Planning Assessment Report

Planning permit application PA2604354
104-106 St Georges Road, Toorak



Planning Assessment Report
Development Assessment

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Executive Summary

Key Information	Details		
Application No:	PA2604354		
Received:	22 April 2026		
Applicant:	Blue Diamond Group Pty Ltd		
Planning Scheme:	Stonnington		
Land Address:	104–106 St Georges Road, Toorak		
Proposal:	To construct a multi-dwelling development in a General Residential Zone, to construct or extend a front fence associated with 2 or more dwellings on a lot in the GRZ, construct a building or construct or carry out works in a Design and Development Overlay, construct a building or construct or carry out works in a Significant Landscape Overlay, construct a building or carry out works in a Land Subject to Inundation Overlay In summary: multi-level residential building, consisting of 18 dwellings, lower level carparking, communal rooftop facilities, landscaping, associated vegetation removal and associated works.		
Development Value:	$55,776,721		
Why is the Minister responsible?	In accordance with the Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for use or development to which Clause 53.23 (Significant Residential Development with Affordable Housing) applies.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 32.08-7	General Residential Zone – Schedule 11 'Garden River & Garden Suburban Precincts'	*To construct two or more dwellings on a lot and a residential building.*
Overlays:			
	Clause 42.03-2	Significant Landscape Overlay, Schedule 1 'Yarra (Birrarung) River Corridor Environs'	*To construct a building or construct or carry out works.*
	Clause 43.02	Design and Development Overlay – Schedule 3 'Yarra (Birrarung) River Corridor Environs', Area DDO3-A	*To construct a building or construct or carry out works.*
	Clause 44.04	Land Subject to Inundation Overlay	*To construct a building or construct or carry out works and to remove, destroy or lop vegetation.*
	Clause 45.06	Development Contributions Plan Overlay – Schedule 1	*Stonnington Development Contributions Plan* applies
Other provisions	Clause 52.06	Carparking	*Requirement met*
	Clause 52.37	Canopy trees	*No trigger*

Cultural Heritage:	Cultural Heritage Management Plan 19432 approved under the *Aboriginal Heritage Act 2006* on 1 August 2025.
Total Site Area:	**3,662 square metres**
Height:	**Street front roof height of 7.5 metre from natural ground level** **Riverfront height of RL 14.628 to RL 27.510 roof height with stepped form**

Land Uses / Parking:	**Dwellings**	**Carparking**
	18	38 spaces

Advice sought:	Stonnington City Council – section 52(1)(b) notice: objection dated 4 June 2026 (officer level). Birrarung Council – informal consultation: no substantive response received when the report was finalised.
Public Notice:	The application is not exempt from the notice requirements of section 52 of the Planning and Environment Act 1987. Notice was given to owners and occupiers of adjoining and nearby land pursuant to section 52(1)(a) and potentially affected parties (d) (by letters, sign on site, website content).
Restriction on title	Instrument of Transfer No. 1187626 (roofing material restriction)
Submissions:	Objections and submissions received. All submissions received before determination have been considered.
Delegates List:	The application was presented at the Minister's Delegates List Meeting on 21/09/2026, where delegation was confirmed.
Recommendation:	The application is recommended for approval and it is recommended that a planning permit be issued subject to conditions, as discussed in this report.

Background

1. The subject site comprises the adjoining properties at 104 and 106 St Georges Road, Toorak. Both properties extend north from St Georges Road to the Yarra River - Birrarung and have been subject to a number of previous planning applications and approvals.

2. The application follows an earlier application considered and refused by Stonnington City Council in 2025. Existing planning permissions apply separately to parts of the site, including a replacement dwelling at 106 St Georges Road and a private jetty associated with 104 St Georges Road. The relationship between those permissions and the current application is addressed below.

106 St Georges Road

3. Planning history for 106 St Georges Road includes permits for a pergola, jetty and riverbank works, a rear cabana, garage extensions, vegetation removal and a replacement dwelling. A multi-dwelling application was refused by the council in 2015, with the subsequent VCAT proceeding withdrawn before hearing. Planning Permit 0002/18, issued on 15 October 2019 for a replacement dwelling and associated vegetation removal, is identified by the applicant as remaining valid. The proposed permit for PA2604354 prevents that permit and the current apartment approval from being implemented concurrently.

Stonnington Planning Application 0448/24

4. Planning Permit Application 0448/24 was lodged with Stonnington City Council on 30 July 2024 for a 12-apartment residential development across the combined site, including 31 car spaces, communal facilities, substantial excavation, vegetation removal and associated access and landscape works. The council received three objections and, following assessment by its internal departments and comments from Melbourne Water, refused the application under delegation on 25 July 2025. The grounds principally related to the absence of an approved Cultural Heritage Management Plan, the proposal's response to the Birrarung corridor, building height, scale and neighbourhood character, extensive earthworks, vegetation removal, side setbacks and landscaping, adjoining and internal amenity, flooding and drainage, street-tree impacts and insufficient detail on boundary fencing. No permit was issued.

5. The current application is a separate proposal and has been assessed against its own plans, supporting material and the planning controls applying to the land.

Development Facilitation Program and Clause 53.23

6. Following the council's refusal, a revised proposal was progressed through the Development Facilitation Program under Clause 53.23. The Minister for Planning confirmed on 23 February 2026 that the project was eligible to lodge an application under Category 1 of Clause 53.23, based on an estimated residential development cost of approximately $55.8 million and a proposed affordable housing contribution equivalent to 3% of that cost, indicatively approximately $1.673 million. The contribution will be secured through an agreement under section 173 of the Planning and Environment Act 1987. Eligibility allowed the application to be lodged with the Minister for Planning but did not constitute planning approval or predetermine the assessment of the proposal.

Current Planning Permit Application PA2604354

7. Planning Permit Application PA2604354 was lodged with the Minister for Planning via the DTP portal on 22 April 2026.

8. The application seeks approval for a residential apartment development at 104–106 St Georges Road, Toorak. Due to the significant fall of the land, the building includes lower and basement levels presenting towards the Birrarung.

9. The current application differs from the council Planning Permit Application 0448/24. The current application is a revised and separate proposal. The principal changes from Planning Permit Application 0448/24 are summarised in the Proposal Summary below.

Application Process

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

Milestone	Date
Development Facilitation Program (Pre-lodgement)	Proposal was considered through the Development Facilitation Program under Clause 53.23 of the Stonnington Planning Scheme. On 23 February 2026, the Minister for Planning confirmed that the proposal was eligible to proceed under Category 1 of Clause 53.23. Eligibility was based on an estimated residential development cost of approximately $55.8 million and an affordable housing contribution equivalent to 3% of the development cost.
Application lodged	22 April 2026
First notice	Notice letters sent on 22 May 2026. Primary application documents were uploaded to the Ministerial Permits Register on 2 June 2026. (Some supporting documents were not initially uploaded. An extension to the notice period was provided.) Notice period extended to 17 June 2026.
Second notice	A number of supporting documents were not included in the publicly accessible documents. A second round of notice was given from 19 June to 7 July 2026 with the additional supporting documents made publicly available.
Third notice	Title documents were identified as omitted from the publicly exhibited material. A third round of notice was given which closed on 27 July 2026.
Decision Plans	• Architectural plans prepared by Charles Wright Architects, Revision TP10, dated 31 March 2026.
Other Assessment Documents	• Planning Assessment Report prepared by Time & Place, dated 21 April 2026; • Architectural plans prepared by Charles Wright Architects, Revision TP10, 31 March 2026; • Clause 55 assessment prepared by Charles Wright Architects; • Arboricultural Impact Assessment prepared by Tree Department, December 2024; • Transport Impact Assessment prepared by One Mile Grid, 13 October 2025; • Waste Management Plan prepared by One Mile Grid,18 March 2026; • Acoustic Town Planning Report prepared by WSP, Revision 02, 19 March 2026;

- Water Sensitive Urban Design Assessment prepared by WSP, Revision 02, 20 March 2026;
- Sustainability Assessment prepared by Low Impact Development Consulting, 29 April 2026;
- Cultural Heritage Management Plan 19432, author? and its Notice of Approval;
- Urban Design Memorandum prepared by Urbis, 10 October 2025.
- Landscape Plan prepared by John Patrick Landscape Architects, April 2026.
- Creek Reserve Rehabilitation Plan prepared by John Patrick Landscape Architects, March 2026.
- Quantity Surveyor Letter prepared by Plancost, 3 October 2025.
- Legal Advice concerning Restrictive Covenant on Instrument of Transfer no. 1187626 prepared by Planning & Property Partners, 20 December 2024.
- Design Memo, prepared by John Patrick Landscape Architects, 21 April 2026.
- Acoustic Town Planning Report prepared by WSP,19 March 2026.
- Economic Benefits Assessment prepared by Urbis, 22 September 2025
- Title documents and restrictions.

11. Documents prepared for the previous council permit application were also considered, as relevant. Those documents have been relied upon only where their assumptions and recommendations remain relevant to the current proposal. Where further information or updated detail is required, this is addressed through the recommended permit conditions.

12. The subject of this report is the proposed development shown on the TP10 decision plans, read together with the supporting reports, documents, assessment material and the changes required by the recommended permit conditions.

Proposal Summary

13. The application seeks approval for construction of a residential apartment development comprising 18 dwellings, lower-level car parking, communal and private open space, a rooftop swimming pool, landscaping, vegetation removal and associated buildings and works. The development is arranged across the steeply sloping site and steps down towards the Birrarung.

14. The proposal follows an earlier application (Planning Permit Application No. 0448/24), which was refused by Stonnington City Council on 25 July 2025. The current proposal has been substantially revised in response to the issues raised through that process, including:
    - reducing site coverage from 47% to 37%;
    - providing 59% garden area;
    - increasing side setbacks;
    - providing a central separation between the two building forms;
    - increasing landscaping opportunities along the side and river interfaces; and
    - retaining the required 30 metre setback from the Birrarung Setback Reference Line.

15. Key details of the proposed are as follows:
    - 18 apartments comprising 1 x one-bedroom, 1 x two-bedroom, 15 x three-bedroom and 1 x four-bedroom penthouse;

- 35 resident car parking spaces and 3 visitor spaces;
- 25 bicycle spaces comprising 20 resident and 5 visitor spaces;
- 3,203 sqm gross floor area across
- building footprint of approximately 1,372 sqm, representing 37% site coverage;
- approximately 2,168 sqm of garden area, representing 59% of the site;
- a minimum 30 metre setback from the Birrarung Setback Reference Line;
- rooftop terrace, swimming pool, landscaped roof areas and private balconies;
- retention of existing vegetation (how many canopy trees to be removed? And how many to be retained?) and substantial new landscaping, with the plans identifying approximately 35% (future?) canopy coverage;
- vehicle access from two new crossovers to St Georges Road, with the existing crossover arrangements removed;
- a stepped built form that responds to the significant fall of the land towards the Birrarung; and
- a restrained materials palette comprising predominantly off-form concrete, slate roofing and glazing.

16. The following concept images of the proposal have been submitted:



Figure 1: *Architects impression of the proposed development from the Yarra River*



***Figure 2**: Architects impression of the proposed development from St Georges Road*



***Figure 3:** Architect's impression of the development as viewed from the northern banks of the Yarra River*



Figure 4: *Architect's impression of the proposed building as viewed from St Georges Road.*

Subject Site and Surrounds

Site Description

17. The subject site is formally known as 104–106 St Georges Road, Toorak. The site comprises two adjoining residential lots with a combined area of approximately 3,662 square metres, a frontage to St Georges Road of approximately 64 metres and a maximum depth of 78.64 metres. The land falls steeply by approximately 18 metres from St Georges Road towards the Birrarung, which forms the northern boundary of the site.

18. The site comprises two properties, being 104 and 106 St Georges Road. No. 104 is currently occupied by a two-storey brick dwelling with a pitched roof. No. 106 is occupied by a split-level dwelling with a pitched roof.

19. The site is located within an established residential area of Toorak. The surrounding properties comprise predominantly residential development, including a two-storey dwelling at 102 St Georges Road to the east and a split-level dwelling at 108 St Georges Road to the west.

20. The site has a substantial landscaped river interface, with the proposed development required to maintain a 30 metre setback from the Setback Reference Line adjoining the Birrarung.

21. Existing vehicle access is provided from St Georges Road via two existing vehicle crossovers.



Figure 5: *Aerial photograph showing the subject site and surrounds (Source:Vicplan)*

Site Context

22. The site is located within an established residential area of Toorak, with St Georges Road comprising a mix of detached and larger residential development set within established landscaped gardens. The site has a direct interface with the Birrarung to the north and forms part of the Garden River Precinct identified under the Stonnington Planning Scheme.

23. The site and surrounding land fall significantly from St Georges Road towards the Birrarung. The subject site is an embankment that falls approximately 18 metres between the street frontage and river.

North

24. Immediately north of the site is the Birrarung. The site maintains a substantial landscaped interface with the river and is affected by planning controls relating to the protection of the Birrarung corridor, landscape character and flooding.

East

25. Immediately east of the site is 102 St Georges Road, which contains a two-storey brick dwelling with a pitched roof. The dwelling is setback from the common boundary and includes habitable room windows facing towards the subject site.

West

26. Immediately west of the site is 108 St Georges Road, which contains a split-level dwelling with a flat roof. The dwelling is setback from the common boundary and includes habitable room windows facing towards the subject site.

South

27. To the south is St Georges Road, a Council-managed collector road with residential properties located opposite the site. Existing street trees and footpaths extend along the site frontage.

Municipal Planning Strategy

28. The Municipal Planning Strategy and Planning Policy Framework (PPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans.

29. The following objectives and strategies of the Municipal Planning Strategy of the Stonnington planning scheme are relevant to the proposed development:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environment and Amenity
02.03-3	Built Environment and Heritage
02.03-4	Housing
02.03-7	Transport
02.03-8	Infrastructure
02.04-1	Strategic Framework Plan

Planning Policy Framework

30. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision-making on planning proposals across Victoria. The following objectives and strategies of the Planning Policy Framework of the Stonnington planning scheme are relevant to the proposed development:

Clause 11	**Settlement**
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of urban land
Clause 12	**Environmental and Landscape Values**
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
12.03-1R	Birrarung (Yarra River)
Clause 13	**Environmental Risks and Amenity**
13.03-1S	Floodplain management
13.05-1S	Noise management
Clause 15	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1L	Landscaping
15.01-2S	Building Design
15.01-2L-01	Building Design

15.01-2L-02	Environmentally sustainable development
15.01-5S	Neighbourhood character
15.03-2S	Aboriginal Cultural Heritage
Clause 16	Housing
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L-01	Housing supply
16.01-2S and 16.01-1L	Housing affordability
Clause 17	Employment
17.01-1S	Diversified Economy
17.01-1S	Diversified Economy – Metropolitan Melbourne
Clause 18	**Transport**
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and safe transport
18.02-4L-01	Road system and access
18.02-4L-02	Car parking
Clause 19	**Infrastructure**
19.03-3S	Integrated water management
19.03-5S	Waste and resource recovery
19.03-5L	Waste management

31. The 'Assessment' section of this report provides an assessment of how the proposed development responds to the objectives and strategies of the relevant planning policies outlined above.

Zoning and Overlays

Clause 32.08 – General Residential Zone

32. The site is within the General Residential Zone and is affected by Schedule 11, which applies to the Garden River and Garden Suburban Precincts.
33. The purposes of the General Residential Zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that is responsive to the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

34. Pursuant to Clause 32.08-7, a permit is required to construct two or more dwellings on a lot and a residential building.

35. A permit is also required under Clause 32.08-7 to construct or extend a front fence within 3 metres of a street where the fence is associated with two or more dwellings on a lot or a residential building and exceeds the applicable maximum height.

36. The proposal must respond to the requirements of Clause 55. A detailed officer assessment is provided at Appendix 1.

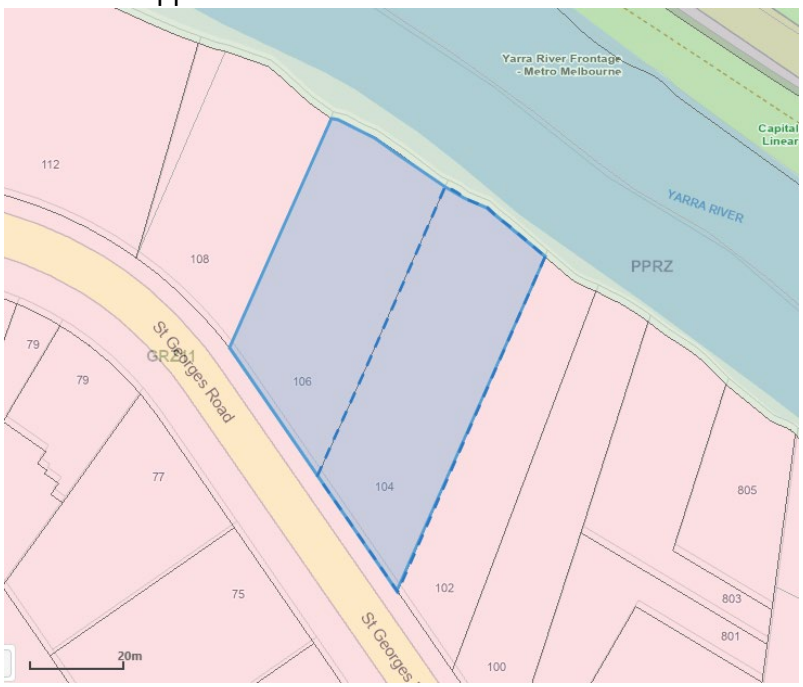


Figure 6: General Residential Zone, Schedule 11 applying to the subject site *(Source: Vicplan)*

Clause 43.02 Design and Development Overlay – Schedule 3

37. The site is affected by Schedule 3 to the Design and Development Overlay and is within Area A. The Schedule applies to the Yarra (Birrarung) River Corridor.

38. The purposes of the Design and Development Overlay are:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

DDO Schedule 3 Yarra (Birrarung) River Corridor

The Design Objectives of DDO3 are:

- To ensure new buildings, tennis courts, swimming pools and other structures are appropriately set back from the banks of the Yarra River and adjacent public open space.
- To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting.

- To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, pedestrian and bicycle paths.
- To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.
- To minimise impervious surfaces to allow for the filtration of water and retention and establishment of vegetation and canopy trees.

39. The proposed building, rooftop pool, fencing and associated works are assessed against the mandatory and discretionary requirements of DDO3 in the Assessment section of this report.

40. Note: The proposed variation to the mandatory building-height requirement is assessed under Clause 53.23

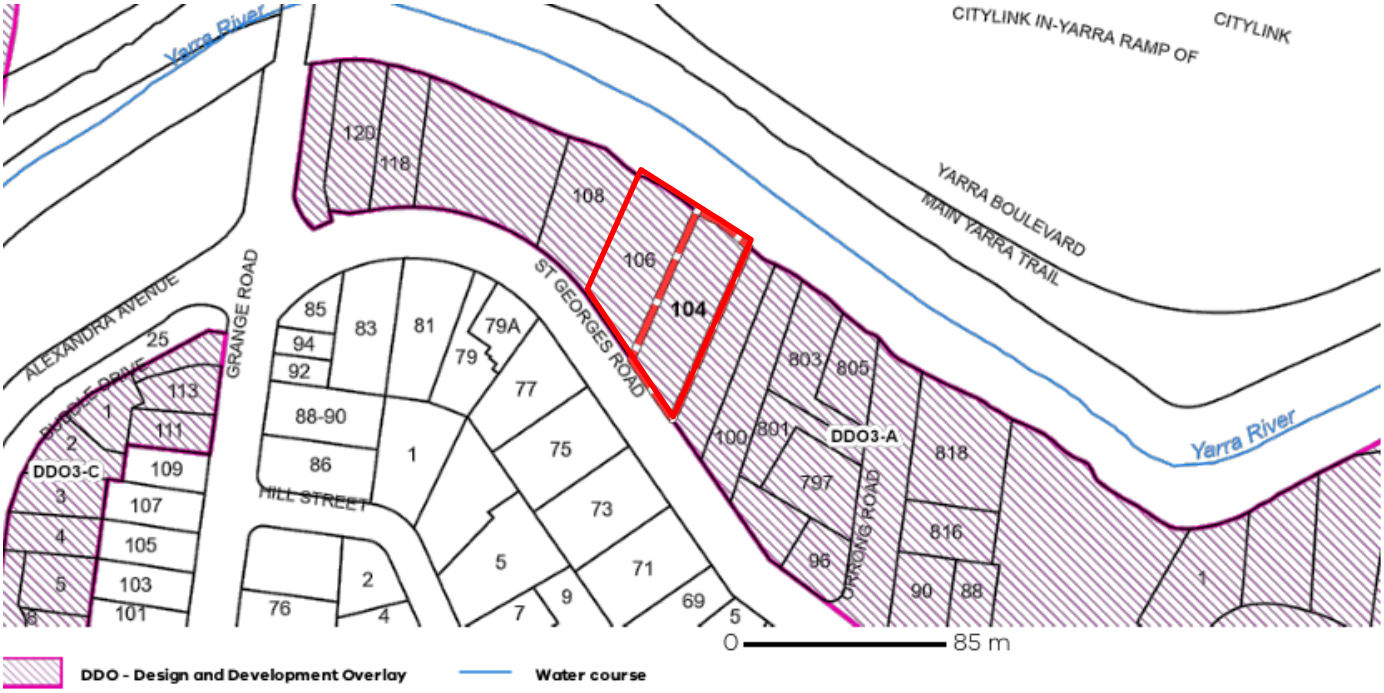


Figure 7: Design and Development Overlay, Schedule 3 applying to the subject site *(Source: Vicplan)*

Clause 42.03 – Significant Landscape Overlay, Schedule 1

41. The site is affected by Schedule 1 to the Significant Landscape Overlay, which relates to the Yarra (Birrarung) River Corridor Environs.

42. The purposes of the Significant Landscape Overlay are:
    - To implement the Municipal Planning Strategy and the Planning Policy Framework.
    - To identify significant landscapes.
    - To conserve and enhance the character of significant landscapes.

43. The Statement of nature and key elements of landscape are:

> *The Yarra River has metropolitan significance as an environmental, aesthetic, cultural, recreation and tourism asset. The river corridor links parklands and reserves into a near-continuous*

vegetated landscape experience that provides a highly valued, secluded natural environment, enjoyed by local and metropolitan communities.

The Yarra River corridor contains some of the most valued flora, fauna, geological and geomorphological assets in metropolitan Melbourne. Indigenous vegetation and remnant riparian vegetation provide habitat and contribute to the protection of water quality and flow regimes. This segment of the Yarra River flows through the traditional land of the Wurundjeri Woi Wurrung people. The waterway, its natural landscape and key features have social, cultural and spiritual significance, with areas such as the river flats and billabongs being important gathering spots.

44. The Landscape Character objectives to be achieved are:

- *To retain vegetation that contributes to landscape character, heritage values and neighbourhood character.*
- *To maintain and protect linear public open space and provide for secluded areas of public open space with access to the river where appropriate.*
- *To encourage the co-location or clustering of buildings, jetties and mooring facilities on public land.*
- *To encourage bicycle and shared paths that are safe, well located and require minimal earthworks and vegetation removal.*
- *To ensure fencing within close proximity to the Yarra River is low in scale, visually permeable and does not contrast with the natural landscape character.*

45. A permit is also required under Clause 42.03-2 to remove, destroy or lop vegetation where specified by Schedule 1.

46. A response to SLO1 is assessed in the Landscaping and Birrarung Environs sections of this report.

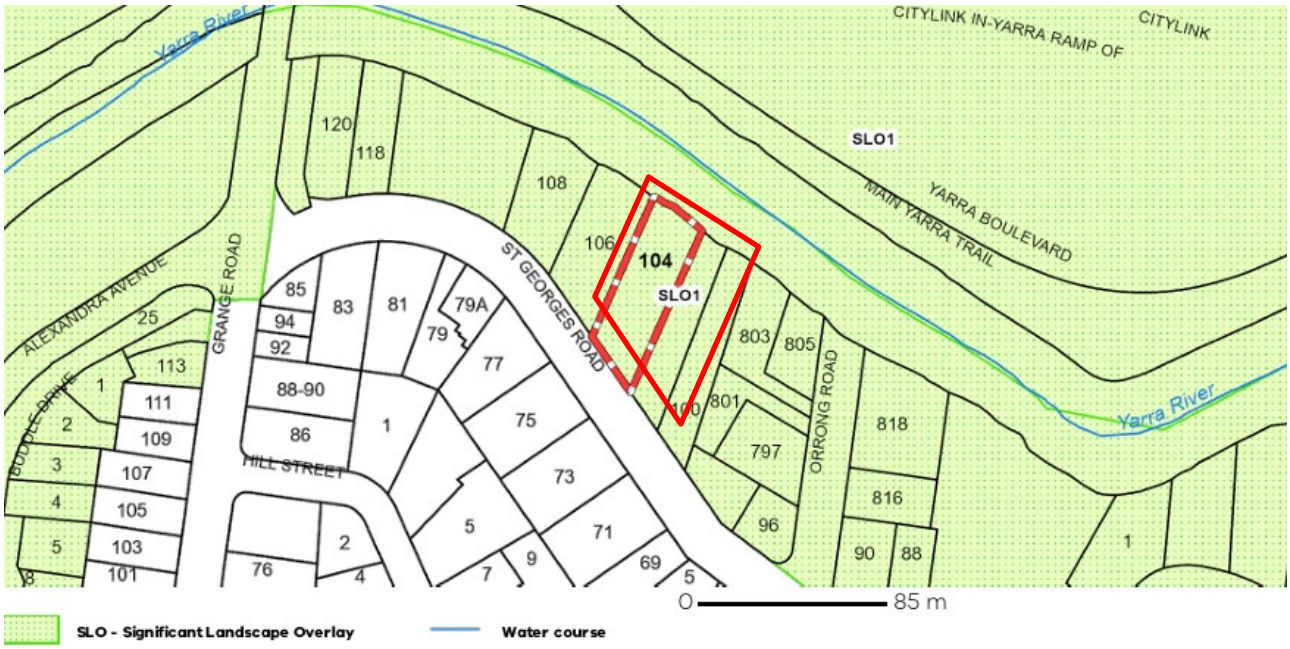


Figure 8: Significant Landscape Overlay, applying to the subject site *(Source:Vicplan)*

Land Subject to Inundation Overlay

47. Part of the site adjoining the Birrarung is affected by the Land Subject to Inundation Overlay (LSIO).

48. The purpose of the LSIO includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the *Water Act, 1989*.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

49. The application has been considered having regard to the flood conditions affecting the site and Melbourne Water's requirements. Flooding, finished floor levels, fencing and associated floodplain considerations are discussed in the Assessment section of this report.

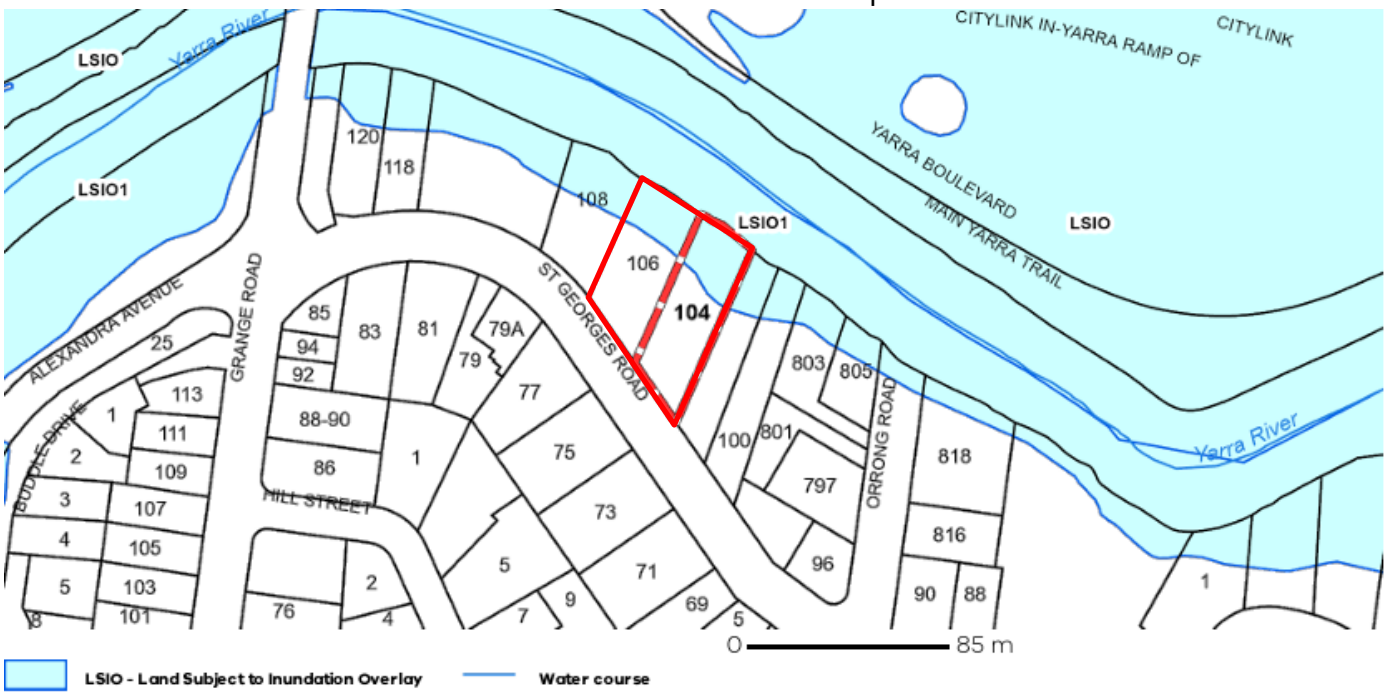


Figure 9: Land Subject to Inundation Overlay, applying to the subject site *(Source:Vicplan)*

Particular and General Provisions

Clause 52.06 Car Parking

50. Clause 52.06 sets out the requirements for the number of car parking spaces to be provided in association with new use and development along with statutory provision for their design.

51. The application does not seek a reduction in the statutory car parking requirement. The proposal provides 35 residential bays and 3 visitor bays. Vehicle access, parking provision and parking design are assessed later in this report.

Clause 52.34 Bicycle Facilities

52. Clause 52.34 sets out requirements for the provision and design of bicycle parking and associated facilities and seeks to encourage cycling as a mode of transport.

53. The development provides a total of 25 bicycle parking spaces, comprising 20 resident and 5 visitor spaces.

54. The proposed bicycle parking provision exceeds the statutory requirement and no reduction or waiver of the requirements of Clause 52.34 is sought.

55. The bicycle parking arrangements are discussed further in the Assessment section of this report.

General Requirements and Performance Standards

Clause 53.18 Stormwater Management in Urban Development

56. Clause 53.18 applies to the buildings and works proposed by the application and sets out objectives and standards for stormwater management in urban development.

57. The Clause seeks to ensure that stormwater, including through retention and reuse, is managed to mitigate impacts on the environment, property and public safety and provide cooling, local habitat and amenity benefits.

58. The application is supported by a Water Sensitive Urban Design Assessment which addresses stormwater management and water sensitive urban design. These matters are discussed further in the Assessment section of this report.

Clause 53.23 Significant Residential Development with Affordable Housing

59. The application has been submitted under Clause 53.23 of the planning scheme. (Significant Residential Development with Affordable Housing). Clause 53.23 seeks to facilitate residential development that incorporates affordable housing to meet existing and future needs.

60. The development was confirmed as eligible under Category 1 of Clause 53.23 of the Stonnington Planning Scheme as part of the Development Facilitation Program's pre-application process. Specifically, the application is supported by:

- A quantity surveyor report confirming the estimated cost of works (residential component).
- A letter from Invest Victoria.
- A report outlining how the proposal will contribute to the provision of affordable housing contribution. In this regard, a cash contribution to the Social Housing Growth Fund is proposed.

61. The affordable housing contribution is discussed in the assessment section of this report. Pursuant to Clause 53.23-5 an application under any provision of the planning scheme is exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of sections 82 (1) of the Act.

Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

62. Clause 55 applies to the residential development proposed as part of this application and sets out the relevant objectives and standards relating to site layout, building form, amenity, landscaping, sustainability, access and dwelling design.

63. The application is accompanied by a detailed Clause 55 assessment and supporting architectural plans demonstrating the proposal's response to the applicable standards.

64. The proposal's response to Clause 55 is discussed further in the Assessment section of this report.

Clause 65.01 Decision Guidelines

65. Clause 65.01 sets out general decision guidelines to be considered, as appropriate, before deciding an application.

67. Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- 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.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

These matters are addressed throughout this report and recommended permit conditions.

Strategic Plans

Plan for Victoria

66. Plan for Victoria establishes the State's long-term vision for growth and is structured around housing, access to jobs and services, great places, sustainable environments and caring for Country.

67. The Plan seeks to provide Victorians with a choice of well-designed housing at an affordable price and close to daily needs, while protecting distinctive local characteristics and environmental values. It also establishes housing targets for each municipality and seeks to deliver at least 70% of new homes within established urban areas.

68. The proposal contributes 18 additional dwellings within established metropolitan Melbourne and includes an affordable housing contribution through Clause 53.23. However, the Plan also requires environmental risks and local landscape values to be understood and managed. The proposal must therefore be considered against the site's residential context, Birrarung interface, flood risk and applicable built-form and landscape controls.

69. Subject to the detailed assessment and recommended conditions, the proposal is considered to make a modest contribution to the housing objectives of Plan for Victoria while providing an acceptable response to the environmental and landscape constraints of the site.

Victoria Housing Statement

70. Victoria's Housing Statement: The Decade Ahead 2024–2034 identifies increased housing supply and affordability as key State priorities. It supports planning-system reform, faster decision-making and the delivery of more homes, including social and affordable housing.

71. The proposal contributes 18 dwellings within established Melbourne and is being assessed through the Clause 53.23 pathway for significant residential development with affordable housing. The applicant proposes an alternative affordable housing contribution equivalent to 3% of the development cost, to be secured through a section 173 agreement.

72. The Housing Statement provides strategic support for additional housing but does not displace the need to achieve an acceptable response to the operative planning controls, environmental risks, landscape values and residential amenity considerations applying to the site.

Birrarung (Yarra River) Corridor

73. The site directly interfaces with the Birrarung and is subject to a planning framework that seeks to protect the environmental, cultural and landscape values of the river corridor.

74. The key planning provisions relevant to this interface include Clause 12.03-1R (Birrarung), Design and Development Overlay Schedule 3 (Yarra (Birrarung) River Corridor) and Significant Landscape Overlay Schedule 1 (Yarra (Birrarung) River Corridor Environs).

75. These provisions seek, amongst other matters, to ensure that development responds appropriately to the landscape character of the river corridor, protects vegetation and environmental values, manages earthworks and topographical change and limits the visual prominence of development when viewed from the river environs.

76. These matters are particularly relevant to the proposal given the site's direct interface with the Birrarung and significant fall from St Georges Road towards the river. The proposal's response to the Birrarung corridor is assessed in detail in the Assessment section of this report.

Referrals and Notice

Referrals

77. Pursuant to Clause 66.03 of the Stonnington Planning Scheme, the application was referred to Melbourne Water under section 55 of the Planning and Environment Act 1987 as the relevant floodplain manager for land affected by the Land Subject to Inundation Overlay.

Provision / Clause	Referral Authority	Response and date received
Clause 66.03 and Clause 44.04-7	Melbourne Water	9 July 2026 – No objection, subject to conditions.

78. Melbourne Water does not object to the proposal subject to conditions relating to finished floor levels, basement flood protection, fill and flood-storage capacity, permeable fencing, waterway works and environmental management during construction.

79. The Melbourne Water requested conditions for relevant ground-floor areas, basement openings and the basement ramp apex to be no lower than 7.60 metres AHD. The conditions requested also require removal of the pickleball court and outdoor kitchen and further approval of any proposed rock beaching or riverbank stabilisation works.

80. The Melbourne Water requested conditions are accepted and included in the recommended permit.

Notice

81. Notice under Section 52 of the Planning and Environment Act 1987 was provided to the following organisations:

Provision / Clause	Organisation	Response and date received
Section 52(1)(a)	Owners and occupiers of adjoining and nearby land	Objections and supplementary submissions received.
Section 52(1)(b)	Stonnington City Council	4 June 2026 – Officer-level objection.
Section 52(1)(d)	Materially affected parties	Various submissions

82. Stonnington City Council objected to the application on grounds relating to the proposal's response to the Birrarung corridor, earthworks, vegetation removal, side setbacks and landscaping, building height, materials, neighbourhood character, adjoining and internal amenity, street integration, flooding and street-tree impacts. The council confirmed that the objection represented an officer-level position and had not been endorsed by the councillors.

83. The council's grounds and DTP's response are set out at Appendix 2 of this report.

84. General submissions received raise the following grounds of objection, in summary:
- building height, scale, density and neighbourhood character;
- impact on the Birrarung corridor and compliance with DDO3 and SLO1;
- earthworks, excavation and vegetation removal;
- landscaping response;
- canopy-tree loss;
- visual bulk;

- overlooking, overshadowing;
- privacy;
- rooftop and mechanical plant noise;
- traffic, parking, vehicle access;
- pedestrian safety;
- waste collection, deliveries and servicing;
- flooding, stormwater and WSUD resaponse;
- construction impacts;
- restrictive covenant;
- Clause 53.23 eligibility and affordable housing;
- Aboriginal cultural heritage impact;
- the currency and consistency of the application documents; and
- the notice process and procedural fairness.

These matters are addressed in the Response to Objections section and throughout the assessment in this report.

Other Consultation

85. DTP Urban Design reviewed the proposal and provided a memorandum dated 19 June 2026. The proposal was broadly supported from an urban design perspective, subject to recommendations relating to side-boundary planting, Apartment 4, the permeability of fencing and timber screens and the eastern crossover and retention of Tree 4.

86. The Birrarung Council was provided with the application material and invited to comment on the river interface, setback and landscaping response, earthworks, topographic change, views from the opposite riverbank and the principles of the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*. No substantive response had been received when this report was finalised.

Public notice and procedural fairness

87. DTP acknowledges that the original notice process included an error. Notice commenced on 22 May 2026; however, the application documents were not available on the Ministerial Permits Register at the commencement of the notice period. The primary documents were uploaded after the matter was raised on 1 June 2026 and the submission period was initially extended to 17 June 2026.

88. A subsequent review identified that additional supporting documents had not been included in the publicly available material. The application was notified again from 19 June 2026, with the additional documents made available and a revised not-before determination date of 7 July 2026.

89. Following identification of five omitted title-related documents, those documents were uploaded and the application was notified again from 13 July to 27 July 2026.

90. The site notice was installed on 25 May 2026 and removed on 9 June 2026 in accordance with the original notice period. It was not updated or reinstated to reflect the initial extension. DTP acknowledges that this contributed to uncertainty regarding the revised timeframe and formed part of the reason further notice was undertaken.

91. All earlier objections remained valid. Objectors were advised that supplementary submissions could be lodged and would supplement rather than replace earlier objections.

92. The application was not determined before completion of the final notice period and consideration of submissions. The further notice processes provided interested parties with access to the additional material and further opportunities to make submissions before determination.

93. Despite errors in administrative processes, the notice steps overall have ensured that relevantly affected parties, including owners and occupiers of adjoining land, relevant agencies and the council, have had a fair opportunity to be aware of the permit application, to obtain and review relevant application documents, and to be able to make a submission and have that submission and grounds of their submission considered by the responsible authority.

Key Considerations

Objectives of the Planning and Environment Act 1987

94. The objectives of planning in Victoria under section 4(1) of the Planning and Environment Act 1987 include providing for the fair, orderly, economic and sustainable use and development of land; protecting natural and human-made resources and ecological processes; securing safe and pleasant living environments; conserving places of cultural value; facilitating development; facilitating affordable housing; and balancing the present and future interests of Victorians.

95. Section 4(2) also requires the planning framework to integrate land-use planning with environmental, social, economic, conservation and resource-management policies and to ensure that environmental, social and economic effects are explicitly considered in decisions about the use and development of land.

Environmental effects

96. The principal environmental effects relate to the site's direct interface with the Birrarung, substantial excavation, removal of established vegetation, flood risk and stormwater management. The proposal removes 38 trees, including Tree 63, and will alter the land within the development footprint through works, stabilisation and new structures. Against these impacts, the proposal retains Tree 48 and other river-side vegetation, maintains the mandatory 30-metre setback, provides replacement canopy planting and creek-reserve rehabilitation and is subject to Melbourne Water's floodplain requirements. Subject to the landscape, tree-protection, stormwater, construction-management and Melbourne Water flood plain management conditions, the environmental effects are considered capable of being appropriately managed.
97. Viewlines and built form bulk, materials and material colour impacts are considered acceptable overall.
98. The character of the river environs will not be adversely affected, as the built form stepped building response and integrated landscape treatments will ensure a harmonious design response to the site and its setting.
99. The building will not be out of character with the broader design approach employed within similarly sensitive river front locations along the Birrarung.

Social effects

100. The proposal will provide 18 dwellings of varying sizes and an affordable housing contribution through Clause 53.23. This will contribute to housing supply and choice within established Melbourne. The development will also materially alter the existing residential and landscape setting and has generated substantial community concern regarding visual bulk, privacy, rooftop noise, traffic and the Birrarung interface. These effects have been considered through the Clause 55, acoustic, traffic, landscape and built-form assessments. Subject to the recommended conditions, the proposal is considered capable of maintaining an acceptable level of adjoining residential amenity.
101. New opportunities for residential dwelling diversity will contribute to beneficial social impacts, including an affordable housing contribution.

Economic effects

102. The proposal has an estimated residential development cost of approximately $55.8 million and will make more intensive use of two existing residential lots. It will support investment in additional housing and provide an affordable housing contribution equivalent to 3% of the development cost. No

evidence has been identified that the proposal would cause an unreasonable economic effect on nearby land, infrastructure or public assets. Costs associated with the development, including works to council assets, flood-mitigation measures, infrastructure management and preparation of the section 173 agreement, are to be met by the permit holder.

103. The development of the site will provide meaningful economic benefits through employment during the construction phase, including trade workers, materials expenditure and associated benefits.

Integrated conclusion

104. The proposal advances the objectives relating to housing supply, affordable housing and orderly development, while giving rise to environmental and social impacts requiring careful management. Having regard to the design revisions, technical evidence, referral response and recommended conditions, the proposal is considered to provide an acceptable balance between environmental, social and economic effects and the present and future interests of the community. These benefits overall provide a satisfactory response to the objectives of the Planning and Environment Act 1987 under section 60(1)(b).

105. In assessing the proposed development, the principal matters relevant to the assessment include:

- The objectives of planning in Victoria and the planning framework established by the Planning and Environment Act 1987;
- Matters a responsible authority must consider under section 60 of the Planning and Environment Act 1987;
- Plan for Victoria and Victoria's Housing Statement: The Decade Ahead 2024–2034.
- The protection principles and strategic framework applying to the Birrarung and surrounding land.
- Response to the Municipal Planning Strategy and Planning Policy Framework.
- Housing supply and affordable housing.
- Built form response to DDO3, including building height, setbacks, site coverage and earthworks.
- Response to the Birrarung and associated landscape and environmental values.
- Local character, building siting, scale and architectural response.
- Landscaping, vegetation removal and canopy cover.
- Flood plain management and Melbourne Water requirements.
- Residential amenity, including overlooking, overshadowing, visual bulk and noise.
- Clause 55 requirements and internal amenity.
- Car parking, bicycle parking, vehicle access and traffic impacts.
- ESD, stormwater and waste management
- Compliance with restrictions on titles;

Strategic Direction and Land Use

Municipal Planning Strategy

106. The particular MPS policies that apply have been summarised earlier in this report, and a brief assessment of how the proposal responds to these policies is provided below. These matters are discussed in greater detail in the following sections of this report.

107. The Stonnington Planning Scheme seeks to accommodate additional housing and population growth while maintaining the municipality's valued residential character, landscape qualities and environmental assets. For the subject site, these considerations are particularly relevant given its location within an established residential area and direct interface with the Birrarung.

108. The environmental and landscape directions of the MPS recognise the importance of protecting waterways, biodiversity, established vegetation and significant landscape values. The subject site has a direct interface with the Birrarung and is affected by specific built form and landscape controls under DDO3 and SLO1 which seek to protect the landscape and environmental values of the river corridor. The proposal's response to these controls is assessed in detail in the following sections of this report.

109. The proposal has been designed to provide a substantial landscaped setting adjacent to the Birrarung, including maintaining the required 30 metre setback from the Setback Reference Line. The proposal provides 59% garden area and substantial replacement planting, including canopy trees and landscaping along the side and river interfaces.

110. The built environment and neighbourhood character directions of the MPS seek to ensure that new development appropriately responds to its context, provides a high-quality design outcome and manages impacts on adjoining residential properties and the public realm.

111. The proposal represents a more intensive residential development than currently exists on the site. However, the development has been substantially revised from the scheme previously refused by Stonnington City Council, including a reduction in site coverage from 47% to 37%, increased side setbacks, greater landscaping opportunities and a central separation between the principal building forms.

112. The proposed building also adopts a stepped form that responds to the significant fall of the land towards the Birrarung. The appropriateness of the building height, scale, setbacks, earthworks, architectural response and visual impact is considered in detail against DDO3, SLO1 and the relevant neighbourhood character provisions in the following sections of this report.

113. The housing directions of the MPS support the provision of additional and diverse housing while ensuring that development responds appropriately to neighbourhood character, infrastructure, environmental constraints and residential amenity. The proposal will provide 18 apartments comprising a mix of one, two, three and four-bedroom dwellings on a consolidated residential site.

114. The proposal is also being assessed through Clause 53.23 (Significant Residential Development with Affordable Housing) and includes an affordable housing contribution equivalent to 3% of the development cost.

115. The proposal incorporates a range of measures to manage amenity impacts on adjoining residential properties, including building setbacks, landscaping, privacy treatments and screening. The submitted plans also address overlooking, overshadowing, private open space, internal amenity and natural ventilation through the applicable Clause 55 standards.

116. Overall, the proposal is considered to respond appropriately to the strategic directions of the MPS. It delivers additional and diverse housing while providing a built form and landscape response that, subject to the detailed assessment and recommended permit conditions, appropriately responds to the residential context and the significant landscape and environmental values associated with the Birrarung.

Planning Policy Framework

117. The Planning Policy Framework broadly encourages sustainable development that responds to Victoria's housing needs while protecting environmental and landscape values, neighbourhood character and residential amenity. The proposed development is considered against the relevant state, regional and local planning objectives and strategies below.

Settlement

118. Clauses 11.01-1S, 11.01-1R and 11.02-1S support sustainable urban consolidation and the efficient use of existing land, infrastructure and services within established metropolitan Melbourne.

119. The proposal consolidates two residential lots and provides 18 dwellings, contributing to housing supply and diversity within the established urban area.

120. The site is within an established residential area and directly interfaces with the Birrarung. The proposed development must therefore respond appropriately to the site's residential context and its environmental, landscape and flooding constraints.

121. Subject to the detailed assessment against GRZ11, DDO3, SLO1, the LSIO and Clause 55, the proposal is considered to provide an acceptable opportunity for residential consolidation consistent with the broad settlement directions of Clause 11.

Environmental Risks and Amenity

122. Clause 13 seeks to ensure that development appropriately responds to environmental risks and protects human health, safety and amenity. For the subject site, the key considerations relate to flooding associated with the Birrarung, noise impacts and the compatibility of the development with surrounding residential land.

123. Clause 13.03-1S (Floodplain management) seeks to assist the protection of life, property and community infrastructure from flood hazard and ensure that development appropriately responds to floodplain conditions. The northern portion of the site is affected by the Land Subject to Inundation Overlay and the application has been referred to Melbourne Water. The proposal has been assessed having regard to the applicable flood level and Melbourne Water's requirements, including minimum finished floor levels and flood protection measures. These matters are discussed in further detail in the following sections of this report.

124. Clause 13.05-1S (Noise management) seeks to manage noise effects on sensitive land uses and ensure community amenity and human health are not adversely affected by noise emissions. The application is supported by an Acoustic Report prepared by WSP, which considers noise associated with the proposed development. In response to concerns regarding the rooftop pool and communal terrace, recommended permit conditions require further assessment of noise associated with these areas and implementation of any necessary attenuation or management measures.

125. Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate use and development. The surrounding land is predominantly residential and the proposal therefore requires careful consideration of potential off-site amenity impacts, including overlooking, visual bulk, noise, traffic and construction impacts.

126. The proposal incorporates setbacks, landscaping and screening to manage its interface with adjoining residential properties. Further requirements relating to acoustic attenuation, landscaping, traffic management and construction impacts are proposed to be secured through permit conditions.

127. Subject to the recommended conditions, the proposal is considered capable of appropriately responding to the environmental risks affecting the site and maintaining a reasonable level of amenity for surrounding residential properties.

Built Environment, Neighbourhood Character and Cultural Heritage

128. Clause 15.01-1S (Urban design) and Clause 15.01-2S (Building design) seek to ensure that development responds appropriately to its context, contributes positively to the public realm and landscape setting and minimises adverse impacts on the natural and built environment.

129. These considerations are particularly relevant given the site's established residential context, significant fall towards the Birrarung and direct interface with the river corridor. The surrounding area is characterised by large detached dwellings within established landscaped settings, while DDO3 and SLO1 establish specific built-form and landscape expectations for development adjoining the Birrarung.

130. Clause 15.01-5S (Neighbourhood character) seeks to ensure that development respects the existing or preferred neighbourhood character. Clause 15.01-5L identifies the site within the Garden River Precinct, where the landscape-dominated character, established canopy vegetation, building setbacks and relationship with the Birrarung are defining features.

131. The proposal responds to these characteristics through:

132. a predominantly two-storey presentation to St Georges Road, setback approximately 5 metres from the street;

- substantial setbacks to the eastern and western boundaries, providing space for canopy planting and landscape screening;
- a stepped building form that responds to the significant fall of the land towards the Birrarung;
- articulation and a substantial central recess that reduce the apparent breadth and visual bulk of the building;
- the mandatory 30-metre setback from the Birrarung Setback Reference Line; and
- a restrained materials palette comprising predominantly off-form concrete, slate roofing, glazing and timber screening.

133. The substantial central recess within the river-facing elevation allows the development to present as two distinct forms rather than a single continuous mass when viewed from the Birrarung corridor. The stepped form, river setback and proposed landscaping further reduce the visual prominence of the development within its landscape setting.

134. The proposal represents a substantial increase in residential intensity and does not replicate the detached-dwelling form currently found on the site. However, the proposed siting, setbacks, articulation, materials and landscape response provide an acceptable contemporary response to the Garden River Precinct, St Georges Road and the Birrarung corridor. The detailed response to DDO3, SLO1, landscaping and residential amenity is considered in the following sections of this report.

Housing

135. Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets current and future community needs. Relevant strategies include increasing housing supply within established urban areas, facilitating housing diversity and ensuring new housing provides a high level of internal and external amenity.

136. The proposal is consistent with these broad directions by providing 18 apartments on two consolidated residential lots within the established urban area. The dwelling mix comprises one, two, three and four-bedroom apartments, providing a greater diversity of housing than currently exists on the site.

137. Clause 16.01-1R (Housing supply – Metropolitan Melbourne) supports increased housing supply within metropolitan Melbourne and more efficient use of existing urban land and infrastructure. While the site is not within an activity centre or identified urban renewal precinct, the proposal represents an opportunity for residential consolidation within the established urban area.

138. The strategic support for additional housing must be balanced against the physical and environmental constraints of the site, including its established residential context and direct interface with the Birrarung. The acceptability of the proposed density therefore relies on an appropriate response to neighbourhood character, residential amenity, landscape values, flooding and the specific built form requirements of DDO3 and SLO1.

139. Clause 16.01-2S (Housing affordability) seeks to facilitate the delivery of affordable housing and increase the supply of housing that is affordable to very low, low and moderate-income households.

140. The application is being assessed through Clause 53.23 (Significant Residential Development with Affordable Housing) and proposes an affordable housing contribution as part of the development. The affordable housing contribution and mechanism for securing that outcome are discussed further in the Clause 53.23 assessment.

141. Overall, the proposal is considered to provide an appropriate contribution to housing supply and diversity. Subject to the detailed assessment of built form, landscape, environmental and amenity considerations and the recommended permit conditions, the development achieves a reasonable balance between additional housing and the particular constraints and values of the site.

Transport

142. Clause 18.01-1S (Land use and transport integration) seeks to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport. The proposal represents residential consolidation within the established urban area and provides on-site car and bicycle parking to support the proposed dwellings.

143. Clause 18.02 seeks to provide a safe and sustainable transport system and ensure that new development appropriately responds to the existing road network and provides suitable pedestrian, bicycle and vehicle access.

144. The proposal provides 38 car parking spaces, comprising 35 resident and 3 visitor spaces, together with 25 bicycle spaces. The proposed provision exceeds the applicable statutory requirements and no reduction in car or bicycle parking is sought.

145. Vehicle access is proposed from St Georges Road. The application is supported by a Transport Impact Assessment prepared by One Mile Grid which considers the proposed access arrangements, parking layout and anticipated traffic generation.

146. The traffic and parking impacts of the development, including the operation of St Georges Road, vehicle access, visitor parking and bicycle facilities, are considered in further detail in the Assessment section of this report.

Infrastructure

147. Clause 19.03-3S (Integrated water management) seeks to sustainably manage water supply, wastewater, stormwater and waterway health and to integrate water management into urban development.

148. Integrated water management is particularly relevant to the subject site given its direct interface with the Birrarung and the application of the Land Subject to Inundation Overlay. The application is supported by a Water Sensitive Urban Design Assessment and has been referred to Melbourne Water in relation to flooding and floodplain management requirements.

149. The proposal incorporates stormwater treatment, retention and reuse measures designed to manage stormwater quality and quantity. Stormwater management, WSUD and the requirements of Melbourne Water are considered in further detail in the Assessment section of this report.

150. Clause 19.03-5S (Waste and resource recovery) seeks to reduce waste generation, maximise resource recovery and ensure that waste management infrastructure is appropriately integrated into new development.

151. The application is supported by a Waste Management Plan which addresses anticipated waste generation, waste and recycling streams, bin storage, collection arrangements and access for waste collection vehicles.

152. Subject to the recommended conditions requiring implementation of the endorsed Waste Management Plan, the proposed waste storage and collection arrangements are considered capable of appropriately servicing the development. These matters are discussed further in the Assessment section of this report.

Land use/s

153. The proposal is wholly residential and comprises 18 dwellings within the General Residential Zone. A planning permit is required for the construction of two or more dwellings on a lot.

154. Residential use is consistent with the purpose and existing character of the General Residential Zone. The principal planning issue is therefore not the acceptability of residential use itself, but whether the proposed scale, intensity and built form provide an appropriate response to the site and its context.

155. The proposed density represents a significant increase from the existing two dwellings on the site. However, the proposal provides a mix of dwelling sizes and contributes to housing supply and diversity within the established urban area.

156. The acceptability of this increased residential intensity is considered having regard to the applicable requirements of the General Residential Zone, Clause 55, DDO3, SLO1, the Birrarung policy framework, residential amenity and the environmental constraints affecting the site. These matters are assessed in detail in the following sections of this report.

Assessment Against Applicable Zone and Overlay Controls

General Residential Zone – Schedule 11

157. The site is within the General Residential Zone and is affected by Schedule 11. A permit is required under Clause 32.08-7 to construct a residential building.

158. The proposal is consistent with the residential purpose of the Zone and provides 18 apartments on two consolidated residential lots. The principal planning consideration is whether the scale, height and form of the development appropriately respond to neighbourhood character, residential amenity and the environmental and landscape constraints affecting the site.

159. The development provides a predominantly two-storey presentation to St Georges Road and the adjoining residential properties, with the lower levels becoming visible as the land falls towards the Birrarung. The building is setback approximately 5 metres from St Georges Road and provides increased setbacks to the eastern and western boundaries compared with the previously refused proposal.

160. The proposal provides 59% garden area and 37% site coverage. The substantial front, side and river-side landscaped areas allow for canopy planting and assist in maintaining the landscape-dominated character of the Garden River Precinct.

161. The proposed height, setbacks, site coverage, landscaping, overlooking, overshadowing and internal amenity have also been assessed against Clause 55. Subject to confirmation of the matters identified in Appendix A and the recommended conditions, the proposal satisfies the applicable Clause 55 objectives and standards.

162. The proposal is therefore considered to provide an acceptable response to the purposes and decision guidelines of the General Residential Zone and Schedule 11.

Design and Development Overlay – Schedule 3

163. The site is affected by Schedule 3 to the Design and Development Overlay and is located within Area A. DDO3 seeks to protect the landscape character and environmental values of the Birrarung corridor and establishes requirements relating to building height, river setback, overshadowing, site coverage, fencing, built form, landscaping, earthworks and materials.

164. Clause 53.23 enables the Minister for Planning to waive or vary a mandatory planning scheme requirement relating to building height, setbacks and garden area. The proposed Lift 1 overrun has therefore been assessed as a variation to the mandatory DDO3 height requirement.

DDO3 requirement or consideration	Assessment
Maximum building height	**Variation** Area A specifies a mandatory maximum building height of 9 metres. DDO3 permits a building to exceed that height by up to 1 metre where the slope of the natural ground level, measured across a cross-section of the site wider than 8 metres, exceeds 2.5 degrees. The site falls approximately 18 metres towards the Birrarung and the applicable maximum height is therefore 10 metres. The principal building form is contained within the 10-

	metre height envelope. Lift 1 projects approximately 1.283 metres above the 10-metre height plane and therefore requires a variation under Clause 53.23. The exceedance is confined to the Lift 1 overrun and does not extend across the broader building form. The overrun is located approximately 14.5 metres from St Georges Road, 55.6 metres from the Birrarung, 11.5 metres from the adjoining property to the east and 41.5 metres from the adjoining property to the west. It is centrally located, finished in the same slate material as the adjoining roof and designed to slope away from St Georges Road. Having regard to its limited footprint, substantial setbacks and integration into the roof form, the overrun will have limited visual prominence from the street, adjoining properties and the Birrarung corridor. The variation is considered acceptable.
Minimum 30-metre setback from the Setback Reference Line	**Complies** The apartment building, basement and rooftop swimming pool are located outside the mandatory 30-metre setback. The setback area remains predominantly landscaped. The pickleball court and outdoor kitchen are required to be deleted from the architectural and landscape plans in accordance with Melbourne Water's conditions.
Overshadowing of the Birrarung corridor	**Complies** The submitted shadow diagrams demonstrate that the development will not cast additional shadow across the Setback Reference Line during the period protected by DDO3.
Buildings and structures within the river setback	No new building, basement, swimming pool, tennis court or outbuilding is proposed within the mandatory setback, subject to deletion of the pickleball court and outdoor kitchen. Existing structures retained within the setback do not form part of the proposed new development.
Site coverage	**Complies** The proposal provides 37% site coverage, below the preferred 40% site coverage identified under DDO3. The development also provides approximately 59% garden area.
Building mass and views from the river corridor	**Complies** The building steps with the fall of the land and incorporates a substantial central recess through the northern elevation. This allows the development to read as two forms rather than a single continuous mass when viewed from the river corridor. The development will remain visible from parts of the corridor; however, its visual prominence is moderated by the mandatory river setback, stepped form, articulation, materials and proposed landscaping.
Side setbacks and landscaping	**Complies** The eastern and western setbacks have been increased compared with the previously refused proposal and provide space for canopy trees, shrubs, climbing vegetation and lower-level planting. The setbacks and landscaping assist in filtering views of the building from adjoining properties and the Birrarung corridor.
Earthworks and topography	**Complies** Substantial excavation is proposed for the basement and stepped building form. The principal excavation is located outside the mandatory river

	setback. The building steps through the site rather than establishing a single development level across the property. Excavation, drainage, construction management, tree protection and floodplain impacts are controlled through the recommended permit conditions.
Fencing	**Complies** Proposed fencing within the river-side area is required to be consistent with DDO3 and Melbourne Water's conditions. Fencing and gates below the applicable flood level must be at least 50% permeable and must not obstruct overland flows or reduce flood-storage capacity. Final fencing details are required to be shown on the endorsed plans.
Materials and finishes	**Complies** The proposed materials comprise predominantly off-form concrete, slate roofing, glazing and timber screening. The palette is generally muted and non-reflective. The proposed Façade Strategy condition requires confirmation of the final colours, materials, finishes, rooftop structures and maintenance arrangements.
Landscaped river interface	**Complies, subject to conditions** The river setback contains retained vegetation, replacement canopy planting and rehabilitation works. Any proposed rock beaching or bank-stabilisation works require further engineering and landscape details and separate approval by Melbourne Water.

165. The proposal satisfies the mandatory 30-metre setback and protected-shadow requirements of DDO3. No new building, basement, swimming pool or outbuilding is proposed within the setback, subject to the plan changes required by Melbourne Water.

166. The site's slope allows the otherwise applicable 9-metre building-height limit to increase to 10 metres. The principal building form complies with that height. The only identified departure is the Lift 1 overrun, which extends approximately 1.283 metres above the 10-metre height plane.

167. The lift overrun is limited in footprint, centrally located and substantially separated from St Georges Road, the Birrarung and adjoining residential properties. Its slate finish and sloping form integrate it with the broader roof design and limit its visual prominence. The height departure is therefore considered acceptable from a planning and urban-design perspective.

168. The discretionary considerations relating to building mass, visibility, earthworks, vegetation removal, materials and landscape character have been assessed having regard to the revised design, reduced site coverage, increased side setbacks, substantial river setback, central building recess and proposed replacement landscaping.

169. Overall, the proposal generally complies with DDO3. Subject to the recommended permit conditions, the limited height departure associated with the Lift 1 overrun and the broader built form and landscape outcomes are considered acceptable.

170. For the avoidance of doubt, where any uncertainty exists in site plans and terrain, the overall heights proposed are acceptable via Clause 53.23-2 Planning Scheme requirements, where the

responsible authority may waive or vary any of the following requirements: any building height and setbacks. The overall height and setbacks present an acceptable design response in this context.

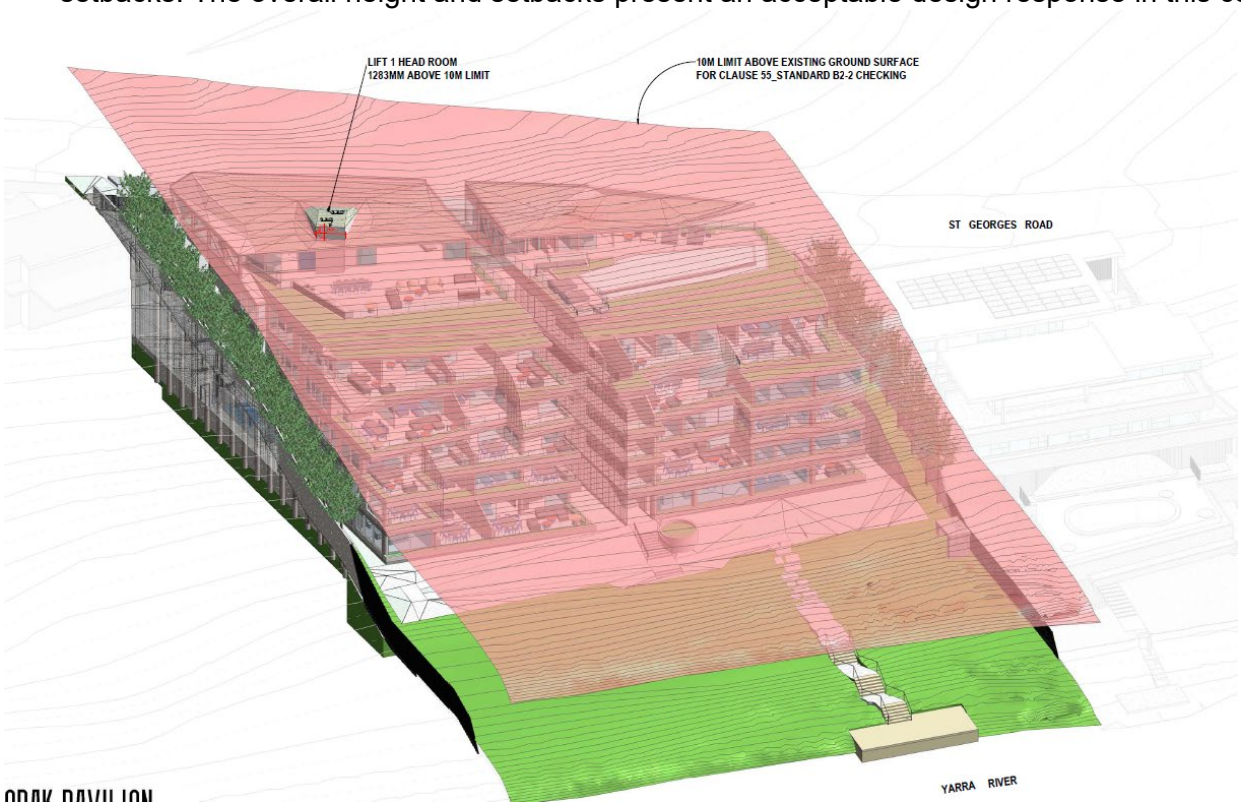


Figure 10: DDO3 building-height assessment showing the 10-metre height plane and Lift 1 overrun *(Source: architectural plans prepared by Charles Wright Architects)*

Land Subject to Inundation Overlay

171. The northern portion of the site is affected by the Land Subject to Inundation Overlay. A permit is required under Clause 44.04-2 to construct a building or carry out works within the affected land.

172. Melbourne Water is the determining referral authority within the LSIO extent and does not object to the proposal subject to conditions.

173. Melbourne Water identifies an applicable flood level of 7.00 metres AHD and requires relevant finished floor levels and flood-protection measures to be provided at no lower than 7.60 metres AHD. This includes ground-floor areas, lift and stair lobbies, basement openings, windows, vents and the basement ramp apex.

174. Melbourne Water also requires:

- open-space areas below 7.00 metres AHD to remain at natural surface level;
- no fill or retaining walls within those areas;
- fencing and gates below 7.00 metres AHD to be at least 50% permeable;
- landscaping and structures below the flood level not to obstruct overland flows or reduce flood storage;
- a Site Environmental Management Plan before works commence;
- separate approval for works on or near the waterway;
- deletion of the pickleball court and outdoor kitchen; and

- further approval of any proposed rock beaching or bank-stabilisation works.

175. The applicant has accepted the revised flood-level requirements. The architectural and landscape plans must be amended before endorsement to incorporate the Melbourne Water conditions.

176. Subject to compliance with Melbourne Water's conditions, the proposal is considered to appropriately respond to the purpose, objectives and decision guidelines of the LSIO.

Buildings and Works

Building Height

177. The building height requirements applying to the site are contained within Schedule 3 to the Design and Development Overlay (DDO3). The site is located within Area A, which specifies a mandatory maximum building height of 9 metres.

178. DDO3 provides that a building may exceed the maximum building height by up to 1 metre where the slope of the natural ground level, measured at any cross-section of the site wider than 8 metres, is greater than 2.5 degrees. The subject site falls steeply by approximately 18 metres from St Georges Road towards the Birrarung. Accordingly, the additional 1 metre allowance applies and the relevant maximum building height is 10 metres.

179. The principal built form has been designed within the 10 metre height envelope and adopts a stepped form that responds to the significant fall of the land towards the Birrarung. The building presents at a lower scale to St Georges Road and steps down through the site, reducing its apparent scale when viewed from the street, adjoining residential properties and river corridor.

180. The exception is the Lift 1 overrun, which projects approximately 1.283 metres above the 10 metre height plane. The exceedance is limited to the lift overrun rather than the principal building mass and is centrally located within the development.

181. The lift overrun is setback approximately 14.5 metres from St Georges Road, 55.6 metres from the Birrarung, 11.5 metres from the adjoining residential property to the east and 41.5 metres from the adjoining residential property to the west. It is incorporated into the roof form, finished in the same slate material as the adjoining roof and slopes away from St Georges Road.

182. Having regard to its limited extent, central location, substantial setbacks and integration into the overall roof design, the lift overrun will have limited visual prominence when viewed from surrounding properties, St Georges Road and the Birrarung corridor. The minor height variation is therefore considered acceptable as an overall design response to the site

183. More broadly, the proposal maintains the mandatory 30 metre setback from the Setback Reference Line and provides a substantial landscaped interface with the Birrarung. Site coverage has also been reduced compared with the previously refused proposal, with the current development providing 37% site coverage and 59% garden area.

184. On balance, the height and overall scale of the development are considered to provide an acceptable response to the steep topography of the site, the surrounding residential context and the landscape setting of the Birrarung corridor.

Building Setbacks and Siting

185. DDO3 identifies the landscape setting and visual character of the Birrarung corridor as key considerations in the siting of development. For Area A, new buildings, including basements and projections, must maintain a minimum setback of 30 metres from the Setback Reference Line.

186. The proposal maintains the mandatory 30 metre setback from the Setback Reference Line. No part of the proposed building or basement extends within this setback. The setback area remains predominantly landscaped, maintaining separation between the development and the Birrarung corridor.

187. The 30 metre setback is considered an important component of the overall design response. Combined with the significant fall of the land, it provides substantial physical separation between the principal built form and the Birrarung and retains a landscaped foreground when the development is viewed from the river corridor.

188. The development also provides increased setbacks to the eastern and western side boundaries compared with the previously refused proposal. These setbacks provide additional space for substantial landscaping and canopy planting and assist in reducing the apparent scale of the building when viewed from adjoining properties. The proposal will generally present as two storeys to the side boundaries due to the significant fall of the land.

189. The building incorporates a substantial vertical recess through the centre of the northern elevation. This breaks the longer river-facing elevation into two visually distinct building forms and reduces the appearance of a single continuous mass when viewed from the opposite bank of the Birrarung. This approach is supported by the submitted urban design assessment.

190. To St Georges Road, the proposal presents predominantly as a two-storey residential building setback approximately 5 metres from the street. The building is separated from the street by landscaped areas, pedestrian access and vehicle access arrangements, consistent with the landscaped residential character of St Georges Road. DTP Urban Design considered the two-storey street presentation and approximately 5 metre setback to provide a comfortable response to the varied streetscape character.

191. The proposal also provides substantial separation from adjoining residential properties at 102 and 108 St Georges Road. Increased setbacks, landscaping and privacy screening assist in managing visual bulk and overlooking, while the sloping topography reduces the apparent number of storeys experienced from the side interfaces.

192. Overall, the siting and setback response is considered appropriate. The development maintains the mandatory 30 metre setback from the Birrarung, provides increased landscape opportunities along its side boundaries and adopts a recessed and articulated building form that reduces visual prominence when viewed from the river corridor and adjoining residential properties.

St Georges Road Interface

193. The St Georges Road interface is characterised by detached residential development, established landscaping, front fences and vehicle access arrangements. The existing streetscape is varied in its architectural expression, building form and front setback.

194. The proposal responds to this context through a predominantly two-storey presentation to St Georges Road, substantial front landscaping and a building form that is recessed from the street rather than presenting a continuous built edge. The upper portions of the development are set further into the site and become less visually prominent due to the significant fall of the land towards the Birrarung.

195. Vehicle access and services are integrated into the frontage design, while upper-level windows provide passive surveillance towards St Georges Road. The proposed front fence is relatively visually permeable and assists in maintaining the landscaped character of the frontage.

196. The St Georges Road presentation is therefore considered to provide an acceptable response to the existing residential streetscape while accommodating the increased residential density proposed on the site.

Public Realm

Ground Level Activation and Building program

197. The relevant consideration is whether the ground-level arrangement provides a legible residential address, passive surveillance of St Georges Road and an appropriate relationship with the landscaped character of the street.

198. The primary pedestrian entrance is centrally located along the St Georges Road frontage and is identified by an entry canopy, pedestrian path and reception area. Apartment 11 and the upper-level apartments provide windows and balconies orientated towards St Georges Road, supporting passive surveillance of the street and building entrance.

199. The building is setback approximately 5 metres from St Georges Road and presents predominantly as two storeys when viewed from the street. The frontage incorporates landscaping, garden beds and a 1.5-metre-high permeable fence, allowing views into the front setback while maintaining an appropriate degree of privacy and security for residents.

200. Two vehicle crossovers are proposed from St Georges Road. The existing central crossover is to be removed and reinstated as nature strip. While the frontage accommodates vehicle access and essential services, these elements are integrated into the overall design and do not prevent the development from providing a clear pedestrian entrance or landscaped street presentation.

201. Car parking, waste storage, plant and servicing infrastructure are contained within the building or positioned below the principal street level. This limits their visibility from St Georges Road and avoids these functions dominating the primary pedestrian entrance.

202. Overall, the proposed ground-level arrangement provides a clear residential address, appropriate passive surveillance and a satisfactory relationship with St Georges Road. The detailed landscape treatment, external lighting and service presentation will be secured through the endorsed plans and permit conditions.

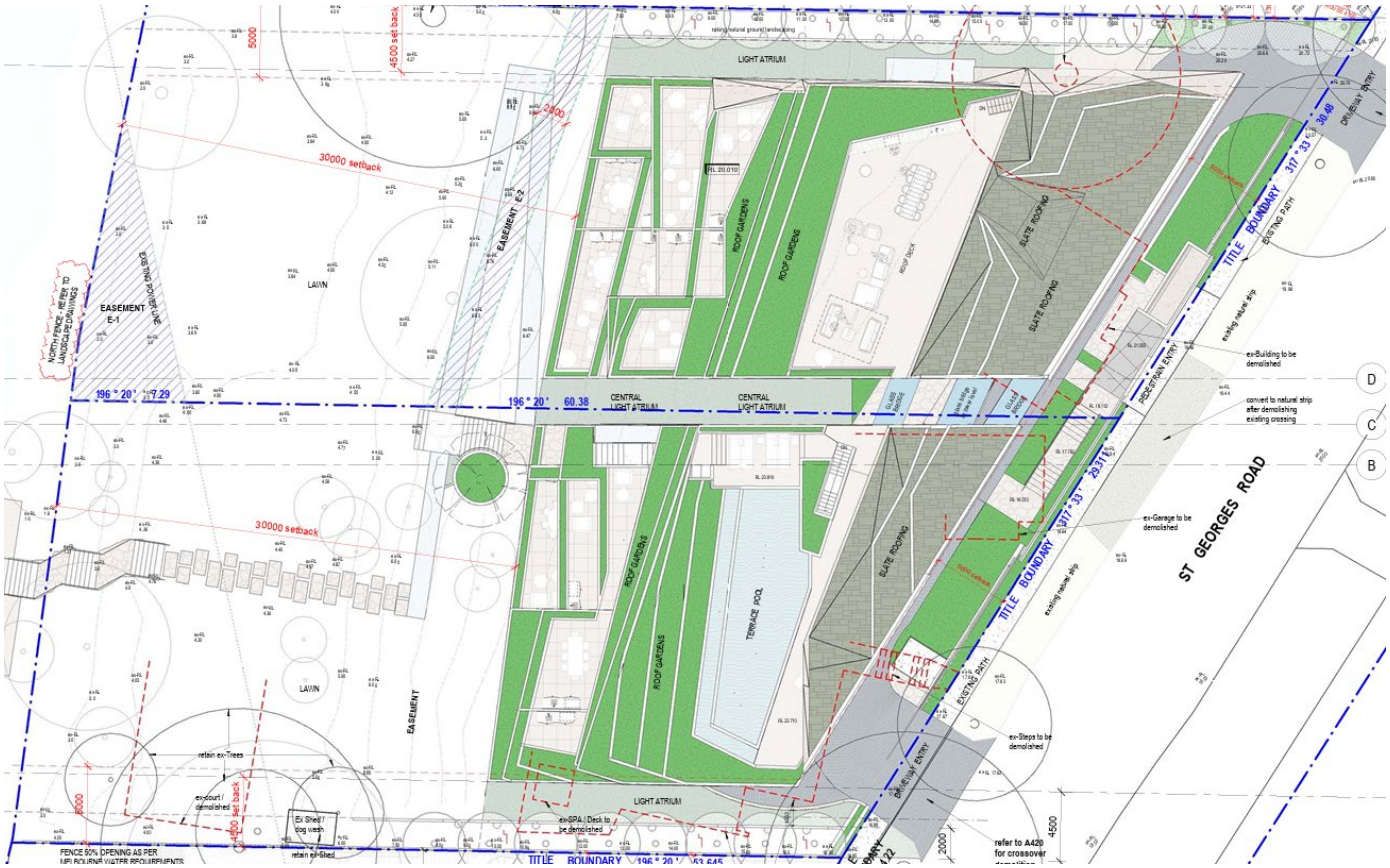


Figure 11: *Proposed ground-floor and St Georges Road interface (Source: Architectural plans prepared by Charles Wright Architects)*

Amenity Impacts

203. The principal sensitive interfaces are the adjoining residential properties at 102 and 108 St Georges Road. The relevant amenity considerations include visual bulk, overlooking, overshadowing and noise associated with building services, vehicle access and the rooftop pool and terrace.

204. The proposal has been designed with increased side setbacks, a stepped building form, articulation and substantial landscaping along both side boundaries. Due to the fall of the land, the development generally presents as two storeys when viewed from the adjoining properties. These measures reduce the apparent scale of the building and provide space for landscaping to filter views of the development.

Overlooking and Internal Views

205. Clause 55.04-4 contains the overlooking objective and Standard B4-4. These provisions seek to limit views into existing secluded private open space and habitable room windows from habitable room windows, balconies, terraces, decks and patios within a horizontal distance of 9 metres.

206. The application is supported by overlooking plans and sections identifying the habitable room windows and private open space associated with 102 and 108 St Georges Road. The plans apply the 9-metre overlooking arc from the relevant proposed windows, balconies and terraces.

207. On the eastern interface with 102 St Georges Road, the proposed habitable room windows and balconies are either outside the relevant 9-metre overlooking area, associated with bedrooms to which the standard does not require screening in the circumstances shown, or designed to avoid direct views into adjoining habitable room windows and secluded private open space.

208. On the western interface with 108 St Georges Road, the Level 5 windows and balcony areas that fall within the 9-metre overlooking area are provided with full-height fixed external timber screens with a maximum transparency of 25%. The Level 6 terrace is shown outside the relevant 9-metre overlooking area.

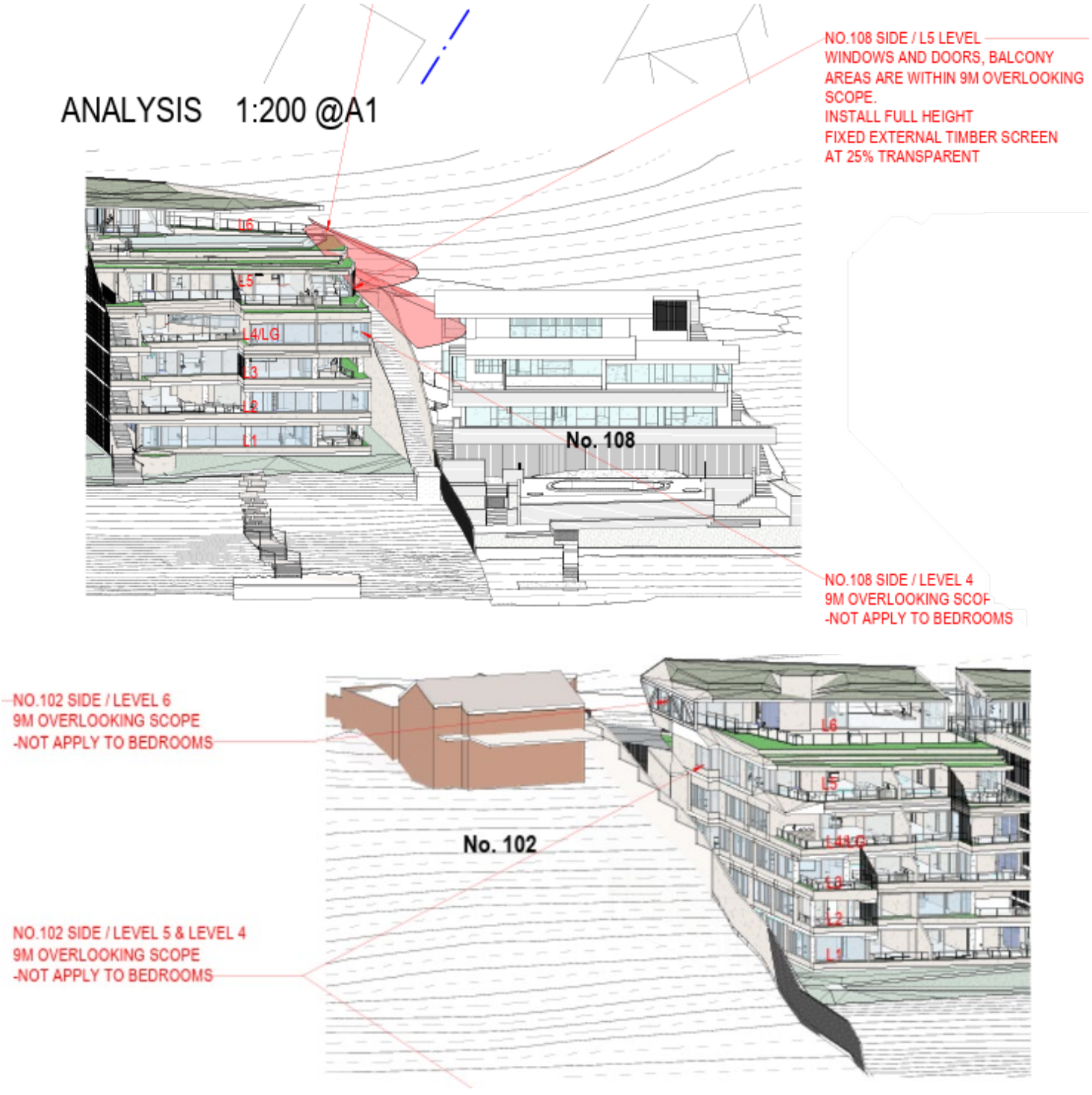
209. Additional measures shown on the plans include raised window sills, windows positioned above garden beds and walls, opaque or translucent glazing and full-height privacy screens where required. These treatments are integrated into the architecture and are capable of limiting direct views while retaining reasonable daylight and outlook for future occupants.

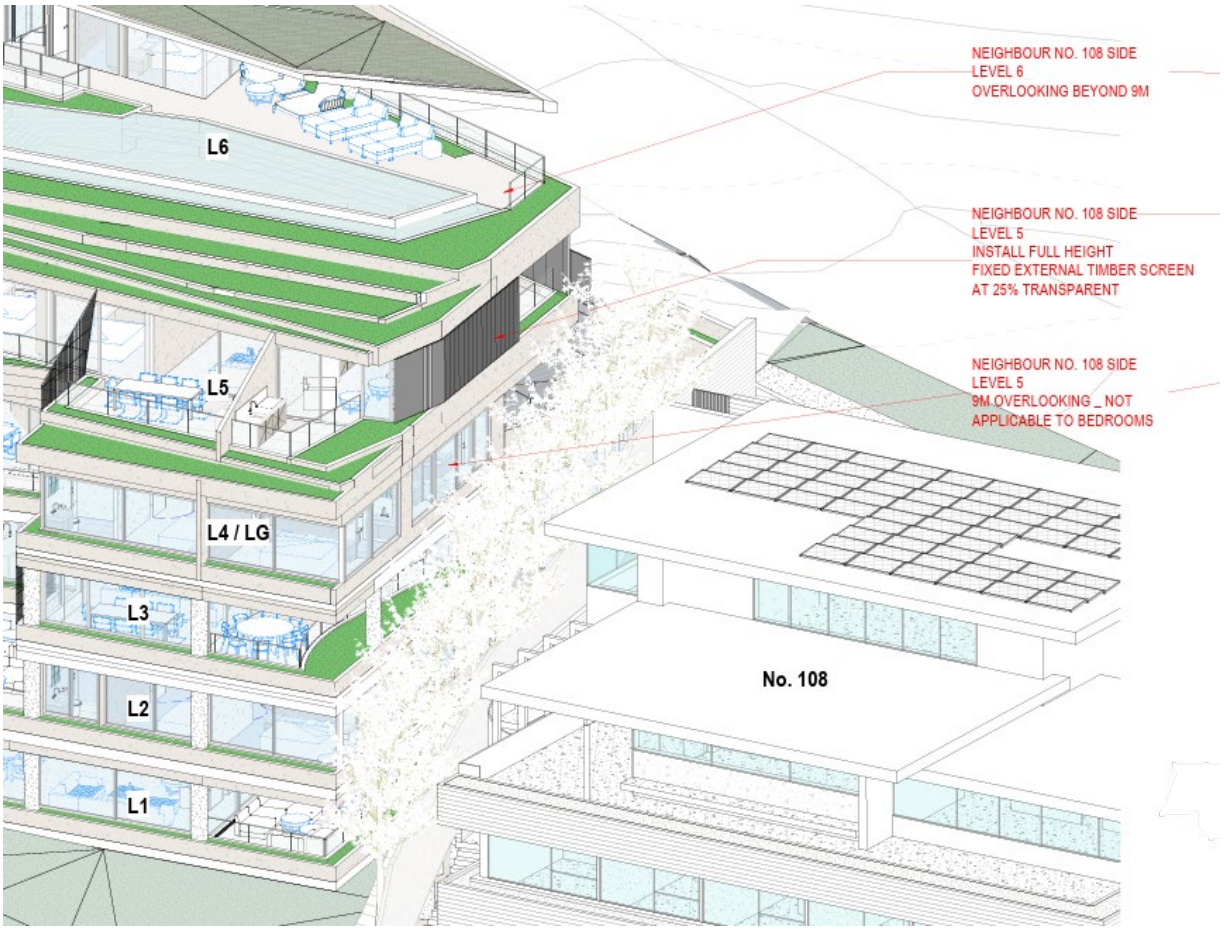
210. The proposed landscaping will provide additional visual filtering along the side boundaries. Landscaping is not relied upon as the principal means of achieving compliance with Standard B4-4, as the required privacy outcomes are provided through setbacks, window placement and fixed screening.

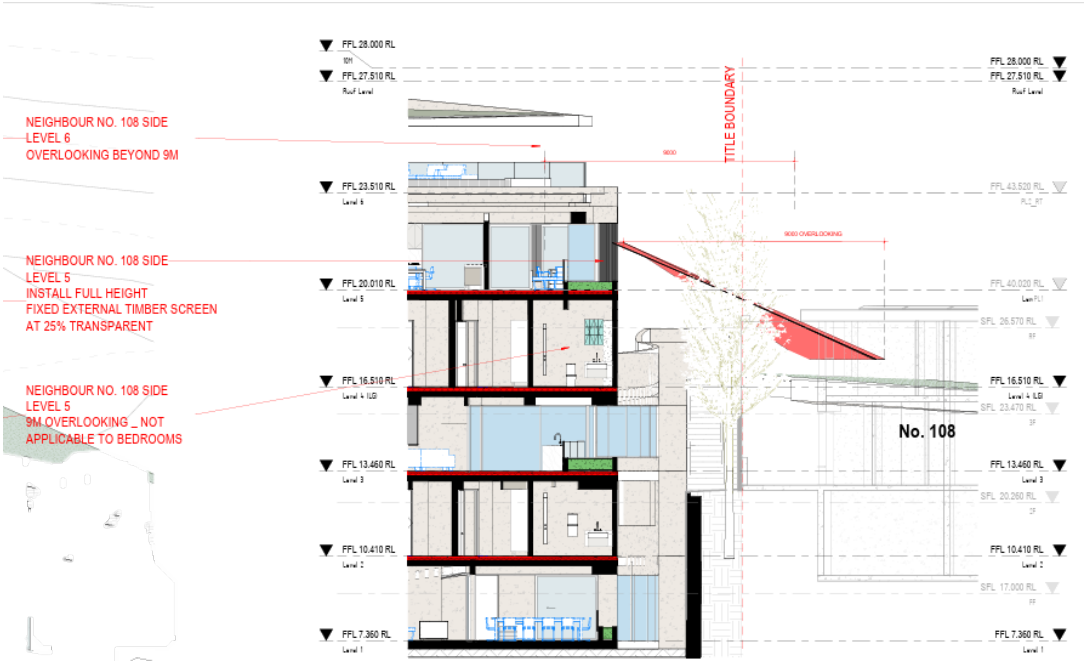
211. Internal views between dwellings within the development are addressed through the positioning of windows and balconies and through fixed mesh and planted screens with a minimum height of 1.7 metres above finished floor level and a maximum transparency of 25% where required.

212. The relevant privacy screens and overlooking treatments are clearly identified on the architectural plans. A permit condition will require all approved privacy treatments to be installed before occupation and retained and maintained thereafter.

213. Having regard to the separation distances, window orientation and fixed privacy measures shown on the plans, the proposal satisfies the overlooking objective and Standard B4-4. The development will not result in unreasonable direct views into the habitable room windows or secluded private open space of adjoining dwellings and provides an acceptable balance between neighbouring privacy and outlook from the proposed apartments.


ANALYSIS 1:200 @A1
NO.108 SIDE / L5 LEVEL
WINDOWS AND DOORS, BALCONY
AREAS ARE WITHIN 9M OVERLOOKING
SCOPE.
INSTALL FULL HEIGHT
FIXED EXTERNAL TIMBER SCREEN
AT 25% TRANSPARENT
L6
L5
L4/LG
L3
L2
L1
No. 108
NO.108 SIDE / LEVEL 4
9M OVERLOOKING SCOF
-NOT APPLY TO BEDROOMS
NO.102 SIDE / LEVEL 6
9M OVERLOOKING SCOPE
-NOT APPLY TO BEDROOMS
No. 102
NO.102 SIDE / LEVEL 5 & LEVEL 4
9M OVERLOOKING SCOPE
-NOT APPLY TO BEDROOMS





Figures 12-16: *Overlooking plans and sections showing the 9-metre assessment areas and proposed privacy treatments (Source: Architectural plans prepared by Charles Wright Architects)*

Overshadowing

214. The relevant overshadowing considerations arise under DDO3 and Clause 55. DDO3 requires buildings and works not to cast additional shadow across the Setback Reference Line between 11.00 am and 2.00 pm on 22 June. Clause 55.04-3 seeks to ensure that development does not unreasonably reduce sunlight to the secluded private open space of existing dwellings.

215. The application is supported by shadow diagrams showing existing and proposed shadows at hourly intervals between 9.00 am and 4.00 pm on 22 September. The diagrams assess the adjoining residential properties at 102 and 108 St Georges Road, including their secluded private open space and the existing rooftop solar panels at 108 St Georges Road.

216. The diagrams demonstrate that both adjoining properties will retain at least 25 square metres of secluded private open space, with a minimum dimension of 3 metres, receiving at least five hours of sunlight between 9.00 am and 3.00 pm on 22 September. The proposal therefore satisfies Standard B4-3.

217. The diagrams also demonstrate that the proposal will not cast additional shadow over the existing rooftop solar panels at 108 St Georges Road or across the Setback Reference Line during the period protected by DDO3.

218. Accordingly, the proposal provides an acceptable overshadowing outcome for adjoining residential properties and complies with the applicable requirements of Clause 55 and DDO3.





Figure 17-18: Shadow diagrams for 22 September *(Source: Architectural plans prepared by Charles Wright Architects)*

Noise

219. The application is supported by an Acoustic Town Planning Report prepared by WSP, Revision 02, dated 19 March 2026. The report considers external traffic noise affecting future residents, internal sound insulation, environmental noise emissions and noise associated with mechanical plant, lifts and mechanical car-storage equipment.

220. The assessment was informed by attended and unattended noise monitoring and establishes criteria for external traffic noise, the building façade, mechanical plant, lifts and mechanical car-storage equipment. It concludes that acceptable internal acoustic conditions can be achieved through appropriately rated façade systems and detailed design of building services.

221. Final plant selections and attenuation measures have not been determined. The permit therefore requires an amended acoustic report addressing the final building-services design and implementation of all recommended measures.

222. The proposal also includes a rooftop swimming pool, terrace and outdoor deck. The submitted WSP report references the rooftop pool and deck in relation to structural vibration isolation but does not provide a specific assessment of airborne noise generated by people using these areas. It therefore does not, by itself, demonstrate that rooftop activity noise will achieve an acceptable outcome at adjoining dwellings.

223. To address this evidentiary gap and the concerns raised by objectors, a permit condition will require an amended acoustic report to assess noise associated with use of the rooftop pool, terrace and other communal recreation areas. The assessment must identify any physical attenuation, operational management or time restrictions required to prevent unreasonable noise impacts at nearby residential properties.

224. The rooftop facilities are centrally located within the building and separated from adjoining properties by the building setbacks and roof form. These design features provide a reasonable basis for concluding that an acceptable outcome is achievable, but they do not remove the need for the further acoustic assessment required by the permit condition.

225. Subject to preparation and endorsement of the amended acoustic report and implementation and ongoing maintenance of all recommended measures, the proposal is considered capable of providing acceptable acoustic amenity for future residents and avoiding unreasonable noise impacts on adjoining residential properties.

Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

226. Clause 55 seeks to ensure that residential development responds appropriately to the site and surrounding area, protects the amenity of existing and future residents and provides functional, accessible and environmentally sustainable dwellings.

227. Clause 55 applies because the proposal is a three-storey development of two or more dwellings in the General Residential Zone, whereas Clause 58 applies to apartment developments of five or more storeys, excluding basement levels.

228. The application is supported by a detailed Clause 55 assessment, sustainability assessment and architectural plans addressing the applicable objectives and standards. A complete officer assessment against Clause 55 is provided at Appendix A to this report.

229. The current proposal has been revised from the development previously considered by Stonnington City Council. The revised plans provide additional information and design changes addressing the earlier concerns relating to accessibility, functional dwelling layouts, room depth, natural ventilation, building entry, private open space, daylight, overlooking and internal amenity.

230. The assessment at Appendix 1 identifies a high level of compliance with Clause 55. The minimum front setback requires confirmation against the TP10 plans, while the Lift 1 overrun raises a building-height issue under Standard B2-2 and DDO3. Final acoustic, stormwater and sustainability details are also secured through the recommended conditions.

231. The proposal provides an appropriate response to the neighbourhood character and site layout requirements of Clause 55 through:

- a predominantly two-storey presentation to St Georges Road and the adjoining residential properties;
- increased side setbacks and substantial landscaping;
- a stepped building form responding to the significant fall of the land;
- site coverage of 37% and garden area of 59%;
- setbacks and fixed screening that limit overlooking of adjoining properties; and

- retention of reasonable solar access to adjoining secluded private open space.

232. The apartment layouts provide the required private open space, storage, room dimensions, daylight access and natural ventilation. The architectural plans include dedicated assessment drawings addressing functional layouts, room depth, accessibility, natural ventilation, overlooking, internal views and overshadowing.

233. The sustainability requirements at Clause 55.05 are addressed through the submitted Sustainability Management Plan, Water Sensitive Urban Design Assessment, Waste Management Plan, Acoustic Report and the sustainability initiatives identified on the architectural plans.

234. While the WSP Acoustic Report addresses building services, façade performance and internal acoustic amenity, further assessment is required in relation to activity noise from the rooftop swimming pool and communal terrace. This does not represent a variation to Clause 55. A permit condition requires an amended acoustic report to assess these activities and identify any necessary attenuation, management measures or operating restrictions before the development commences.

235. Overall, the proposal achieves a high standard of internal and external residential amenity and provides an acceptable response to Clause 55. Subject to the recommended permit conditions, the proposal is considered to satisfy all applicable Clause 55 objectives and standards.

Landscaping

236. Clause 15.01-1L, SLO1, DDO3 and Clause 55 seek to maintain the landscape character of the area, retain established vegetation where practicable and integrate canopy planting into new development. These considerations are particularly important given the site's location within the Garden River Precinct and direct interface with the Birrarung.

237. The application is supported by landscape and creek-reserve rehabilitation plans prepared by John Patrick Landscape Architects and an Arboricultural Impact Assessment prepared by Tree Department.

238. The proposal requires the removal of 38 trees within the site. The most significant removal is Tree 63, a mature English Oak assessed as having high arboricultural value.

239. The proposal retains Tree 48, a mature English Elm of high arboricultural value located closer to the Birrarung, together with other established vegetation within the river-side landscape area. The arboricultural assessment concludes that Tree 48 can be retained subject to appropriate protection and management during construction.

240. The proposed vehicle crossings may affect street Trees 2, 4 and 5. Tree 2 is assessed as having low arboricultural value and may require removal. The detailed design must seek to retain Trees 4 and 5 where practicable and resolve any encroachment into their Tree Protection Zones in consultation with Stonnington City Council.

241. The landscape scheme provides substantial replacement planting throughout the front, side and river interfaces, including canopy trees, shrubs, groundcovers and climbing vegetation. The creek-reserve rehabilitation plan provides for weed control, riparian revegetation, erosion protection and

ongoing establishment and maintenance. Any rock beaching or bank-stabilisation works require further details and approval by Melbourne Water.

242. Replacement planting will not immediately reproduce the maturity or canopy contribution of all vegetation removed. However, the retention of Tree 48, substantial deep-soil provision, replacement canopy planting and rehabilitation of the river-side area are capable of establishing an acceptable long-term landscape outcome.

243. Permit conditions require an amended Landscape Plan, completion and ongoing maintenance of the approved landscaping, a Tree Protection Management Plan and specific measures for retained site, adjoining and street trees. Subject to these conditions and resolution of the street-tree impacts, the proposed landscaping and vegetation outcome is considered acceptable.

Traffic, Access and Parking

244. The application is supported by a Transport Impact Assessment prepared by One Mile Grid, dated 13 October 2025. The assessment considers traffic generation, vehicle access, car and bicycle parking, internal circulation, ramp operation and the relevant design standards of Clauses 52.06 and 52.34.

Traffic generation

245. The Transport Impact Assessment adopts a traffic generation rate of six vehicle movements per dwelling per day, reflecting the size of the apartments, proposed parking provision and limited access to public transport. On this basis, the development is expected to generate approximately 108 vehicle movements per day, including 11 movements during each of the morning and afternoon peak hours.

246. This equates to less than one vehicle movement every five minutes during the peak periods. The movements will also be distributed between the two proposed vehicle access points. The Transport Impact Assessment concludes that the anticipated traffic volumes are low and can be absorbed by St Georges Road and the surrounding road network.

247. Having regard to the residential nature of the proposal and the limited peak-hour generation, the development is not expected to materially affect the operation or safety of the surrounding road network.

Vehicle Access

248. St Georges Road is a council-controlled road providing one traffic lane in each direction and kerbside parking on both sides. The road has a posted speed limit of 50 kilometres per hour adjacent to the site.

249. The existing properties are served by three crossover arrangements occupying approximately 19.4 metres, or 30% of the combined frontage. The proposal consolidates access to two crossovers, approximately 7.3 metres and 6 metres wide, occupying approximately 20% of the frontage. The revised arrangement reduces the overall crossover width and is expected to facilitate a net gain of one on-street parking space.

250. The two crossovers provide access to a one-way internal loop road at ground level and the undercroft parking areas. The submitted swept-path diagrams demonstrate that B99 vehicles can enter, circulate through and leave the site in a forward direction. Separate swept-path analysis also demonstrates access for a Fire Rescue Victoria vehicle and the proposed waste-collection vehicle.

251. Sight distances from the proposed access points range from approximately 73 metres to 141 metres, exceeding the minimum acceptable sight distance of 45 metres identified by AS/NZS 2890.1:2004 for a road with a speed limit of 50 kilometres per hour.

252. A complete pedestrian sight splay is provided on the southern side of the southern accessway. A partial splay is provided on its northern side due to the proposed sliding gate. The Transport Impact Assessment considers the approximately 6-metre crossover width sufficient to position exiting vehicles away from the obstruction and provide an effective view of pedestrians. This arrangement is acceptable subject to the final Traffic and Parking Management Plan.

253. The undercroft car park is accessed by one-lane ramps. The Transport Impact Assessment recommends traffic signals, detector loops and hold lines to manage opposing vehicle movements, with vehicles entering from St Georges Road given priority. Space is available within the site for an entering vehicle to wait without obstructing St Georges Road or the adjoining footpath.

254. Permit conditions require a Traffic and Parking Management Plan addressing traffic-control devices, holding lines, mirrors, visitor-parking management, deliveries and removalists, basement signage and measures to prevent vehicle conflicts at the site entrance. These requirements will secure the safe operation of the access and parking arrangements.

Car Parking Provision

255. Clause 52.06 generates a statutory requirement for 37 car parking spaces, comprising 34 resident spaces and three visitor spaces.

256. The Transport Impact Assessment assesses the provision of 38 spaces, comprising 35 resident spaces and three visitor spaces. On that basis, the assessed parking supply exceeds the statutory requirement by one space and no reduction in car parking is sought.

257. Resident parking includes tandem and mechanical stacker spaces. The tandem spaces provide the required additional separation, while the mechanical spaces will accommodate vehicles with a minimum clearance height of 1.8 metres and will be allocated to residents.

258. The proposed parking supply is considered sufficient to meet the statutory demand generated by the development. Permit conditions require visitor spaces to remain available for visitor use and all parking spaces, accessways and traffic-control measures to be completed, line-marked and retained for their intended purpose.

Car Parking Design

259. The Transport Impact Assessment concludes that the accessways, parking spaces, ramp gradients and mechanical parking arrangements are generally consistent with the relevant requirements of Clause 52.06-9 and applicable Australian Standards.

260. Accessways are generally at least 4.2 metres wide at changes in direction, with narrower sections supported by internal radii of at least 4 metres and swept-path testing. All vehicles can leave the site in a forward direction.

261. Angled spaces are 5.4 metres long and 2.6 metres wide and are accessed from aisles of at least 5.8 metres. The ground-level parallel space is 6.5 metres long and 2.5 metres wide and is accessed from an aisle of at least 3.6 metres. Although these dimensions rely on AS 2890.1 rather than the preferred dimensions in Design Standard 2, the submitted swept paths demonstrate safe and functional access.

262. The first 5 metres of the basement ramp has a maximum gradient of 1:10, with the balance of the ramp having a maximum gradient of 1:4. Transition grades are provided where required to prevent vehicle scraping. The proposed gradients comply with Design Standard 3.

263. Subject to the endorsed plans and Traffic and Parking Management Plan, the car parking and access layout is considered safe and functional.

Bicycle Facilities

264. Clause 52.34 requires six bicycle spaces, comprising four resident and two visitor spaces. The proposal provides 25 bicycle spaces, comprising 20 spaces at ground level and five spaces within Level 1.

265. The spaces are provided using vertically mounted and staggered racks at 500-millimetre centres, with a 1.2-metre bicycle envelope and 1.5-metre access aisle.

266. The proposed bicycle parking substantially exceeds the statutory requirement and provides secure and accessible bicycle storage for residents and visitors. The provision and design of bicycle parking are considered acceptable.

Deliveries and Servicing

267. The proposal is wholly residential and does not generate a statutory loading requirement. Deliveries, couriers and removalist vehicles will use the internal access system or other lawful arrangements available from St Georges Road.

268. The site's internal loop road and two-crossing arrangement allow vehicles to enter and leave the site in a forward direction. However, the submitted Transport Impact Assessment does not establish a dedicated loading bay or detailed management arrangements for larger deliveries and removalist vehicles.

269. A permit condition therefore requires the Traffic and Parking Management Plan to address deliveries, couriers and removalist vehicles, including measures to avoid obstruction of the internal accessways, vehicle crossings, footpath and St Georges Road. Subject to these operational controls, servicing of the residential development is considered capable of being appropriately managed.

Waste Collection and Servicing

270. The application is supported by a Waste Management Plan prepared by One Mile Grid, dated 18 March 2026. The plan provides for private collection of garbage, organics, commingled recycling and glass generated by the 18 dwellings.

271. A dedicated 22-square-metre bin storage room is proposed at Level 1. The room is designed to accommodate five 660-litre bins and five 240-litre bins and exceeds the minimum shared storage area required by Standard B5-5. It will include ventilation, lighting, drainage and bin-washing facilities.

272. A dual-chute system will separate garbage and commingled recycling. Organics and glass will be deposited directly into the relevant bins within the storage room. The building manager or caretaker will be responsible for rotating bins, transferring them to the temporary collection area and returning them immediately following collection.

273. On collection days, bins will be transferred from the Level 1 storage room to a temporary storage area at ground level adjacent to the driveway. A 6.4-metre rear-lift mini-loader will enter through the north-western crossover, collect the bins from within the site and leave in a forward direction through the south-eastern crossover.

274. The submitted swept-path analysis demonstrates that the nominated collection vehicle can access and circulate through the site. Waste collection will therefore occur within the land rather than from the carriageway, limiting disruption to St Georges Road and avoiding the need for bins to be stored permanently within the frontage.

275. The Waste Management Plan also includes measures addressing collection hours, bin cleaning, odour and vermin control, signage, resident information, hard waste and ongoing management by the Owners Corporation.

276. Permit conditions require the Waste Management Plan to be endorsed, updated where necessary to reflect the endorsed architectural plans and implemented for the life of the development. Subject to those requirements, the waste storage, transfer and collection arrangements are considered acceptable and capable of operating without unreasonable traffic or residential amenity impacts.

Environmental Risks

Sustainability

Environmentally Sustainable Development (ESD)

277. The application is supported by a Clause 55 Sustainability Assessment prepared by Low Impact Development Consulting, dated 29 April 2026. Preliminary NatHERS modelling of representative apartments identifies ratings between 7.6 and 9.5 stars, with an average of 8.6 stars, and cooling loads below the applicable maximum for Climate Zone 21.

278. The modelling is preliminary and does not constitute final NatHERS certification. The permit therefore requires an endorsed Sustainability Management Plan, implementation of the approved initiatives and post-construction verification.

279. Subject to those requirements, the proposal provides an acceptable environmentally sustainable design response.

Water Sensitive Urban Design (WSUD) / Stormwater Management

280. Clause 53.18 and Standard B5-1 seek to ensure that stormwater generated by development is managed to protect property, public safety, waterways and the downstream drainage system. This is particularly relevant given the site's direct interface with the Birrarung.

281. The application is supported by a Water Sensitive Urban Design Assessment prepared by WSP, Revision 02, dated 20 March 2026. The assessment addresses stormwater quality, runoff treatment, rainwater reuse, site permeability and maintenance.

282. The development provides approximately 2,321 square metres of permeable area, exceeding the requirement for at least 20% of the site to comprise pervious surfaces.

283. The proposed stormwater treatment system comprises:

- a 20-kilolitre rainwater tank receiving runoff from approximately 644 square metres of non-trafficable roof area;
- reuse of approximately 0.72 kilolitres per day for toilet flushing;
- a 5-square-metre raingarden treating runoff from hardstand areas; and
- discharge of residual flows to the legal point of discharge.

284. The treatment system has been assessed using MUSIC modelling against the applicable best-practice targets for total suspended solids, total phosphorus, total nitrogen and gross pollutants. WSP concludes that the proposed measures satisfy the stormwater requirements of Clause 55.05.

285. The WSP assessment identifies that the final catchments, rainwater-tank connections and raingarden arrangements are to be confirmed during detailed design. A permit condition therefore requires a stormwater management plan to be approved and endorsed concurrently with the architectural plans. The plan must include the proposed drainage, retention, detention and discharge arrangements, supporting modelling and calculations and ongoing management requirements.

286. The permit also requires the development to be constructed, operated and maintained in accordance with the endorsed stormwater management plan. The WSP maintenance regime requires periodic inspection and maintenance of the rainwater tank, raingarden, vegetation, filter media, pipework and associated drainage infrastructure.

287. Subject to implementation and ongoing maintenance of the endorsed stormwater management plan, the proposal is considered to appropriately address stormwater quality, runoff and water reuse.

Flooding

288. Flooding from the Birrarung is a separate consideration from the WSUD and stormwater-quality assessment. The northern portion of the site is affected by the Land Subject to Inundation Overlay and Melbourne Water is a determining referral authority for the application.

289. Melbourne Water does not object to the proposal subject to conditions. Those conditions require relevant finished floor levels, basement entry and exit points, openings, vents and the basement ramp apex to be no lower than 7.60 metres AHD.

290. The Melbourne Water conditions also regulate fill within the floodplain, require cut-and-fill balance calculations, maintain flood-storage capacity and require fencing and landscaping below the applicable flood level to allow the passage of floodwaters.

291. The applicant has accepted the revised flood-level requirements, and the architectural plans are required to be amended accordingly before endorsement.

292. Subject to compliance with the Melbourne Water conditions, the proposal is considered to appropriately respond to the flood risk affecting the site.

Other Matters

Aboriginal Cultural Heritage

293. Clause 15.03-2S seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. The site is within an area of cultural heritage sensitivity due to its proximity to the Birrarung, and the proposed residential building and car parking constitute high-impact activities under the Aboriginal Heritage Regulations 2018.

294. Cultural Heritage Management Plan 19432 was prepared for land at 104–106 St Georges Road, Toorak. The activity area is within the Registered Aboriginal Party area of the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

295. CHMP 19432 was approved under section 65 of the Aboriginal Heritage Act 2006.

Birrarung Environs and Yarra River Protection Framework

296. The site directly interfaces with the Birrarung and is within the area to which the river-protection planning framework applies. The relevant planning considerations include Clause 12.03-1R, DDO3, SLO1 and the principles and strategic framework established under the Yarra River Protection (Wilip-gin Birrarung murron) Act 2017.

297. Land-use and development decisions can affect the Birrarung through changes to vegetation, views, landform, water flows, access and the way the river corridor is experienced. Relevant effects may be direct, indirect or cumulative and must be considered beyond the immediate footprint of the development.

298. The proposal maintains the mandatory 30-metre setback from the Setback Reference Line and confines the principal building and excavation works outside that setback. The building steps with the land and incorporates a substantial central recess to reduce its apparent breadth in views from the river corridor. The landscape response includes retention of Tree 48, replacement canopy planting and rehabilitation of the river-side area.

299. The proposal will remain visible from parts of the Birrarung corridor and will result in removal of established vegetation and substantial excavation within the development footprint. These impacts have been weighed against the mandatory setback, protected-shadow outcome, reduced site coverage, articulated built form and proposed long-term landscape rehabilitation.

300. The Birrarung Council was provided with the application material and invited to comment on the proposal's relationship with the river corridor, landscaping, earthworks, topographic change and views from the opposite bank. No substantive response had been received when this report was finalised.

301. For the reasons set out in the DDO3, SLO1, landscaping and flooding assessments, the proposal is considered to provide an acceptable response to the Birrarung environs, subject to the recommended conditions.

Affordable Housing

302. Clause 53.23 seeks to facilitate eligible significant residential development that provides affordable housing.

303. The applicant proposes to satisfy this requirement through an alternative contribution equivalent to 3% of the development cost. The submitted quantity surveyor report identifies an estimated development cost of approximately $55.8 million, resulting in an indicative affordable housing contribution of approximately $1.674 million.

304. The proposed contribution responds to the alternative affordable housing mechanism available under Clause 53.23 and will be secured through the section 173 agreement required by the permit

305. The draft permit requires the owner to enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 before the development commences, excluding the preliminary works specified by the condition.

306. The agreement must set out the total value of the affordable housing contribution and the timing and manner in which it will be delivered. The owner must also meet the responsible authority's reasonable costs associated with preparing, executing, registering and ending the agreement.

307. Subject to execution and registration of the section 173 agreement, the proposal is considered to satisfy the affordable housing requirements of Clause 53.23.

Restrictive Covenants

308. The Certificates of Title identify that the land is affected by a restrictive covenant contained in Instrument of Transfer No. 1187626 that applies to the sites.

309. The covenant includes restriction on roof materials, quarrying and excavation, and the construction or use of buildings for certain non-residential purposes.

310. Section 61(4) of the *Planning and Environment Act 1987* provides that a responsible authority must not grant a permit that would authorise anything resulting in a breach of a registered restrictive covenant.

311. The application is supported by legal advice prepared by Planning & Property Partners, dated 20 December 2024. The advice was originally prepared for Stonnington Planning Application 0448/24 and considered the covenant against architectural plans prepared by Charles Wright Architects, Revision TP-01, dated 25 September 2023.

312. The advice concludes that:

- the covenant does not restrict each lot to a single dwelling;
- the roofing restriction is satisfied where a dwelling house is constructed with a roof of slate tiles or shingles;
- excavation undertaken for construction of residential development, including basement works, is not prohibited by the restriction concerning quarrying and removal of earth; and
- the residential proposal does not involve any of the non-residential uses prohibited by the covenant.

313. The current application differs from the plans considered in the December 2024 advice. However, the proposed architectural plans continue to describe the development as residential and identify slate roofing as part of the proposed materials and finishes. The excavation is also proposed for the construction of the residential development and associated basement rather than for quarrying or commercial extraction.

314. Objectors have questioned whether the December 2024 advice remains applicable to the current proposal, including the roof form, rooftop structures and extent of excavation. These submissions have been considered as part of the assessment.

315. For planning purposes, DTP has had regard to the registered covenant, the legal advice submitted with the application and the current architectural plans. No separate application is sought to vary or remove the covenant.

316. Roofing materials proposed (use of slate) do not breach the restriction on title and a permit can be issued.

Response to Objections

317. The following is a response to the objections lodged during the notice period of this application. More specific consideration of objector grounds are assessed throughout this report, its appendices and within permit conditions.

Building height, scale, density and neighbourhood character

318. The proposal represents a substantial increase in residential intensity. However, the development provides 37% site coverage, 59% garden area, increased side setbacks and a stepped form that presents predominantly as two storeys to St Georges Road and adjoining properties. These measures assist the development in responding to the landscape-dominated character of the Garden River Precinct.

319. The principal building form is contained within the applicable 10-metre DDO3 height envelope. Lift 1 projects approximately 1.283 metres above that envelope and is addressed separately in the DDO3 assessment. Subject to resolution of that issue, the proposed scale and neighbourhood character response are considered acceptable for the reasons set out in the GRZ11, DDO3 and built-form assessments.

Birrarung corridor, DDO3 and SLO1

320. The proposal maintains the mandatory 30-metre setback from the Setback Reference Line and satisfies the protected-shadow requirement under DDO3. The apartment building, basement and rooftop swimming pool are located outside the setback. The pickleball court and outdoor kitchen are required to be deleted from the plans in accordance with Melbourne Water's conditions.

321. The building steps with the land and incorporates a central recess that breaks the northern elevation into two forms. The development will remain visible from parts of the Birrarung corridor; however, the river setback, reduced site coverage, articulation, restrained materials and proposed landscaping limit its visual prominence. The response to the Birrarung corridor is considered acceptable subject to resolution of the Lift 1 height issue and the recommended landscape and façade conditions.

Earthworks, excavation and land stability

322. The proposal requires substantial excavation for the basement, retaining structures and stepped building form. The principal excavation is located outside the mandatory river setback, and the building steps through the site rather than establishing a single development level across the property.

323. Excavation, drainage, tree protection, construction management and floodplain works are controlled through the recommended permit conditions, including Melbourne Water's requirements. Subject to these controls, the earthworks are considered capable of being appropriately managed. The detailed assessment is provided under DDO3, SLO1, flooding and landscaping.

Vegetation removal and landscaping

324. The proposal requires removal of 38 trees, including Tree 63, a high-value English Oak. This loss weighs against the proposal. However, Tree 48, a high-value English Elm within the river-side area, will be retained, together with other established vegetation capable of contributing to the landscape setting.

325. The proposal provides substantial deep-soil areas, canopy planting and rehabilitation works through the front, side and river interfaces. Replacement planting will not immediately reproduce the maturity of all vegetation removed. However, subject to the amended Landscape Plan, Tree Protection Management Plan and street-tree protection requirements, the proposal is capable of establishing an acceptable long-term landscape outcome.

Visual bulk and outlook

326. The development will alter the outlook from adjoining properties. The Planning Scheme does not protect private views or require existing outlooks to be maintained. The relevant consideration is whether the development produces unreasonable visual bulk.

327. The increased side setbacks, stepped massing, building articulation and substantial boundary landscaping reduce the apparent scale of the development. Due to the site's slope, the building generally presents as two storeys from the adjoining properties. For the reasons set out in the built-form and Clause 55 assessments, the resulting visual impact is considered acceptable.

Overlooking and privacy

328. The submitted overlooking plans assess potential views within 9 metres of habitable room windows and secluded private open space at 102 and 108 St Georges Road. Potential direct views are

addressed through setbacks, window orientation, raised sill heights, opaque glazing and permanent external screens with a maximum transparency of 25%.

329. Landscaping provides additional visual filtering but is not relied upon as the primary privacy measure. Subject to installation and ongoing maintenance of the approved privacy treatments, the proposal satisfies Standard B4-4 and will not result in unreasonable direct overlooking.

Overshadowing and solar access

330. The shadow diagrams demonstrate that the secluded private open space of 102 and 108 St Georges Road will retain at least 25 square metres, with a minimum dimension of 3 metres, receiving at least five hours of sunlight between 9.00 am and 3.00 pm on 22 September. The proposal therefore satisfies Standard B4-3.

331. The diagrams also identify no additional shadow over the rooftop solar panels at 108 St Georges Road. The proposal satisfies the separate DDO3 requirement relating to shadow across the Setback Reference Line. The overshadowing impacts are therefore considered acceptable.

Rooftop and building-services noise

332. The submitted WSP Acoustic Town Planning Report assesses façade performance, mechanical plant, lifts and mechanical car-storage equipment. It does not provide a complete predictive assessment of human activity noise from the rooftop swimming pool and communal terrace.

333. The permit therefore requires an amended acoustic report addressing rooftop activity noise and the final building-services design. The assessment must identify and secure any necessary physical attenuation, operational controls or time restrictions. The rooftop facilities are centrally located and separated from adjoining properties, providing a reasonable basis for concluding that an acceptable outcome is achievable subject to those requirements.

Traffic, parking, access and servicing

334. The Transport Impact Assessment forecasts approximately 108 vehicle movements per day, including 11 movements in each peak hour. The proposal consolidates three existing crossover arrangements into two access points, enables vehicles to enter and leave in a forward direction and provides internal waiting space for operation of the one-lane ramps. The forecast traffic increase is not considered sufficient to materially affect the operation or safety of St Georges Road.

335. The final car parking number and allocation must be reconciled between the TP10 plans and Transport Impact Assessment before determination. Subject to that reconciliation and implementation of the Traffic and Parking Management Plan and Waste Management Plan, the parking, access, deliveries, waste collection and servicing arrangements are considered acceptable.

Flooding, stormwater and environmental risks

336. Melbourne Water, as determining referral authority, does not object subject to conditions requiring relevant floor areas, basement openings, vents and the basement ramp apex to be no lower than 7.60 metres AHD. Its conditions also address fill, flood-storage capacity, permeable fencing and works within the floodplain.

337. Stormwater quality and reuse are addressed through the WSP Water Sensitive Urban Design Assessment and the required Stormwater Management Plan. Subject to implementation of Melbourne

Water's conditions and the endorsed stormwater measures, the proposal is considered to appropriately respond to flood and stormwater risks.

Restrictive covenant

338. The land is affected by Restrictive Covenant 1187626. This matter is discussed above.

Clause 53.23 and affordable housing

339. Eligibility under Clause 53.23 allows the application to be considered by the Minister for Planning but does not predetermine the planning merits. The proposal does not provide affordable dwellings on the site and instead proposes an alternative contribution equivalent to 3% of the development cost.

340. Based on the submitted estimated development cost of approximately $55.8 million, the contribution has an indicative value of approximately $1.674 million. The final amount, timing and delivery mechanism will be secured through an agreement under section 173 of the Planning and Environment Act 1987.

Aboriginal cultural heritage

341. Cultural Heritage Management Plan 19432 has been approved under the Aboriginal Heritage Act 2006.

Birrarung environs and river-protection framework

342. The proposal's relationship with the Birrarung has been assessed separately from the Aboriginal cultural heritage process. The proposal maintains the mandatory 30-metre setback and protected-shadow outcome under DDO3 and provides a substantial river-side landscape and rehabilitation response.

343. The development will remain visible from parts of the river corridor and will involve vegetation removal and earthworks. However, having regard to the river setback, stepped and articulated built form, retained vegetation, replacement planting and Melbourne Water requirements, the proposal is considered to provide an acceptable response to Clause 12.03-1R, DDO3, SLO1 and the Birrarung environs.

344.

345. The Birrarung Council was separately provided with the application material and invited to comment. No substantive response had been received when this report was finalised. The absence of a response does not remove DTP's obligation to assess the application against Clause 12.03-1R, DDO3, SLO1 and the relevant river-corridor considerations.

Application documents and technical reports

346. Objectors identified inconsistencies across the application material, including references to earlier design iterations, differing parking totals and reports originally prepared for the previous council application. The proposal being determined is the development shown on the TP10 decision plans.

347. Earlier reports have been considered only where their assumptions remain applicable to TP10. Identified gaps have not been treated as resolved and are addressed through updated documentation or conditions. The parking schedule must be reconciled before determination, and confirmation should be obtained that the covenant advice remains applicable to TP10.

Developer Contributions

349. The Development Contributions Overlay applies to the site. The following condition will be applied to the permit conditions to ensure compliance with the DCP requirements.

Development Infrastructure Levy

Before the development starts, excluding demolition, site preparation, investigation and remediation works, the owner must pay to Stonnington City Council the Development Infrastructure Levy required under the Stonnington Municipal-Wide Development Contributions Plan 2020–2040. The amount payable must be calculated by Stonnington City Council in accordance with Schedule 1 to Clause 45.06 of the Stonnington Planning Scheme, using the indexed levy rate applying at the time of payment and allowing for any applicable credit for the existing lawful development.

Conclusion on objections

348. The submissions raise legitimate concerns regarding the proposed scale of change, the Birrarung interface, vegetation removal, rooftop activity, traffic conditions and the administration of the notice process. These matters have been considered against the current decision plans, applicable controls, technical material and referral responses.

349. Subject to conditions, the matters raised in submissions are not considered to warrant refusal of the application.

Recommendation

350. The proposal is consistent with the relevant planning policies of the Stonnington Planning Scheme and will contribute additional and diverse housing, together with an affordable housing contribution secured through the Clause 53.23 pathway.

351. The proposal provides an acceptable response to the planning scheme and objectives of the Planning and Environment Act 1987, including the General Residential Zone, DDO3, SLO1, LSIO, Clause 55 and Clause 53.23 considerations. In particular, the development maintains the mandatory 30-metre setback from the Birrarung, provides acceptable site coverage and landscaping, and appropriately manages its residential, landscape and environmental interfaces.

352. Stonnington City Council objects to the application on grounds relating principally to the Birrarung corridor, earthworks, vegetation removal, building height and scale, neighbourhood character, residential amenity, flooding and street-tree impacts. These matters have been considered in this report and are considered capable of being appropriately addressed through the design response and recommended permit conditions.

353. The views of submitters, the council and referral agencies have been considered and matters raised have been addressed. The requested conditions of Melbourne Water are included as permit conditions.

354. The application was subject to public notice processes, with a mail out, a sign on site, three stages of consultation, and documentation publicly accessible on the department's website. Owners and occupiers of adjoining land and reasonably potentially affected parties had the opportunity to consider the application, its supporting material and reports, and make submissions to the responsible authority and have their views considered.

355. It is recommended that Planning Permit PA2604354 for the proposed development at 104 – 106 St Georges Road, Toorak be issued, subject to conditions.

356. It is recommended that the permit applicant, referral authorities, Stonnington City 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.

Name: [redacted]

Title: Senior Planner, Planning Facilitation

Signed: [redacted]

Phone: [redacted]

Dated: 29 October 2026

Reviewed 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.

Name: [redacted]

Title: Manager Development Assessment

Signed: [redacted]

Phone: [redacted]

Dated: 30/10/2026

Appendix 1: Clause 55 Assessment

The following tables comprise an assessment of the proposed residential building against clause 55 of the planning scheme.

Neighbourhood and site description

Clause 55.01-1	Assessment

• *The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:*
  ○ *In relation to the neighbourhood:*
  - *The pattern of development of the neighbourhood.*
  - *The built form, scale and character of surrounding development including front fencing.*
  - *Architectural and roof styles.*
  - *Any other notable features or characteristics of the neighbourhood.*
  ○ *In relation to the site:*
  - *Site shape, size, orientation and easements.*
  - *Levels of the site and the difference in levels between the site and surrounding properties.*
  - *The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.*
  - *The use of surrounding buildings.*
  - *The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.*
  - *Solar access to the site and to surrounding properties.*
  - *Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.*
  - *Any contaminated soils and filled areas, where known.*
  - *Views to and from the site.*
  - *Street frontage features such as poles, street trees and kerb crossovers.*
  - *The location of local shops, public transport services and public open spaces within walking distance.*
  - *Any other notable features or characteristics of the site.*
• *If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.*
Satisfactory neighbourhood and site description
• *If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.*
• *The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.*
• *This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.*
	Complies.
	The neighbourhood and site description is provided through the planning report, survey, architectural plans, elevations, sections, existing conditions plans and arboricultural material.
	The submitted documentation identifies the surrounding development pattern, adjoining dwellings, site dimensions and levels, existing buildings, habitable room windows and private open space, significant vegetation, crossovers, services, solar panels and the site's interface with the Birrarung.
	The neighbourhood and site description is sufficient to enable assessment of the application.

Design response

Clause 55.01-2	Assessment
• *The design response must explain how the proposed design:* ○ *Derives from and responds to the neighbourhood and site description.*	Complies. The design response is provided through the planning report, architectural plans, urban design memorandum

○ *Meets the objectives of Clause 55.* ○ *Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.* • *If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.* • *The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.*	and landscape plans. The submitted material explains the response to the site's topography, St Georges Road, adjoining residential properties, the Birrarung corridor, DDO3, SLO1 and the Garden River Precinct. The plans include contextual elevations, sections, renders, landscape plans and material details sufficient to demonstrate the proposed design response.

Neighbourhood character objectives

Street setback objectives

Clause 55.02-1	Assessment
Objectives • *To ensure that the setbacks of a buildings form a street respond to the existing or preferred neighbourhood character and make efficient use of the site.*	Complies.
Standard B2-1 *Walls of buildings are set back from streets:* • *At least the distance specified in a schedule to the zone if the distance specified in Table B2-1; or* • *If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.* *Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.*	The two adjoining dwellings are identified as having front setbacks of approximately 4.1 metres and 5.2 metres. Standard B2-1 therefore requires a minimum front setback of 4.1 metres.

Table B2-11 Street setback

Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	*The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.*	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	*The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.*	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not	*6 metres for streets in a Transport Zone 2 and 4 metres for other streets.*	Not applicable

on a corner.		
The site is on a corner.	*If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.* *If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.*	*Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.* *Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.*

Building height objectives

Clause 55.02-2	Assessment
Objectives • *To ensure that the height of buildings respond to the existing or preferred neighbourhood character.*	**Complies.**
Standard B2-2 • *The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.* • *If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross-section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.*	**Variation identified.** DDO3 specifies a maximum building height of 9 metres and allows an additional 1 metre where the relevant slope criterion is met. Given the significant slope of the site, a maximum height of 10 metres applies. The principal building form is contained within the 10-metre height envelope. Lift 1 projects approximately 1.283 metres above that envelope. The exceedance is confined to the lift overrun, which is centrally located, integrated into the slate roof form and substantially setback from St Georges Road, the Birrarung and adjoining residential properties. Having regard to its limited extent and visual prominence, the lift overrun is considered to meet the building height objective.

Side and rear setbacks objective

Clause 55.02-3	Assessment

Objective • *To ensure that the height and setback of a building from a boundary responds the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.*	**Complies.**

Standard B2-3
• *A new building not on or within 200mm of a boundary should be set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.*
• *Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions:*
  ○ *B2-3.1:*
  The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
  ○ *B2-3.2*
  If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.
• *Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.*
• *Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.*
	Complies
	The building is generally setback at least 4.5 metres from the eastern and western side boundaries and 30 metres from the Birrarung Setback Reference Line.
	
	The submitted plans and sections demonstrate compliance with the applicable setback profile.
	
	The setbacks provide appropriate separation from adjoining dwellings and sufficient space for landscaping.

Walls on boundary objective

Clause 55.02-4	Assessment
Objective • *To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.*	**Complies.**

Standard B2-4
• *A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot does not abut the boundary for a length that exceeds the greater of the following distances:*
  - *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*
  - *The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.*
• *A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.*
• *A building on a boundary includes a building set back up to 200mm from a boundary.*
• *The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.*
	Complies.
	No new building wall is proposed on or within 200 millimetres of a side or rear boundary

Site coverage objective

Clause 55.02-5	Assessment
Objective • *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*	**Complies.**

Standard B2-5
• *The site area covered by buildings should not exceed:*
  ○ *The maximum site coverage specified in a schedule to the zone; or*
  ○ *If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.*
• *If the maximum site coverage is specified in a schedule to the zone, it must be greater than the percentage specified in Table B2-5.*
 	
Table B2-5 Site Coverage
Zone / *Area*
Neighbourhood Residential Zone, *Township Zone* — *60 per cent*
General Residential Zone — *65 per cent*
Residential Growth Zone, *Mixed Use Zone*, *Housing Choice and Transport Zone* — *70 per cent*
	Complies.
	The proposal has a site coverage of 37%, below the 40% preferred maximum identified by DDO3 and the applicable Clause 55 benchmark.
	The proposal also provides approximately 59% garden area.

Access objective

Clause 55.02-6	Assessment
Objectives • *To ensure the number and design of vehicle crossovers responds to the neighbourhood character.*	**Complies.**

Standard B2-6
• *The width of accessways or car spaces (other than to a rear lane) does not exceed:*
  ○ *33 per cent of the street frontage, or*
  ○ *40 per cent of the street frontage if the width of the street frontage is less than 20 metres.*
• *The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.*
• *The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.*
	Complies.
	Complies.
	The combined crossover width is approximately 13.31 metres across a frontage of approximately 59.79 metres, representing approximately 22% of the frontage and remaining below the maximum 33%.
	The proposal consolidates the three existing crossover arrangements into two access points.
	Potential impacts on street trees are addressed through the Tree Protection Management Plan and Council asset conditions.

Tree canopy objective

Clause 55.02-7	Assessment
Objective • *To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.*	**Complies.**
Standard B2-7 • *Provide a minimum canopy cover as specified in Table B2-7.1.*	**Complies.** As the site exceeds 1,000 square metres,

Table B2-7.1

Site area	Canopy cover
1000 square metres or less	10% of the site area
More than 1000 square metres	20% of the site area

- *Existing trees to be retained meet all the following:*
  - *Has a height of at least 5 metres,*
  - *Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,*
  - *Has a trunk that is located at least 4 metres from proposed buildings.*
- *The minimum canopy cover is met using any combination of trees specified in Table B2-7.2*
- *Existing trees that are retained can be used in calculating canopy cover.*

Table B2-7.2 Tree type, canopy cover, deep soil planter requirements

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity	Minimum mature canopy cover	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Minimum depth of planter soil
A	4 metres	6 metres	12.6 sqm	12 cubic metres (min. plan dimensions 2.5 metres)	12 cubic metres (min. plan dimensions 2.5 metres)	0.8 metre
B	8 metres	8 metres	50.3 sqm	49 cubic metres (min. plan dimensions 4.5 metres)	28 cubic metres (min. plan dimensions 4.5 metres)	1 metre
C	12 metres	12 metres	131.1 sqm	121 cubic metres (min. plan dimensions 6.5 metres)	64 cubic metres (min. plan dimensions 6.5 metres)	1.5 metre

- *Provide at least one new or retained tree in the front setback and the rear setback.*
- *Trees are located in either:*
  - *An area of deep soil as specified in Table B2-7.2; or*
  - *A planter as specified in Table B2-7.2.*

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

a minimum canopy cover of 20% is required.

The submitted canopy plan identifies approximately 35% canopy cover through retained and proposed trees.

Canopy trees are proposed within the front and rear setbacks and are located within nominated deep-soil areas or appropriately sized planters.

Compliance is subject to endorsement and implementation of the amended Landscape Plan.

Front fences objective

Clause 55.02-8	Assessment
Objective • *To encourage front fence design that responds to the existing or preferred neighbourhood character.*	**Complies**

Standard B2-8
• *A front fence within 3 metres of a street is:*
  ○ *The maximum height specified in a schedule to the zone, or*
  ○ *If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.*
	Complies
	The proposed front fence has a nominal height of 1.5 metres and incorporates permeable metal blades above a tapering concrete base.
	The fence height and design respond appropriately to the landscaped residential character of St

	Table B2-8 Maximum front fence height **Street context** / **Maximum front fence height** Streets in a Transport Zone 2 / 2 metres Other streets / 1.5 metres		Georges Road.

Liveability

Dwelling diversity objective

Clause 55.03-1	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings.*	**Complies**

Standard B3-1
• *Developments include at least:*
  ○ *One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at round floor level for every 10 dwellings.*
  ○ *One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.*
  ○ *One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.*
	Complies
	The development comprises 18 apartments, including:
	• 1 one-bedroom dwelling;
	• 1 two-bedroom dwelling;
	• 15 three-bedroom dwellings; and
	• 1 four-bedroom dwelling.
	The proposed mix satisfies the applicable dwelling-diversity requirements.

Parking location objectives

Clause 55.03-2	Assessment
Objectives • *To minimise the impact of vehicular noise within developments on residents.*	**Complies.**

Standard B3-2
• *Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:*
  ○ *1.5 metres; or*
  ○ *If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or*
  ○ *1 metre where window sills are at least 1.5 metres above ground level.*
• *This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.*
	Complies.
	Habitable room windows adjoining accessways and parking areas are either setback by the required distance, elevated above the accessway or separated by full-height solid walls.
	The submitted plans identify no unprotected habitable room window immediately adjoining a vehicle accessway or parking space.

Street integration objectives

Clause 55.03-3	Assessment
Objectives • *To integrate the layout of development with the street to support the safety and amenity of residents.*	**Complies.**
Standard B3-3 • *Where a development fronts a street, a vehicle accessway or abuts*	**Complies, subject to conditions**

public open space: ○ *Passive surveillance is provided by a direct view from a balcony or a habitable room windows to each street, vehicle accessway and public open space.* ○ *The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.* • *Lighting is provided to all external accessways and paths.* • *Mailboxes are provided for each dwelling and can be communally located.*	Complies, subject to conditions. Upper-level windows and balconies provide passive surveillance of St Georges Road and the internal accessways. Services occupy less than 20% of the frontage and are screened behind the front fence and associated architectural treatments. External accessways and paths are required to be lit. Mailboxes are required to be shown on the amended plans.

Entry objective

Clause 55.03-4	Assessment
Objective • *To provide each dwelling, apartment development or residential building with its own sense of identity.* • *To provide entries with weather protection, safe design, natural light and ventilation.*	**Complies.**
Standard B3-4 **Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings** • *Each dwelling and each residential building has a ground level entry door that:* ○ *Has a direct line of sight from a street, accessway or shared walkway.* ○ *Is not accessed through a garage.* ○ *Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.* **Apartment development and residential building with a shared entry** • *An apartment development and each residential building has:* ○ *A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway.* ○ *An external covered area of at least 1.44 square metres with a minimum dimension of at least 1.2 metres over the entry door of the building.* ○ *Shared corridors and common areas have at least one source of natural light and natural ventilation.*	**Complies.** Complies. The principal pedestrian entrance is visible and directly accessible from St Georges Road. The entry is weather-protected and exceeds the minimum covered-area dimensions. The central atrium and external openings provide natural light and ventilation to the principal common circulation areas.

Private open space objective

Clause 55.03-5	Assessment
Objective • *To provide adequate private open space for the reasonable recreation and service needs of residents.*	**Complies**
Standard B3-5 • *A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone.* • *If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:* ○ *An area of 25 square metres of secluded private open space with a minimum dimension of 3 metres width;* ○ *A balcony with at least the area and dimensions specified in Table 3-5; or*	**Complies.** Each apartment is provided with private open space directly accessible from a living area. The submitted private open space assessment demonstrates that the balconies and terraces meet the applicable minimum area and dimension requirements for their dwelling type and orientation.

- *An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or*
- *An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.*

- *If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;*
  - *The area and dimensions specified in the schedule must be 25 square metres or less; and*
  - *The area and dimension specified for a podium, balcony or an are on a roof must be less than the area and dimensions specified in this standard.*
- *If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.*
- *Where ground level private open space is provided an area for clothes drying is provided.*

Table B3-5 Private open space for a balcony

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 dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 bedroom dwelling	12 square metres	2.4 metres

Solar access to open space objective

Clause 55.03-6	Assessment
Objective • *To allow solar access into the secluded private open space of new dwellings and residential buildings.*	**Complies.**
Standard B3-6 • *The southern boundary of secluded private open space is set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.*	The private open space areas are predominantly oriented towards the north or otherwise positioned to receive reasonable solar access. The submitted plans demonstrate compliance with the applicable wall-separation requirement.

Functional layout objective

Clause 55.03-7	Assessment
Objectives • *To ensure dwellings provide functional areas that meet the needs of residents.*	**Complies.**

Standard B3-7
• *Bedrooms:*
  ○ *Meet the minimum internal room dimensions specified in Table B3-7.1; and*
  ○ *Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.*
	Complies.
	The dedicated functional-layout drawings demonstrate that all bedrooms and living areas meet or exceed the applicable minimum dimensions.
	Bedroom layouts include the required additional area for wardrobes.

Table B3-7.1 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) meet the minimum internal room dimensions specified in Table B3-7.2.*

Table B3-7.2 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

Room depth objective

Clause 55.03-8	Assessment
Objective • *To allow adequate daylight into single aspect habitable rooms.*	**Complies.**

Standard B3-8
• *The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.*
  ○ *The room combines the living area, dining area and kitchen; and*
  ○ *The kitchen is located furthest from the window; and*
  ○ *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; and*
  ○ *An overhang extends no more than 2m beyond the window of the single aspect habitable room.*
• *In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.*
	Complies.
	Bedroom depths do not exceed 2.5 times the relevant ceiling height.
	Combined living, dining and kitchen areas are shown with a maximum depth of 9 metres and a minimum ceiling height of 2.7 metres.

Daylight to new windows objective

Clause 55.03-9	Assessment
Objective • *To allow adequate daylight into new habitable room windows.*	**Complies.**
Standard B3-9 **Dwelling (other than a dwelling in or forming part of an apartment development)** • *A window in an external wall of the building is provided to all habitable rooms.*	**Complies.** All habitable rooms are provided with windows in an external wall. The windows face outdoor areas or light courts that are clear to the sky and satisfy the applicable

• *Habitable rooms in a dwelling have a window that faces:*
  ○ *An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or*
  ○ *A verandah provided it is open for at least one third of its perimeter, or*
  ○ *A carport provided it has two or more open sides and is open for at least one third of its perimeter.*
Dwelling in or forming part of an apartment development
• *A window in an external wall of the building is provided to all habitable rooms.*
• *Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:*
  ○ *A minimum width of 1.2 metres.*
  ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*
  ○ *A window clear to the sky.*
	minimum area and dimension requirements.

Natural ventilation objectives

Clause 55.03-10	Assessment
Objectives • *To encourage natural ventilation of dwellings.* • *To allow occupants to effectively manage natural ventilation of dwellings.*	**Complies.**

Standard B3-10
 	
Dwelling (other than a dwelling in or forming part of an apartment development)
• *Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide;*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*
 	
Dwelling in or forming part of an apartment development
• *At least 40 percent of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*
	Complies.
	More than 40% of the apartments are provided with openable windows or doors on different orientations.
	The nominated dwellings have breeze paths between 5 metres and 18 metres, with ventilation openings of approximately equivalent area.

Storage objective

Clause 55.03-11	Assessment

Objectives	Complies
• *To provide adequate storage facilities for each dwelling.*	
Standard B3-11 **Dwelling (other than a dwelling in or forming part of an apartment development)** • *Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.* **Dwelling in or forming part of an apartment development** • *Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table B3-11.*	**Complies.** The one-bedroom dwelling is provided with more than 12 cubic metres of storage. The two, three and four-bedroom dwellings are provided with more than 20 cubic metres of storage. The storage provision exceeds the applicable minimum internal and total storage requirements.

Table B3-11 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

Accessibility for apartment developments objective

Clause 55.03-12	Assessment
Objective • *To ensure the design of dwellings meets the needs of people with limited mobility.*	**Complies.**

Standard B3-12
• *At least 50 per cent of dwellings in or forming part of an apartment development have:*
  ○ *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
  ○ *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
  ○ *A main bedroom with access to an adaptable bathroom.*
  ○ *At least on adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B3-12.*
	Complies.
	At least 50% of the apartments provide:
	• an entrance and main-bedroom doorway with a clear opening of at least 850 millimetres;
	• a 1.2-metre-wide accessible path between the entrance, living area, main bedroom and adaptable bathroom;
	• a main bedroom connected to an adaptable bathroom; and
	• an adaptable bathroom consistent with Design Option A.

Table B3-12 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: ▪ 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: ▪ 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: ▪ 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: ▪ 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.

External Amenity

Daylight to existing windows objective

Clause 55.04-1	Assessment
Objective • *To allow adequate daylight into existing habitable room windows.*	**Complies.**
Standard B4-1 • *Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.* • *Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.* • *Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.*	**Complies.** The proposed 4.5-metre side setbacks provide light courts to adjoining habitable room windows exceeding the minimum area and dimension requirements. The submitted plans and sections demonstrate that the proposed walls provide the required separation from adjoining windows.

Existing north-facing windows objective

Clause 55.04-2	Assessment
Objective • *To allow adequate solar access to existing north-facing habitable room windows.*	**Complies.**

Standard B4-2
• *Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:*
  ○ *A new building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.*
  ○ *For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.*
• *For this standard a north facing window is a window with an axis perpendicular to its surface orientated from north 20 degrees west to north 30 degrees east.*
	Complies.
	There are no existing north-facing habitable room windows within 3m of a boundary.

Overshadowing secluded open space objective

Clause 55.04-3	Assessment
Objective • *To ensure buildings do not significantly overshadow existing secluded private open space.*	**Complies.**
Standard B4-3 • *The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.* • *If existing sunlight to the secluded private open space of an existing dwelling or a small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.*	**Complies.** The shadow diagrams demonstrate that the secluded private open space of 102 and 108 St Georges Road will retain at least 25 square metres, with a minimum dimension of 3 metres, receiving at least five hours of sunlight between 9.00 am and 3.00 pm on 22 September

Overlooking objective

Clause 55.04-4	Assessment
Objective • *To limit views into existing secluded private open space and habitable room windows.*	**Complies.**
Standard B4-4 • *In Clause 55.04-4 a habitable room does not include a bedroom.* • *A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.* • *A habitable room window, balcony, terrace, deck or patio with a direct*	**Complies.** The submitted overlooking analysis assesses affected habitable room windows, balconies and terraces within 9 metres of adjoining habitable room windows and secluded private open space. Potential direct views are addressed through setbacks, window orientation, sill heights, opaque glazing and permanent external screening with no

view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: ○ *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or* ○ *Has sill heights of at least 1.7 metres above floor level; or* ○ *Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level.* ○ *Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.* ○ *Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.* • *Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.* • *Screens used to obscure a view are:* ○ *Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.* ○ *Permanent, fixed and durable.* ○ *Designed and coloured to blend in with the development.* • *This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.*	more than 25% transparency. The permit requires approved privacy treatments to be installed before occupation and maintained thereafter.

Internal views objective

Clause 55.04-5	Assessment
Objective • *To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.*	**Complies.**
Standard B4-5 • *In Clause 55.04-5 a habitable room does not include a bedroom.* • *Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:* ○ *Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or* ○ *Has a sill height of at least 1.7 metres above floor level; or* ○ *Has a fixed, visually obscure balustrade to at least 1.7 metres above floor level; or* ○ *Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.* • *Direct views are managed at a height of 1.7 metres above floor level and within:* ○ *A 45 degree horizontal angle from the edge of the new window or balcony.* ○ *A 45 degree angle in the downward direction.* • *Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.*	**Complies.** The internal-views assessment demonstrates that windows, balconies, terraces and private open space areas are positioned or screened to prevent unreasonable direct views between apartments. Screening is provided to a height of at least 1.7 metres and with a maximum transparency of 25% where required.

Sustainability

Permeability and stormwater management objective

Clause 55.05-1	Assessment
Objectives • *To reduce the impact of increased stormwater run-off on the drainage*	**Complies.**

system and downstream waterways. • *To facilitate on-site stormwater infiltration.* • *To encourage stormwater management that maximises the retention and reuse of stormwater.* • *To contribute to urban cooling.*	

Standard B5-1
• *The site area covered by the pervious surfaces is at least 20 percent of the site.*
• *The development includes a stormwater management system designed to:*
  ○ *Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:*
  ○ *Suspended solids 80% reduction in mean annual load.*
  ○ *Total phosphorus and Total Nitrogen 45% reduction in mean annual load.*
  ○ *Litter 70% reduction of mean annual load.*
  ○ *Allow for intended vegetation growth and structural protection of buildings.*
  ○ *In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.*
  ○ *Provide a safe, attractive and functional environment for residents.*
Note:
A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective – Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.
• *Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.*
	Complies, subject to conditions.
	Approximately 59% of the site is identified as permeable, exceeding the minimum 20% requirement.
	The WSP WSUD Assessment provides for a 20-kilolitre rainwater tank, toilet-flushing reuse and a 5-square-metre raingarden.
	MUSIC modelling indicates that the applicable stormwater-quality targets can be achieved.
	The final drainage, tank connections, treatment measures and maintenance arrangements are required to be confirmed through the endorsed Stormwater Management Plan.

Overshadowing domestic solar energy systems objective

Clause 55.05-2	Assessment
Objectives • *To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.*	**Complies.**
Standard B5-2 • *Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every meter of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.* • *This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.* • *In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.*	**Complies.** The adjoining property at 108 St Georges Road contains rooftop solar panels. The submitted shadow diagrams demonstrate that the proposal will not result in additional shadow over those panels between 9.00 am and 4.00 pm on 22 September.

Rooftop solar energy generation area objective

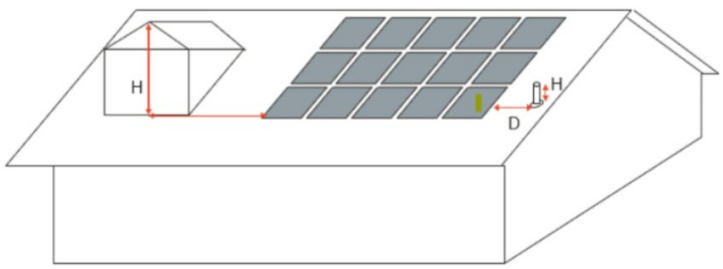
Clause 55.05-3	Assessment
Objectives	**Complies.**

- *To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.*

Standard B5-3

- *In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.*
- *An area on the roof is capable of siting on a rooftop solar energy area for each dwelling which:*
  - *Has a minimum dimension of 1.7 metres.*
  - *Has a minimum area in accordance with Table B5-3*
  - *Is orientated to the north, west or east.*
  - *Is positioned on the top two thirds of a pitched roof.*
  - *Can be a contiguous area or multiple smaller areas*
  - *Is free from obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.*

Diagram B5-3 Allowable distance between obstructions and the rooftop solar energy area



- *Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.*

Table B5-3 Minimum rooftop solar energy generation area

Number of bedrooms	Minimum roof area
1 bedroom dwelling	15 square metres
2 or 3 bedroom dwelling	26 square metres
4 or more bedroom dwelling	34 square metres

Complies.

The roof above the Level 6 penthouse provides sufficient north-oriented, unobstructed area to accommodate the required future rooftop solar-energy area.

Solar protection to new north-facing windows objective

Clause 55.05-4	Assessment

Objective • *To encourage external shading of north facing windows to minimise summer heat gain.*	**Complies.**
Standard B5-4 • *North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.*	**Complies.** North-facing windows and glazed doors are shaded by fixed roof overhangs or eaves with a depth of at least 25% of the relevant opening height.

Waste and recycling objectives

Clause 55.05-5	Assessment
Objectives • *To ensure dwellings are designed to facilitate waste recycling.* • *To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.* • *To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.*	**Complies.**

Standard B5-5
 	
Dwelling (other than a dwelling in or forming part of an apartment development)
 	
• *The development includes an individual bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.*
 	
Table B5-5.1 Bin storage
 	
Type of bin storage area / **Minimum area** / **Minimum depth** / **Minimum height**
Individual bin storage area for a dwelling. / 1.8 square metres / 0.8 metre / 1.8 metres
Shared bin storage area for 3 dwellings or less. / 5.4 square metres / 0.8 metre / 1.8 metres
Shared bin storage area for 4 or more dwellings. / 1 square metre per dwelling plus 4 square metres / 0.8 metre / 1.8 metres
 	
• *If the development includes a shared bin storage area:*
  ○ *The shared bin storage area:*
  ○ *Is located within 40 metres of a kerbside collection point.*
  ○ *Includes a tap for bin washing.*
  ○ *There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.*
• *Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.*
• *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*
	Complies.
	
	The development provides an enclosed Level 1 bin room and a temporary ground-level collection area with a combined area exceeding the minimum requirement.
	The Level 1 bin room provides mechanical ventilation, drainage, water supply and bin-washing facilities.
	A continuous path is provided between the apartments, bin room and temporary collection area. Private collection vehicles can enter and leave the site in a forward direction.
	Each apartment is provided with internal waste and recycling storage exceeding 0.07 cubic metres

Dwelling in or forming part of an apartment development

- *The development includes a shared bin storage area for by each dwelling of at least the applicable area, depth and height specified in Table B5-5.2.*

Table B5-5.2 Apartment bin storage

Number of dwellings	Minimum area	Minimum depth	Minimum height
15 or less dwellings	0.7 square metres per dwelling in a shared waste storage area	0.8 metres	2.7 metres
16 to 55 dwellings	0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area.	1 metre	2.7 metres
56 or more dwellings	0.5 square metres per dwelling in a shared waste storage area.	1 metre	2.7 metres

- *Enclosed bin storage areas are ventilated by:*
  - *Natural ventilation openings to the external air with an area of at least 5 per cent of the area for the bin storage area; or*
  - *A mechanical exhaust ventilation system.*
- *A tap and drain is provided to wash bins.*
- *A continuous path of travel is provided from each dwelling to bin storage areas.*
- *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*

Noise impacts objective

Clause 55.05-6	Assessment
Objectives • *To minimise the impact of mechanical plant noise located in the development.*	**Complies.**
Standard B5-6 • *Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new of existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.*	**Complies, subject to conditions.** Mechanical plant, car parking, car stackers and lift facilities are generally separated from bedrooms by distance or solid construction. The wall between Lift 4 and Bedroom 3 of Apartment 14 is identified for acoustic treatment. An amended Acoustic Report is required to confirm the final treatment of mechanical plant, lifts, car stackers and other building services and to assess noise associated with the rooftop pool and communal terrace.

Energy efficiency for apartment development objectives

Clause 55.05-7	Assessment
Objectives • *To achieve energy efficient dwellings and buildings.* • *To ensure dwellings achieve adequate thermal efficiency.*	**Complies.**
Standard B5-7	

- *Dwellings in or forming part of an apartment development located in a climate zone identified Table B5-7 do not exceed the maximum NatHERS annual cooling load.*

NatHERS climate zone	NatHERS maximum cooling load MJ/M² 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).*

Complies, subject to final certification.

The site is within NatHERS Climate Zone 21, for which the maximum annual cooling load is 30 MJ/m².

The preliminary modelling identifies apartment cooling loads between 6.1 and 29.4 MJ/m² per year, below the applicable maximum.

Final NatHERS certification and implementation of the endorsed Sustainability Management Plan will be required through the building and permit processes

The proposal demonstrates a high level of compliance with Clause 55.
The following matters require confirmation or qualification:

- the minimum front setback under Standard B2-1 must be clearly demonstrated on the TP10 decision plans;
- the Lift 1 overrun represents a limited departure from the applicable DDO3 height envelope and is assessed on its merits under Standard B2-2 and DDO3;
- final acoustic, stormwater and sustainability details remain subject to the endorsed plans and permit conditions; and
- the final car-parking schedule and architectural plans must be reconciled before endorsement.

Subject to these matters and the recommended conditions, the proposal is considered to satisfy the applicable Clause 55 objectives.

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Appendix 2: Stonnington grounds of objection

Council Objection	DTP Response
The proposal is an overdevelopment of the site by reason of its site coverage, design, siting, scale and bulk; fails to respond to the Birrarung environs; and will dominate views from the river corridor.	The development is substantially larger than the existing dwellings and will be visible from parts of the Birrarung corridor. However, the revised proposal reduces site coverage from 47% to 37%, provides 59% garden area and maintains the mandatory 30-metre setback from the Setback Reference Line. The building steps with the fall of the land and includes a substantial central recess, allowing the northern elevation to read as two forms rather than one continuous mass. The principal building form is within the applicable 10-metre height envelope, except for the limited Lift 1 overrun. Having regard to the mandatory setback, reduced site coverage, building articulation, materials and proposed landscaping, the development is considered to provide an acceptable response to Clause 12.03-1R, DDO3 and SLO1.
The extensive earthworks will substantially alter the topography and adversely affect the landscape character and environmental values of the Birrarung corridor.	The proposal requires substantial excavation for the basement, retaining structures and stepped building form. This will alter the land within the development footprint and is a material impact. The principal excavation is associated with the building outside the mandatory 30-metre river setback. The building steps through the site rather than establishing a single development level across the full property. Construction, excavation, drainage, tree protection and floodplain works are controlled through the proposed permit conditions, including Melbourne Water's requirements. Subject to those controls, the earthworks are considered capable of being appropriately managed.
The extent of vegetation removal will degrade the natural landscape character of the Birrarung.	The proposal requires the removal of 38 trees within the site, including Tree 63, which is assessed as having high arboricultural value. This loss weighs against the proposal. The development retains Tree 48, a high-value English Elm closer to the Birrarung, together with other established vegetation in the river-side area. The landscape scheme provides substantial deep-soil planting, canopy trees and rehabilitation planting through the front, side and river interfaces. Replacement planting will not immediately reproduce the maturity of all vegetation removed; however, the retained vegetation and proposed long-term landscape outcome are considered acceptable subject to the Landscape Plan and Tree Protection Management Plan conditions.
The development crowds the side boundaries and does not provide sufficient space for landscaping, including an appropriate species response.	The current proposal increases the eastern and western side setbacks compared with the previously refused scheme. The building is generally setback approximately 4.5 metres from the side boundaries, providing space for canopy trees, shrubs, climbers and lower-level planting. The submitted landscape plans include native and exotic species suited to the site's residential and river-corridor setting. An amended Landscape Plan is required to confirm planter dimensions, soil depths and volumes, mature canopy outcomes and irrigation. Subject to those requirements, the side setbacks are considered sufficient to support a meaningful landscape response and reduce the apparent scale of the development.
The proposal exceeds the maximum building height permitted by DDO3.	DDO3 specifies a mandatory maximum height of 9 metres and permits an additional 1 metre where the relevant slope criterion is met. The site falls approximately 18 metres towards the Birrarung and the applicable maximum height is therefore 10 metres. The principal building form is contained within that envelope. Lift 1 extends approximately 1.283 metres above the 10-metre height plane. The exceedance is confined to the centrally located lift overrun, which is integrated into the slate roof form and substantially setback from the street, river and adjoining properties. Having regard to its limited extent and visual prominence, the lift overrun is considered to meet the building-height objective and provide an acceptable planning outcome.
The proposed materials, colours and finishes do not sensitively integrate with the natural landscape setting of the river corridor.	The proposal uses a restrained palette comprising predominantly off-form concrete, slate roofing, glazing and timber screening, integrated with substantial landscaping. These materials are not considered to create an unreasonable contrast with the landscape setting. The permit requires a detailed Façade Strategy, including final colours, materials, finishes, junction details, rooftop structures and maintenance requirements. Subject to endorsement of that strategy, the materials and finishes are considered capable of providing an appropriate response to DDO3 and the Birrarung corridor.

The siting, massing and design result in excessive visual bulk and an inappropriate response to the existing and preferred neighbourhood character.	The proposal does not replicate the detached-dwelling form currently found on the site and represents a substantial increase in residential intensity. However, the site is large, steeply sloping and subject to controls that establish specific height, setback, site-coverage and landscape outcomes. The building presents predominantly as two storeys to St Georges Road and the side interfaces, is setback approximately 5 metres from the street and generally 4.5 metres from the side boundaries, and incorporates substantial façade articulation and landscape planting. The resulting built form is considered to provide an acceptable contemporary response to the Garden River Precinct and the site's Birrarung interface.
The proposal will cause unreasonable amenity impacts to adjoining properties through visual bulk and overlooking.	The increased side setbacks, stepped massing, articulation and landscaping reduce the apparent scale of the building from 102 and 108 St Georges Road. Potential overlooking within 9 metres is addressed through window orientation, raised sill heights, opaque glazing and fixed external screening with a maximum transparency of 25%. Landscaping provides additional visual filtering but is not relied upon as the primary privacy measure. The submitted overlooking analysis demonstrates compliance with Standard B4-4, and permit conditions require the approved privacy treatments to be installed and maintained. The visual bulk and overlooking impacts are therefore considered acceptable.
The development will provide inadequate internal amenity, including in relation to daylight, outlook, accessibility and natural ventilation, particularly for dwellings below natural ground level or facing retaining walls.	The current TP10 plans include dedicated assessments of functional layouts, room depth, daylight, natural ventilation, accessibility, private open space and storage. All habitable rooms are provided with external windows and the room-depth diagrams demonstrate compliance with Standard B3-8. More than 40% of apartments achieve the required cross-ventilation outcome, and at least 50% provide the accessibility features required by Standard B3-12. The revised proposal is considered to meet the applicable Clause 55 internal-amenity standards.
The front fence, sunken entry and pedestrian access do not provide appropriate street integration, security or a clear sense of address.	The principal pedestrian entrance is centrally located, directly accessible and visible from St Georges Road and is identified by a covered entry, pedestrian path and reception area. Upper-level windows and balconies provide passive surveillance towards the street and entrance. The frontage includes landscaping and a nominally 1.5-metre-high permeable fence, allowing views into the front setback while providing residential privacy and security. Services are screened and occupy less than 20% of the frontage. The proposal is considered to provide a legible residential address and acceptable integration with St Georges Road.
There is a high risk of flooding and insufficient information has been provided about drainage and flood-hazard mitigation.	The northern portion of the site is affected by the LSIO and Melbourne Water is a determining referral authority. Melbourne Water does not object subject to conditions requiring the relevant finished floor levels, basement openings, vents and basement ramp apex to be no lower than 7.60 metres AHD. Its conditions also regulate fill, cut-and-fill balance, flood-storage capacity, fencing and works within the floodplain. Stormwater quality and drainage are separately addressed through the WSP WSUD Assessment and the proposed Stormwater Management Plan condition. The applicant has accepted Melbourne Water's requirements and the plans must be amended before endorsement. Subject to these conditions, flooding and drainage do not warrant refusal
The proposed crossovers may adversely affect the tree protection zones of street trees.	The arboricultural assessment identifies potential impacts on street Trees 2, 4 and 5. Tree 2 is assessed as having low arboricultural value and may require removal. The assessment identifies that Tree 4 may be retained through adjustment of the crossing design, while the proposed crossing works may adversely affect Tree 5. These impacts require resolution through detailed crossover design and arboricultural review in consultation with Stonnington City Council. The permit requires a Tree Protection Management Plan, street-tree protection measures and Council approval for works affecting municipal assets. Subject to those requirements, the crossover and street-tree interface is capable of being satisfactorily resolved