature,' it is considered that the biodiversity and ecological integrity of the Yarra River environs is maintained.</p>
<p>(3) If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.</p>	<p>The proposal will manage any potential environmental impacts by ensuring that stormwater is appropriately discharged and existing higher value trees are retained on and off the Site. These measures are not considered to negatively impact another segment, however will result in improvements to the broader corridor environs.</p>
<p>(4) There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.</p>	<p>As noted above, the proposal seeks to significantly improve the embankment by weeding, planting high quality native and riparian vegetation, and extending the embankment area into the site. This represents a substantially improved response for the river corridor than the current condition, predominantly due to the ecological and biodiversity benefits being provided.</p>



Social principles	
<p>(1) The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.</p>	<p><i>The proposal will significantly enhance the amenity of the Yarra River environs by weeding and revegetating the riverbank with indigenous plant species, removing structures within close proximity to the riverbank and offering a built form outcome which is substantially set back from the Yarra River and will be softened through existing and new landscaping within the frontage to the river.</i></p> <p><i>Further, the proposal includes a new pedestrian link between Victoria Street and the Main Yarra Trail, allowing residents and members of the public to have improved and more direct access to the Yarra River. The community facility being provided at ground floor level will also allow the amenity of the Yarra River corridor to be experienced by members of the public. These features allow the benefits of the project to be enjoyed by residents and the public, demonstrating the contribution of the proposal that can be enjoyed by the broader community.</i></p>
<p>(2) Community consultation and participation should play an essential and effective role in the protection, improvement and promotion of Yarra River land.</p>	<p><i>Public notice under section 52 of the Planning and Environment Act 1987 was undertaken for the proposal. The community was provided the opportunity to make submissions to the proposal, and to ventilate any concerns in person at a Yarra City Council meeting. These submissions have been carefully reviewed and considered by the project team, in addition to the Department of Transport and Planning and Yarra City Council. This process ensures that the views of the community are considered in the decision-making process, in a manner which has been deemed appropriate and acceptable for the planning approval pathway being pursued due to the net benefit offered by the proposal.</i></p>
Recreational principles	
<p>(1) Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced through the design and management of public open space for compatible multiple uses that optimise community benefit.</p>	<p><i>As noted above, the proposal includes the provision of a pedestrian link between Victoria Street and the Yarra Trail, which significantly enhances community access to the Yarra River land. Improvements to the river corridor interface (including re-landscaping using endemic riverine species) and potential community oriented activities will also improve the activation of this area, and enhance the options for use and enjoyment of this area by the broader community.</i></p>
<p>(2) Public open space should be used for recreational and community purposes that are within the capacity of that space, in order to sustain natural processes and not diminish the potential of that open space to meet the long-term aspirations of the community.</p>	<p><i>There are no new areas of public open space being created by the proposal. Rather, the proposal will deliver a publicly accessible pedestrian connection on private land, which has been designed in a manner which minimises the impact on existing public open space along the Main Yarra trail through careful siting and design. This provides an outcome that enhances the potential of this open space through improved connections, which will meet the longer term aspirations of the community.</i></p>
Cultural principles	
<p>(1) Aboriginal cultural values, heritage and knowledge of Yarra River land should be acknowledged, reflected, protected and promoted.</p>	<p><i>EG Funds Management and its project team acknowledges the traditional owners of the Yarra River land, and understands the importance of ensuring that development protects the natural and cultural values of Birrarung for current</i></p>



	<p>and future generations. The project adopts a design response which has been inspired by the physical attributes of the Birrarung corridor, in particular the geological stratification, water flow and local ecology. These attributes have influenced an architectural and landscape outcome which includes graded coloured bricks, a palette of local colours and textures, sculpted building elements and the reclaiming of the river frontage to nature.</p>
<p>(2) The role of the traditional owners as custodians of Yarra River land should be acknowledged through partnership, representation and involvement in policy planning and decision-making.</p>	<p>The Yarra Planning Scheme includes a range of planning provisions and controls which apply to the Site, which we understand has been informed by extensive engagement with traditional owners. This includes amendments VC197, which applied DDO1 to the Site on a permanent basis, and VC281, which update local policy in relation to Birrarung and introduced Clause 51.06 which ensures that responsible public entities have regard to the principles specified in the Birrarung Act.</p> <p>For reasons demonstrated above and the supporting material, it is clear that the proposal provides a considered and appropriate response to these provisions.</p>
<p>(3) The cultural diversity and heritage of post-European settlement communities should be recognised and protected as a valued contribution to the identity, amenity and use of Yarra River land.</p>	<p>Post-European heritage of the area has been recognised and considered in the design response, in particular the history of Dights Falls, which stems from the industrial relic 'Dight's Mill' which is one of Melbourne's oldest and most significant industrial sites. The importance of the waterway for pre and post-European settlement communities has resulted in a site response which ensures that the development recognises its prominence within Yarra River land however which will be sensitively integrated within the corridor through a layered landscape outcome and the use of a materials palette and sculpting of form which honours the importance and historic role of the waterway.</p>
<p>Management principles</p>	
<p>(1) There should be coordination between all levels of government and government agencies when designing policies and programs and making decisions in relation to Yarra River land.</p>	<p>The Minister for Planning is the responsible authority and decision-maker for the proposal. The decision of the Minister for Planning will be informed by the views of Melbourne Water, Yarra City Council, Parks Victoria and the Department of Transport and Planning, which reflects a coordinated decision-making process between all levels of government.</p>
<p>(2) When designing policies and programs, the best practicable measures available at the time should be used.</p>	<p>N/A – the proposal does not relate to the designing of policies or programs.</p>
<p>(3) Implementation of natural resource management should aim for continuous improvement and extend beyond compliance with relevant laws and requirements.</p>	<p>The proposal offers improvements to the Yarra River corridor that extend beyond the bounds of the Site and the requirements of the Yarra Planning Scheme, which includes weeding and revegetating the embankment. This work will be undertaken in consultation with Parks Victoria and Melbourne Water.</p>



97. On balance, the proposed development demonstrates a broad consistency with the Birrarung Act principles, particularly through commitments to revegetation, sustainable design, improved access to the Main Yarra Trail, and recognition of cultural and historical values.

Land Use

- 98. A permit is required for dwellings and a community facility (place of assembly). No permit is required for office.
- 99. The purpose of the zone has been considered, and it is noted that the proposed uses are consistent with the mixed-use activity encouraged with the Commercial 1 Zone. The development responds appropriately to the broad strategic intent to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and for residential uses at densities complementary to the role and scale of the commercial centre.
- 100. The council has recommended that the ‘commercial’ use shown on the plans should be relabelled as ‘office’, which is considered reasonable and should be included as a condition on the permit.

Built Form

- 101. The proposal is considered to achieve a positive built form response to the opportunities and constraints of the site, having regard to the immediate and wider context. Specific built form guidance for the development of the land is provided within the Design and Development Overlay – Schedule 1.
- 102. While the proposal does not provide the preferred 50 metre setback referenced in Clauses 12 and 14, this policy is discretionary and should be balanced with the strategic context of this site. In particular, the subject site forms part of an established urban river corridor, within a Major Activity Centre, where built form occurs closer to the Yarra River. DDO1 provides the specific built form controls for the site and surrounds, seeking to balance development outcomes with protection of the river corridor. The proposal satisfies the environmental, landscape and built form objectives of DDO1 and Clauses 12 and 14 and therefore represents an acceptable outcome with the reduced setback from the Yarra River.

Design and Development Overlay – Schedule 1 (Yarra (Birrarung) River Corridor – Area G)

103. The subject site is located within Area G, which includes the following minimum setback, maximum building heights and discretionary maximum building heights:

Table G					
Map Reference Area	Location	Minimum setback	Maximum building height		Discretionary maximum building height
			0m to 10m from setback line	10m to 25m from setback line	>25m from setback line
G	Victoria Street, Abbotsford	25 metres	11 metres	18 metres	18 metres

- 104. It is noted that pursuant to Clause 2.0 of Schedule 1, *a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.* Given the slope of the ground level, the maximum building heights can exceed the heights listed above by 1 metre (i.e. 12 metres between 0-10 metres from the setback line; 19 metres between 10-25 metres from the setback line and 19 metres greater than 25 metres from the setback line).
- 105. The proposal incorporates a setback of 25 metres from the setback reference line (the closest parallel property boundary aligned to the banks of the waterway), a maximum building height of 12 metres between 0-10 metres from



the reference line and a maximum building height of 19 metres between 10-25 metres from the reference line (as shown below).



Figure 13: Mandatory and discretionary height controls (Source: Application)

- 106. The upper two levels (Levels 10 and 11) are further setback from the levels below and incorporate a variation to the materials of the lower levels to appear recessive.
- 107. The proposal seeks an overall height of 41.57 metres (55.9m AHD), measured from the Victoria Street footpath level of 14.33 m AHD, which is 23.57 metres above the discretionary maximum building height of 18 metres. Given the slope of the land, it is noted that the building height increases to 44.9 metres when measured from the natural ground level along the west elevation to the highest northern element of Level 11.
- 108. An assessment against the requirements of DDO1 are as follows:

Requirement that cannot be varied by a planning permit	Assessment
Buildings and works must not cast any additional shadow across the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) between 11:00am and 2:00pm on 22 June.	The proposed building does not cast any additional shadow across the Setback Reference Line.
New buildings must not exceed the maximum building	The proposed building does not exceed the maximum



height specified in the applicable table to this schedule. A building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

building height specified in Table G, noting that it can exceed by up to 1 metre given the slope of the ground level.

New buildings (including basements and projections) must be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.

The proposed building is setback from the Setback Reference Line the minimum distances. See further discussion below regarding encroachments.

The complete or partial replacement of an existing building within the minimum setback distance specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway) must not:

Not applicable, as the proposed building is setback beyond the minimum setback distance from the Setback Reference Line.

- Exceed the maximum building height specified in the applicable table to this schedule.
- Reduce the existing setback of the building from the Yarra River and public open space.
- Increase the existing gross floor area of the existing building.

Requirement that can be varied by a planning permit

Assessment

Buildings and works should not cast any additional shadow across any public open space between 11:00am and 2:00pm on 22 September.

See discussion below regarding overshadowing analysis.

Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The overall building height exceeds the 19 metre discretionary maximum building height, which is consistent with the established development character along the north side of Victoria Street.

Fencing within the minimum setback specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway), should not:

Not applicable, as no fence is proposed.

- Impede the flow of flood waters.
- Exceed a height of 1.4 metres above ground level.
- Be less than 25 per cent visually permeable.
- Use reflective colours and finishes.

The site area covered by buildings, tennis courts, swimming pools and other impervious surfaces within a Residential Zone or on land used for accommodation should not exceed 40 per cent of the lot area.

The proposal provides a site coverage of 71% (2,471 square metres of the 3,459 square metres site area, not including Crown land), which is consistent with the established development character along the north side of Victoria Street.

Tennis courts, swimming pools and other outbuildings associated with a dwelling should be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the

Not applicable, as no tennis courts, swimming pools or other outbuildings area proposed. The proposed building is setback from the Setback Reference Line the minimum distances.



applicable table to this schedule.

Building materials should utilise non-reflective colours and finishes that blend with the natural landscape.

The proposed building materials are non-reflective and will blend with the natural landscape. See discussion below regarding materials and finishes.

109. An assessment against decision guidelines of DDO1 are as follows:

Before deciding on an application, the responsible authority must consider:	Assessment
<ul style="list-style-type: none"> The views of Melbourne Water as a recommending referral authority in accordance with section 55 of the Act for all applications within 100 metres of the Yarra River, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and Melbourne Water. 	<p>Melbourne Water (determining referral authority) have reviewed the application and have advised that they do not object to the application, subject to conditions being included on any permit to issue.</p>

Before deciding on an application, the responsible authority must consider as appropriate:	Assessment
<p>Landscape protection</p> <ul style="list-style-type: none"> The visibility of any proposed buildings and works when viewed from the Yarra River and adjacent public open space, pedestrian and bicycle paths and bridge crossings. Whether sufficient space is provided between buildings to maintain views of the Yarra River and allow for the planting and growth of vegetation, including large canopy trees. Whether the siting of buildings and works avoids the removal of existing riparian vegetation. Whether any earthworks will affect public views of the river corridor. The need for additional landscaping or new vegetation screening to filter views of proposed buildings and works. 	<p>Given the mandatory setback requirements and the proposed landscaping, the proposed building will be visible from the Yarra River, behind a landscaped setting, similar to other nearby developments along this section of the Yarra River. However, this is considered to be an acceptable outcome given the site's context within a Major Activity Centre, where mid-rise buildings are preferred.</p> <p>There is currently no view of the Yarra River from Victoria Street. However, with the inclusion of the pedestrian link along the east boundary, views and access to the Yarra River corridor will be enhanced.</p> <p>The northern setback includes both removal and planting of vegetation to repair the landscaping setting along the Yarra River corridor.</p>

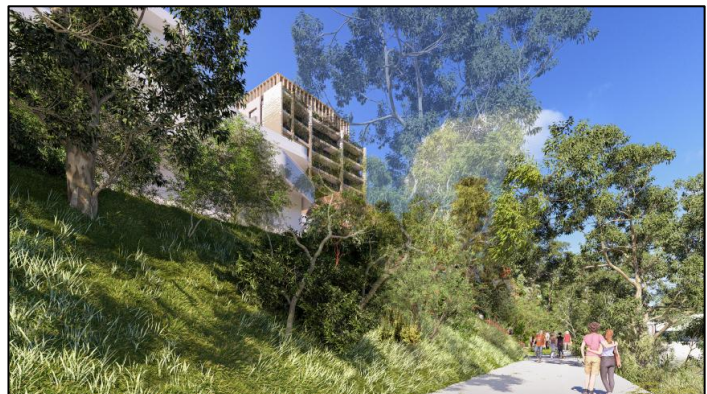




Figure 14: View from the Main Yarra Trail (Source: Application)



Figure 15: Existing view from Walmer Bridge (Source: Application)



Figure 16: Proposed view from Walmer Bridge (Source: Application)

Siting and design

- Whether any additional overshadowing of public open space can be avoided by redesigning or relocating a proposed building or parts of it.
- Whether siting of proposed buildings impacts the river's natural flood and watercourse characteristics.
- Whether any proposed garages and outbuildings ancillary to a dwelling are integrated into the overall design to minimise the appearance of built form impacting public views of the river corridor.
- Whether the location, bulk, outline and appearance of any proposed building or works are in keeping with or enhance the natural landscape character and appearance of the Yarra River.
- The appropriateness of proposed materials and finishes for any proposed buildings and works in reducing contrast.

The proposed building only creates additional overshadowing to Victoria Street and the northern footpath and given that the shadows move throughout the day, this is considered reasonable for the site and its context.

The proposed siting of the building will not impact of the river's natural flood and watercourse characteristics, noting that Melbourne Water does not object to the proposal.

The proposal integrates car parking and loading within the building with vehicle access from Victoria Street, thereby minimising these impacts to the Yarra River interface.

The proposed building is in keeping with the scale of other nearby developments along this section of the Yarra River and incorporates a landscape setting to soften the appearance of the building from the Yarra River corridor.

The proposed materials and finishes are appropriate for the subject site and complement the natural landscape.



Site coverage and permeability

- The need to minimise impervious surfaces to allow for filtration of water and retention and establishment of indigenous vegetation and canopy trees.
- The need to limit areas, (including tennis courts and swimming pools) and other impervious surfaces within the minimum setback distance specified in a table to this schedule to allow for replanting and vegetation growth.
- Whether adequate spacing is provided between buildings to maintain and create views to the Yarra River and its corridor.

The proposal provides a site coverage of 71% (2,471 square metres of the 3,459 square metres site area, not including Crown land), which is consistent with the established development character along the north side of Victoria Street.

The proposal does not include any built form within the mandatory minimum setbacks.

The setback of the building from the eastern and western boundary, including the provision of a through block pedestrian link along the eastern boundary, will provide adequate spacing between adjacent sites to create long range views to the Yarra River corridor.

-
110. The proposal generally complies with the requirements in DDO1 with regard to setbacks, overshadowing and landscaping. The main discussion relates to the height of the building and whether the visibility of the upper levels creates an unacceptable visual dominance when viewed from the Yarra River corridor.
111. The stepping down of the built form towards the Yarra River reduces the massing and bulk of the building. In particular, through the use of light weight materials and increased setbacks, the upper two levels appear as a recessive element in the streetscape and riverscape.
112. The street wall height along Victoria Street is considered to appropriately respond to the width of Victoria Street and the adjoining building to the east. The proposal incorporates a podium height of 14 metres, a mid rise extent of the building above the podium (built to the street frontage) of 27 metres, with upper levels (Levels 7-9) setback from the frontage and the uppermost levels setback further again (see figure below).



Figure 17: Street wall and setbacks to Victoria (Source: Application)

113. The mid-rise extent of the building above the podium includes minor architectural projections extending 800mm beyond the title boundary. These projections add interest to the overall architectural form of the building and are considered minor and acceptable.
114. The proposed street wall and overall height and massing of the building is considered appropriate to the site's context with respect to both the streetscape and riverscape and the neighbouring sites. The proposed 8 storey street wall height is considered acceptable given the width of Victoria Street and the existing 7 storey street wall of the building to the east. The upper levels, being further setback, provide an acceptable transition in height from the subject site to the neighbouring properties and then down to the Yarra River interface (see diagram below).

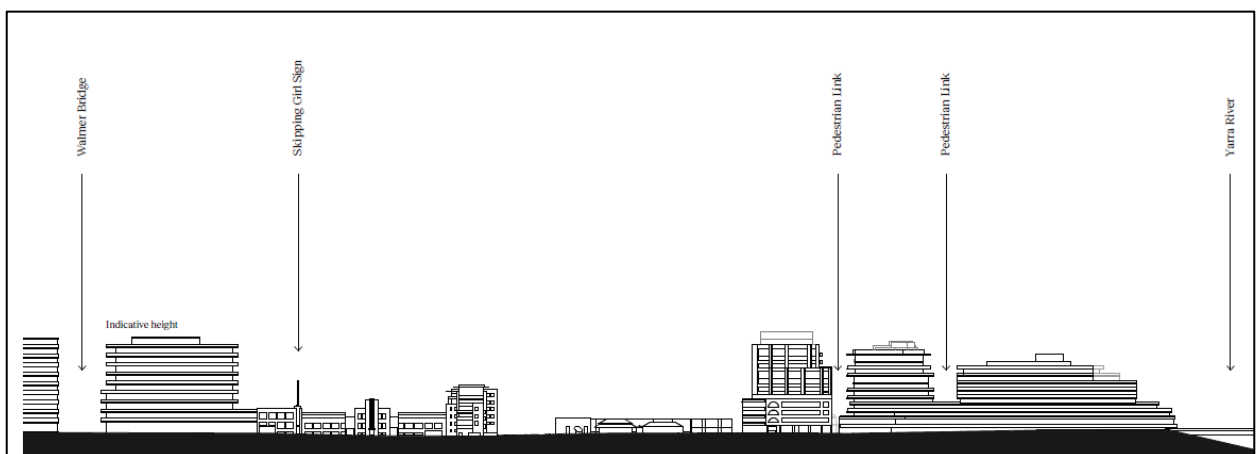


Figure 18: Proposed streetscape (Source: Application)



115. The council has recommended that the building height be reduced by two storeys (one level between Levels 7-9 and Level 10), due to the site's mid-block location and overall size of the site and to be consistent in height with the existing building to the east. On balance, it is considered that the proposed height is acceptable for the following reasons:

- The height is generally consistent with the existing and emerging built form along Victoria Street;
- The proposed design is of high quality and will provide interest in the streetscape;
- The proposed through block pedestrian link provides a public benefit to the site and the wider community;
- The recessed double storey glass 'crown' is differentiated by the masonry form below, to assist in minimising visual bulk;
- The built form massing and articulation with the variation of materials and the stepping down / terracing of the building towards the northern river interface, balances and integrates the massing of the proposal with its surrounds; and
- The proposal includes an extensive landscaping regime to the northern interface (including balcony and terrace plantings), to provide a landscaped interface to the river, as sought by the SLO1.

116. It is noted the Level 1 northern terraces and the wind canopy projections located above the Level 1 and 3 northern terraces, encroach into the mandatory height requirement of the DDO1-G, as shown below.

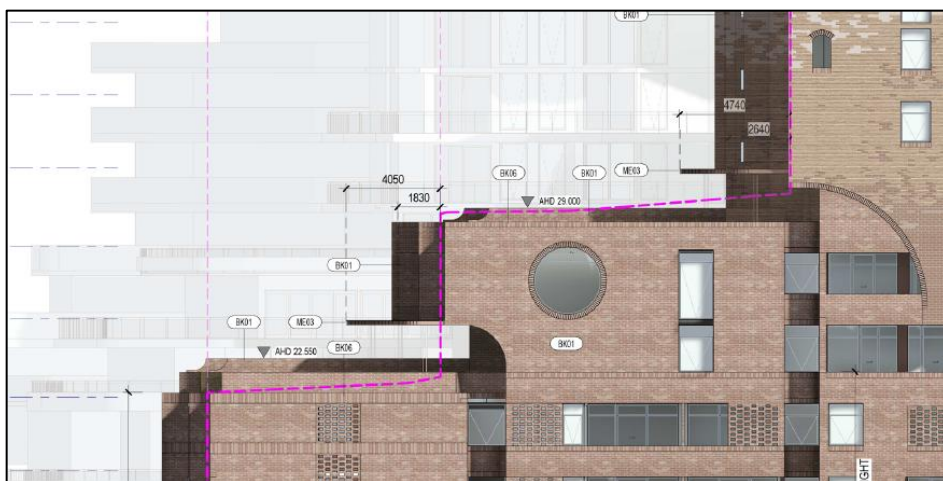


Figure 19: Encroachments into mandatory setbacks (Source: Application)

117. It is considered that a projection is not prohibited within these setbacks, provided the projection does not contribute to the building height at that point. The Yarra Planning Scheme defines building height as *'the vertical distance from the natural ground level to the roof or parapet at any point'*. As such, balustrades and canopies are not considered part of the building height and these projections are permissible and supported.

Design and Development Overlay – Schedule 2 (Main Roads and Boulevards)

118. DDO2 provides design guidance for main roads and boulevards. It is considered that the proposed building responds appropriately to the design objectives and guidelines as follows:

- The proposal provides a high quality contemporary architectural response within the streetscape;



- The proposal seeks to retain the existing tree along the western boundary and integrate it into the design with the sculpturing of the podium;
 - The proposed building massing and heights provide an acceptable transition to the existing buildings to the east and down to the Yarra River;
 - The proposal provides a positive response by providing a through block pedestrian link from Victoria Street to the Yarra River.
 - The proposal will not result in any off-site amenity impacts along Victoria Street with regard to wind and solar access.
119. The architectural expression of the building presents a high quality building in this section of Victoria Street. The soft curvature of the building that includes concave and convex formation, is inspired by the sculpting of rocks by water flows. This detail provides a sculpted form that is an appropriate response to the site's Yarra River environs.
120. The materials and finishes included in the design, brick and masonry finishes that graduate with the building height, are a positive response to the site context. The use of brick has been used to reference the brick buildings that contribute to Abbotsford's character and will provide a robust and durable building material, while the green tiling at ground level seeks to blend the building into the environment. Levels 10 and 11, which are significantly setback, comprise mostly glazing and medium bronze powdercoat finish metal panels, presenting a light weight addition to the top of the building.
121. A Façade Strategy will be required via a condition on any permit to issue to ensure that appropriate detail is provided regarding the proposed materials and finishes and to ensure that the brickwork and tiling are retained as these are important features of the architectural design of the building and intrinsic to its relationship to the local character.

Skipping Girl sign

122. The objective of Clause 15.01-2L-02 (Landmarks) of the scheme seeks to maintain the visual prominence of and protect primary views to Yarra's valued landmarks. The primary views include:
- South-west corner of intersection of Burnley Street and Victoria Street;
 - Entry to the City of Yarra from the east (Victoria Street footpath, south side); and
 - Intersection of Leslie Street and Victoria Street.
123. The view analysis below shows that the proposal would not impact view lines from the eastern end of Victoria Street, on approach to the Skipping Girl sign (noting that the requirement is from the south side).



Figure 20: Skipping Girl sign view analysis (Source: Application)

Pedestrian Link

124. The proposed pedestrian link along the eastern boundary connecting Victoria Street to the Main Yarra Trail is a positive contribution to the site and the wider precinct. It is consistent with Clause 11.03-6L (Victoria Street East Precinct), which identifies a pedestrian link through this site to the Yarra River.
125. The publicly accessible link will provide a connection with the Yarra River from Victoria Street, allowing convenient and safe access. Passive surveillance is provided via the office use and habitable room windows and balconies, and the community use along the link. The high quality design, materiality and landscaping will also encourage pedestrians to use the link.
126. It has been raised by the council and DTP's Urban Design that the pedestrian link should be either clear to the sky or double height for its entire length. The portion of the link that is not double height is shown in the figure below and is associated with dwellings on the Ground and Upper Ground Levels.

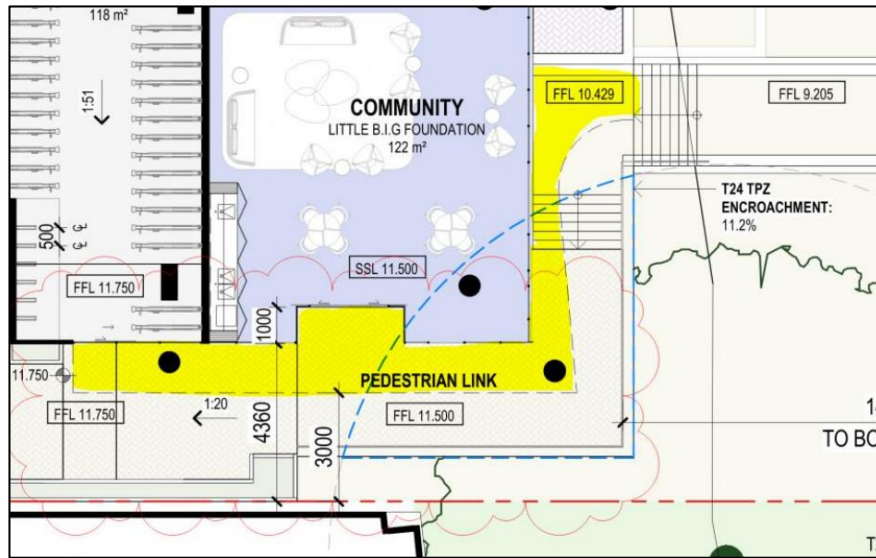


Figure 21: Pedestrian link in the north east corner (Source: Application)

127. The reduced clear to sky design for this section of the pedestrian link is considered reasonable. The remainder of the link will remain open to the sky and the entire link will include appropriate lighting to ensure the space remains safe and easy to navigate.
128. The success of the link relies upon continuous public access, well-integrated building and wayfinding signage and appropriate lighting. As recommended by the council, the owner of the land must enter into a section 173 Agreement requiring 24-hour unfettered access for the entire length of the link. This is considered reasonable, and a condition to this effect should be included on any permit to issue.
129. The pedestrian link wraps around the building and then extends down via a series of stairs and landings to meet the Main Yarra Trail, adjacent to the Yarra River. The staircase extends into Crown land that is managed by Parks Victoria. Parks Victoria consents to the staircase connection and ancillary landscape works and has recommended conditions to be included on any permit to issue.
130. The council has recommended that a generous landing should be provided to allow safe refuge from the Main Yarra Trail to minimise any potential conflicts and bicycle channels to be provided along both sides, for use for both ascending and descending cyclists. They have also recommended a condition requiring a Public Realm Plan.
131. It is considered that a condition requiring an increase in the depth of the landing be included as a condition on the permit, subject to approval from Parks Victoria and Melbourne Water, noting that they have provided support for the current design. The recommendation to include bicycle channels along one or both sides of the stairs can also be included as a condition on any permit to issue, subject to DDA review (as suggested by the applicant). The requirement for a Public Realm Plan to be submitted for approval is considered acceptable. Other considerations raised by the WWCHAC in relation to the pedestrian link are assessed later on in this report.

Landscaping

132. Clauses 15.01-1L (Urban Design), 15.01-2S (Building design), 15.01-2L (Building design) and the SLO generally encourage retention of existing vegetation and provision of landscaping that responds to the site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.
133. The application is supported by an Amended Tree Impact Assessment prepared by Joe Kellett Arboriculture and received 8 April 2025. The report recommends removal of 17 trees (7 trees where a permit is required under the SLO



and 10 trees where no permit is required). Trees 1, 2, 4, 5, 7-17, 21 and 22 have been marked for removal due to their poor health, poor structure or weed species that do not contribute to the wider landscape. Trees 1, 8, 9, 12, 17, 21 and 22 require a permit for their removal.

134. The council supports the removal of Trees 1, 2, 4, 5 and 7-17. It does not support the removal of trees 21 and 22, where the staircase is proposed to be located. The council has recommended that the staircase be relocated for the retention of Trees 21 and 22.
135. The arborist has provided the following comments in relation to the removal of trees 21 and 22:
- *Tree 21 is a Corymbia ficifolia (Red Flowered Gum), this tree is suppressed by nearby larger trees. It is weight biased to the west, creating a tree of poor form and poor structure, see Appendix 4. Pruning to manage its weight biased canopy would adversely impact the health of this tree and further reduce its ULE. This small tree would not be missed from this confined position if removed and replaced as part of the rejuvenation of this neglected landscape. Its removal would allow for more planting of healthy trees, that would better enhance the immediate landscape now and the wider landscape in the long-term as they grow towards their mature proportions.*
 - *Tree 22 is a Corymbia maculata (Spotted Gum), this native tree is bifurcated close to its base with three acutely attached trunks, with included bark and kino bleeding at the largest of these points, see Appendix 4. This is an underlying structural fault that would result in stem failure if no major pruning is undertaken. If major pruning is undertaken, it will reduce this potential for a stem failure to occur; it cannot eliminate this potential. In particular as this tree continues to grow taller, the wind loading on such poorly attached stems would exceed strength at this point and result in a stem failure. This tree is inappropriate in this position in the long-term and has therefore been marked for removal and replacement with a more suitable and structurally sound tree. A tree that will enhance this landscape now and the wider landscape in the long-term.*
136. Given the above description of the trees and the location of the staircase (designed in consultation with Parks Victoria), it is considered the removal of trees 21 and 22 is reasonable.

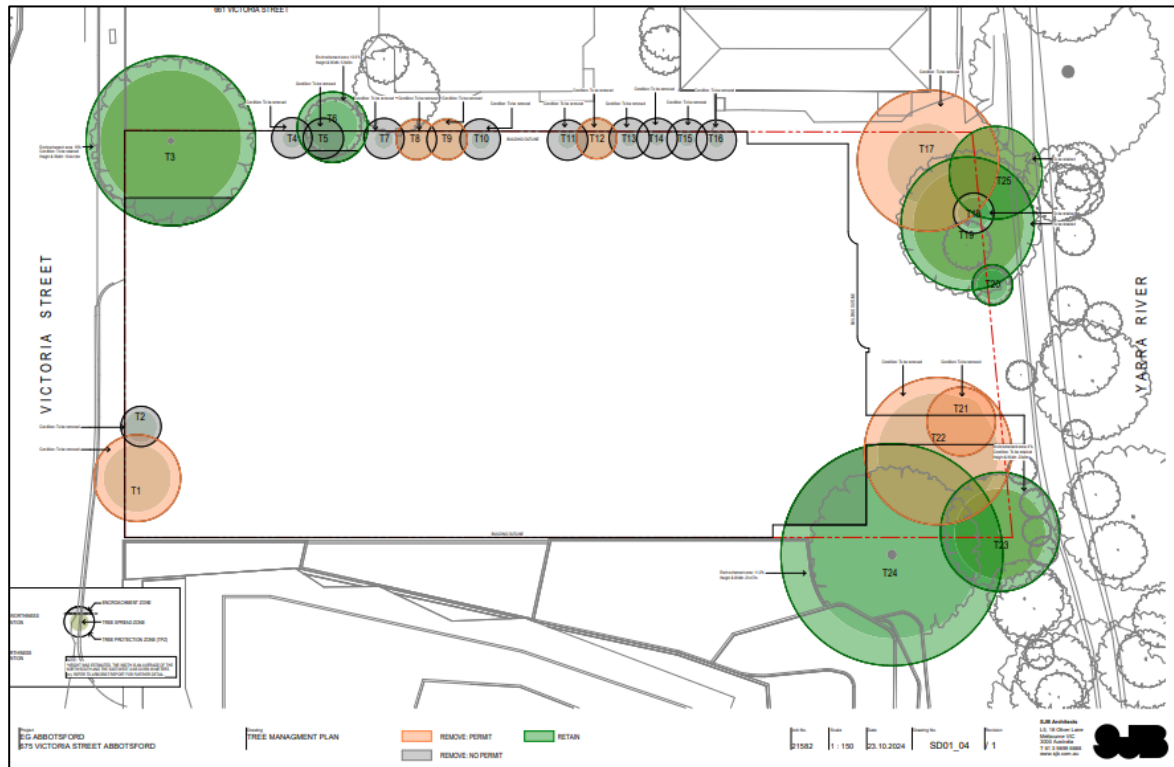


Figure 22: Proposed tree removal (Source: Application)

137. The council has recommended that further information be provided regarding methods of retention for Tree 3, further investigation and methods of retention for Tree 6, the correct location of Tree 20 and details of elevation changes within the TPZ of Tree 24. Conditions have been included for a Tree Management Plan to be submitted, with the exception of the location of Tree 20, which the applicant has confirmed is in the correct location.
138. The application is supported by Landscape Plans prepared by Tract and dated 28 May 2025. The plans include the overall concept for the development, proposing an integrated arbour walk along the eastern boundary, the river connection stair and revegetating the riverbank. Landscaping, including canopy trees, are also proposed throughout the development with landscaping to balconies and terraces for the dwellings.



Figure 23: Lower Ground Level and Ground Level landscaping (Source: Application)

139. The council have reviewed the landscape plans and recommend further information and a complete Green Infrastructure Landscape Package and Landscape Maintenance Plan be submitted for endorsement.
140. The council has raised the following concerns with the proposal and recommend the following:
- *Remove two proposed rain gardens from the landscape design.*
 - *Provide an updated Landscape Plan that meets Council's general requirements and includes details of:*
 - *planting plan(s) showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces. This should be provided for each landscaped area within the site.*
 - *vertical growing structures (if proposed) including detail drawings, servicing methodology, mounting technique etc.*
 - *the areas proposed for deep soil planting.*
 - *the location of each 'tree type' proposed.*
141. It is noted that the applicant has accepted these as conditions on any permit to issue requiring amended landscape plans. The rain gardens are located within the northern setback and should be removed on the architectural plans, the landscape plans and the Sustainability Management Plan. The Sustainability Management Plan should also require an alternate arrangement to the rain gardens to ensure compliance with Water Sensitive Urban Design requirements.



142. Other considerations raised by the WWCHAC in relation to the retention of landscaping are assessed later on in this report.

Flooding

143. The site is subject to the LSIO at the rear of the site, adjacent to the Yarra River. Melbourne Water (a determining referral authority for this overlay) does not object to the application, subject to a range of conditions to be included on any permit to issue. Melbourne Water advise that:

- *The applicable flood level for the property is 10.90 metres to Australian Height Datum (AHD), based on a rainfall event which has a 1% Annual Exceedance Probability (AEP), that is, a 1% probability of being equalled or exceeded in any one year.*

144. Permit conditions relate to finished floor levels, entry apex and openings to the basement car park, setback to the Yarra River, a Site Environmental Management Plan, a weed management program, a Work Method Statement and a Task Risk Assessment, and also conditions related to stormwater and landscape plans. These conditions will be included on any permit to issue.

145. The council have also advised that their own flood mapping indicates that the site may be subjected to flooding during a 1 in 100 rain event from surface water in Victoria Street, which is depicted below:

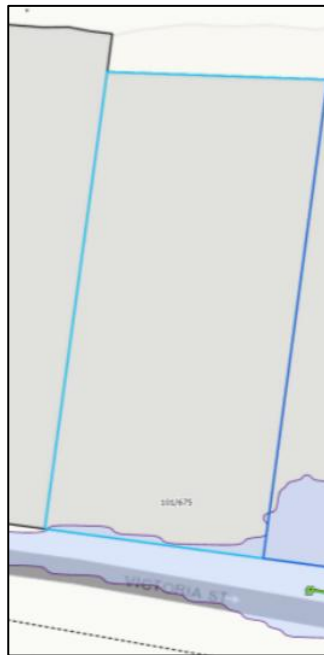


Figure 24: Council's flood mapping (Source: Yarra City Council)

146. The council identifies the 1% flood height maximum as RL14.52 and the 1 in 100 year ARI as RL14.4 along the frontage.

147. The council has further advised that they are generally satisfied with the basement ramp apex height (at RL14.75) and require the south-east corner of the ground level of the office to be either flood-proofed or have the sill level set at a minimum RL14.75 and the level of the pedestrian link to provide a freeboard height of minimum 150mm above the applicable flood level to prevent surface water from Victoria Street entering the site.



148. It is considered that conditions should be included on any permit to issue requiring the basement ramp apex height and the level of the pedestrian link to provide a freeboard height above the applicable flood level. The suggestion for the south-east corner of the ground level of the office to be either flood-proofed or increase the sill height is considered unwarranted given the increase in the pedestrian link finished floor levels and as such, will not be included as a condition.

Development Contributions

149. The site is subject to the DCPO1. Pursuant to Clause 45.06-1, a permit granted must include any conditions required to give effect to any conditions or levies imposed, conditions or requirements set out in the schedule to this overlay. A condition will be included on any permit to issue relating to the DCPO1 to ensure the requirements of the overlay are met.

Aboriginal Cultural Heritage

150. The site is located within 200 metres of the Yarra River and therefore falls within an area identified as having the potential for Aboriginal Cultural Heritage Sensitivity.
151. The application is supported by two reports prepared by Dr Tim Stone, one for the subject site and one for the Crown land. The reports outline that significant ground disturbance has occurred over 100% of the site and within the Crown land over the last 167 years and that a Cultural Heritage Management Plan is not required. Notwithstanding this, the proposed staircase within the Crown land area is not considered to be a high impact activity in an area of cultural heritage sensitivity. Other considerations raised by the WWCHAC in relation to cultural heritage and a subsequent peer review report are assessed later on in this report.

Potentially Contaminated Land

152. While the subject site is not located within an Environmental Audit Overlay, it is noted that the site to the immediate west at 661-663 Victoria Street, is located within an EAO. In addition, a preliminary investigation submitted with the DFP pre-lodgement document package, identified that the site was used for a variety of commercial and/or light industrial purposes since at least 1905. Historical activities include manufacturers, metal polishers and protectives, electroplaters, engineers and fire extinguishers. The site appears to have been redeveloped in the late 1980's with the current office building.
153. On this basis, conditions should be included on any permit to issue requiring a Preliminary Risk Screen Assessment (PRSA) of the site to be conducted by a suitably qualified environmental auditor. This condition requires a PRSA statement and report to be submitted to the responsible authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017.
154. In the event that the PRSA requires an Environmental Audit to be undertaken, the conditions require an Environmental Audit of the site to be carried out by a suitably qualified environmental auditor prior to the commencement of the development. Lastly, if any of the conditions of the EAS require ongoing maintenance or monitoring, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*. Conditions to this effect should be included on any permit to issue.

Internal Amenity

Clause 58 (Apartment Developments)

155. Clause 58 encourages development that provides reasonable standards of amenity for existing and new residents and supports apartment developments that are responsive to the site and surrounding area.



156. The development achieves a high level of compliance with the objectives and standards of Clause 58 as detailed in the assessment provided at Appendix 1. Other relevant Clause 58 considerations (variations sought to Standards) are discussed below.

Internal views

157. A variation is sought to Standard D15 (Internal views objective) that requires windows and balconies to 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 development. The building has been designed to ensure direct views are limited between balconies and or habitable room windows. The plans show that internal overlooking may occur from some upper level balconies to balconies / terraces of Levels 1, 3, 7 and 10. However, given the generous size of these balconies and associated canopies (for wind mitigation) and landscaping, the internal views are oblique and are considered reasonable for the development.

Windows

158. A variation is also sought to Standard D28 (Windows objective) that requires all habitable rooms to have a window in an external wall of the building. The building has been designed to allow adequate daylight into new habitable room windows. However, 29 dwellings feature separate rooms with no windows, to be used as studies. This is considered reasonable given the overall amenity of the dwellings and that the studies are of a size and / or shape that is not conducive to being used as a bedroom.

Amenity Impacts

Overshadowing

159. Clause 15.01-2L, Building Design, discourages impacts on existing adjoining development through unreasonable overshadowing of secluded private open space and loss of daylight to habitable room windows, and seeks to ensure that development avoids overshadowing of public open space between 10am and 2pm on 22 September. DDO1 requires that buildings and works should not cast any additional shadow across any public open space between 11am and 2pm on 22 September.

160. The following shadow studies have been undertaken for the various times of the day on 22 September for the proposed development on the site:

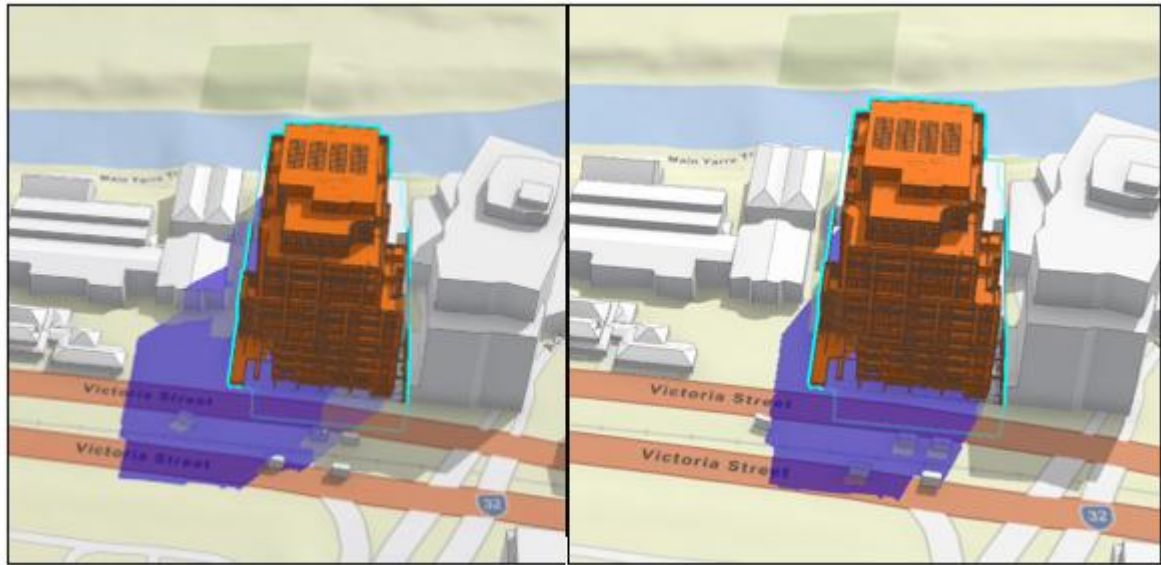


Figure 25: Shadow study 22 September 10am (left image) and 11am (right image) (Source: DTP)



Figure 26: Shadow study 22 September 12pm (left image) and 1pm (right image) (Source: DTP)

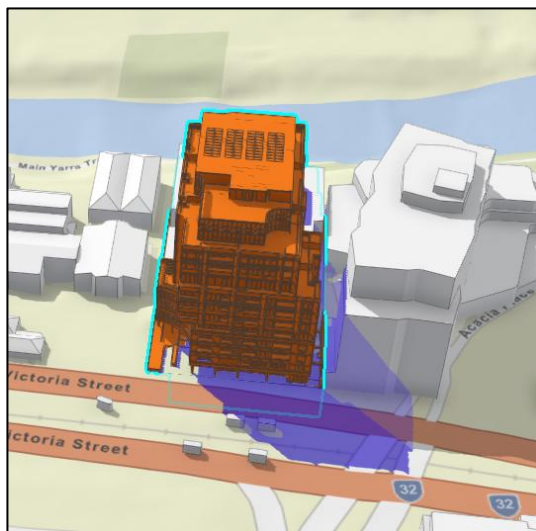


Figure 27: Shadow study 22 September 2pm (Source: DTP)

161. The figures above show that the proposed building will cast additional shadow over the southern footpath of Victoria Street at 10am. Noting that any built form on the site will create additional shadow to the northern footpath along Victoria Street, it is considered that this additional shadow to the southern footpath is not unreasonable in this Major Activity Centre context.
162. The figures above also show that the proposed building will cast additional shadow to the residential building to the east from 1pm on 22 September. The shadows are limited to the south-western portion of the adjoining building in the afternoon. Again, this is reasonable in this Major Activity Centre context where mid-rise buildings are encouraged.
163. On balance, the proposal appropriately responds to the decision guidelines of the zones and overlays in the Yarra Planning Scheme by managing off-site overshadowing amenity impacts. The design maintains a high-quality built form, while ensuring reasonable amenity for adjoining properties, limiting visual bulk, preserving solar access, and delivering an outcome that aligns with the strategic intent for the area.

Wind

164. The application is supported by a Pedestrian Level Winds – Wind Tunnel Test prepared by ViPac and dated 22 October 2024. The report concludes:

Vipac has carried out an assessment of the pedestrian level winds for the proposed development at 675 Victoria Street, Abbotsford based on a scaled wind tunnel test.

The findings of the study are summarised as follows:

The proposed design of the development:

- *fulfils the recommended criterion for Safety at all test locations with recommendations;*
- *fulfils the recommended criterion for Walking at all footpath locations;*
- *fulfils the recommended criterion for Standing at all building entrances with recommendations; and*
- *fulfils the recommended criteria for Walking at all open terraces and communal terraces with the recommendations.*

The proposed development would not cause significant adversely impact to the adjacent areas.

As a general statement, common to all new developments, educating occupants about wind conditions at high-level terraces/balconies during high-wind events and tying down loose furniture are highly recommended.

165. The report is considered satisfactory as the wind comfort and safety criteria are met, subject to the following wind amelioration to be included in the design:

- A 1 metre entrance setback to the place of assembly entrance along the pedestrian link;
- A 2 metre deep porous canopy (40%) above the terrace to dwelling 1.07;
- A 3 metre deep porous canopy (40%) above the terraces to dwellings 3.07 and 3.08; and
- A 1.8 metre high balcony to the Level 10 balconies of dwellings 10.04 and 10.05.

166. All the above treatments are included on the architectural plans. As such, no further wind testing is required. A condition will be included on any permit to issue requiring the endorsement of the wind report, subject to any changes required by condition 1.

Car Parking, Bicycle Parking, Loading, and Waste

Car Parking

167. The following car parking rates are relevant to the application:

Use	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwellings (123)	Minimum one space to each dwelling	123	167
Office (287 m ²)	Minimum 0.45 spaces to each 100 square metres of net floor area	1	1
Place of assembly (12 patrons)	0.15 spaces to each patron	1	1
Total		125	169

168. The proposal meets the statutory requirement for each of the land uses.

169. The council has not raised any concerns with the proposed car parking spaces provided on site, nor the traffic generated by the development. Specifically, they have stated:

The car parking provision for the various uses is considered appropriate in the context of the development and the surrounding area based on the existing roading network and the availability of public transport in close proximity.

The operation of the development was found to not adversely impact on the existing on-street parking conditions in the area.

The magnitude of traffic generated by the development is not considered to be unreasonable and is not considered to adversely impact on the traffic operation of Victoria Street.

A number of standard conditions are recommended to ensure the public realm is protected and the development does not detrimentally impact on infrastructure and the roading network.



170. Council's recommended permit conditions include setting back the building from the Victoria Street boundary to provide space for short term parking and a pick up/drop off area, dimensions and annotations of the car park entry, conditions related to the design and construction of the crossover, the reconstruction of the kerb and channel along Victoria Street and the design of the car parking areas. Some of these conditions should be included on any permit to issue. An assessment of these is provided in Appendix 2.

171. Given that Victoria Street is an arterial road, a permit is required to alter access to a road in a Transport Zone 2. Head, Transport for Victoria supports the proposal, subject to conditions being included on any permit to issue.

Bicycle Facilities

172. Clause 52.34-1 of the scheme requires bicycle parking facilities as follows:

Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwellings (123 dwellings)	Resident	1 space / 5 dwellings	25	
	Visitor	1 space / 10 dwellings	12	
Office (287 m ²)	Employee	1 to each 300 sqm of net floor area, if the net floor area exceeds 1,000 sqm	0	
	Visitor	1 to each 1,000 sqm of net floor area, if the net floor area exceeds 1,000 sqm	0	
Place of assembly (12 patrons)	Employees	1 to each 1,500 sqm of net floor area	0	
	Visitors	Two spaces plus one to each 1,500 sqm of net floor area	2	
Total			39	124 resident 6 commercial 28 visitor Total: 158
	Change rooms (Employee)	1 change room or direct access to a communal change room or shower. The change room may be a combined shower and change room.	1	1 DDA WC 1 WC

173. The proposal includes a total of 158 bicycle spaces, which exceeds the requirement for 39 spaces. As such, no permit is required under this clause.

174. The proposal also includes change room amenities on the lower ground floor that could be used by the office and community facility (place of assembly) employees. This complies with Clause 52.34-5.

175. The bicycle spaces will be provided on Ground Level and the Lower Ground Level, with access via Victoria Street and the pedestrian link, respectively.

176. Although the overall provision of bicycle parking spaces exceeds that required under this provision, the council has recommended a permit condition requiring 3 additional visitor bicycle spaces. It has also recommended conditions to provide bicycle channels along both sides of the stairs leading to the Main Yarra Trail, plan notations to confirm security details of the bicycle storage area and for additional visitor bicycle parking to be provided along the pedestrian path. It is considered unreasonable to require the applicant to provide bicycle spaces above and beyond the provision that already exceeds the Yarra Planning Scheme requirements. Also, the provision of bicycles spaces within the pedestrian path is considered unwarranted given that they may create obstruction for pedestrians and that



visitor bicycle parking is already provided along the basement entry. Channels along both sides of the staircase (subject to DDA review) and security details of the bicycle storage area should be conditions on any permit to issue.

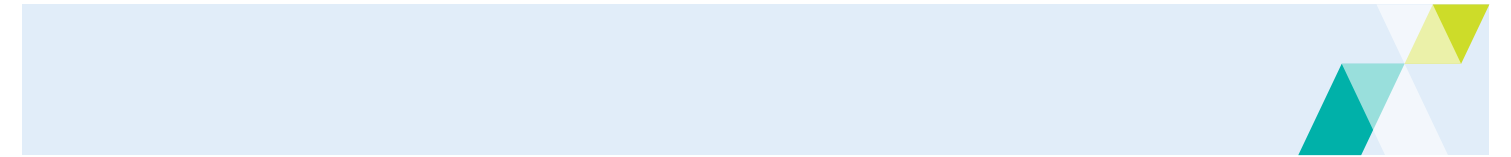
177. Overall, it is considered that the proposal is acceptable and appropriately responds to Clause 52.34.
178. Additionally, the proposal includes 26 motorcycle spaces, which is considered a positive inclusion, noting there is no requirement to provide motorcycle spaces.
179. The application is also supported by a Green Travel Plan prepared by Traffix Group and dated 4 April 2025. The plan sets out a range of actions to be implemented by the Developer, Owners Corporation and Tenants to encourage sustainable travel choices and reduce car dependency by prospective residents, staff and visitors and outlines an implementation program as well as the requirements for monitoring and review of the plan.
180. The council has raised the following items with the plan and has recommended amendments prior to endorsement of the plan as follows:
- *Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;*
 - *Details of bicycle parking specifications;*
 - *Security arrangements to access the employee bicycle storage spaces;*
 - *Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and*
 - *Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.*
181. The council has recommended a condition be included on any permit to issue to address the above comments, which is considered reasonable.

Loading / Unloading

182. Clause 65.01 of the Yarra Planning Scheme specifies that, before deciding on an application or approval of a loading plan, the responsible authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
183. A loading bay is provided on the Lower Ground level, with access via the basement ramp from Victoria Street. It measures 8.1 metres long x 4.9 metres wide and has a clearance of 2.5 metres. This loading bay will be used to facilitate waste collection and loading activities for the office and dwellings including loading activities for furniture movers / removalists when residents move in / out. The loading bay will allow for loading activities by smaller vans and passenger vehicles and building management will ensure that tenants are aware of the limitations in vehicle size and access. Loading activities associated with the office use are expected to be relatively infrequent and undertaken by smaller vans and couriers which can utilise the loading bay.
184. The council has not recommended any amendments to the loading area. As such, the proposed loading bay is considered acceptable.

Waste

185. The application is supported by a Waste Management Plan (WMP) prepared by Traffix Group and dated 4 April 2025. It is proposed that all waste collection is to occur onsite within the loading bay at Lower Ground level. A private contractor will be engaged to collect waste via a mini rear loader vehicle (typically 6.4 metres long with a 2.2 metre headroom clearance). The waste vehicle will prop within the loading bay and transfer the bins to and from the waste area. A minimum headroom clearance of 2.5 metres is provided within the waste collection area to accommodate the



rear lifting of the bins. The vehicles will enter and exit the site in a forward direction via Victoria Street and swept path diagrams have been provided to confirm this. Waste collection will be undertaken during off peak periods to minimise disruptions.

186. The council considers that the WMP is satisfactory and has recommended a condition be included on any permit to issue requiring the endorsement of this plan.

Sustainability

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

187. The application is supported by a Sustainable Management Plan (SMP) prepared by GIW Environmental Solutions and dated 7 April 2025 in response to clause 15.01-2L-01 (Environmental sustainable development) of the Yarra Planning Scheme. The report states that the proposal has the potential to achieve a total BESS score of 71%, which equate to BESS 'excellence'.
188. The SMP outlines the following initiatives that will be implemented to contribute to sustainable design:
- 1. The project achieves a total BESS score of 71% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.*
 - 2. 50% (62 out of 123) of the development's apartments are naturally cross-ventilated.*
 - 3. Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:*
 - 81% of living floor area achieves >90% above DF 1*
 - 84% of bedroom floor area achieves >90% above DF0.5*
 - 4. The non-residential areas are targeting a 2% DF to 60% of the nominated area.*
 - 5. 33% (41 out of 123) of apartments achieve at least 3 hours of sunlight.*
 - 6. The development is provided with a comprehensive shading strategy.*
 - 7. The development is to achieve a 7.5 Star average NatHERS Energy Rating result.*
 - 8. The non-residential areas aim to reduce heating and cooling energy consumption 5% below the reference case (BCA Section J 2019).*
 - 9. The development is to utilise an electric heat pump hot water system with a minimum COP of 2.5.*
 - 10. A 30kW Solar PV system is to be located on the roof of the proposed development.*
 - 11. Individual cold and hot water, electricity meters will be provided to the apartments and communal areas.*
 - 12. Water efficient fittings and fixtures are applied throughout.*
 - 13. A 20,000-litre rainwater tank will harvest rainwater from all roof areas. The tank will be connected to all ground to level 2 toilets and landscape irrigation.*
 - 14. A Melbourne STORM rating of 101% is achieved.*
 - 15. Landscape irrigation demand will be connected to the rainwater tank only.*
 - 16. In total 124 bicycle spaces are to be provided for residents.*
 - 17. In total 25 bicycle spaces are to be provided for residential visitors.*
 - 18. In total 6 bicycle spaces are to be provided for employees & 3 bicycle spaces are to be provided for non-residential visitors.*
 - 19. All balconies or private open space have been provided with a tap and floor waste allowing residents to cultivate their own gardens.*
 - 20. 278m² of communal space will be provided at lower ground.*
189. The council has raised the following concerns with the SMP and recommends the following improvements:
- Mechanical assisted ventilation to all dwellings that do not meet the BESS criteria for effective natural ventilation.*
 - Re-submission of the daylight modelling, and relevant sections of the SMP, using the BESS internal reflectance values, ensuring that best practice daylight standards can be demonstrated.*



- *Recommend updating the SMP to include a clear commitment to net-zero operational energy within the ESD Summary.*
- *Consider increasing the scale of the solar PV on the rooftop to utilise all suitable available roof space.*
- *Consider battery energy storage to utilise solar energy more effectively onsite.*

190. The council has recommended a condition be included on any permit to issue to address the above comments. It is considered that the SMP demonstrates that the proposal will achieve a BESS score of 71%, which is considered best practice. Conditions will however be included on any permit to issue requiring the SMP to be amended to require a clear commitment to net-zero operational energy and for the removal of the raingardens and an alternate arrangement provided (as required by the council in relation to the landscape plans) to ensure compliance with WSUD requirements. Other considerations raised by the WWCHAC in relation to water sustainability are assessed later on in this report.

Public Benefits

Affordable Housing

191. The application is made under Clause 53.23 (Significant Residential Development with Affordable Housing) which amongst other things seeks to facilitate residential development that includes affordable housing to meet existing and future needs.
192. Clause 53.23-4 (Permit condition requirement) requires that the responsible authority must include a condition for the owner of the land to enter into an agreement with the responsible authority under section 173 of the Act that provides for a contribution towards affordable housing, by either providing at least 10% of the total number of dwellings in the development as affordable housing or a cash contribution.
193. In this case, the applicant is proposing an affordable housing cash contribution of 3% of the residential development cost for the provision of affordable housing. This will be secured via a section 173 agreement permit condition, with details of the affordable housing offer to be resolved at the time the agreement is submitted.
194. The proposed contribution, along with the inherent benefits that come with an increase in supply of dwellings, is welcomed and is responsive to the purpose of Clause 53.23 and the strategies of Clause 16.01-2S and 16.01-2L (Housing Affordability).

Community facility

195. The proposal includes a 122 m² (12 patrons) community facility (place of assembly) on the Lower Ground level, accessed via the pedestrian link along the eastern side of the building.
196. The community facility will be managed and operated by Little B.I.G. Foundation, which is a charitable organisation set up to tackle loneliness in Australia by developing places, programs and events for social connection. The foundation will provide an events program for residents and the surrounding community. The space can also be booked through the foundation for use by residents and the broader community.
197. The provision of this is a welcomed and positive benefit of the proposal which will make an important contribution to supporting residents and the broader community. A condition will be included on any permit to issue requiring a Management Plan to be submitted and approved to ensure that the use, patron numbers, hours of operation and noise management measures can be managed.



Response to Objections

198. All objections received to the application have been considered. The table below provides a summary of the key concerns raised by nearby property owners and occupiers to the proposal and is not intended to be an exhaustive list of every specific matter raised in the objections received.

Objection	Applicant comments	DTP comments
<p>Scale of the Development</p>	<p><i>The site is located within the Victoria Street Major Activity Centre, and specifically on the eastern side of Burnley Street which has been identified for greater building height and scale within the activity centre. State and local planning policies, and Victoria's Housing Statement, emphasise the importance of activity centres in delivering housing at greater densities, in particular to locations well serviced by public transport and with access to amenities.</i></p> <p><i>The proposal seeks to introduce 123 high-quality, high amenity dwellings to an activity centre, within a building that deftly responds to the existing and emerging built form context of Victoria Street and at a scale which thoughtfully integrates with the more sensitive Yarra River corridor interface. The building has been designed in a manner which acknowledges and responds to the height of adjacent buildings at Acacia Place through a crafted architectural language offering recessive upper levels in both siting and appearance, successfully providing a transition in height and scale along Victoria Street.</i></p> <p><i>Building setbacks ensure that equitable development opportunities are afforded to the west, and the amenity of surrounding dwellings is reasonably protected having particular regard to visual impact and daylight access— acknowledging that these dwellings are within a commercial zone.</i></p> <p><i>Since early conception of the proposal several meaningful refinements have been made through engagement with the responsible authority. These include notable height and envelope reductions, recalibration of the wayfinding and pedestrian access strategy, and landscape and tree retention measures</i></p> <p><i>For these reasons it is considered the proposal does not represent an overdevelopment of the site.</i></p>	<p>As detailed in the built form section of this report, the overall height and setbacks are considered acceptable in this Major Activity Centre context having regard to the existing and emerging built form of surrounding buildings.</p> <p>The built form is consistent with the mandatory height and setbacks within DDO1 and provides an acceptable response to the Yarra River corridor.</p>
<p>Compatibility with</p>	<p><i>The proposal successfully strikes a</i></p>	<p>As detailed in the built form section of</p>



<p>Neighbourhood character</p>	<p><i>balance between responding to its diversity of interfaces, acknowledging its presence within the robust and evolving Victoria Street East precinct and its location along the Yarra River.</i></p> <p><i>The immediate context of the Site comprises taller buildings with a more robust interface to Victoria Street and greater setbacks to the Yarra River. It is highlighted that this context continues to evolve, with buildings of greater scale expected following the recent approval of the Victoria Gardens expansion which will comprise a series of mixed-use buildings ranging between 7 and 17 storeys in height.</i></p> <p><i>For these reasons it is considered the proposal is entirely appropriate when considering the existing an emerging context.</i></p>	<p>this report, the overall height and setbacks are considered acceptable in this Major Activity Centre context having regard to the existing and emerging built form of surrounding buildings.</p> <p>The built form is consistent with the mandatory height and setbacks within DDO1 and provides an acceptable response to the Yarra River corridor.</p>
<p>Car parking / traffic</p>	<p><i>The proposal provides car parking that is commensurate with the anticipated demand generated for this project when considering the mix of uses. This is particularly relevant having regard to the proximity of the Site to public transport infrastructure, noting that it directs abuts a tram stop.</i></p> <p><i>The Traffic Impact Assessment prepared by Traffix submitted with the application demonstrates that the provision of car parking at the Site is appropriate, with the proposal achieving the statutory requirement for each apartment, and that the traffic generated by the proposal can be accommodated by the existing infrastructure and road network without adverse impact. This has been supported by the Department of Transport and Planning (Road) which has supported the application.</i></p> <p><i>For these reasons it is considered the proposal is entirely appropriate from a car parking and traffic perspective.</i></p>	<p>The proposed car parking provision and anticipated traffic generation is considered acceptable for the site within a Major Activity Centre context.</p> <p>The proximity to public transport and the Main Yarra Trail will assist in encouraging active transport options.</p>
<p>Amenity impacts (overlooking, overshadowing)</p>	<p><i>The proposal is not considered to result in unreasonable off-site amenity impacts, particularly when considering the context of the Site and strategic objectives for activity centres in delivering greater housing supply as directed by the planning policy framework and Victoria's Housing Statement. The eastern interface has been designed in a manner which seeks to mitigate the potential for overlooking of balconies and living rooms within proximity</i></p>	<p>The proposal has been carefully designed to avoid unreasonable off-site amenity impacts, consistent with the planning policy framework. The eastern interface treatments clearly demonstrate a considered response to overlooking and solar access, with adequate separation and the absence of primary outlooks in the most sensitive locations.</p>



	<p><i>to the Site, and allows for generous separation between upper levels to mitigate solar impacts to balconies. Specifically, where the upper-level built form is located at its most proximate to the common boundary, there are no primary outlooks proposed, with the closest primary outlook located a minimum of 8 metres from the eastern boundary.</i></p> <p><i>Further, through the application process, parts of the eastern boundary have been setback a further 3m, ensuring improved solar access and privacy.</i></p> <p><i>For these reasons it is considered the proposal is entirely appropriate when considering the existing and emerging context.</i></p>	<p>Given the existing and emerging built form context, the proposal represents an appropriate and well-balanced planning outcome.</p>
<p>Ecological and environmental impacts</p>	<p><i>The proposal has been designed in a manner which prioritises the interface of the development with the Yarra River corridor, not only from a built form perspective but also from a landscaping and environmental perspective. The landscape-led design ensures that all high value trees are retained on Site, with generous opportunities for the planting of additional and more ecologically suitable species as denoted on the Landscape Concept Plan. The only trees proposed to be removed on site have been identified as having a retention value of 'Low' in the Tree Impact Assessment.</i></p> <p><i>Furthermore, as part of discussions with Parks Victoria, the proposal seeks to ensure that weeds are removed from the riverbank, in turn improving the contribution this portion of the bank makes to the broader river corridor. Whilst it is acknowledged that in the short term, some low value trees will be removed on the Site, these will be replaced by higher value, more suitable species for the Site, allowing the Site to make an enhanced canopy contribution to the biodiversity of the Yarra River corridor in the long term. Meanwhile, the proposed locally indigenous planting palette comprising a richly diverse mix of grassy, tufted and herbaceous understorey species and middle-storey shrubs is faithful in restoring and improving riparian habitat quality. This landscape response represents a significant improvement to the current quality of the river interface, in both a biodiversity and useability sense.</i></p> <p><i>For these reasons it is considered the</i></p>	<p>The proposal demonstrates a strong commitment to enhancing the Yarra River corridor through the retention of high-value trees and the addition of new trees to strengthen long-term biodiversity outcomes. The removal of only low-value trees, coupled with the replacement planting strategy, ensures that the overall canopy cover and ecological contribution of the site will be significantly improved over time.</p> <p>Both Parks Victoria and Melbourne Water support the application, subject to condition requiring the approval of amended landscape plans.</p> <p>The proposal provides an appropriate and positive contribution to the landscape, environmental and ecological values of the Yarra River.</p>



	<i>proposal provides an appropriate response and positive contribution to the environment and ecology of the Yarra River environs.</i>	
Flooding / drainage	<p><i>The proposal has been designed in close collaboration with HARC, which has ensured that the development responds to the relevant flooding and drainage considerations impacting the Site and surrounds. This includes the recent flood modelling prepared by Yarra City Council, which has yet to be implemented into the Yarra Planning Scheme.</i></p> <p><i>The Flood Impact Analysis prepared by HARC demonstrates that the proposal will not result in off-site flooding impacts to surrounding properties, and achieves a reduction in existing flood risk and potential flood damage by virtue of setting finished floor levels the appropriate 600mm above the designated flood level.</i></p> <p><i>The proposal has also been supported by Melbourne Water which has conditionally supported the development.</i></p> <p><i>For these reasons it is considered the proposal is entirely appropriate when considering flooding and drainage considerations.</i></p>	<p>The proposal demonstrates an acceptable response to flooding and drainage considerations. The Flood Impact Analysis submitted with the application confirms that the development will not create adverse off-site flooding impacts, and will deliver a positive outcome.</p> <p>Melbourne Water support the application, subject to conditions.</p> <p>Accordingly, the proposal is considered to be appropriate when assessed against flooding and drainage considerations.</p>
Loss of views	<i>Loss of views is routinely identified as not being a valid planning concern unless a specific control requires the sharing of views to be considered. This is not the case here.</i>	Loss of view is not a relevant planning consideration.
Wind impacts	<i>The appointed wind engineer concluded that the proposal fulfils recommended criteria for safety, walking and standing (with recommendations for amelioration) and that the proposal would not cause significant adverse impacts on adjacent areas.</i>	The wind report submitted with the application confirms that the proposal complies with the safety and comfort criteria for safety, walking and standing locations.
Noise / acoustic impacts	<i>The appointment acoustic engineer concluded that compliance with established acoustic criteria will be achieved subject to recommended acoustic treatments where necessary, including facade glazing.</i>	The acoustic report submitted with the application includes acoustic treatment required to achieve acceptable outcomes.

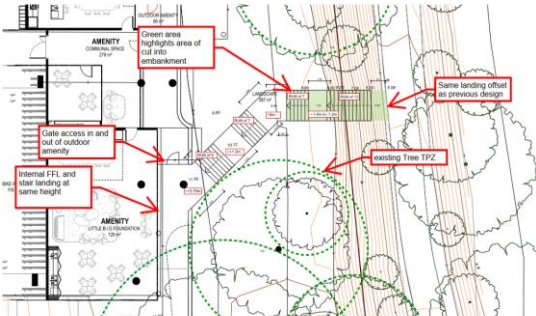
Response to WWCHAC Concerns

199. Notwithstanding the above assessment, the table below provides a summary of the key concerns raised by the WWCHAC to the proposal, the applicant's response and DTP's comments.



Concerns	Applicant comments	DTP comments
<ul style="list-style-type: none"> An additional assessment of SGD should be undertaken by a Heritage Advisor who is on the public list; and Additional boreholes should be undertaken in the basement and in the crown allotments, to provide evidence of any disturbances or show if any natural soil profiles are present. 	<p><i>We understand that the WWCHAC raised concerns with the SGD report prepared as part of the application, and requested that an additional assessment be undertaken by a Heritage Advisor who is on the public list. Specifically, there were concerns raised regarding the limited number of boreholes undertaken to confirm whether the Site has been disturbed.</i></p> <p><i>In response to this concern, the proponent engaged Jodie Mitchell of Alpha Archaeology to undertake a peer review of the SGD report submitted with the application. Jodie is a trusted and respected Heritage Advisor who is on the public list found at https://www.firstpeoplesrelations.vic.gov.au/heritage-advisor-list. In preparing her review, Jodie undertook additional auger holes within the rear of the Site and reviewed additional historical material relating to the Site and its history.</i></p> <p><i>The peer review prepared by Alpha Archaeology confirmed the following:</i></p> <ul style="list-style-type: none"> <i>A review of prior investigations, aerial images, land use history, geotechnical investigation, site inspection and augers has revealed that the Study Area has been subject to significant ground disturbance according to the Regulations.</i> <i>Alpha has peer reviewed prior ground disturbance assessment reports by Stone (2022 and 2024) and has concluded that the information and results contained in these reports accurately reflect the history and condition of the ground in the Study Area. Alpha agrees that it is unlikely that Aboriginal cultural heritage would be present within the Study Area due to the significant modification, cutting and removal of natural topsoils.</i> <i>Based on the above it has been determined that a mandatory CHMP is not required for the development of the Study Area, as all of the area of cultural heritage sensitivity has been subject to significant ground disturbance. Therefore as there is no area of cultural heritage sensitivity, a CHMP is not triggered.</i> <p><i>A copy of the peer review is provided with this submission. Accordingly, we maintain the view that sufficient evidence has been provided to confirm that significant ground disturbance at the Site has occurred, and accordingly there is no area of cultural heritage sensitivity.</i></p>	<p>The applicant engaged Alpha Archaeology to undertake an independent peer review of the submitted SGD report. The review was prepared by Ms Jodie Mitchell, a listed Heritage Advisor, and included a review of the earlier SGD report, historical land-use information, aerial imagery, geotechnical investigations, a site inspection, and additional auger testing within the site.</p> <p>The peer review concludes that the site has been subject to significant ground disturbance as defined under the Aboriginal Heritage Regulations, that the existing SGD report accurately reflects site conditions, and that it is unlikely Aboriginal cultural heritage would be present. On this basis, the review finds that all areas of cultural heritage sensitivity have been subject to disturbance and that a mandatory Cultural Heritage Management Plan (CHMP) is not required.</p> <p>While the WWCHAC requested additional boreholes within specific areas of the site, it is considered that the additional testing undertaken, when read in conjunction with existing geotechnical and historical evidence, provides sufficient information to characterise ground conditions across the site.</p> <p>Accordingly, it is considered that the applicant has adequately addressed the WWCHAC's comments and that no further cultural heritage assessment is required.</p>
<ul style="list-style-type: none"> A voluntary Cultural Heritage Management Plan should be prepared to mitigate harm to Aboriginal cultural 	<p><i>We also understand that the WWCHAC requested that a voluntary CHMP be prepared to mitigate any potential harm to Aboriginal cultural heritage found, in particular as the building is within 200 metres of a waterway (the Birrarung).</i></p>	<p>While the site is located within an area of cultural heritage sensitivity, the evidence provided supports the conclusion that all such areas have been significantly</p>



<p>heritage.</p>	<p><i>We respectfully submit that a voluntary CHMP is not warranted in this circumstance, as SGD has been confirmed at the Site by two cultural heritage advisors and extensive review of the Site and its history has been undertaken to determine that the land has been substantially disturbed and altered over time.</i></p> <p><i>The proponent is aware that, should any Aboriginal cultural heritage be identified during works, a stop order can be issued under Section 87 of the Aboriginal Heritage Act 2006, and will cooperate with the WWCHAC.</i></p>	<p>disturbed, and therefore a mandatory CHMP is not triggered. It is also noted that statutory protections under the Aboriginal Heritage Act 2006 apply regardless of whether a CHMP is in place.</p> <p>It is considered that, given the extent of ground disturbance, the preparation of a voluntary CHMP is not warranted in this instance.</p>
<ul style="list-style-type: none"> An additional arborist report should be undertaken to assess the mature native trees along the Birrarung, as the previous report did not take into consideration the native wildlife that currently rely on the trees located along the Birrarung, including a family of Kookaburras and Currawong, and note the removal of these will impact the native wildlife that lives in the area. 	<p><i>The WWCHAC has also requested that an additional arborist report be prepared to assess the mature native trees within the Birrarung corridor, in particular the native wildlife that have been observed in the mature gum trees on Site (Trees 21 and 22). In response to this request, the proponent has reviewed opportunities to allow for the retention of two mature trees within the frontage of the Site, which would involve relocating the pedestrian link further to the west.</i></p> <p><i>The alternative design, represented in Figure ensures the protection of these trees 1 below and prepared in conjunction with Tract (Landscape) and minimises the impact on the embankment by reducing cut, and fill requirements. This alternative design could be facilitated on Site with the consent of Parks Victoria as the public land manager.</i></p>  <p><i>We respectfully request that this change be facilitated through a condition on permit, if deemed warranted.</i></p> <p><i>Further to this, we reiterate that the overall landscape strategy for the Site provides significant additional planting and revegetation when compared to existing conditions. This includes introducing EVC appropriate species and undertaking the necessary weeding works along the river corridor.</i></p> <p><i>There is an overall net positive impact to the biodiversity and vegetation health of the corridor as</i></p>	<p>The alternative design has been prepared in consultation with the applicant's landscape architect and is intended to minimise impacts on the river embankment by reducing cut and fill requirements and for the retention of an additional two mature trees (Trees 21 and 22). The applicant has indicated that this outcome could be achieved subject to the consent of Parks Victoria (also Melbourne Water) as the public land manager and has requested that the design change be facilitated through a permit condition, if considered appropriate. The retention of an additional two mature trees is also supported.</p> <p>It is considered that the applicant has appropriately responded to the WWCHAC's concerns and that the proposal, subject to a condition on any permit to issue for an alternative layout to the stair link subject to Melbourne Water and Parks Victoria consent, would result in a net positive outcome for vegetation and biodiversity within the river corridor.</p>



	<i>a result of this proposal.</i>	
<ul style="list-style-type: none"> The developer should be more ambitious in their plans to utilise stormwater created by the impervious surfaces and reduce their demand on potable water supplies and what contingencies would be in place to manage any overflow event of the rainwater tank, noting that it should not go directly, untreated into the Birrarung. 	<p><i>The Water Unit of the WWCHAC has requested that the proponent be more ambitious with respect to the utilisation of stormwater. In response to this request, we note that the development already proposes best-practice stormwater design. The development has a STORM rating of 101%, with 100% being the threshold for appropriate stormwater management. This is achieved through the installation of a 20,000 litre rainwater tank which will collect rainwater from all roof areas, and then re-use the water for landscape irrigation and all ground to level 2 toilets. Furthermore, raingardens will be constructed to collect water from upper level terraces.</i></p> <p><i>Finally, from an environmentally sustainable design perspective, the project has been designed to achieve BESS 'excellence' through a score of 71%, whereby a score of 50% or higher equates to best practice.</i></p> <p><i>The on-site detention system will collect overflow from the rainwater tank. The flow rate into the Birrarung will mirror that of existing. We note that the LPOD is to the Birrarung, again in line with existing conditions.</i></p> <p><i>The only alternative would be to discharge to Victoria Street- which would be extremely costly and work against gravity, due to the fall of the land and the fact that Victoria St is uphill.</i></p> <p><i>We highlight that the stormwater response for this proposal remains in accordance with planning scheme and Council requirements, and delivers a best practice ESD outcome for the Site.</i></p>	<p>The applicant has advised that the development incorporates best-practice water sensitive urban design measures, achieving a STORM rating of 101%, which exceeds the benchmark for appropriate stormwater management. Stormwater will be captured via a 20,000-litre rainwater tank collecting runoff from all roof areas and reused for landscape irrigation and toilet flushing to Level 2. In addition, raingardens are proposed to treat runoff from upper-level terraces.</p> <p>The proposal has also been designed to achieve a BESS 'Excellence' rating, with a score of 71%, indicating performance well above best-practice benchmarks.</p> <p>The applicant has also advised that overflow from the rainwater tank will be managed via the on-site detention (OSD) system, with discharge rates to the Birrarung matching existing pre-development conditions. The legal point of discharge is to the Birrarung, consistent with the site's existing drainage arrangement.</p> <p>It is noted that Melbourne Water has included a condition to be included on any permit to issue, requiring a separate application direct to Melbourne Water for any new or modified stormwater connection to Melbourne Water's drains or watercourses, which will address any potential overflow from the rainwater tank.</p> <p>It is considered that the proposed stormwater and water reuse measures are appropriate and adequately address stormwater quality and reuse objectives, including minimising demand on potable water and reducing impacts on the Birrarung.</p>



Clause 53.23 Pathway

200. Amendment C242 introduced Clause 53.23 (Significant Residential Development with Affordable Housing) into all planning schemes to facilitate an assessment process for significant development. Specifically, the purpose of this clause is:

- *To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.*
- *To facilitate residential development with high quality urban design, architecture and landscape architecture.*

201. This application is within Category 1, noting that the proposal meets the following requirements:

- The estimated cost of the development exceeds \$50 million;
- An affordable housing cash contribution of 3% of the residential development cost will be provided; and
- Written advice from the Invest Victoria.



202. The proposed development is consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of housing within the Victoria Street Major Activity Centre, with a built form response appropriate to the site's urban context. In particular, the proposal is of a design, scale and massing that responds appropriately to the Yarra River, DDO1, DDO2 and the adjoining buildings, with appropriate street wall heights, setbacks, ground level activation and a through block pedestrian link. The landscaping and flood mitigation aspects of the proposal appropriately respond to the SLO1 and LSIO.
203. The proposal is supported, subject to conditions, including those recommended by Melbourne Water, Head, Transport for Victoria, Parks Victoria and the council, with the exception of some council recommended conditions that include reducing the built form (see assessment above).
204. It is recommended that Planning Permit PA2503647, for use of the land for dwellings and place of assembly (community facility), construction of a building, removal of vegetation, reduction in car parking (for office and place of assembly uses) and alter access to a road in a Transport Zone 2 be issued, subject to conditions, noting that council's built form change conditions are not included.
205. It is recommended that the applicant, Melbourne Water, Head, Transport for Victoria, Parks Victoria, WWCHAC, the council and all submitters be notified of the above in writing.



Prepared by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Reviewed / Approved by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

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



Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none">- An application must be accompanied by:<ul style="list-style-type: none">o An urban context report.o A design response.	<p>Satisfied</p> <p>The application has been accompanied by an urban context report and a design response prepared by SJB Architects.</p>

Urban context report

Clause 58.01-2	Assessment
<ul style="list-style-type: none">- The urban context report may use a site plan, photographs or other techniques and must include:- An accurate description of:<ul style="list-style-type: none">o Site shape, size, orientation and easements.o Levels and contours of the site and the difference in levels between the site and surrounding properties.o The location and height of existing buildings on the site and surrounding properties.o The use of surrounding buildings.o The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.o Solar access to the site and to surrounding properties.o Views to and from the site.o Street frontage features such as poles, street trees and kerb crossovers.o The location of local shops, public transport services and public open spaces within walking distance.o Movement systems through and around the site.o Any other notable feature or characteristic of the site.- An assessment of the characteristics of the area including:<ul style="list-style-type: none">o Any environmental features such as vegetation, topography and significant views.o The pattern of subdivision.o Street design and landscape.o The pattern of development.o Building form, scale and rhythm.o Connection to the public realm.o Architectural style, building details and materials.o Off-site noise sources.o The relevant NatHERS climate zones (as identified in Clause 58.03-1).o Social and economic activity.o Any other notable or cultural characteristics of the area.	<p>Satisfied</p> <p>The submitted planning report prepared by Tract Consultants and architectural plans prepared by SJB Architects satisfactorily meet the requirements of this Clause.</p>

Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none">- The design response must explain how the proposed design:<ul style="list-style-type: none">o Responds to any relevant planning provision that applies to the land.o Meets the objectives of Clause 58.o Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.o Derives from and responds to the urban context report.- The design response must include correctly proportioned street elevations or photographs showing the development in the context of	<p>Satisfied</p> <p>The submitted planning report prepared by Tract Consultants and architectural plans prepared by SJB Architects satisfactorily meet the requirements of this Clause.</p>

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.

Urban context objectives

Clause 58.02-1	Assessment
Objectives <ul style="list-style-type: none"> - 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. 	Meets Objective The design responds to the existing urban context and contributes to the preferred future development for Victoria Street. The development responds to the opportunities and constraints of the site and has regard for existing buildings on surrounding properties.
Standard D1 <ul style="list-style-type: none"> - The design response must be appropriate to the urban context and the site. - The proposed design must respect the existing or preferred urban context and respond to the features of the site. 	Complies with Standard The design response is considered appropriate to the urban context and the existing conditions of the site and surrounds. The design responds to the features of the site and to the emerging character for Victoria Street.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives <ul style="list-style-type: none"> - 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. 	Meets Objective The development provides higher density residential development in an area identified for increased housing density in a location that has good access to services, infrastructure and public transport. The proposed residential development responds to housing policies in the MPS and PPF.
Standard D2 <ul style="list-style-type: none"> - An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. 	Complies with Standard The submitted planning report by Tract Consultants includes a written statement describing how the development is consistent with relevant policies for housing in the MPS and PPF.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective <ul style="list-style-type: none"> - To encourage a range of dwelling sizes and types in developments of ten or more dwellings 	Meets Objective The development comprises a range of dwellings sizes and types to meet a range of housing needs.
Standard D3 <ul style="list-style-type: none"> - Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	Complies with Standard The development provides a range of dwelling types and layouts including 21 x 1 bedroom dwellings, 67 x 2 bedroom dwellings and 35 x 3 bedroom dwellings. A variety of floor layouts and dwelling sizes are also proposed.

Infrastructure objectives

Clause 58.02-4	Assessment
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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

- Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.
- Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.
- In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure

Meets Objective

The development will be provided with appropriate utility services and infrastructure and will not unreasonably overload the capacity of existing utility services and infrastructure.

Complies with Standard

The development will be connected to all relevant services as appropriate for a building of this scale. It will not unreasonably exceed the capacity of the surrounding service infrastructure.

Integration with the street objective

Clause 58.02-5

Objective

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

Standard D5

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

Assessment

Meets Objective

The development has been designed to integrate with Victoria Street, activating the street.

Complies with Standard

The development is designed to front Victoria Street, which includes the primary pedestrian entrance to the lobby.

The upper levels include windows and balconies for the dwellings. Given the central location of the lift core, there are no blank facades.

Whilst vehicle access is provided via Victoria Street, it has been designed to utilise the existing crossover and is not visually intrusive.

The commercial space along Victoria Street and the proposed pedestrian link provides a high quality pedestrian environment, with passive surveillance and activation.

At the rear, the development provides a high quality response to the Yarra River interface, with passive surveillance and activation, through the placement of the communal areas, the community use and the pedestrian link through the site.

Energy efficiency objectives

Clause 58.03-1

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

- Buildings should be:
 - o Oriented to make appropriate use of solar energy.
 - o Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Living areas and private open space should be located on the north

Assessment

Meets Objective

The development protects the energy efficiency of existing buildings through appropriate setbacks. The orientation and layout of the development makes appropriate use of daylight and solar energy.

Complies with Standard

The development has been designed to maximise solar energy, where practical. The Sustainable Management Plan prepared by GIW Environmental Solutions is targeting a 7.5 Star average NatHERS rating, with no dwelling achieving below 5 Stars. No



side of the development, if practicable.

- Developments should be designed so that solar access to north-facing windows is optimised.
- Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

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).

dwelling will exceed the maximum NatHERS annual cooling load of 30 MJ/M².

Communal open space objective

Clause 58.03-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> - 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. 	<p>Meets Objective</p> <p>The development provides communal open space in the form of the Lower Ground level internal and external areas that will meet the recreation and amenity needs of residents. The communal open space will be accessible, practical, attractive and is integrated with the layout of the development.</p>
<p>Standard D7</p> <ul style="list-style-type: none"> - A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. - If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. - Each area of communal open space should be: <ul style="list-style-type: none"> o Accessible to all residents. o A useable size, shape and dimension. o Capable of efficient management. o Located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities, where appropriate. 	<p>Complies with Standard</p> <p>The proposed development exceeds the minimum 220 m² required as it provides:</p> <ul style="list-style-type: none"> • 278 m² of internal communal areas (comprising gym, multipurpose room and two private dining rooms); and • 69 m² of external communal areas. <p>The communal areas are accessible, useable and capable of efficient management. They do not overlook any dwellings and are located appropriately on the Lower Ground level to ensure that noise impacts are minimised. Further, they will provide ample passive surveillance opportunities, improving the pedestrian and cycling experience along the Yarra River.</p>



- Provide outlook for as many dwellings as practicable.
- Avoid overlooking into habitable rooms and private open space of new dwellings.
- Minimise noise impacts to new and existing dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective <ul style="list-style-type: none"> - To allow solar access into communal outdoor open space 	Meets Objective The development will allow solar access into the proposed communal outdoor area due to its location and orientation along the northern side of the building.
Standard D8 <ul style="list-style-type: none"> - The communal outdoor open space should be located on the north side of a building, if appropriate. - At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. 	Complies with Standard The communal open space is located on the north side of the building and will receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Safety objective

Clause 58.03-4	Assessment
Objective <ul style="list-style-type: none"> - To ensure the layout of development provides for the safety and security of residents and property 	Meets Objective The layout of the development provides for the safety and security of residents and property.
Standard D9 <ul style="list-style-type: none"> - Entrances to dwellings should not be obscured or isolated from the street and internal accessways. - Planting which creates unsafe spaces along streets and accessways should be avoided. - Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. - Private spaces within developments should be protected from inappropriate use as public thoroughfares. 	Complies with Standard The layout of the development has been designed to maximise passive surveillance towards Victoria Street and the Yarra River interface. Further, passive surveillance along the length of the pedestrian link will significantly improve the public realm experience and safety of pedestrians and cyclists travelling around or through the site. The layout of the basement car park is safe and functional, well-lit and provided with signage to ensure comfortable and safe movements for residents.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives <ul style="list-style-type: none"> - 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. 	Meets Objective The proposed landscaping response supports the existing and preferred urban context of the area.
Standard D10 <ul style="list-style-type: none"> - Development should retain existing trees and canopy cover. - Development should provide for the replacement of any significant 	Complies with Standard Given the site area is approximately 3,821 square metres, Standard D10 requires 15% of the site area



trees that have been removed in the 12 months prior to the application being made.

- **Development should:**
 - o 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.
 - o Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4.
 - Located in communal outdoor open space or common areas or street frontages.
 - o Comprise smaller trees, shrubs and ground cover, including flowering native species.
 - o Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
 - o 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.
 - o Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
 - o Protect any predominant landscape features of the area.
 - o Take into account the soil type and drainage patterns of the site.
 - o Provide a safe, attractive and functional environment for residents.
 - o Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
 - o Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

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

Table D3 Soil requirements for trees

Tree	Tree in deep soil	Tree in planter	Depth of
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(573 square metres) to be provided for deep soil planting, 350 square metres plus 20% of the site area above 2,500 square metres (264.2 square metres) of canopy cover (614.2 square metres) and two Type B trees or one Type C tree.

As detailed in the submitted Landscape Report, the development will provide 662 square metres of deep soil planting and a total canopy cover of 806 square metres.

6 Type A trees, 6 Type B trees and 3 Type C trees are proposed within the northern setback, on the ground level and private terraces on levels 1 and 3. Five large existing trees will also be retained.

The proposed integrated landscaping will enhance the landscape setting of the area, contribute to the urban landscape and improve amenity for future occupants. The proposal will also provide for the retention of some existing trees.

The development contributes to an increase in canopy tree cover and enhances the landscape character of the area.



type	Area of deep soil	Volume of planter soil	planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

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

Table D4 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Access objectives

Clause 58.03-6	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> - 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. 	<p>Meets Objective</p> <p>The existing vehicle crossover to Victoria Street (with modifications) will continue to provide safe access for pedestrians, cyclists and vehicles.</p>
<p>Standard D11</p> <ul style="list-style-type: none"> - Vehicle crossovers should be minimised. - Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. - Pedestrian and cyclist access should be clearly delineated from vehicle access. - The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. - Developments must provide for access for service, emergency and delivery vehicles. 	<p>Complies with Standard</p> <p>The modified double width crossover to Victoria Street is the preferred access to the basement car park. The car park entry has been designed to be discrete and is setback behind the building façade.</p> <p>Pedestrian access to the lobby is separated from the vehicle access.</p> <p>Access to the ground level bicycle parking is separated from the basement car park entry. Access to basement bicycle parking is provided via the pedestrian link, which could be accessed via Victoria Street or the Main Yarra Trail.</p> <p>Adequate access is provided on site for service, emergency and delivery vehicles.</p>

Parking location objectives

Clause 58.03-7	Assessment
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<p>Objectives</p> <ul style="list-style-type: none"> - To provide convenient parking for resident and visitor vehicles. - To protect residents from vehicular noise within developments. 	<p>Meets Objective</p> <p>The development provides convenient parking for residents in a secure basement which also ensures residents are well protected from vehicle noise.</p>
<p>Standard D12</p> <ul style="list-style-type: none"> - Car parking facilities should: <ul style="list-style-type: none"> o Be reasonably close and convenient to dwellings. o Be secure. o Be well ventilated if enclosed. - Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. 	<p>Complies with Standard</p> <p>Car parking is appropriately located within the basement of the development. Car parking areas are appropriately set out, provided with convenient internal access and internal areas can be well lit and protected via security systems as required.</p>

Integrated water and stormwater management objectives

<p>Clause 58.03-8</p>	<p>Assessment</p>
<p>Objectives</p> <ul style="list-style-type: none"> - 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. 	<p>Meets Objective</p> <p>The development achieves the objectives of this Clause through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.</p>
<p>Standard D13</p> <ul style="list-style-type: none"> - Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. - Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. - The stormwater management system should be: <ul style="list-style-type: none"> o Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). o Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>Complies with Standard</p> <p>As detailed in the submitted Sustainable Management Plan, the development will meet the best practice standard for urban stormwater management. The development achieves a STORM rating of 101%, which achieves best practice, with a 25 square metre raingarden and a 20,000 litre rainwater tank to be connected to all ground to level 2 toilets and landscape irrigation. Given the council has request the removal of one of the raingardens, given it's location within the northern setback, the SMP will need to be updated to ensure compliance with WSUD requirements.</p>

Building setback objectives

<p>Clause 58.04-1</p>	<p>Assessment</p>
<p>Objectives</p> <ul style="list-style-type: none"> - 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. 	<p>Meets Objective</p> <p>The development has been designed with setbacks from respective boundaries, which appropriately respond to the DDO1 mandatory setback requirements, the existing context and the preferred requirements for the subject site within a Major Activity Centre context.</p> <p>The proposed building includes front and side / rear setbacks consistent with these requirements (see discussion above). This allows for adequate daylight into the new dwellings and for reasonable outlook from all habitable rooms, ensuring a high standard of</p>



Standard D14

- *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
- *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
 - o *Ensure adequate daylight into new habitable room windows.*
 - o *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.*
 - o *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
 - o *Ensure the dwellings are designed to meet the objectives of Clause 58.*

internal amenity for future occupants.

The design also limits views into habitable room windows and private open space of new and existing dwellings.

The design response, in terms of height and setbacks, contributes to the preferred future development of the area for increased housing.

Complies with Standard

The proposed built form respects the existing and preferred urban context and appropriately responds to the features of the site.

The proposed height and setbacks are considered acceptable as the building will provide adequate daylight into new habitable room windows, avoid direct views into any habitable room windows, provide an outlook that creates a visual connection to the surrounding environment and appropriately responds to the objectives of Clause 58.

There is potential overlooking between the proposed building (specifically the south east corner) and dwellings in the building to the east. It is important to highlight that this standard does not contain any reference to restrict looking within a distance of 9 metres, as occurs under Clause 55 provisions. Instead, a development is expected to limit views or avoid direct views into private open space. It is further noted that Clause 55 does not require screening of bedrooms.

As such it is considered that the living room windows along the east elevation of dwellings 1.12, 2.12 and 3.12 (highlighted in red below) should be designed / screened to avoid direct views into the private open space of the dwellings to the east. This can be included as a condition on any permit to issue.

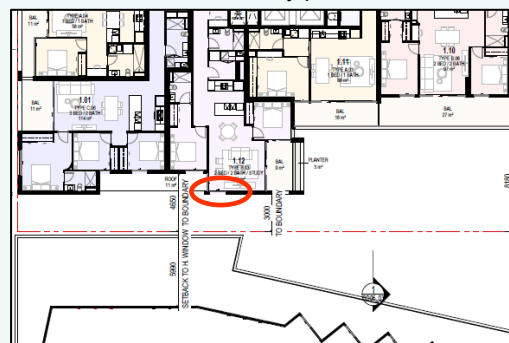


Figure 28: Living room windows to be redesigned / screened (Source: Application)

Internal views objective

Clause 58.04-2

Objective

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

Assessment

Meets Objective

The building is designed to limit views into the private open space and habitable room windows of dwellings



	within the development
Standard D15 <ul style="list-style-type: none"> - <i>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.</i> 	Variation to Standard Acceptable <p>The building has been designed to ensure direct views are limited between balconies or habitable room windows.</p> <p>The plans show that internal overlooking from some upper level balconies to balconies / terraces on Levels 1, 3, 7 and 10 may occur. However, given the size of the balconies / terraces and associated canopies and landscaping that will assist in mitigating view lines, these internal views are considered acceptable.</p>

Noise impacts objectives

Clause 58.04-3	Assessment
Objectives <ul style="list-style-type: none"> - <i>To contain noise sources in developments that may affect existing dwellings or small second dwellings.</i> - <i>To protect residents from external and internal noise sources.</i> 	Meets Objective <p>The building is designed to protect residents from external and internal noise sources.</p>
Standard D16 <ul style="list-style-type: none"> - <i>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.</i> - <i>The layout of new dwellings and buildings should minimise noise transmission within the site.</i> - <i>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.</i> - <i>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</i> - <i>Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:</i> <ul style="list-style-type: none"> o <i>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</i> o <i>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</i> - <i>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.</i> - <i>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i> 	Complies with Standard <p>The building is designed to ensure that all internal and external noise is mitigated through the appropriate siting of plant, waste, and car parking.</p> <p>The layout of dwellings and mechanical plant is appropriately separated to ensure the amenity of residents is protected.</p> <p>The adoption of modern materials, including double glazing suitable for each elevation, will ensure that noise emissions from the building are contained within what would be considered as acceptable and normal to a residential building.</p>

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	300 metres from the nearest trafficable lane



Traffic Volume

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.

Wind impacts objective

Clause 58.04-4	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land. 	<p>Meets Objective</p> <p>The built form, design and layout of the development will not generate unacceptable wind impacts within the site or on surrounding land.</p>

<p>Standard D17</p> <ul style="list-style-type: none"> Development of five or more storeys, excluding a basement should: <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 within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area. 	<p>Complies with Standard</p> <p>A Pedestrian Level Winds – Wind Tunnel Test prepared by ViPac and dated 22 October 2024 accompanied the application and states that wind model testing considered the effects of the proposed development having regard to the wind comfort level criteria contained in this Standard.</p> <p>It was concluded that the proposal satisfies the:</p> <ul style="list-style-type: none"> Safety criterion at all test locations; Walking comfort criterion at all footpath locations; Standing comfort criterion for building entrances; and Walking comfort criterion on all open terraces and communal terraces.
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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.

Accessibility objective

Clause 58.05-1	Assessment
<p>Objective</p>	<p>Meets Objective</p>



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

The design and layout of the development has regard for the needs of people with limited mobility.

Standard D18

- At least 50 per cent of dwellings should have:
 - o A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
 - o 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.
 - o A main bedroom with access to an adaptable bathroom.
 - o At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Complies with Standard

The submitted architectural plans demonstrate that 59% of the proposed dwellings achieve compliance with the requirements of this Standard.

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: <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. 	Either: <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	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation

area.

Building entry and circulation objectives

Clause 58.05-2

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

- Entries to dwellings and buildings should:
 - o Be visible and easily identifiable.
 - o Provide shelter, a sense of personal address and a transitional space around the entry.
- The layout and design of buildings should:
 - o Clearly distinguish entrances to residential and non-residential areas.
 - o Provide windows to building entrances and lift areas.
 - o Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
 - o Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Assessment

Meets Objective

The building has a clearly defined main entry from Victoria Street leading to the lobby area. The internal layout will provide for the safe, functional and efficient movement of residents via the lift core. The internal corridors will have access to natural light from the southern elevation on Levels 1-9.

Complies with Standard

The main building will be visible and easily identifiable and will provide shelter and a sense of address. The Victoria Street frontage clearly distinguishes between the residential lobby and the office tenancy. Internal communal and common areas are appropriately laid out to ensure safe, functional and efficient thoroughfare. Common areas, including internal corridors (for Levels 1-9), have at least one source of natural light, are clear of obstructions and maintain clear sightlines.

Private open space objective

Clause 58.05-3

Objective

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

Standard D20

- A dwelling should have private open space consisting of at least one of the following:
 - o An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
 - o A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
 - o 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.
 - o An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.
- If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the

Assessment

Meets Objective

The development provides adequate private open space for the reasonable recreation and services needs of residents

Complies with Standard

The submitted architectural plans demonstrate that all dwellings achieve compliance with the requirements of this Standard.

area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4

Objective

- To provide adequate storage facilities for each dwelling

Standard D21

- Each dwelling should have convenient access to usable and secure storage space.
- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table 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

Assessment

Meets Objective

The development provides adequate storage facilities for each dwelling.

Complies with Standard

The submitted architectural plans demonstrate that all of the proposed dwellings achieve compliance with the requirements of this Standard, with storage exceeding the minimum requirement within the dwellings.

Common property objectives

Clause 58.06-1

Objectives

- To ensure that communal open space, car parking, access areas and

Assessment

Meets Objective

Communal open space, car parking, access areas



<ul style="list-style-type: none"> site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	and site facilities are practical, attractive and easily maintained.
Standard D22 <ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	Complies with Standard Private property is clearly distinguished from communal open space or common areas. Communal areas are laid out in a functional, accessible and easily maintainable manner.

Site services objectives

Clause 58.06-2	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Meets Objective Site services are accessible and will be installed and maintained. Site services and facilities are located in the basement levels, the Lower Ground level, Ground level and Level 11. All services are visually integrated with the building design.
Standard D23 <ul style="list-style-type: none"> Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development. 	Complies with Standard The development will be appropriately serviced, with service and plant areas clearly shown on the architectural plans and integrated into the building design. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance. The fire booster is integrated into the Victoria Street frontage and the substation is accessed alongside the basement entry. The council has recommended that that the substation be relocated underground to provide additional ground floor space for the lobby and reduce the extent of blank frontage to Victoria Street. DTPs Urban Design team has not raised any concerns with the ground level frontage and as such, it is considered unreasonable to require a redesign of this aspect of the proposal. Mailboxes are conveniently located adjacent to the pedestrian entrance for convenient access and security.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Meets Objective The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan. Separate residential and commercial waste and recycling facilities are accessible, adequate and located within the building, on the Lower Ground level, minimising impacts on residential amenity and the public realm.
Standard D24 <ul style="list-style-type: none"> 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. 	Complies with Standard All residents are provided with convenient access to waste storage facilities in the form of a waste chute adjacent to each lift core on every floor, connecting to the waste storage room located on the Lower Ground



- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- o Adequate facilities for bin washing. These areas should be adequately ventilated.
- o 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.
- o Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- o Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- o Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
- Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
 - o Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
 - o Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

level.
 Dwellings will be provided with sufficient internal storage space to enable temporary storage of household waste.
 Waste collection can be appropriately undertaken via the loading bay on the Lower Ground level. Further details are provided in the accompanying Waste Management Plan.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives <ul style="list-style-type: none"> - 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. 	Meets Objective The proposed development adopts materials that will endure and retain their attractiveness over time. The use of brick has been used to reference the Abbotsford character, while the green tiling at ground level seeks to blend the building into the environment. It is considered that the proposed external materials are appropriate to the existing urban context and the preferred future development of the area.
Standard D25 <ul style="list-style-type: none"> - External walls should be finished with materials that: <ul style="list-style-type: none"> o Do not easily deteriorate or stain. o Weather well over time. o Are resilient to the wear and tear from their intended use. - External wall design should facilitate safe and convenient access for maintenance. 	Complies with Standard The external walls are finished with materials that will not deteriorate or stain and will be resilient and weather well to serve their intended use to positively contribute to the character of the area. The external walls can be easily accessed for maintenance (as required).

Functional layout objective

Clause 58.07-1	Assessment
Objective <ul style="list-style-type: none"> - To ensure dwellings provide functional areas that meet the needs of residents 	Meets Objective The design and layout of dwellings within the development provides functional areas that will meet the needs of residents.
Standard D26 <ul style="list-style-type: none"> - Bedrooms should: 	Complies with Standard The submitted architectural plans demonstrate that all



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

Table D11 Bedroom dimensions

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

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

Table D12 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

bedrooms and living areas comply with the requirements of Table D11 and Table D12.

Room depth objective

Clause 58.07-2	Assessment
Objective <ul style="list-style-type: none"> - To allow adequate daylight into single aspect habitable rooms 	Meets Objective The development will allow adequate daylight into single aspect habitable rooms.
Standard D27 <ul style="list-style-type: none"> - Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. - The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: <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. - The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. 	Complies with Standard The submitted architectural plans demonstrate that all dwellings comply with this standard.

Windows objective

Clause 58.07-3	Assessment
Objective <ul style="list-style-type: none"> - To allow adequate daylight into new habitable room windows. 	Meets Objective The development is designed to allow adequate daylight into new habitable room windows
Standard D28 <ul style="list-style-type: none"> - Habitable rooms should have a window in an external wall of the building. - A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. - The secondary area should be: <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. 	Variation to Standard Acceptable The submitted architectural plans demonstrate that the majority of habitable rooms enjoy direct access to daylight. 29 dwellings feature separate internal rooms with no window, to be used as studies. This is considered acceptable given the overall amenity of the dwellings and the studies are of a size and / or shape that is not conducive to being used as a bedroom.



Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives <ul style="list-style-type: none">- <i>To encourage natural ventilation of dwellings.</i>- <i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	Meets Objective <p>The design and layout of the development will allow occupants to effectively manage natural ventilation of individual dwellings.</p>
Standard D29 <ul style="list-style-type: none">- <i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</i>- <i>At least 40 per cent of dwellings should provide effective cross ventilation that has:</i><ul style="list-style-type: none">o <i>A maximum breeze path through the dwelling of 18 metres.</i>o <i>A minimum breeze path through the dwelling of 5 metres.</i>o <i>Ventilation openings with approximately the same area.</i>- <i>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>	Complies with Standard <p>The submitted architectural plans demonstrate that 41% of dwellings are provided with effective cross ventilation, which exceeds the minimum 40% required by this Standard.</p>

Appendix 2: Assessment of the Yarra City Council recommended permit conditions



Yarra City Council condition	DTP assessment
<p>1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the plans prepared by SJB Architects, Rev 1 & 2, dated 23.10.2024 and 14.03.2025 but modified to show:</p> <ul style="list-style-type: none"> (a) The deletion of two, one level between levels 7-9 and Level 10; so the height of the building does not exceed the height of the residential floors in the abutting building; (b) The ground floor of the building to be setback from Victoria Street title boundary to provide sufficient space for short-term parking and a pick up/drop off area, and the substation to be relocated underground; (c) The building and basement levels to be setback a minimum of 6 metres from the western boundary and the changes absorbed within the approved building envelope; (d) The through-site pedestrian link to be clear to the sky with no built form above and clear of columns; (e) The ground floor 'commercial space' re- labelled as 'office'; (f) Increased depth of the landing adjacent to the Main Yarra Trail to a minimum of 1.8m; (g) Bicycle channels along both sides of the stairs leading to the Main Yarra Trail; (h) Plan notation to confirm security details of the bicycle storage compound; (i) Dimensions for the vehicle entry and exit lane widths at the development entrance; (j) Basement headroom clearance that will not be obstructed by any structural elements protruding from the underside of the ceiling; (k) Vehicle crossing dimensions including section diagrams; (l) The annotation – 'proposed Vehicle Crossing to satisfy the Department of Transport and Planning's geometric requirements and be constructed to Council's satisfaction.' (m) The annotation - 'the maximum size of delivery vehicle permitted on the site for loading purposes is the B99 design vehicle'; (n) The vehicle crossing design to be adjusted/modified to provide a greater level difference between the invert level and the property line level without compromising the ground clearance for a B99 design vehicle and any subsequent re-grading of the footpath on either side of the new vehicle crossing; (o) The footpath and the footpath area of the vehicle crossing to be DDA compliant; (p) The basement ramp apex level must be maintained at no lower than RL 14.75 m AHD; 	<p>An assessment of the acceptability of the conditions is as follows:</p> <ul style="list-style-type: none"> a) Delete – overall height is considered acceptable. b) Delete – the ground floor of the building should not include a further setback from Victoria Street to provide short-term parking and a pick-up/drop off point and relocate the substation underground. DTP's Urban Design team supports the ground level design as proposed. c) Delete – no additional setbacks are required from the western boundary, as per DTP's Urban Design team's advice. d) Delete – the proposed through-site pedestrian link is supported as proposed. e) Accept – commercial space to be relabelled office. f) Accept with amendments 'subject to approval from Parks Victoria and Melbourne Water' given that they support the current design of the staircase. g) Accept with amendments to reference at least one side of the stairs and subject to Disability Discrimination Act 1992 (DDA) review'. h) Accept. i) Accept, with minor refinements to wording. j) Accept, with minor refinements to wording. k) Accept. l) Accept, with minor refinements to wording. m) Accept, with minor refinements to wording. n) Accept, with minor refinements to wording. o) Accept. p) Accept. q) Delete – given the inclusion of condition 1(r). r) Accept, with minor refinements to wording. s) Delete – trees 21 and 22 are required to be removed given the location of the staircase, which has been supported by Parks Victoria. t) Delete – as per above. u) Delete – this is included in the Tree Management Plan condition. v) Delete – given that tree 20 is as per the Survey Plan. w) Delete – as per support of the location of the staircase from Parks Victoria and Melbourne Water. x) Delete – this is included in the Tree Management Plan condition. y) Delete – this is included in the Tree Management Plan condition. z) Delete – the proposed bicycle parking provision is considered acceptable and no additional bicycle spaces are required. aa) Accept. bb) Accept. cc) Accept. dd) Delete – not required as the Wind Report is considered satisfactory.



<ul style="list-style-type: none"> (q) The southeast corner of the ground level (commercial-office) within Council's local flood overlay must either be flood-proofed or have their sill level set at a minimum of 14.75 m AHD; (r) The levels of the first 4.2m of the pedestrian link must be modified to provide a freeboard height of min 150mm above the applicable flood level to prevent surface water from Victoria Street entering the development; (s) Trees 3, 6 & 18-25 shown as retained; (t) Trees 1, 2, 4, 5 & 7-17 shown as removed; (u) The proposed works alignment for Tree 6 and the plans updated to show the methods of retention and protection of Tree 6; (v) The correct location of Tree 20; (w) The staircase to the main Yarra Trail relocated to ensure the retention and protection of Trees 21 & 22; (x) Further details of any elevation changes within the Tree Protection Zone (TPZ) of Tree 24; (y) Methods for the retention of Tree 3 as detailed in the Ryder Arboriculture & Environment Report dated 2 July 2025; (z) Additional visitor bicycle parking provided along the pedestrian path in accordance with Condition 29; (aa) Any changes as a result of the Façade Strategy (Condition 5); (bb) Any changes as a result of the Public Realm Functional Layout Plan (Condition 8); (cc) Any changes as a result of the amended Sustainability Management Plan (Condition 11); (dd) Any changes as a result of the amended Wind Report (Condition 14); and (ee) Any changes as a result of the amended Landscape Plan (Condition 24); 	<p>ee) Accept.</p>
<p>Development Conditions</p> <ul style="list-style-type: none"> 2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority. 3. Prior to the commencement of the development, the Development Infrastructure Levy and Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement. 4. As part of the ongoing consultant team, SJB Architects, or an architectural firm to the satisfaction of the Responsible Authority, must be engaged to: <ul style="list-style-type: none"> (a) Oversee design and construction of the development; and (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority. 	<p>All conditions accepted.</p>



<p>Façade Strategy</p> <p>5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:</p> <ul style="list-style-type: none"> (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details; (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; (c) Information about how the façade will be maintained, including any vegetation; and (d) Sample images or coloured drawings outlining colours, materials and finishes. 	<p>Condition accepted with clarification to wording and requirement for additional details, consistent with DTP's standard façade strategy condition.</p>
<p>Tree Management Plan</p> <p>6. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. In accordance with AS 4970 and to the satisfaction of the Responsible Authority, the TMP must make recommendations for the protection and preservation of the retained trees within the site and adjacent to the Main Yarra Trail for each stage of the development (pre, during and post-construction). The recommended tree protection measures must include:</p> <ul style="list-style-type: none"> (a) Trees 3, 6 & 18-25 shown as retained including retention and protection methods; (b) Trees 1, 2, 4, 5 & 7-17 shown as removed; (c) Further non-root destructive investigation completed along the proposed works alignment for Tree 6 and plans updated to show methods of retention of Tree 6; (d) The correct location of Tree 20; (e) Retention and protection measures for Trees 21 & 22; (f) Further details of any elevation changes within the TPZ of Tree 24; (g) Tree Management Plans updated to detail 'no excavation or soil tillage within the TPZs of retained trees'; (h) Methods for the retention of Tree 3 as detailed in the Ryder Arboriculture & Environment Report dated 2 July 2025; (i) Recommendations for robust TPZ fencing with appropriate signage; (j) The provision of any barriers; (k) Any pruning requirements; and (l) Watering and maintenance regimes. <p>7. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be</p>	<p>Conditions accepted with minor clarification to wording and removal of requirement to retain trees 21 and 22 (as discussed in the assessment section), and removal of annotations related to 'no excavation or soil tillage' and removal of reference to the Ryder Report.</p>



<p>complied with and implemented to the satisfaction of the Responsible Authority.</p>	
<p>Public Realm Plan</p> <p>8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development including the pedestrian through link must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to the following, to satisfaction of the Responsible Authority:</p> <ul style="list-style-type: none"> (a) The levels of the first 4.2m of the pedestrian link must be modified to provide a freeboard height of min 150mm above the applicable flood level to prevent surface water from Victoria Street entering the development; (b) A raised pedestrian crossing where the proposed vehicle crossover intercepts the footpath on Victoria Street; (c) The new vehicle crossing; (d) The reconstructed kerb and channel; (e) The reconstructed footpath outside the property frontage; (f) All footpath specifications; (g) All kerb and channel specifications; (h) All road pavement specifications; (i) All detailed design plans; (j) All roading and drainage infrastructure works including soft/hard landscaping; (k) Public lighting details; (l) Signage and wayfinding details; (m) Seating; (n) Street trees; (o) At the permit holder's cost; and (p) To the satisfaction of the Responsible Authority. 	<p>Condition accepted, subject to minor amendments to include reference the Yarra City Council instead of the responsible authority.</p>
<p>Public Realm Detailed Design Plan</p> <p>9. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 8) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.</p> <p>10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all works required by the endorsed Public Realm Plan must be constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.</p>	<p>Conditions accepted, subject to minor amendments to reference the Yarra City Council instead of the responsible authority.</p>



<p>Sustainability Management Plan</p> <p>11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by GIW and dated 7 April 2025, but modified to show or detail:</p> <ul style="list-style-type: none">(a) Mechanical assisted ventilation to all dwellings that do not meet the BESS criteria for effective natural ventilation;(b) Re-submission of the daylight modelling, and relevant sections of the SMP, using the BESS internal reflectance values, ensuring that best practice daylight standards can be demonstrated;(c) A clear commitment to net-zero operational energy within the ESD Summary on page 7;(d) Increase the scale of the solar PV on the rooftop to utilise all suitable available roof space; and(e) Increase battery energy storage to utilise solar energy more effectively onsite, to the satisfaction of the Responsible Authority. <p>12. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.</p> <p>13. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.</p>	<p>Conditions accepted with amendments. Delete subsections (a), (b), (d) and (e) as the submitted SMP demonstrates that the proposal will achieve a BESS score of 71%, which is considered best practice. Further, include requirement to consult with the council.</p>
<p>Wind Report</p> <p>14. Concurrent with the submission of Condition 1 Plans an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 14 February 2025, but modified to include (or show):</p> <ul style="list-style-type: none">(a) Consistency with the Condition 1 Plans; and(b) The wind conditions for private balconies and the communal roof terrace confirmed via a wind tunnel test. <p>15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be</p>	<p>Delete condition as the submitted Wind Report includes wind conditions and mitigation measures for the private balconies and terraces. The architectural plans also include the mitigation measures. It is noted that there is no communal roof terrace.</p> <p>Condition 15 is accepted, subject to modifications to the wording to ensure consistency with DTP standard conditions.</p>



<p>implemented and complied with to the satisfaction of the Responsible Authority.</p>	
<p>Waste Management Plan</p> <p>16. The provisions, recommendations and requirements of the endorsed waste management plan by Traffix Group dated 4 April 2025 must be implemented and complied with to the satisfaction of the Responsible Authority.</p>	<p>Condition accepted, subject to modifications to the wording to ensure consistency with DTP standard conditions.</p>
<p>Engineering</p> <p>17. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's Vehicle Crossing Information Sheet and the Department of Transport and Planning's geometric requirements.</p> <p>18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:</p> <p>(a) at the permit holder's cost; and</p> <p>(b) to the satisfaction of the Responsible Authority.</p> <p>19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:</p> <p>(a) at the permit holder's cost; and</p> <p>(b) to the satisfaction of the Responsible Authority.</p> <p>20. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Victoria Street frontage must be reconstructed in asphalt:</p> <p>(a) at the permit holder's cost; and</p> <p>(b) to the satisfaction of the Responsible Authority(s).</p> <p>21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Victoria Street frontage must be reconstructed:</p> <p>(a) at the permit holder's cost; and</p> <p>(b) to the satisfaction of the Responsible Authority(s).</p> <p>22. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.</p>	<p>Conditions accepted, subject to minor modifications to reference the Yarra City Council instead of the responsible authority.</p>



<p>23. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:</p> <ul style="list-style-type: none">(a) In accordance with Yarra Standard Drawings Yarra City Council;(b) at the permit holder's cost; and(c) To the satisfaction of the Responsible Authority.	
<p>Landscape Plan</p> <p>24. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Design Plan prepared by Oculus, dated June 2024, but modified to show:</p> <ul style="list-style-type: none">(a) Removal of the two proposed raingardens and an alternate arrangement provided;(b) A detailed planting plan(s) for each level of the development showing the location of proposed planting, including plant species and quantities, as well as a legend containing key features, materials, and surfaces;(c) A planting schedule listing the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant quantities;(d) Detailed drawings for built elements such as landscaping walls and furniture, including critical dimensions;(e) Vertical growing structures (if proposed) including detail drawings, servicing methodology, mounting technique etc.;(f) The areas proposed for deep soil planting;(g) On-slab container planter detail drawings demonstrating:<ul style="list-style-type: none">(i) Minimum soil depth to be provided for each planting type;(ii) Volume and type of growing media;(iii) Minimum dimensions of 450mm in width for perimeter planters; and(iv) Wind-resistant mulch is to be used for above ground planted areas;(h) Typical detail drawings for surface materials such as paver types, gravel treatment, etc., to the satisfaction of the Responsible Authority. <p>25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by:</p> <ul style="list-style-type: none">(a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Tree Management Plan;	<p>Conditions accepted with minor clarification to reference the Tract Landscape Plans, refine wording and for consultation to occur with Parks Victoria.</p>



<p>(b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose; and</p> <p>(c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.</p>	
<p>Legal Agreement – Affordable Housing</p> <p>26. Before the development starts(excluding demolition, bulk excavation, site preparation and remediation works), the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Act, in a form to the satisfaction of the Responsible Authority, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:</p> <p>(a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; or</p> <p>(b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement.</p> <p>27. The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the S173 Agreement (where applicable)</p>	<p>Conditions accepted with minor clarification to wording to be consistent with Clause 53.23.</p>
<p>Legal Agreement – Through-site pedestrian link</p> <p>28. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit (excluding retention, bulk excavation and early works), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the following;</p> <p>(a) Publicly accessible pedestrian link to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority'; and</p> <p>(b) 24-hour unfettered public access provided to the Main Yarra Trail from Victoria Street.</p> <p>The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the</p>	<p>Conditions accepted with minor clarification to wording to be consistent with DTP conditions.</p>



<p>preparation, registration and enforcement of the agreement.</p>	
<p>Green Travel Plan</p> <p>29. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group, dated April 2025, but modified to show:</p> <ul style="list-style-type: none"> (a) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes; (b) Details of bicycle parking specifications; (c) Security arrangements to access the employee bicycle storage spaces; (d) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and (e) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'. 	<p>Condition accepted, with minor clarification to wording.</p>
<p>General Conditions</p> <p>30. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.</p> <p>31. Except with the prior written consent of the Responsible Authority:</p> <ul style="list-style-type: none"> (a) No less than 104 resident bicycle parking spaces must be provided with 20% of those level horizontal spaces; (b) No less than 6 employee spaces; and (c) No less than 31 visitor spaces must be provided. <p>32. All visitor and employee bicycle spaces must comply with the clearance and access-way requirements of AS2890.3.</p> <p>33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:</p> <ul style="list-style-type: none"> (a) constructed and available for use in accordance with the endorsed plans; (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans; (c) treated with an all-weather seal or some other durable surface; and (d) line-marked or provided with some adequate means of showing the car parking spaces, to the satisfaction of the Responsible Authority. 	<p>An assessment of the acceptability of the conditions is as follows:</p> <ul style="list-style-type: none"> • 30 – Accept. • 31 – Delete – the bicycle parking spaces provided within the development are considered acceptable. • 32 – Accept. • 33 – Accept, with amendments to include the Yarra City Council. • 34 – Accept, with amendments to include the Yarra City Council. • 35 – Delete – unnecessary as any amendments to the plans will require prior written consent of the responsible authority. • 36 – Accept, with amendments to include the Yarra City Council. • 37 – Accept, with amendments to include the Yarra City Council. • 38 – Accept. • 39 – Accept, with amendments to include the Yarra City Council. • 40 – Accept. • 41 – Accept, with amendments to include the Yarra City Council. • 42 – Accept, with amendments to include the Yarra City Council.



<p>34. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.</p> <p>35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.</p> <p>36. The amenity of the area must not be detrimentally affected by the use or development, including through:</p> <ul style="list-style-type: none">(a) the transport of materials, goods or commodities to or from land;(b) the appearance of any buildings, works or materials;(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or(d) the presence of vermin, <p>to the satisfaction of the Responsible Authority.</p> <p>37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway and dwelling entrances must be provided within the property boundary. Lighting must be:</p> <ul style="list-style-type: none">(a) Located;(b) Directed;(c) Shielded; and(d) O limited intensity, <p>to the satisfaction of the Responsible Authority.</p> <p>38. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.</p> <p>39. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (as appropriate):</p> <ul style="list-style-type: none">(a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;(b) works necessary to protect road and other infrastructure;(c) remediation of any damage to road and other infrastructure;(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;(e) facilities for vehicle washing, which must be	<ul style="list-style-type: none">• 43 – Delete – given the condition is not complete.• 44 – Accept, with amendments to include the Yarra City Council.• 45 – Accept, with amendments to include the Yarra City Council.
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<p>located on the land;</p> <ul style="list-style-type: none">(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;(g) site security;(h) management of any environmental hazards including, but not limited to:<ul style="list-style-type: none">(i) contaminated soil;(ii) materials and waste;(iii) dust;(iv) stormwater contamination from run-off and wash-waters;(v) sediment from the land on roads;(vi) washing of concrete trucks and other vehicles and machinery; and(vii) spillage from refuelling cranes and other vehicles and machinery;(i) the construction program;(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;(k) parking facilities for construction workers;(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties (including businesses) and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:<ul style="list-style-type: none">(i) using lower noise work practice and equipment;(ii) the suitability of the land for the use of an electric crane;(iii) silencing all mechanical plant by the best practical means using current technology;(iv) fitting pneumatic tools with an effective silencer; and(v) other relevant considerations (including impacts on the operation of businesses);(q) a detailed dilapidation report detailing and documenting the existing and post construction	
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<p>conditions of surrounding road infrastructure and adjoining private properties;</p> <p>(r) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and</p> <p>(s) any site-specific requirements.</p> <p>40. During construction:</p> <p>(a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;</p> <p>(b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;</p> <p>(c) vehicle borne material must not accumulate on the roads abutting the land;</p> <p>(d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and</p> <p>(e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.</p> <p>41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.</p> <p>42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:</p> <p>(a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;</p> <p>(b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or</p> <p>(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.</p> <p>43. Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:</p> <p>(a) at the permit holder's cost; and</p> <p>(b) to the satisfaction of the Responsible Authority.</p> <p>44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.</p> <p>45. Before the development is occupied, or by such later date as approved in writing by the Responsible</p>	
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<p>Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.</p>	
<p>Use Condition</p> <p>46. The place of assembly land use must not exceed a maximum capacity of 12 patrons.</p>	<p>Condition not accepted. A condition for a Community Facility Management Plan has been included to require detailed information on the operation of the use. This will include the nature, frequency and size of activities on the site, no more than 12 patrons without the prior written consent of the responsible authority, operating hours and any noise management measures.</p>
<p>Expiry</p> <p>47. This permit will expire if:</p> <ul style="list-style-type: none">(a) the development is not commenced within two years of the date of this permit; or(b) the development is not completed within four years of the date of this permit; or(c) The use is not commenced within five years of the date of this permit. <p>The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.</p>	<p>Condition accepted, with modifications to the expiry dates consistent with the updated expiry dates of the <i>Planning and Environment Act 1987</i>.</p>