

**TIME&
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**104-106 ST GEORGES RD,
TOORAK**

Planning Assessment Report

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21 April 2026



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1. EXECUTIVE SUMMARY

This report has been prepared on behalf of Blood Diamond Group Pty Ltd (the permit applicant) in support of a Planning Permit application to construct an apartment building at 104-106 St Georges Road, Toorak (the site).

The application has received eligibility through the application pathway available through Clause 53.23 of the Stonnington Planning Scheme (Significant Residential Development with Affordable Housing).

The application consists of a 3 storey (maximum 10 metre height) multi-dwelling building comprising 18 apartments and basement carparking for 36 vehicles.

The proposal's design has evolved as a direct response to the site's context, the objectives of both the State and Local Planning Policy and other built form objectives contained within Design and Development Overlay – Schedule 3, Significant Landscape Overlay – Schedule 1 and Land Subject to Inundation Overlay in the Stonnington Planning Scheme.

The subject site is located within a residential area of Toorak with a northern (rear) interface to the Yarra River. The southern (St Georges Road) frontage presents as a residential street comprising a variety of building forms and typologies.

The proposed apartment building has been designed to respect both public realm interfaces and neighbouring properties with a receding form that steps down the slope towards the river. Substantial setbacks are provided to the river environs with a building height that addresses the relevant zoning and overlay controls.

We note that Application No. 0448/24 for a similar development was recently refused by the Council on 25 July 2025.

A planning permit is required to:

- Construct two or more dwellings on a lot pursuant to Clause 32.08-6 of the General Residential Zone
- Construct a building or to construct or carry out works pursuant to Clause 43.02-2 of the Design and Development Overlay
- Construct a building or to construct or carry out works pursuant to Clause 42.03-2 of the Significant Landscape Overlay
- Construct a building or construct or carry out works pursuant to Clause 44.04-2 in a Land Subject to Inundation Overlay
- Remove, destroy or lop vegetation pursuant to Clause 42.03-4 in a Significant Landscape Overlay



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This application is made under Clause 55 of the Stonnington Planning Scheme (Two or More Dwellings on a Lot and Residential Buildings). It is noted that under this Clause, a development must meet all the applicable objectives contained within this clause. If a development meets a standard:

- The corresponding objective is deemed to be met
- The responsible authority is not required to consider the corresponding decision guidelines.

Furthermore, under this Clause and as applied to this matter, the Responsible Authority is not required to consider the Municipal Strategic Statement and Planning Policy Framework, the purpose or decision guidelines of the General Residential Zone (Schedule 11) and the decision guidelines in Clause 65.

The latter would exempt consideration of the following:

- The matters set out in Section 60 of the Act
- The Municipal Planning Strategy and the Planning Policy Framework
- The purposes of the zone, overlay or other provisions
- Any matter required to be considered in the zone, overlay or other provisions
- The orderly planning of the area
- The effect on the environment, human health and amenity of the area
- The proximity of the land to any public land
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site
- The extent and character of native vegetation and the likelihood of its destruction
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard

Where all the applicable standards are met, there will be no third party right of appeal.

The Clause 55 table / ResCode plans forming part of the architectural plans prepared by Charles Wright Architects demonstrates that all the applicable objectives of Clause 55 are met through satisfying all of the relevant and corresponding Standards and on that basis the application qualifies for the deemed to comply "fast track" assessment pathway.

The proposed development represents an opportunity to contribute a high-quality development in this sought after Toorak inner city location. Further, it will facilitate a cash contribution of 3% on the development cost to affordable housing in line with the intent and objective of Clause 53.23 of the Stonnington Planning Scheme.



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The high-quality architectural response and appropriateness of the built form is borne through the collaborative approach between the project team and the Department's Development Facilitation team (DFP) that has appropriately addressed concerns raised by Council to the previous proposal.

2. STONNINGTON PLANNING SCHEME

The site is affected by the following planning controls and permit triggers:

Control	Permit Trigger
General Residential Zone (Schedule 11)	Construct a residential building
Significant Landscape Overlay	Construct a building or to construct or carry out works
Design and Development Overlay (Schedule 3)	Construct a building or to construct or carry out works
Significant Landscape Overlay	Remove, destroy or lop vegetation
Land Subject to Inundation Overlay	Construct a building or to construct or carry out works

3. ASSESSMENT SUMMARY

This report and supporting documents demonstrate that the proposal is an acceptable and appropriate response for the site given the:

- Quality architectural response that has responded to its local context, built form and landscape considerations, sustainable responses and feedback from the Department's DFP team
- Compliance with all the applicable objectives of Clause 55 by satisfying all of the relevant and corresponding Standards and on that basis qualifying for the deemed to comply "track" assessment pathway
- Compliance with the requirements of the Melbourne Water referral dated 6 November 2024 and 21 January 2026
- Landscape response which softens the façade appearance at both the street and Yarra River and contributes to the landscape character of the immediate neighbourhood
- Suitable provision of onsite car parking and bicycle facilities
- Achievement of best practice ESD requirements



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4. SUBMISSION DOCUMENTS

The following documentation forms part of this application:

- Certificate of Titles
- Legal advice prepared by Planning & Property Partners dated 20 December 2024 in respect to the restrictive covenant contained in Instrument of Transfer No. 1187626
- Metropolitan Planning Levy
- Site Survey prepared by Click Engineering
- Urban Context Report prepared by Urbis
- Architectural Plans prepared by Charles Wright Architects
- Clause 55 table prepared by Charles Wright Architects
- Quantity Surveyor's Letter prepared by Plancost dated 3 October 2025
- Economic Assessment Report prepared by Urbis
- Traffic Impact Assessment prepared by One Mile Grid
- Waste Management Plan prepared by One Mile Grid
- Environmentally Sustainable Design Assessment prepared by LID
- Supporting letter and Landscape Plan prepared by John Patrick Landscape Architects
- Landscape Plan that addresses rehabilitation works on the creek reserve prepared by John Patrick Landscape Architects
- Acoustic Report prepared by WSP
- Water Sensitive Urban Design Assessment prepared by WSP
- Arborist Report prepared by Tree Department
- Cultural Heritage Management Plan prepared by U.C.A
- Council Notice of Refusal to Application No. 0448/24 dated 25 July 2025
- Melbourne Water referral dated 21 January 2026
- Email from DFP dated 29 January 2026 confirming that Melbourne Water did not have any further concerns than those raised in their previous response on 6 November 2024
- Melbourne Water referral dated 6 November 2024
- Valid Planning Permit No. 0002/18 which allows buildings and works and removal of vegetation associated with a new dwelling at 106 St Georges Road, Toorak
- Valid Planning Permit No. PL0155/22 which allows the construction and carrying out of works for the purpose of constructing private jetty at 104 St Georges Road, Toorak



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5. RESPONSE TO ELIGIBILITY LETTER

The Eligibility Letter confirming the project can proceed to lodge a planning permit application under Category 1 of Clause 53.23 of the Stonnington Planning Scheme was issued by the Minister for Planning on 23 February 2026.

A summary of the responses to the Request for Further Information items outlined in the Eligibility Letter is outlined below.

RFI Item	Response
1. Certificates of title, including any encumbrances, covenants, and agreements (within 3 months)	A copy of the Certificate of Titles dated 21 April 2026 is submitted as part of this application.
2. Metropolitan Planning Levy Certificate	MPL No. 002757 was received on 24 February 2026 and is submitted as part of this application
3. Architectural drawings identifying any changes made in response to this letter	No changes were needed from the architectural drawings prepared by Charles Wright Architects lodged with DFP in response to this letter
4. Town planning report, amended to respond to: All matters raised in this letter, including a response to Clause 55.02-2 Building height objective – Standard B2-2 – Site plans and elevations are required to include floor and surface levels of any existing and proposed buildings and works to Australian Height Datum (AHD) and Clause 55.02-7 Tree Canopy objective – Standard B2-7 – It is unclear of species, height and canopy diameter for the canopy trees proposed to be removed and retained	This town planning assessment, the architectural plans, the Clause 55 table and the supporting letter prepared by John Patricks Landscape Architects addresses both Standards B2-2 and B2-7. The site plans and elevations include floor and surface levels of any existing and proposed building and works to AHD. The arborist report, architectural plans and landscape plans provide for species, height and canopy diameter for the canopy trees proposed to be removed and retained. The supporting landscape letter prepared by John Patrick confirms compliance with Standard B2-7.
5. A site survey showing all site levels across the site and the adjoining properties.	A site survey prepared by Click Engineering is lodged as part of the application.



RFI Item	Response
6. Site plans and elevations to include floor and surface levels of any existing and proposed buildings and works to AHD.	The architectural plans prepared by Charles Wright Architects include floor and surface levels of any existing and proposed buildings and works to AHD.
7. Ground levels and maximum building height from the natural ground level to AHD across the slope of the land.	The architectural plans prepared by Charles Wright Architects include ground levels and maximum building height from natural ground level to AHD across the slope of the land.
8. A detailed landscape plan that addresses rehabilitation works on the creek reserve and must include: <ul style="list-style-type: none">i. A survey (including botanical names) of all existing vegetation to be retained and/or removed, including height and canopy diameter for the canopy trees proposed to be removed.ii. The survey should include a weed management program, the details of which must be provided to Melbourne Wateriii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundaryiv. A planting schedule of all proposed trees, shrubs and ground covers	A detailed landscape plan that addresses all of these requirements has been prepared by John Patricks Landscape Architects and is lodged in support of the application.
9. An Affordable Housing Report demonstrating how the affordable housing contribution specified in clause 53.23-4 is intended to be provided if a permit is granted.	The applicant proposes to provide a 3% cash contribution on the development cost.
10. Confirmation whether the proposal intends to remove Council street trees.	No Council street trees are proposed to be removed.

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RFI Item	Response
	The supporting letter prepared by John Patricks Landscape Architects provides for a draft condition requiring tree root investigation of two street trees to ensure their continued health and maintenance.
11. Confirmation of the extent of works proposed in the land affected by the Land Subject to Inundation Overlay	
12. A response to Melbourne Water referral dated 6 November 2024 and 21 January 2026. The response must:	No works are proposed in the land affected by the Land Subject to Inundation Overlay.
a. Demonstrate ground and floor levels to AHD noting the applicable floor level of the property is 7 metres to AHD and that the development must not be constructed with finished floor levels set lower than 600mm above the applicable floor levels	The submitted architectural plans prepared by Charles Wright Architects maintains the AHD and finished floor levels supported by Melbourne Water under the previous Application No. 0448/24. Clarification was sought via DFP to the Melbourne Water referral dated 21 January 2026 regarding the applicable floor level of 7 metres AHD / 600mm requirement given the referral confirmed in writing that the location of the proposed development is outside the flood extent. In response written advice from DFP dated 29 January 2026 confirmed that Melbourne Water did not have any further concerns than those raised in their previous response on 6 November 2024. In response to the Melbourne Water referral dated 6 November 2024, we note that Melbourne Water had no objection to the proposal subject to conditions that will be addressed later in this report.
13. Any document required by the Stonnington Planning Scheme	Not relevant given the compliance with all Clause 55 Standards

6. RESPONSE TO COUNCIL'S REFUSAL

The Eligibility Letter requested a response to the grounds of refusal identified in Council's Notice of Refusal to Grant a Planning Permit dated 25 July 2025 to a similar proposal to develop the site (Planning Application No. 0448/24).



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A summary of this response is outlined below.

Refusal Ground	Response
1) The entire site is identified as an area of cultural heritage sensitivity. An approved Cultural Heritage Management Plan has not been provided for the proposed development, failing to comply with the requirements of the Victorian Aboriginal Heritage Act 2006.	The submitted approved Cultural Management Plan prepared by U.C.A satisfies this ground.
2) The proposed development by virtue of its site coverage, design, siting, scale and bulk is an overdevelopment of the site that fails to respond to the Birrarung environs and will dominate views from the river corridor. Contrary to Clause 12.03-1R (Birrarung), Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarung) River Corridor) and Schedule 1 of Clause 42.03 (Significant Landscape Overlay – Yarra (Birrarung) River Corridor Environs).	The current proposal responds to this ground by reducing the site coverage (from 47% to 37%), provision of 59% garden area, increasing the imperious area (from 36% to 41%), increasing setbacks to both side boundaries to 2 metres and featuring a far more refined building envelope and architectural response including a deep vertical recess in the centre of the building ensuring that it sits comfortably within the Birrarung environment.
3) The proposal entails extensive earthworks across the site that will substantially change the topography of the river corridor environs and will detrimentally impact the local natural landscape character and environmental values of Birrarung. Contrary to Clause 12.03-1R (Birrarung), Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarung) River Corridor) and Schedule 1 of Clause 42.03 (Significant Landscape Overlay –	The current proposal entails benching allowing the proposed building to sit comfortably within the natural fall of the land in a tiered form, similar to the existing 3 level building immediately to the east at 104 St Georges Road. Increased setbacks to both side boundaries allows for generous in ground planting featuring evergreen hedging to frame the proposed building as it presents to the Birrarung environment.



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Refusal Ground	Response
Yarra (Birrarrung) River Corridor Environs.	
4) The extensive removal of vegetation from the site is not supported as it will degrade the natural landscape character of the Birrarung and fails to respond the Significant Landscape Overlay (Schedule 1), plus also being contrary to Clause 12.03-1R (Birrarrung) and Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarrung) River Corridor).	The current proposal is supported by a landscape plan prepared by John Patrick Landscape Architects and an arborist reported prepared by WSP which supports the removal of existing vegetation and replaces it with a well-considered landscape design response ensuring that the proposal will make a positive contribution to the natural landscape character of the Birrarung.
5) The crowding of the side boundaries does not provide sufficient space for landscaping around the development and the overall landscape response, including species selection, are not suitable having regard to Schedule 1 of Clause 42.03 (Significant Landscape Overlay – Yarra (Birrarrung) River Corridor Environs) and Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarrung) River Corridor).	The current proposal provides for 2-metre-wide planters within the retaining wall which will allow for significant evergreen hedging along both side boundaries. This is a significant improvement in comparison to the application plans refused by the Council and will allow the proposed building to be framed with landscape cover when viewed from the Birrarung Rover Corridor Environs. Please refer to the Landscape Plan prepared by John Patricks Landscape Architects.
6) The proposed height of the development exceeds the maximum height allowable under the Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarrung) River Corridor)	The current proposal adopts a stepped built form that follows the underlying topography of the site. This complies with the mandatory height requirement of DD03-A, maintaining a maximum height of 10 metres or less. The resulting stepped appearance presents a variety of heights as sought by DD03.
7) The proposed materials, colours and finishes, do not sensitively integrate with the natural landscape setting of the river	DD03-A seeks “buildings...(to) use colours and finishes which do not contrast with the natural landscape setting”. The current proposal adopts a muted colour scheme consisting of off-form



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Refusal Ground	Response
corridor and are not appropriate having regard to Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarung) River Corridor)	concrete and substantial landscaping. We consider that the proposed materials palette is consistent with this objective.
8) The proposal by virtue of its siting, massing and design, results in excessive bulk and is an inappropriate response to the existing and preferred character of the area. The proposal will dominate the streetscape and fails to comply with Clause 55.02-1 (Neighbourhood Character), Clause 55.06-1 (Design Detail) and the objectives and strategies of Council’s Local Preferred Neighbourhood Character Policy at Clause 15.01-5L (Garden River Precinct)	<p>Policy calls for development to respect the existing subdivision grain and rhythm of the area.</p> <p>The site comprises two properties.</p> <p>In line with policy requirements, the current proposal when viewed from St Georges Road provides a 3.4-metre-wide separation between two building forms, with each designed to reflect the scale of existing dwellings in the street. A glazed bridge will link the two forms at Level 6; its transparency allowing it to blend with the sky behind and provide separation which will create an impression of two distinct parts.</p>
9) The proposal results in unreasonable amenity impacts on the adjoining properties by way of visual bulk and overlooking, failing to comply with Clause 55.04-1 (Side and rear setbacks) and Clause 55.04-6 (Overlooking)	<p>The current proposal does not result in unreasonable amenity impacts by way of visual bulk and overlooking.</p> <p>Overlooking of habitable spaces of adjacent properties (108 St Georges Road and 102 St Georges Road) is proposed to be mitigated through the use of setbacks and screens in accordance with Clause 55.04-6. Where screening is proposed, timber battens with 25% transparency will mitigate overlooking, again in accordance with Clause 55/04-6.</p> <p>The proposal will present as 2 storeys from the side boundaries due to the steep slope across the site. This is consistent with existing dwellings in the street. Section diagrams and elevations illustrate compliance with Clause 55.04-1. In addition, the increased side setbacks provide for generous landscaping opportunities to further soften the visual appearance of the proposed building from adjoining properties.</p>



Refusal Ground**Response**

10) The development fails to meet the Indoor Environment Quality (IEQ) of Council's Environmentally Sustainability Development (ESD) policy at Clause 15.01-2L-02 and will not provide for appropriate levels of internal amenity and daylight access for future occupants

The current proposal is supported by an Environmentally Sustainable Design Assessment prepared by LID which confirms compliance with Clause 55.05 Sustainability of the Stonnington Planning Scheme. This report confirms that Clause 55 Standards B5-1 to B5-7 are all complied with.

We note that Council's ESD policy at Clause 15.01-2L-02 is not mandatory and as a policy is there for guidance, contrary to the Clause 55 Standards that if entirely met, warrants no further consideration of related policies.

11) The development fails to provide an appropriate level of internal amenity, including:

- a. The habitable room window of Bed 1 of Apartment 1 is adjacent to the accessway and fails to comply with Standard B15 (Car Parking)
- b. Apartment 11 does not have any private open space and fails to comply with Standard B43 (Private Open Space)
- c. Habitable room windows to dwellings located below natural ground level and facing the proposed retaining walls have poor outlook and fail to be provided with adequate daylight in accordance with Clause 55.05-3 (Daylight to new windows)
- d. Insufficient details to determine if Standard B42 (Accessibility) is met
- e. The living area for Apartment 5 doesn't comply with Standard B46 (Functional Layout)
- f. A number of bedrooms across the apartments don't comply with the minimum dimensions required by Standard B46 (Functional Layout)
- g. Single aspect living areas to Apartments 3, 5, 9 and 10 exceed

The Clause 55 table prepared by Charles Wright Architects demonstrates that the current proposal complies with all internal amenity Standards.

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Refusal Ground

Response

<p>the room depth of Standard B47 (Room Depth)</p> <p>h. Effective natural ventilation has not been demonstrated to comply with Standard B49 (Natural Ventilation).</p> <p>i. The internal dwelling entries are not provided with visible and easily identifiable entries, failing to provide for safe, functional and efficient movement of residents and not complying with Standard B50 (Building entry and circulation)</p>	
<p>12) The high fencing, sunken entry and pedestrian access does not allow for appropriate integration with the street, passive surveillance, security and sense of address. Failing to comply with Clause 55.02-5 (Integration with the street) and Clause 55.03-7 (Safety)</p>	<p>To the street edge, the current proposal provides for a 1.5 metre high, permeable fence. The proposed height and design will allow for passive surveillance of the public realm and to provide views to a well planted, spacious garden. This is consistent with the intention of policy.</p>
<p>13) There is a high risk of flooding of the development from St Georges Road. Insufficient details have been provided in relation to existing levels along the property boundary and the plans do not provide sufficient drainage techniques to adequately minimize the flooding hazard</p>	<p>The current proposal is supported by a Water Sensitive Urban Design Assessment prepared by WSP.</p>
<p>14) Removal of Council street trees to facilitate the development is not supported</p>	<p>The current proposal does not require the removal of Council street trees.</p> <p>The supporting letter prepared by John Patricks Landscape Architects provides for a draft condition requiring tree root investigation of two street trees to ensure their continued health and maintenance.</p>



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Refusal Ground	Response
15) Works are shown within the area affected by the Land Subject to Inundation Overlay (Schedule 1) but have not been formally applied for as part of the application	The current proposal applies for works in the land affected by the Land Subject to Inundation Overlay.
16) The application plans are unclear whether boundary fencing is proposed and if a permit is required for fencing under Clause 44.04 (Land Subject to Inundation Overlay) and Schedule 3 of Clause 43.02 (Design and Development Overlay – Yarra (Birrarrung) River Corridor).	The current proposal provides a permeable metal fence along both side boundaries as shown on the elevation plans.

7. RESPONSE TO MELBOURNE WATER

The Eligibility Letter requested a response to the Melbourne Water referral dated 6 November 2024 to a similar proposal to develop the site (Planning Application No. 0448/24).

This Melbourne Water referral did not object to the proposal, subject to satisfying the following conditions:

Condition	Response
1) Plans must be submitted with ground and floor levels to Australian Height Datum (AHD) and must be amended as follows: a) The proposed jetty must be designed generally in accordance with the Melbourne Water's Guidelines for Approval of Jetties	The architectural plans prepared by Charles Wright Architects include floor and surface levels of any existing and proposed buildings and works to AHD. The jetty shown on the application plans is approved under Planning Permit No. PL0155/22 which allows the construction and carrying out of works for the purpose of constructing private jetty (ancillary to the existing dwelling) issued 4 August 2022. On 19 December 2024, an extension of time to this permit was approved requiring development to commence by 4 August 2026 and be completed by 4 August 2028. Condition 3 of



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Condition	Response
	<p>this planning permit requires amended plans be submitted in accordance with the Melbourne Water's Guidelines for Approval of Jetties. Amended plans have yet to be endorsed.</p> <p>We confirm that this application does not propose a jetty and relies on this existing planning permit.</p>
2) Any proposed fence or gate at northern, eastern and western boundaries must be designed as open style (50% openings)	The current proposal provides for a permeable metal fence along both side boundaries as shown on the elevation plans.
3) Prior to commencement of work, an application must be made to Melbourne Water for assessment by Assets Services for construction of a private jetty	<p>Condition 4 of Planning Permit No. PL0155/22 requires this.</p> <p>We confirm that this application does not propose a jetty and relies on this existing planning permit.</p>
4) Any fill within the property's floodplain has the potential to impact flooding. Therefore, no fill is permitted outside the proposed building footprint, except for approximately 4 metre extension around the footprint	<p>Noted.</p> <p>Accept as a condition on planning permit to be issued.</p>
5) Cut and fill balance are required for this site to maintain floodplain storage. Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling. Before starting works, volume calculations must be submitted to Melbourne Water demonstrating that the volume of filling does not exceed the volume of cutting	<p>Noted.</p> <p>Accept as a condition on planning permit to be issued.</p>
6) Revised plans, in line with Melbourne Water Jetty Guidelines, should be submitted to Melbourne Water for review	Condition 3 of Planning Permit No. PL0155/22 requires amended plans be submitted in accordance with the Melbourne Water's Guidelines



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Condition	Response
and approval via a formal application for construction of a jetty	for Approval of Jetties. Amended plans have yet to be endorsed. We confirm that this application does not propose a jetty and relies on this existing planning permit.
7) Prior to the commencement of construction, detailed landscape plan must be submitted to Melbourne Water for approval. The plan(s) must address rehabilitation works on the creek reserve subject to landowner approval, and all areas affected by the works.	A detailed landscape plan that addresses all of these requirements has been prepared by John Patricks and is lodged in support of the application.

8. SITE & IMMEDIATE SURROUNDS

The subject site is located on the northern side of St Georges Road approximately 130 metres to the east of Grange Road and 120 metres to the west of Orrong Road. The northern boundary of the site abuts the Birrarung (Yarra River).

The site comprises of two lots, 104 and 106 St Georges Road. The total site frontage to St Georges Road is 64 metres, with a maximum depth of 78.64 metres and a total area of 3,662 square metres. Both lots have a slope from the street frontage to the Birrarung of approximately 18 metres.

104 St Georges Road is currently occupied by a double storey brick dwelling with pitched roof.

106 St Georges Road is currently occupied by a split-level dwelling with pitched roof.

The site is located within a residential area.

The site abuts the following:

East

102 St Georges Road – double storey brick dwelling with pitched tile roof, high solid front fence.

West

108 St Georges Road – split level dwelling with flat roof.

North

Birrarung

South



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St Georges Road, a Council managed collector road, with residential dwellings opposite.

9. PROPOSAL

This proposal seeks approval from the Minister for Planning for construction of a 3-storey apartment building with lower / basement car parking.

The apartment building is proposed to comprise of 18 dwellings, including 1 x one-bed, 1 x 2 bed, 15 x 3 bed and 1 x 5 bed. A total of 36 carparking spaces are provided across lower / basement levels. A total of 25 bicycle parking spaces are proposed.

The proposed canopy cover is well above the 20% required by Standard B2-7 at 24.9%. The proposal allows for the retention of 6 existing trees within the site, as well as the provision of 15 new canopy trees.

The existing central crossover on the frontage is to be removed, and modifications are proposed to the northern and southern most crossovers to provide vehicle access to the site.

10. CLAUSE 53.23 PATHWAY

Clause 72.01 of the Stonnington Planning Scheme has the effect of making the Minister for Planning the Responsible Authority for applications eligible to be assessed under the Clause 53.23 pathway. The Clause 53.23 pathway offers eligible applications a specialised assessment pathway aimed at facilitating the development of residential projects that include affordable housing needs.

To be eligible for assessment under this pathway, the development must meet the following requirements:

- 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;
- At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.
- Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.

As per the Eligibility Letter issued by the Minister for Planning on 23 February 2026, the development has met the eligibility requirements of Clause 52.23 of the Stonnington Planning Scheme given:

- The proposed land use is accommodation
- The \$55,776,721 cost estimate exceeds the \$50 million threshold for residential development



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- It provides an affordable housing cash contribution of 3% of the development cost to the Social and Affordable Housing Fund
- Information demonstrating the likely feasibility of the proposal has been provided to the satisfaction of the Minister for Planning, including written advice from the Chief Executive Officer (or delegate) of Invest Victoria.

11. STONNINGTON PLANNING SCHEME

A summary of the key controls is provided below:

- Clause 32.08 – General Residential Zone, Schedule 1
- Clause 45.06 – Development Contributions Plan Overlay, Schedule 1
- Clause 43.02 – Design and Development Overlay, Schedule 3 – Yarra (Birrarung) River Corridor Protection
- Clause 42.03 – Significant Landscape Overlay (Schedule 1 – Yarra (Birrarung) River Corridor Environs
- Clause 44.04 – Land Subject to Inundation Overlay (Schedule 1)

A summary of the key policies is provided below:

- Clause 2.03 – Strategic Directions
- Clause 11 – Settlement
- Clause 13.03 – Floodplains
- Clause 15.01 – Built Environment
- Clause 15.01-1L-01 – Urban Design
- Clause 15.01-2L-01 – Building Design
- Clause 15.02-1L-02 – Environmentally Sustainable Development
- Clause 15.01-5L – Preferred Neighbourhood Character
- Clause 16.01 – Residential Development
- Clause 18 – Transport
- Clause 19.02 – Community Infrastructure
- Clause 19.03 – Development Infrastructure
- Clause 19.03-3L-02 – Water Sensitive Urban Design



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- Clause 65 – Decision Guidelines

12. YARRA RIVER ENVIRONS

Protection of the Yarra River environs is sought by policies at Clause 12.03 (Water Bodies and Wetlands) of the Planning Scheme together with objectives of the Significant Landscape Overlay – Schedule 1 and Design and Development Overlay – Schedule 3 that apply to the site. Maintaining the waterway’s ecological features, providing an appropriate built form interface and enhancing the extent of riparian vegetation are outcomes intended by these provisions of the Planning Scheme.

The proposed development has been sensitively designed to address this river environs with building heights, setbacks and landscaping opportunities that align with requirements of the Design and Development Overlay – Schedule 3.

This is detailed by the following assessment against the mandatory and discretionary requirements of the overlay for area DDO-A3:

- The Yarra Rivers abuts the site’s northern boundary and shadow diagrams submitted with the application demonstrate that the development will not overshadow the river environs.
- The site falls significantly towards the Yarra River and section diagrams submitted with the application demonstrate that the development will not exceeds a maximum building height of 10 metres
- The Site Plan and Floor Plans demonstrate that the application maintains a 30-metre setback from the Site’s Setback Reference Line.
- The Site does not interface with any public open space areas
- Whilst fencing is proposed as part of the Landscape Plan prepared by John Patricks Landscape Architects within the 30 metre setback, it has been designed not to impede the flow of flood waters, not exceed a height of 1.4 metres above ground level, be less than 25% visually permeable and is not a reflective colour and finish
- The application proposes a site coverage of 37% and site permeability of 41% with a substantial rear setback to the Yarra River of 30 metres. This area will be extensively landscaped in accordance with the accompanying landscape plan prepared by John Patricks Landscape Architects demonstrating that the minor variation to the preferred site coverage (40%) will not adversely impact the landscape character of the area
- The rear building setback to the Yarra River will be maintained free of tennis courts, swimming pools and other outbuildings
- The application proposes a muted colour scheme consisting of off-form concrete and substantial landscaping

The above assessment illustrates that the proposed development will be setback from the river environs behind a landscaped open space area with plantings that extend into the side setbacks of the building.



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Furthermore, the development will not result in overshadowing of public areas, minimises the removal of significant vegetation, provides for significant amount of replacement planting and does not encroach on views lines along the river corridor. The built form that steps with the site's sloping contours also suitably resolve bulk and scale.

Please refer to the Urban Design Memo prepared by Urbis, which concludes by stating:

"We support the proposal's response to both the river and St Georges Road from an urban design perspective, as its height, massing, materials and landscaping is consistent with the DDO and local policy."

13. CLAUSE 55 ASSESSMENT

The application plans and Clause 55 table / ResCode plans forming part of the architectural plans prepared by Charles Wright Architects demonstrate that all the applicable objectives of Clause 55 are met through satisfying all of the relevant and corresponding Standards and on that basis the application qualifies for the deemed to comply "fast track" assessment pathway.

Please refer to the Clause 55 table prepared by Charles Wright Architects.

14. TRAFFIC & CARPARKING

In support of the proposal's car parking and traffic generation components, a Traffic Engineering Assessment report has been prepared by One Mile Grid

A summary of this assessment in support of the development is as follows:

- The car parking layouts and accesses have been designed generally in accordance with the requirements of the Planning Scheme and are considered appropriate
- The proposed provision of bicycle parking exceeds the statutory requirements and is considered acceptable
- The proposed provision of car parking exceeds the statutory requirements and is considered acceptable
- The anticipated traffic volumes generated by the development is not expected to have an impact on the operation of the St Georges Road or the surrounding road network; and
- There are no traffic engineering reasons which would preclude a permit from being issued for this proposal.

15. WASTE MANAGEMENT

A Waste Management Plan (WMP) has been prepared by One Mile Grid in support of the proposal. The WMP notes the following with regard to the proposal:



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- The proposed bin storage area is in accordance with the requirements of Standard B5-5 in Clause 55.05 of the Planning Scheme
- A dual chute system for residents is provided at each residential level which will terminate into a chute discharge/termination area at ground level. Garbage and commingled recycling will be accommodated within the chutes
- A separate waste storage area is provided for commercial waste at ground level
- Waste collection for residential and commercial waste is proposed to be undertaken on-site within the loading bay via a private contractor using a 6.4 metre long mini-Hino rear loading waste collection vehicle
- Waste collection will be undertaken outside of the peak loading and unloading times associated with the overall facility to minimise disruption and to ensure that there is sufficient space for the transfer of bins to and from the waste vehicle which will then exit the site in a forward direction

16. ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD)

A Sustainability Management Plan (SMP) has been prepared by LID in support of the proposed building.

This report addresses Clause 55.05 Sustainability and confirms that Clause 55.05 B5-1 to B5-7 have demonstrated compliance.

17. WATER SENSITIVE URBAN DESIGN ASSESSMENT

A Water Sensitive Urban Design Assessment has been prepared by WSP.

This report demonstrates that all the applicable objectives of Clause 55.05 are met through satisfying all the relevant and corresponding Standards related to Stormwater / Water Sensitive Urban Design.

18. ACOUSTIC REPORT

An Acoustic Report has been prepared by WSP.

This report addresses and confirms compliance with Clause 55.05-6, Standard B5-6 Noise Impacts.

19. CONCLUSION

The proposal to construct a 3 storey (maximum 10 metre height) apartment building at 104 and 106 St Georges Road, Toorak has been prepared in accordance with relevant zone, overlays, Clause 55 Standards and applicable policies of Stonnington Planning Scheme.



The proposed development satisfies:

- All the relevant mandatory requirements of the General Residential Zone - Schedule 1 inclusive of the height / number of storeys and garden provisions are met.
- All the mandatory and discretionary requirements of the Design and Development Overlay – Schedule 3 are met
- All the applicable objectives of Clause 55 through meeting all the relevant and corresponding Standards and on that basis the application qualifies for the deemed to comply “fast track” assessment pathway.

We believe that all the Council’s grounds identified in the Notice of Refusal to Grant a Planning Permit dated 25 July 2025 to a similar proposal to develop the site (Planning Application No. 0448/24) have been appropriately and reasonably addressed.

Further, we believe that the Melbourne Water referral dated 6 November 2024 has also been appropriately addressed.

Given the basis, we now look forward to the Department’s favourable decision and the issue of a planning permit.

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