Great Design Fast Track Planning Assessment Officer Report

PA2604564, 7 - 9 Ormsby Grove, Toorak



Planning Assessment Officer Report
Development Assessment

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Executive Summary

Key Information	Details		
Application No:	PA2604564		
DFP Reference:	PPA - 1725		
Received:	5 August 2026		
Statutory Days:	15		
Applicant:	Planning and Property Partners Pty Ltd on behalf Ormsby Grove Toorak Development Pty Ltd		
Planning Scheme:	Stonnington		
Land Address:	7-9 Ormsby Grove Toorak		
Proposal:	Construction of a five-storey residential apartment building comprising nine dwellings above two basement levels.		
Development Value:	$17,982,405		
Why is the Minister responsible?	The application has been made under Clause 53.25 (Great Design Fast Track). In accordance with the schedule to Clause 72.01 of the planning scheme, the Minister for Planning is the responsible authority for this application because it is a matter under Division 1 of Part 4 of the Act and Clause 53.25 (Great Design Fast Track) applies.		
Why is a permit required?	**Clause**	**Control**	**Permit Trigger**
Zone:	32.10	Housing Choice and Transport Zone (HCTZ2)	Construct two or more dwellings on a lot.
Overlays:	45.06	Development Contributions (DCP01)	Nil
Particular Provisions:	52.06-3	Car parking	Provide more than the maximum parking requirement specified in Clause 52.06-5
	53.25	Great Design Fast Track	Nil
Cultural Heritage:	N/A - The subject site is not within an area of Cultural Heritage Significance		
Total site Area:	1,017sqm		
Height:	5	Storeys (excluding 2 basement levels and roof plant)	
	17.853 18.982	Metres (excluding plants) Metres (including plants)	
Land Uses:	**Dwellings**	**Office**	**Retail** / **Other**
	9	N/A	N/A / N/A
Parking:	**Cars**	**Motorcycles**	**Bicycles**
	24	Nil	18
Referral Authorities:	N/A		
Advice sought:	▪ Stonnington City Council ▪ Office of the Victorian Government Architect (via DFP pathway)		
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:		

	• Placement of three signs on the site for a period of 14 days • Letters to the adjoining owners and occupiers A statutory Declaration was submitted confirming the above. 23 objections were received at the end of the notification period
Delegates List:	12 October 2026
Statutory Days:	60

Proposal

Application Process

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

Milestone	Date
Application lodged with DFP	24 November 2025
DFP Eligibility letter sent	29 July 2026
Application lodgement with DA	5 August 2026
Further information requested	N/A
Further information received	N/A
Decision Plans	• Architectural Package' prepared by DKO Architecture Pty Ltd (Revision 04, Dated 4 August 2026) • 'Landscape Plan' prepared by Dangar Barin Smith (Revision C, Dated 3 August 2026). • 'Traffic Engineering Assessment' prepared by Traffix Pty Ltd (Revision B, Dated 27 May 2026). • 'Waste Management Plan' prepared by Traffix Pty Ltd (Revision B, Dated 29 May 2026). • 'Sustainable Management Plan' prepared by GIW Environmental Solutions Pty Ltd (Revision C, Dated 31 July 2026).

2. This report must be read in conjunction with the decision plans, assessment documents, referral authority comments and the Stonnington Planning Scheme (**the planning scheme**).

Proposal Summary

3. The proposal is for a 5-storey residential building and two basement levels, having an overall height of 17.853m (excluding plants) and 18.982m (including plants).

4. Specifically, the application includes:
   - Nine dwellings consisting of one x 2BDR apartments, seven x 3BDR apartments and one x 4BDR.
   - Two levels of basement containing a total of 24 on-site car parking spaces, which is accessed via Ormsby Grove.
   - The provision of 18 bicycle spaces.

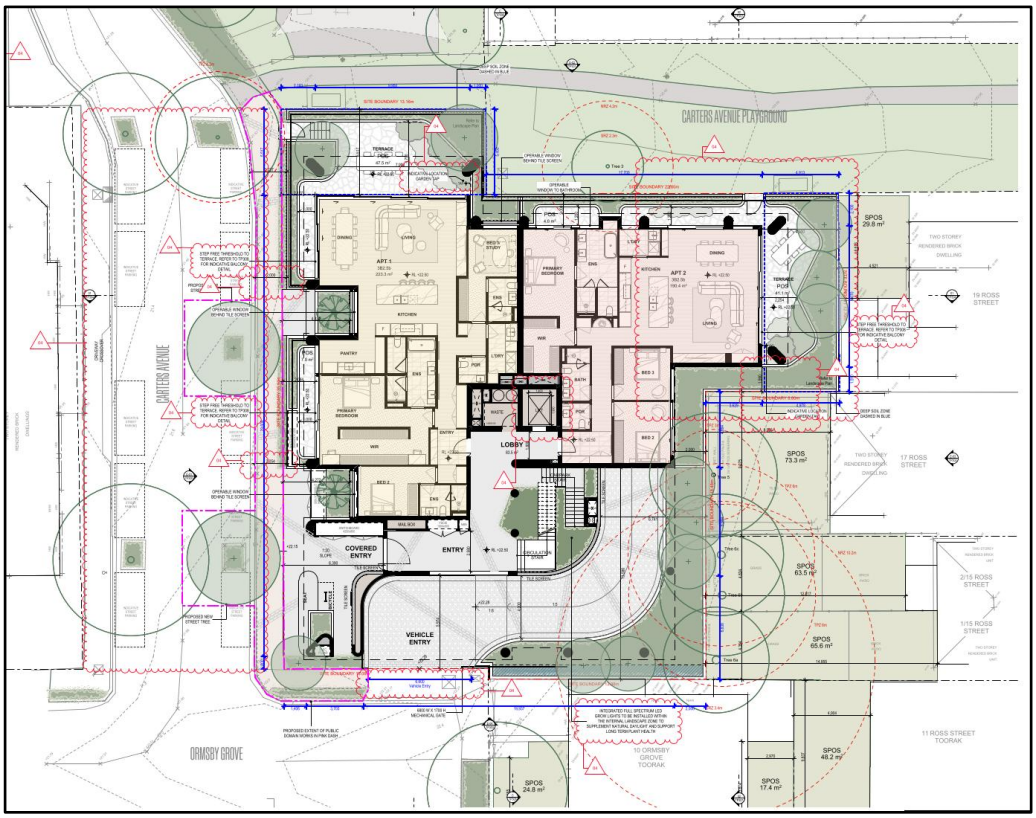


Figure 1: Ground floor layout of the development

5. The applicant has provided the following concept images of the proposal:



Figure 2: View from Carters Avenue



Figure 3: View from Carters Avenue park



Figure 4: Ormsby Grove view and vehicle entry



Figure 5: Lobby and Entry

Subject site and Surrounds

site Description

6. The site is located at land commonly known as 7-9 Ormsby Grove, Toorak within the City of Stonnington and formally identified as Lot 9 on Plan of Strata Subdivision 028115Y.

7. The site is an irregular shaped corner parcel of land, encompassing a site area of 1.017sqm. The site is somewhat unique, as it enjoys public interfaces along three of its property boundaries – south to Ormsby Grove, west to Carters Avenue and north to Carters Avenue Park. The site has frontages of 13.1 metres to Ormsby Grove to the south, 35.6 metres to Carters Avenue to the west and 25.756m to Carters Avenue Park.

8. There is a drainage and stormwater easement that runs along the southern boundary of the site.

9. Currently, there are two residential apartment buildings that occupy the site, containing eight dwellings, eight car parking spaces, including six spaces with garage areas and two at gate parking.

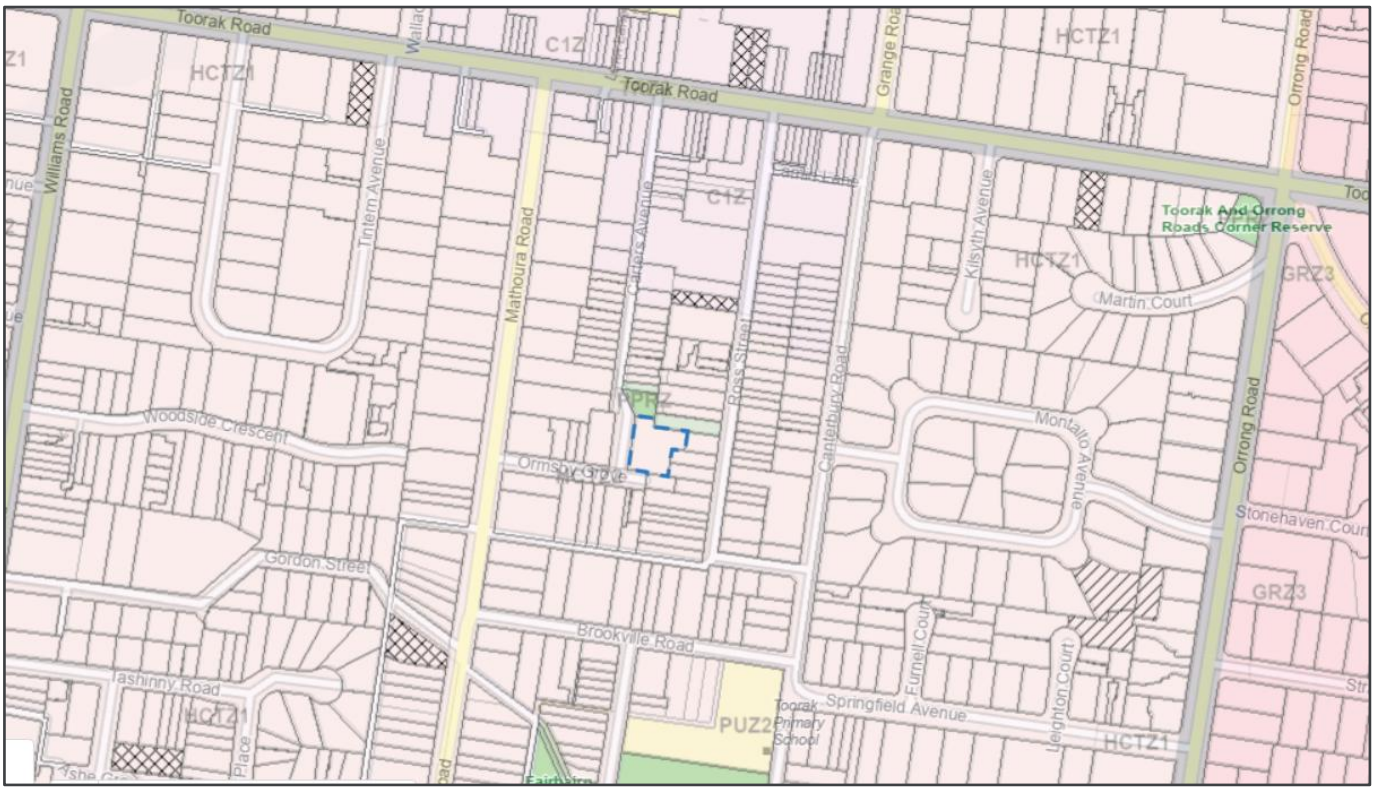


Figure 6: Aerial view of Subject site

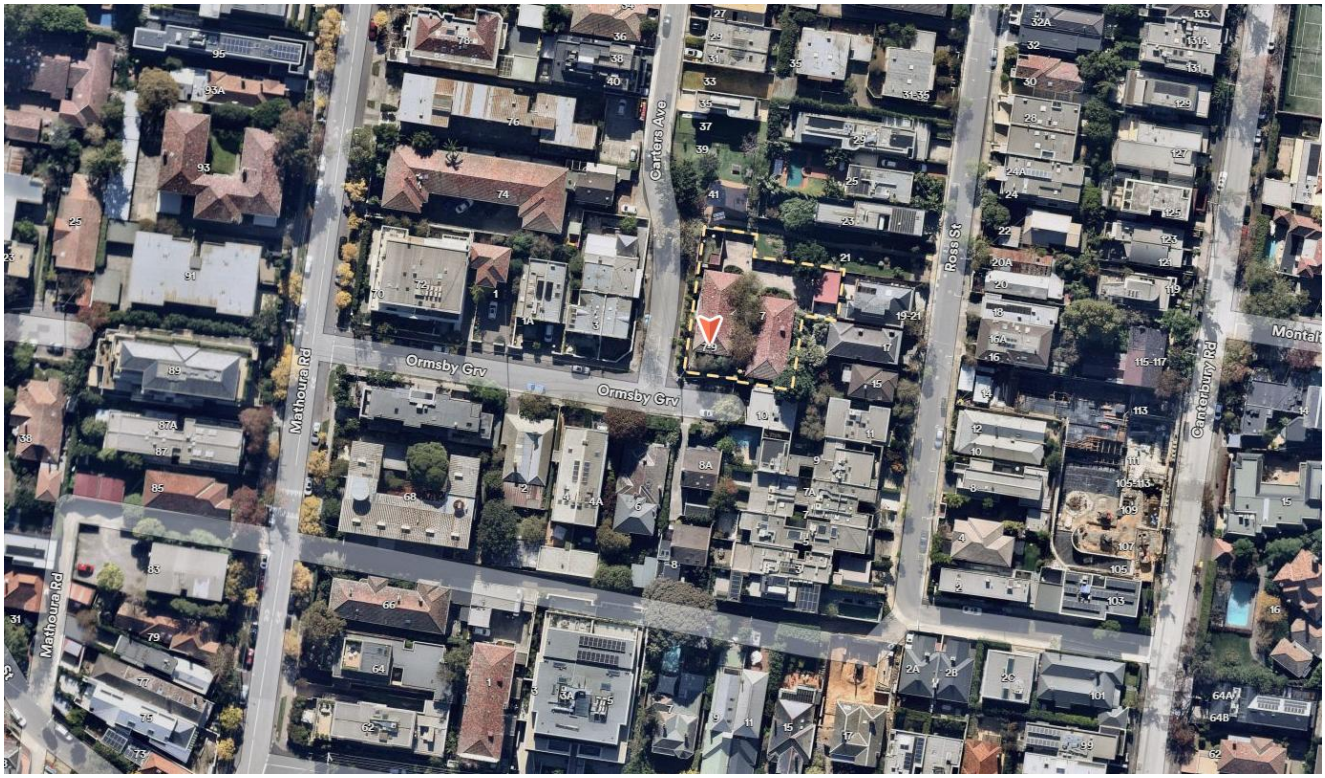


Figure 7: Subject site

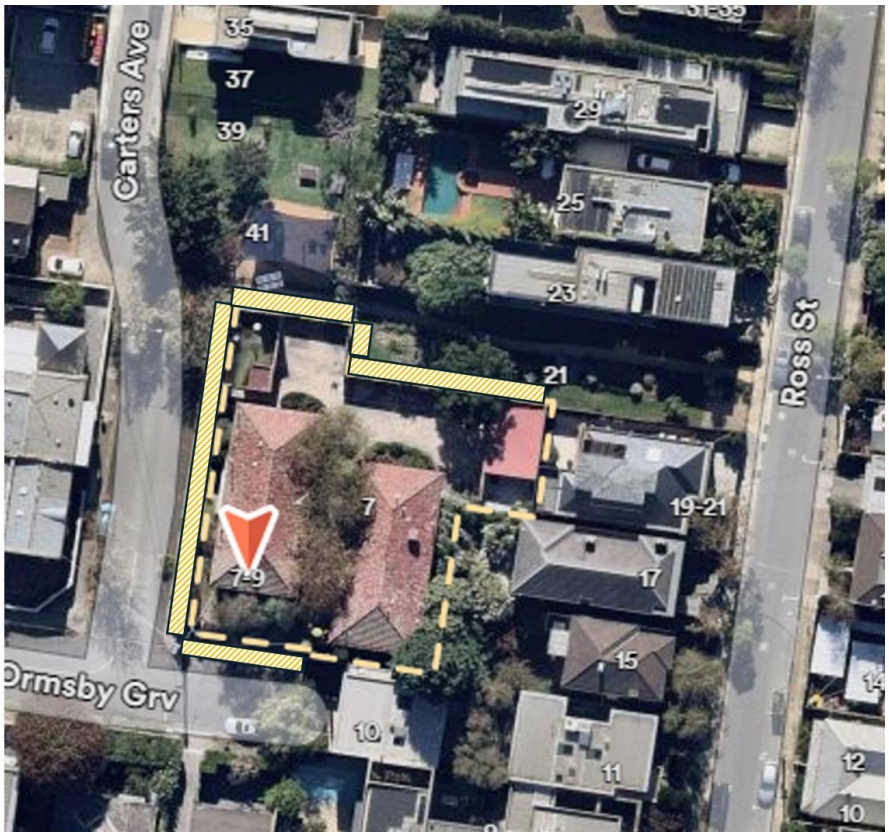


Figure 8: Existing condition and site's interfaces with public realm (yellow hedged)



Figure 9: Existing conditions – Carters Avenue interface (currently sideage for existing buildings)



Figure 10: Existing conditions Ormsby Grove frontage (currently, frontage of property)



Figure 11: View of site from Carters Avenue (looking south)



Figure 12: Rear of development site – interface with Carters Avenue Parkland Interface (looking east)



Figure 13: View of site from Carters Avenue Parkland – looking south (properties on the left of picture front Ross Street)

Site Surrounds

10. The surrounding residential context comprises a mix of dwelling typologies and built form scales, including 2-storey rendered brick dwellings, 2-storey unit developments, and detached houses.

11. Built form in the immediate vicinity varies considerably in age, scale, setbacks, materiality, and architectural expression.

12. Front setbacks are irregular, landscaping ranges from established planting to none at all, and car parking dominates the street presentation of many properties. Neighbourhood consistent of high gated fences.

13. The site benefits from strong access to jobs, services, infrastructure and community facilities, being located within walking distance of Toorak Road Village and both Hawksburn and Toorak railway stations, and in close proximity to the Richmond–Swan Street Major Activity Centre, two Neighbourhood Activity Centres, and major health services and hospitals.

    The surrounding interfaces are described below.

14. North – The northern boundary of the site adjoins Carters Avenue Park, a public open space managed by the City of Stonnington.

15. South – The south boundary fronts Ormsby Grove, a local dead end residential street. The properties along Ormsby Grove and in the broader surrounds comprise a mix of single and two-storey residential dwellings. 10 Ormsby Grove, directly opposite the site, is a residential property.

16. East – The eastern site boundaries interface and has direct abuttals with the rear boundary of properties along Ross Street, including 1/15, 2/15, 17 and 19 Ross Street, Toorak. These properties are developed with two-storey rendered brick dwellings and two-storey rendered brick unit buildings.

17. West – The western boundary of the site fronts Carters Avenue, where the surrounding built form comprises a mix of single and two-storey detached dwellings. Development along Carters Avenue exhibits varied front setbacks and presents a diverse streetscape character, with properties featuring a range of landscaping treatments, from established front gardens to minimal or no landscaping. High levels of frontage car parking and hardstand areas are also evident within the streetscape. High front fences are a predominant character of the neighbourhood.

Planning Provisions

Municipal Planning Strategy

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

Clause	Description
02.02	Vision
02.03	Strategic directions
02.04	Strategic Framework Plan

Planning Policy Framework

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

Clause	
Clause 11	Planning for Places
11.03-1	Activity centres and precincts
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L-01	Urban design
15.01-2S	Building design
15.01-2L-01	Building design
15.01-2L-02	Environmentally sustainable development
15.01-4S	Healthy neighbourhoods
15.01-5S	Neighbourhood character
15.01-5L	Preferred Neighbourhood character
Clause 16	**Housing**
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L-01	Housing supply and diversity
Clause 18	**Transport**
18.02-4L-02	Car parking
Clause 19	**Infrastructure**
19.03-2S	Infrastructure design and provision

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

Controls and other Provisions

Clause 32.10 - Housing Choice and Transport Zone 2 (HCTZ2)

21. The purpose of HCTZ is to:

- *To provide housing at increased densities around activity centres and well-serviced locations, close to employment, services and public transport.*
- *To encourage a scale of development that provides a transition between more intense development to lower-scale residential areas.*
- *To encourage a diversity of housing types and affordable housing.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

22. Dwelling is a Section 1 use under this provision. Pursuant to Clause 32.10-5, a permit is required to construct two or more dwellings on a lot. Clause 32.10-8 provides that a building must not be constructed on land specified in Column 1 of the Table to this Clause for use as a dwelling, small second dwelling or a residential building that:

    - *exceeds the applicable maximum building height specified in Column 2 of the Table corresponding to that land; or*
    - *contains more than the applicable maximum number of storeys specified in Column 3 of the Table corresponding to that land.*

23. For *Land shown on a Planning Scheme map as HCTZ2, the maximum building height is:*

    - *11 metres; or if the building is constructed on a large site, 13.5 metres.*
    - *The maximum number of storeys at any point is: three storeys; or if the building is constructed on a large site, four storeys.*

24. *A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if any of the exemptions listed at Clause 32.10-8 apply. None applies in this instance.*

25. The proposal exceeds the mandatory building height as follows:

    - 18.98 metres (inclusive of lift overrun), exceeding the maximum building height by 5.48m metres and one storey.

26. **The proposal is therefore prohibited under this provision. The applicant seeks a variation under Clause 53.25 - Great Design Fast Track (GDFT) pathway. The provisions of this clause prevail over any inconsistent provision in this planning scheme.**

Clause 53.25 - Great Design Fast Track (GDFT)

27. Pursuant to Clause 53.25 of the Stonnington Planning Scheme, the purpose of GDFT is:

    - *To facilitate innovative dwelling, apartment and mixed-use residential development.*
    - *To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth.*
    - *To facilitate the development of dwellings with convenient access to public transport, and community, retail and other services.*
    - *To facilitate development that is of a high quality in its design, liveability and sustainability.*

28. This Clause applies to an application under any provision of this Planning Scheme for the development of land, or the use and development of land, (other than the subdivision of land), if all of the following are met:

Requirements	Response
The applicant submits written confirmation that the application is an application to which this Clause applies.	The applicant lists the proposal as a GDFT application in the Application form accompanying this application
The application includes the construction of at least eight dwellings.	Met – application is for 9 dwellings
Any proposed building contains at least two storeys and not more than eight storeys.	Met – application is for 5 storeys
The proposed development achieves a minimum NatHERS rating of: • *8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments.* • *7.5 stars for all other dwellings.*	Met – 8.0 Star average with no unit below 6.5 Stars
Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.	Met – 100% naturally ventilated
The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to: • *The purpose of Clause 53.25.* • *Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of Clause 53.25 ('the design principles').* • *The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities.*	The Eligibility letter was sent to the applicant on 29 July 2026. The letter confirmed that the proposed development meets the purpose of Clause 53.25 and is designed to the following seven principles: • Neighbourly homes: Enhancing local identity by embracing change and generating lasting social value. • Welcoming homes: Creating welcoming and safe homes that promote a sense of family and community. • Landscaped homes: Enhancing local biodiversity, natural systems and connections to nature. • Sustainable homes Enduring and high-performing, embedding climate resilience and minimising environmental impacts. • Healthy homes: Enhancing health and wellbeing through integrating the natural and built environment. • Adaptable homes: Housing that meets the diverse and changing needs of households and families. • Good value homes: Supporting more affordable housing through innovative housing development and delivery models that respond to changing housing markets.
Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.	Written advice from the Office of the Victorian Government Architect (OVGA) was provided on 13 July 2026. The advice also confirms the development was designed to the seven principles listed above.
Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from a Deputy Secretary of the Department of Jobs, Skills, Industry and Regions or delegate to the satisfaction of the Minister for Planning.	Written advice from a Deputy Secretary of the Department of Jobs, Skills, Industry and Regions or delegate was confidentially provided to the Minister.

29. *Pursuant to Clause 53.25-2, The responsible authority may waive or vary any of the following in relation to an application or a proposed use or development:*

    - *A minimum garden area requirement.*
    - *Any building height or setback requirement.*
    - *Requirements of 52.06 of this planning scheme.*

30. **As the provisions of this Clause prevail over any inconsistent provision in this planning scheme, this application can be considered on merits, under Clause 53.25 of the Stonnington Planning Scheme.**

Clause 45.06- Development Contributions Plan Overlay

31. The site is affected by Development Contribution Plan Overlay. Pursuant to Clause 45.06 ((Stonnington Development Contributions Plan) applies to the site. The Stonnington Municipal-Wide Development Contributions Plan (2020-2040) (DCP) applies to all new development within the nine Charge Areas as shown in Figure 1 of the schedule. For residential developments, a levy of $2,905.74* per dwelling applies to residential developments in Toorak. Levy payable can be required as a condition on any approval, should a permit issue.

    ** The above listed contribution amounts are current as at 1 August 2020. They will be adjusted annually on 1 August each year to cover the cost of inflation and fluctuations in the cost of construction. The amount of the adjustment will be in accordance with the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics in any adjustment period.*

Clause 52.06 – Car Parking

32. Pursuant to Clause 52.06, a permit is required to provide more than the maximum parking requirement specified in Clause 52.06-5. The site is in Category 3 area, where no minimum requirement is stipulated, but a maximum two spaceto each dwelling exists. 18 car spaces are required for this development comprising 9 dwellings. 24 parking spaces proposed. The proposal exceeds the statutory requirement by 6 car spaces.

Clause 52.24 - Bicycle facilities

33. Pursuant to Clause 52.24 two residential spaces and one visitor bicycle space is required for the proposal. 18 are proposed.

Clause 53.03 - Residential reticulated gas service connection

34. Pursuant to Clause 53.03-2 a planning permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.

35. The proposal does not include the provision of any gas services. The relevant mandatory condition will be included in any permit that may issue.

Clause 53.18 - Stormwater management in urban development

36. Clause 53.18 applies to an application under a provision of a zone to construct a building, or construct or carry out works. The purpose of the Clause is:

    - *To ensure stormwater management in urban development minimizes impacts on the environment, infrastructure, and downstream areas.*
    - *To protect water quality by incorporating stormwater treatment measures that remove pollutants before runoff reaches waterways.*
    - *To reduce the risk of flooding by managing stormwater runoff volumes and peak flows.*
    - *To integrate stormwater management within development planning to enhance urban sustainability and local amenity.*

37. The proposal will achieve a Blue Factor Score of 107%.

Clause 57 - Two Or More Dwellings On A Lot And Residential Buildings Of Four To Six Storeys

38. Pursuant to Clause 32.10-5 (Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings), Clause 57 applies to a development of four to six storey excluding a basement.

    - *The objectives contained in Clause 57.04-1 (Overshadowing secluded private open space) do not apply to a development that meets standards E2-2 (Side and rear setbacks) and E2-3 (Wall on boundaries).*
    - *The objectives contained in Clause 57.04-2 (Overlooking) do not apply to a development that meets standard E2-2 (side and rear setbacks).*

39. An assessment of the application against Clause 57 is provided in the appendices of this document.

Relevant Strategic Plan / Background Documents

Plan for Victoria

40. Plan for Victoria (DTP 2025) sets a long-term vision for a well-connected, liveable, and inclusive state. It identifies the need for approximately 2.24 million new homes over the next 30 years across Melbourne and regional centres, highlighting that location is critical to ensure these homes support community wellbeing and sustainability.

41. Victoria's Housing Statement: The Decade Ahead 2024–2034 (DPC, 2023) and Plan for Victoria (DTP, 2025) together establish the State's strategic framework for accommodating population and employment growth by significantly increasing housing supply in well-serviced locations. Both policies prioritise streamlined planning and the concentration of higher-density housing within activity centres and areas with strong access to public transport, jobs and essential services, aligning land use planning with major infrastructure investment to support liveable and sustainable communities.

42. A core principle of the plan is the 20-Minute Neighbourhood, an urban model where residents can easily access daily services, employment, and amenities within 20 minutes of their home. This is seen as vital to reducing travel times, improving liveability, and strengthening local communities.

43. Plan for Victoria includes strong policy directions regarding:

    - Housing for all Victorians
    - Great places, suburbs and towns; and
    - Sustainable environments

Other Strategic documents

44. Amendment VC257 approved on 25 February 2025 introduced Clause 32.10 Housing Choice and Transport Zone (HCTZ) and Clause 43.06 Built Form Overlay (BFO) to support housing growth in and around activity centres and other well-serviced locations in line with Victorias Housing Statement, 'The Decade Ahead 2024-2034' in the Stonnington Planning Scheme.

45. Council adopted the Stonnington Housing Strategy 2025 on 8 September 2025 at its Council meeting. The Stonnington Housing Strategy 2025 outlines how the city will accommodate a growing population while protecting the character and liveability of its neighbourhoods. The strategy forecasts that the municipality will grow to approximately 132,140 residents by 2036, requiring around 12,950 additional dwellings. It proposes directing most new housing to locations with strong access to public transport, activity centres, jobs and services, while protecting heritage precincts and areas of valued neighbourhood character. The strategy introduces a Housing Framework Plan that identifies minimal, incremental and substantial change areas to guide where different levels of development should occur. The site is recognised in an Incremental change area where the GRZ will allow for max height of 11m. As this is a larger site, other benefits through HCTZ provisions apply.

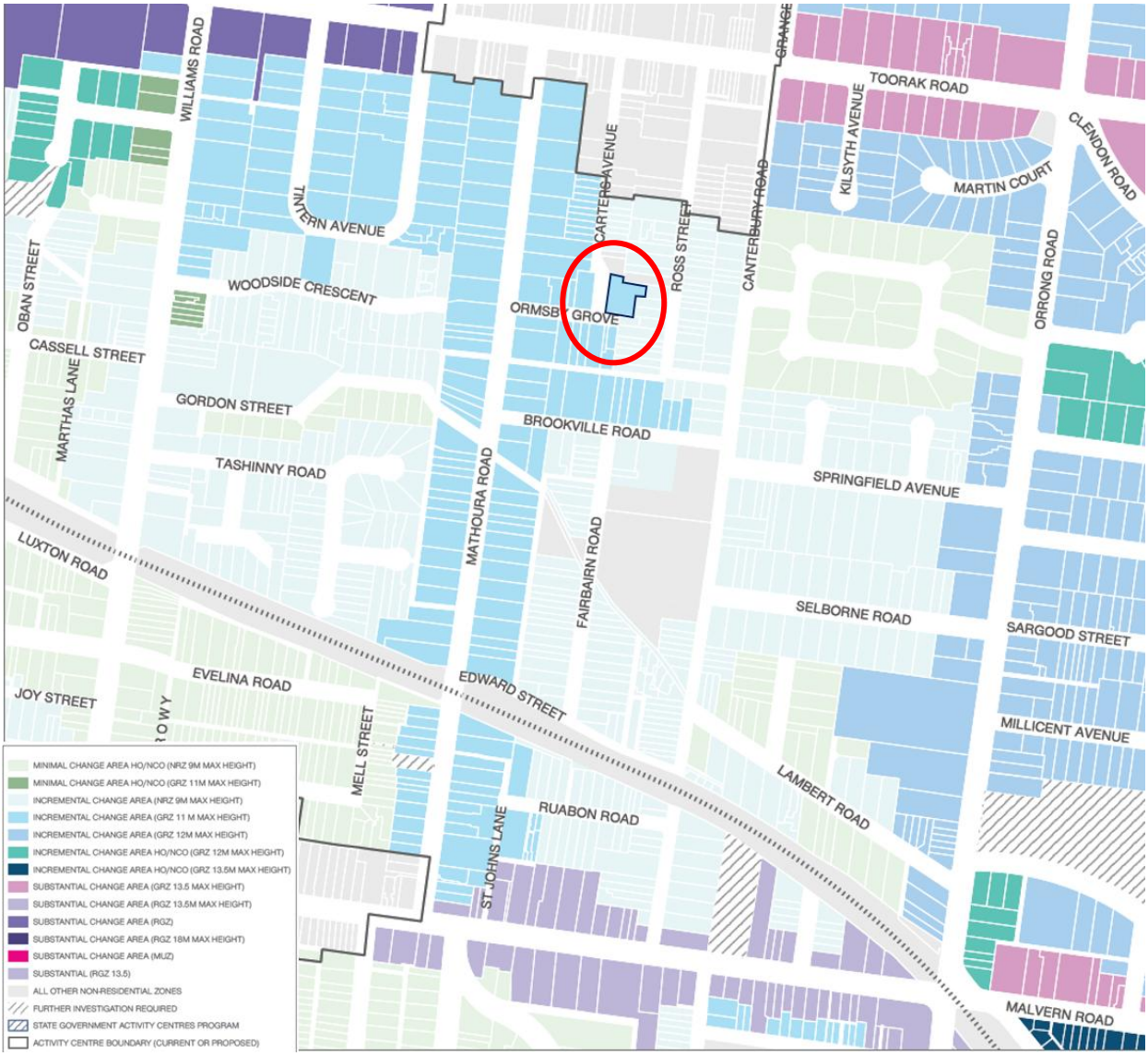


Figure 14: subject site in incremental change area

46. Under the Transport and Activity Centre Program (TACP), Ormsby Grove, Toorak was within the Outer Catchment in Phase 2 of the TACP and Amendment GC285 applied the HCTZ on 22 July 2026, allowing the development of up to 4 storeys on blocks larger than 1000sqm.

Referrals and Notice

Referrals

47. There were no statutory referrals required for the application.

Office of the Victorian Government Architect (OVGA)

48. Under Clause 53.25 (Great Design Fast Track), written advice from the OVGA is required, demonstrating that the proposal satisfies the Clause 53.25 design principles. The proposal was amended in response to OVGA comments during the pre-application stage and prior to formal lodgement of the application.

49. OVGA provided:

- *The location and typology of the proposal is supported. The five-storey height and articulation of the building mass is appropriate to the scale and character of the neighbourhood. The location of terraces and windows to the proposed residences will improve passive surveillance and provide activation along the Carters Reserve interface. The building form is reinforced by an architectural expression and a material palette that contribute to a strong building identity. Landscape is well integrated into the design across the upper levels with planters to terraces and balconies.*

Notice

50. The applicant was directed to give notice by way of erecting three signs on the site and notifying adjoining owners and occupiers.

51. A total of 23 objections were received, raising issues as summarised below. A response to these will be provided later in this report, if already not discussed within the assessment section of this report.

Grounds of objection

Grounds	Detailed concerns
Impacts during Construction	• Truck manoeuvring difficulties due to Ormsby Grove being narrow street and a cul-de-sac. • Potential removal of on-street parking during construction. • Construction worker parking on streets exacerbating existing parking pressures. • Noise and dust affecting residential amenity. • Cumulative impacts (access, disruption, noise, dust and traffic impacts) from other nearby developments, including Toorak Place and hotel developments. • Increased traffic and activity in local streets. • Ormsby Grove does not have the capacity to cope with increased trucks, associated heavy vehicles • That the development be delayed (construction of No. 1 Toorak Road (a 3-year project) is underway) and that further major works in this immediate area should not commence until the current development is substantially completed or the cumulative impact of the two developments should be properly considered.
Geotechnical and structural risks	• Potential disturbance to neighbouring structural works/foundations of buildings and ground movement and settlement arising from the proposed two-level basement construction.
Neighbourhood Character, Scale and Overdevelopment	• Proposed five-storey building is inconsistent with the predominantly one and two-storey neighbourhood. • Scale and intensity considered excessive and out of character. • Inconsistent with prevailing neighbourhood character defined by generous setbacks, landscaping and canopy trees. • Inadequate transition from Toorak Village Activity Centre. • A four-storey or three-storey outcome considered more appropriate. • Overdevelopment of the site. • Proposal not suited to the scale and character of Ormsby Grove and surrounding residential streets.

Not suited to location	• Storeys greater than 3 storeys are approved for main streets only. The site is located in a cul-de-sac and 400m from the activity centre.
Height and Great Design Fast Track (GDFT) Concerns	• Fifth storey exceeds the preferred HCTZ2 four-storey large-site benchmark. • Insufficient justification for additional height under the GDFT pathway. • Design outcomes do not warrant exercise of additional discretion. • HCTZ2 and GDFT principles are not considered to support a five-storey outcome. • HCTZ2 seeks transition to a three-storey built form.
Built Form, Massing and Setbacks	• Three-storey street wall to Ormsby Grove considered excessive. • Street wall insufficiently setback from boundaries. • Inconsistent with surrounding streetscape character and landscaped setting. • Concerns regarding front, side and rear setback compliance. • Excessive mass and bulk.
Privacy, Overlooking and Residential Amenity	• Overlooking of neighbouring open space areas and bedrooms. • Loss of privacy to adjoining properties. • Proposed screening measures (planter boxes and vegetation) considered inadequate. • Preference for permanent architectural screening solutions. • General loss of residential amenity.
Overshadowing, Sunlight and Views	• Reduction in sunlight to adjoining properties. • Overshadowing impacts not adequately assessed. • Concern assessment focuses only on the September equinox and not winter conditions. • Loss of sunlight and daylight access due to bulk of proposal. • Potential impacts on views and local skyline.
Impact on Carters Park/Public Open Space	• Five-storey building considered visually overwhelming to Carters Park. • Loss of recreational enjoyment and amenity for park and public realm users. • Overlooking and overshadowing of the park. • Safety concerns arising from passive surveillance into the park, reduced usability, privacy and comfort of the play space. • Development creates a visually closed and unwelcoming edge to the public realm.
Traffic, Access and Parking	• Local streets have limited capacity for additional traffic and are not suited to increased density and associated vehicle movements. • Ormsby Grove is a narrow cul-de-sac and one-way residential street. • Increased traffic from residents, visitors, deliveries and servicing. • Vehicular access to car park may affect local street operation. • Visitor parking shortages. • Insufficient on-site parking provision leading to greater reliance on on-street parking.
Landscaping, Canopy Trees and Environmental Outcomes	• Insufficient canopy tree planting opportunities. • Inadequate landscaping response along Ormsby Grove. • Does not deliver healthy, sustainable and neighbourly homes outcomes. • Concerns regarding landscaping provision at upper levels. • Potential impacts on existing trees and root systems from basement excavation.
Housing Outcomes and Good Value Homes	• Proposal does not deliver meaningful housing affordability benefits. • Replacement of existing dwellings with luxury apartments. • Lack of affordable housing provision. • Limited contribution to housing diversity, there is little or no meaningful increase in housing supply. • Does not demonstrate compliance with the Good Value Homes principle.
Clause 57 Compliance Concerns	• Non-compliance with Clause 57 requirements – permeability, setback standards. • Does not adequately satisfy Landscaped Homes and Healthy Homes principles.
Public Realm, Urban Design and Connectivity	• Development presents as visually closed and unwelcoming, front fence lacks required transparency and provides poor street interface and public realm outcomes. • Inadequate pedestrian connectivity with surrounding pedestrian network.

	• Claimed public realm benefits are uncertain and not secured.
Infrastructure and Servicing	• Request for undergrounding of overhead electricity infrastructure along Carters Avenue and Ormsby Grove. • Concerns regarding servicing and utility infrastructure capacity. • Increased stormwater run-off
Community Infrastructure Impacts	• Increased demand/pressure on local community services, including, Toorak Primary School, sporting, recreational and community facilities.
Process, Governance and Consultation	• Insufficient public notification period. • Inadequate time for residents to review and respond. • Concerns regarding the Development Facilitation Program process. • Perception that the application has bypassed Stonnington Council. • Transparency concerns regarding the non-exhibition of the OVGA assessment report. • Concerns relating to procedural fairness and community consultation.
site Suitability and Density	• Ormsby Grove considered unsuitable for higher-density development. • Narrow cul-de-sac with constrained access and movement. • Local planning framework not considered supportive of high-density development in small residential streets. • Comparisons with developments on larger roads (e.g. Mathoura Road) considered inappropriate due to different context and constraints.
Oversupply of dwellings	• A number apartments approved and constructed are yet to be sold or are still vacant

Municipal Council Comments

52. Notice of the application was provided to Stonnington City Council (the council).

53. Stonnington City Council objects to the proposed for the following key reasons:

    a) Excessive Building Height: The proposal exceeds the preferred maximum height under HCTZ2, which specifies a maximum of 13.5 metres and four storeys. Council considers the fifth storey to be excessive and inadequately justified.

    b) Inconsistent with Neighbourhood Character: The area is predominantly characterised by one and two-storey dwellings, with some three-storey apartments. The proposed scale is considered inconsistent with the established low-scale residential character.

    c) Excessive Scale, Massing and Visual Bulk: The development would appear visually dominant from public realm including Ormsby Grove, Carters Avenue, Carters Avenue Park and adjoining residential properties. Council considers the proposal to have a disproportionate and overdeveloped built-form outcome.

    d) Inadequate Street, Side and Rear Setbacks: The proposal does not meet the street setback objective of Clause 57. Side and rear setbacks, particularly along the eastern boundary adjoining properties fronting Ross Street, are insufficient. Reduced setbacks contribute to visual bulk and poor transition to neighbouring properties.

    e) Excessive site Coverage: site coverage is proposed at 76.3%, exceeding the preferred maximum of 70%. Council considers this contributes to an overly intensive development and limits opportunities for meaningful landscaping and deep soil planting.

    f) Overshadowing Impacts: The proposal does not comply with the overshadowing requirements of Clause 57. Additional shadowing of neighbouring properties along Ross Street is considered unreasonable and would adversely affect amenity.

    g) Access to Park: Council does not support any direct access from the development into Carters Avenue Park to the north.

54. A response to the above objections will be discussed in the latter part of this report.

55. The council has not provided any draft condition that may be included in any approval, should the Minister decide to support this application.

Exemption from Review

56. An application under Clause 32.10-5 (HCTZ) for a development of four to six storeys, excluding a basement, is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under Clauses 57.02 and 57.04 are met. In this instance, these standards are not met.

57. However, pursuant to Clause 53.25-4 (Great Design Fast Track), an application under any provision of this Planning Scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

58. The following planning matters are key planning considerations for the assessment of this application

- Whether the proposal accords with the site's strategic planning context.
- Whether the proposal can be considered on the land it is located in.
- Whether the proposal responds appropriately to the Great Design Fast Track Design Principles.
- Whether the proposal adequately address amenity of future residents of the proposed development.
- Whether the proposal cause any undue amenity to the surrounding properties.
- Whether the car parking, access and waste management arrangements are suitable for the proposal.
- Whether the proposal provides Environmentally Sustainable Design.
- Whether the proposal provides for development contributions.

59. First and foremost, the assessment of this application must be undertaken in the context of the strategic planning framework that now applies to the land. The subject site was rezoned to the Housing Choice and Transport Zone (HCTZ) through Amendment GC285, which came into operation on 22 July 2026. Under this framework, a development of up to four storeys (13.5 metres) on sites exceeding 1,000 square metres with envelope comprising 4.5 metres rear, side and front setback and a 3 metre side street setback is expressly contemplated and deemed to comply under these zone provisions. As such, a four-storey residential development on the land has been established through the adopted strategic framework.

60. In assessing the proposal, it is therefore important to distinguish between built form outcomes that are anticipated and supported by the HCTZ, and those elements that exceed or vary from the prescribed envelope. The relevant assessment question is not whether a four-storey building should occur on the site, but whether any departures from the built form outcomes envisaged by the HCTZ are appropriately justified having regard to the objectives and decision guidelines of the planning scheme.

Whether the proposal accords with the site's strategic planning context

61. The Planning Policy Framework seeks to encourage well-designed housing development that makes efficient use of existing infrastructure, services and public transport. The proposed development supports these objectives by delivering additional housing on a well-located site within the established urban area of Toorak. The site is situated approximately 270 metres from Toorak Road and 800 metres from Hawksburn Railway Station, providing convenient access to a range of public transport services, including train and tram networks, as well as employment, retail and community facilities.

62. The proposal, by virtue of its location, promotes the concept of a 10-minute walkable neighbourhood by locating new housing within easy walking distance of public transport, commercial services and daily needs. It supports the integration of land use and transport planning and reinforces sustainable travel behaviours, consistent with Clause 02.03.

63. The proposal responds positively to the strategic directions for settlement, housing and urban development within the Stonnington Planning Scheme by delivering additional housing opportunities within a growing municipality. It contributes to the supply of diverse and well-located housing to meet the needs of the Stonnington community and supports the broader housing objectives identified in Clauses 02.01, 11 and 16. The site is located within an Incremental Change Area identified in the Stonnington Housing Strategy 2025.

64. The proposal responds appropriately to the evolving built form context of the surrounding area, which is characterised by a diverse mix of residential building typologies, scales and architectural styles, and lacks a distinct or protected neighbourhood character. The contemporary architectural response will make a positive contribution to the area's evolving identity and urban character, consistent with Clause 02.03-4.

65. The proposal supports housing density within the outer catchment of the Toorak Village Activity Centre, where the scale and intensity of development are appropriate, having regard to the site's access to services, employment opportunities and public transport. The proposal is consistent with the objectives of the Housing Choice and Transport Zone Schedule 2 (HCTZ2) and provides a range of accessible, visitable and adaptable dwellings to accommodate changing household needs and support housing choice, in accordance with Clause 02.03-5.

66. Overall, the proposal represents an appropriate urban infill development that aligns with the strategic objectives of the Planning Scheme by delivering additional housing in a highly accessible location, supporting housing diversity, and contributing positively to the character, functionality and liveability of the municipality.

67. The development incorporates a mix of two, three and four-bedroom dwellings that are well designed, achieve a high standard of internal amenity, and will diversify the local housing stock, consistent with the objectives of Clauses 16.01-1S and 16.01-1L-01.

68. While the development will be slightly taller than surrounding residential development, the built form has been carefully optimised having regard to the site's strategic context and substantial land area. The overall massing and built form have been designed to respond to the site's attributes, minimise unreasonable off-site amenity impacts, and enhance the public realm, consistent with Clauses 15.01-1S and 15.01-2L-01.

69. Clause 15.01-1L (Urban Design) seeks to ensure development responds positively to the existing and preferred future character of the area through an appropriate relationship to the scale, height, bulk, setbacks and form of surrounding development.

70. The proposal achieves this objective through a carefully articulated built form that incorporates a clear progression of upper-level recessions. As the building increases in height, successive levels are setback from the levels below, reducing the perception of bulk and creating a well-defined transition to adjoining properties. Increased setbacks are provided along sensitive interfaces, where they contribute to a more respectful relationship with neighbouring development.

71. The two uppermost levels are substantially recessed and occupies a significantly smaller footprint than the lower three levels, ensuring it reads as a lightweight architectural element rather than a continuation of the primary building mass.

72. Collectively, these design responses moderate the visual impact of the development and assist in achieving a built form that is consistent with the preferred future character envisaged for the area.

Can the proposal can be considered on the land it is located in

73. The subject site is located in the Housing Choice and Transport Zone 2. Pursuant to Clause 32.10, a Dwelling is a Section 1 use under this provision. A planning permit is not required for this land use.

74. Pursuant to Clause 32.10-5, a permit is required to construct two or more dwellings on a lot. Clause 32.10-8 provides that a building must not be constructed on land specified in Column 1 of the Table to this Clause for use as a dwelling, small second dwelling or a residential building that:

    - *exceeds the applicable maximum building height specified in Column 2 of the Table corresponding to that land; or*
    - *contains more than the applicable maximum number of storeys specified in Column 3 of the Table corresponding to that land.*

75. For *land shown on a Planning Scheme map as HCTZ2, the maximum building height is:*

    - *11 metres; or if the building is constructed on a large site, 13.5 metres.*
    - *The maximum number of storeys at any point is: three storeys; or if the building is constructed on a large site, four storeys.*

76. A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if any of the exemptions listed at Clause 32.10-8 apply. None applies in this instance.

77. The Planning Scheme describes a large site as a lot with an area of at least 1000 square metres and a frontage of at least 20 metres. The site has an area of 1017sqm and a frontage of over 36m to Carters Avenue, which the development will have a frontage to.



Figure 15: The site is a large sized lot

78. A development with a maximum height of 13.5m and four storeys is permissible on the site under this provision. The development will however have a height of 18.982 metres (inclusive of lift overrun) and will exceed the maximum building height by 5.482 metres and one storey. The proposal can therefore not be considered under this provision.

79. The applicant seeks a variation under Clause 53.25 - Great Design Fast Track (GDFT) pathway. The provisions of Clause 53.25 prevail over any inconsistent provision in this planning scheme. An application must meet all the application requirements at Clause 53.25-1, which this application has met to qualify for this pathway (as discussed earlier).

80. Clause 53.25-2 allows the responsible authority to waive or vary any of the following in relation to an application or a proposed use or development (amongst others), a minimum garden area requirement and any building height or setback requirement.

81. Notwithstanding the above, the proposal is consistent with the objectives of the HCTZ as it continues to facilitate higher-density residential development in a well-serviced location in Toorak, contributing to the delivery of diverse housing supply to meet Victoria's growing population.

Whether the proposal responds appropriately to the Great Design Fast Track Design Principles.

82. The proposal incorporates a high level of sustainability throughout the development, adopting a range of appropriate initiatives relating to energy efficiency, indoor environmental quality, integrated water management and urban ecology. These measures are consistent with the objectives of Clause 15.01-2L-02.

83. As this proposal is submitted under the Clause 53.25 (GDFT) pathway, the views of the Office of the Victorian Government Architect (OVGA) are essential in the determining of this application.

84. The OVGA is satisfied that the proposal is appropriately located and designed, with a five-storey built form that responds well to the surrounding neighbourhood character. Its design enhances passive surveillance and activation of the Carters Reserve frontage through well-positioned terraces and windows. The development establishes a strong architectural identity through its building form and material palette, while landscaping is effectively integrated throughout the design, particularly on upper-level terraces and balconies.

85. In assessing the proposal against the design principles at Clause 53.25, the OVGA provides the following commentary:

Principle 01: Neighboring Homes

Enhancing local identity by embracing change and generating lasting social value

Summary of overall performance against principle: Sound

Neighbourhood fit and siting – building type, location, local networks, and street interfaces	• The location provides good access to services, transport and open space. • Residential building type and the range of apartments is appropriate to the neighbourhood. • The proposal sits on the corner of a residential neighbourhood block, forming a prominent and welcoming address. • Pedestrian and vehicular entry points to the site are clearly separated for clarity and safety. • The pedestrian entry off Carters Avenue is legible and welcoming from the street. • The vehicular access to the basement parking is located off Ormsby Avenue, allowing the primary building frontage along Carters Avenue to be left clear of vehicular movement. • The generous terraces, balconies and windows to the apartments along the northern façade and interface with Carters Avenue park provide passive surveillance and activation to the park edge and street. This is a significant benefit and improvement from the existing conditions. • **Direct access from the park and from Carters Avenue to the ground floor dwellings at the northern end of the site are positive inclusions that activate the boundary interfaces.**
Building height, form and relationship with nearby buildings – massing modulation, building separation, setbacks and impacts to amenity	• The building height is acceptable for the local area. The massing is articulated with a legible three-storey main building form (lower levels) with the top two floors setback, helping to reduce the perceived height and bulk from neighbouring lots. • Siting, layout and modulation of form considers amenity and access to daylight to neighbouring properties, with minimal impact. • With two clear breaks in the main building form along Carters Avenue, articulated by tiled screens and canopy tree planting, the building is broken down to reference a finer grain and scale. • The building setbacks generally respect the existing conditions, but are minimised where there are more public interfaces, taking advantage of the multiple frontages offered by the corner site and park edge. • **The proposed public realm improvements along Carters Avenue are important and will contribute positively to the project's quality and neighbourhood integration. The proposed footpath along Carters Avenue will support connectivity and safe pedestrian routes to the park. It is suggested that the applicant/DTP work with Council to realise the public realm upgrades.**
Planning Officer comments on matters in contention (in bold)	As requested by Council, it will be required as a condition on any approval, that direct access from the Carters Avenue Parkland be removed. While it is acknowledged that public realm improvements along Carters Avenue have the potential to enhance the quality of the development and improve its integration with the surrounding neighbourhood, it is not accepted that the benefits of the proposed footpath would outweigh the loss of existing street trees and on-street car parking required to facilitate these works. Furthermore, Council has objected to the proposed public realm works. In the absence of Council support and any confirmed mechanism for their delivery, these works cannot be relied upon as part of the assessment of the application. Accordingly, limited weight has been afforded to the claimed benefits associated with the proposed footpath and broader public realm improvements. This assessment has proceeded on the basis of the development outcomes that can be reasonably delivered independently of these works.
Architectural design approach - form, external expression, materials and detailing	• The proposal contributes positively to the street through considered building form, cohesive resolution of the façade expression and use of enduring materials. • The building form sets up a condition of multiple windows and balconies / terraces facing the streets and the adjacent park area, providing passive surveillance. • The rhythm and depth of repeated expressed columns and horizontal bands create strong building identity to all facades. • **The external materials schedule and legend lack detail and commitment to the proposed materials, listing only the surface finish in some cases.** • Brickwork with variation in laying patterns and tiled screens are used in the facades to provide depth, detail and texture.

	• Operable external blinds provide an additional layer to the north and west facades and allow residents to control their privacy and sunlight exposure. • Metal screens and balustrades provide a layer of detail and finesse to the facades. • The deep façade recesses incorporate planting and varied material treatment to create distinct breaks in the façade to Carters Avenue. • The garden walls along the street and park edge vary in material treatment, offering a detailed and textured palette at the pedestrian interface. Integrated bench seating provides a positive contribution to the street. • The imagery of the proposal suggests high-quality materials and considered detailing across the facades, contributing to the distinct character of the building. **Recommendation: It is critical that the quality, ambition and detailing shown in the renders is delivered through construction and is not reduced.**
Planning Officer comments on matters in contention (in bold)	A condition on the permit will be required that a façade strategy is submitted to the satisfaction of the Responsible Authority, in consultation with OVGA. The façade strategy will require provision of materials, finishes and schedules and will provide design review and quality assurance, ensuring that the development continues to achieve the objectives, application requirements and design principles of Clause 53.25 (Great Design Fast Track) of the Stonnington Planning Scheme. This will ensure that the high-quality architectural outcomes and design intent presented through the application process are maintained through detailed design and construction.

Principle 02: Welcoming Homes

Creating welcoming and safe homes that promote a sense of family and community

Summary of overall performance against principle: High

Pedestrian entry journey experience from street to home	• The pedestrian entry on Carters Avenue is legible, step free and generous, marking a clear sense of arrival. • An integrated bench seat with planter at the street edge successfully marks the pedestrian entry point and provides opportunity for residents and visitors to pause. • The entrance lobby includes an open stair, integrated planting and outlook via glazing. • Each communal landing services a maximum of three apartment entries, supporting the building of a close community of residents. • Communal lobbies on levels 1 and 2 are enclosed with no direct access to natural light or ventilation. Private lobbies on level 4 and 5 are afforded a window. • A considered approach to finishes, lighting and identification of individual apartment entrances is included in the architectural drawings and supports a welcoming arrival. **Note: Ensure the quality and ambition indicated are delivered through construction.**
Communal space qualities and location	• Dedicated communal facilities are not included. This is considered acceptable for this development where generous individual apartments are supported by substantial private open space, and a welcoming entry experience. **Note: The imagery indicates a considered approach to the lobby with enduring materials which must be delivered through construction.**
Planning Officer comments on matters in contention (in bold)	As stated earlier, a condition on the permit will be required that a façade strategy is submitted to the satisfaction of the Responsible Authority, in consultation with OVGA ensuring that the development continues to achieve the objectives, application requirements and design principles of Clause 53.25 (Great Design Fast Track) of the Stonnington Planning Scheme.
Bicycle parking amenity	• 14 resident bicycle parks are provided at basement 1 level, in a dedicated bike storage room. • Access to the bicycle storage is via the ground floor lobby and lift, or via the vehicle access ramp to the basement. The access via vehicular ramp creates

	potential conflict with cars and necessitates negotiating a relatively steep slope and opening of the full carpark garage door. • Two bicycle parking spaces adjacent to the main ground level pedestrian entry provide convenience for visitors and an at-grade parking option for residents. **Note: Ensure access and clearances facilitate safe and convenient bicycle use.** **Recommendation:** • **Glazed doors/vision panel to the bicycle store would allow for improved visual connection for a more welcoming and safer journey.** • **Provide space for larger cargo bicycles in the bicycle store and ensure ease of access and manoeuvring.**
Planning Officer comments on matters in contention (in bold)	Revision to plans now provide access and clearances that facilitate safe and convenient bicycle, including provision of glazed doors / vision panel to the bicycle store to allow for improved visual connection. It will be required as a condition on any approval that larger cargo bicycles in the bicycle store be provided and ensure ease of access and manoeuvring.
Carparking arrangements and impact	• Parking for 24 vehicles is provided across the two-level basement car park – providing a minimum of 2 spaces per dwelling. • The basement arrangement and extents allow for deep soil to limited sections of the northern and eastern setback from the boundary. • Glazed doors and sidelights to the basement lift lobbies provide visual connection for a welcoming and safe sense of arrival. • **A single car space in basement 1 is provided with an EV charging station.** • **Future provision for the installation of EV charging stations to all car parking spaces across both levels of the basement is allowed for in the services design**.
Planning Officer comments on matters in contention (in bold)	EV charging stations are not shown on the (revised) basement plans. It will be required as a condition on any approval that future provision for the installation of EV charging stations to all car parking spaces across both levels of the basement be shown/annotated.

Principle 03: Landscaped Homes

Enhancing local biodiversity, natural systems and connections to nature

Summary of overall performance against principle: Sound

Landscape quality and experience - aesthetics, spatial, shading, amenity, wind and sensory	• The greening of thresholds and building edges at ground level creates a positive and welcoming approach. • The inclusion of Betula nigra in the façade recesses is supported to offer visual amenity through dappled canopy lighting to residents. • Variations in texture, form and colour across the planting palette will offer a rich and layered response. • The inclusion of shade trees, sensory planting, and integrated garden beds across all terraces, ensures a good level of amenity for private open space, while the organic geometries of the planting beds reinforce a sense of immersion. • While there is no communal landscape offering other than the entry forecourt and lobby planter, private open spaces are well-considered. • At ground level, private terraces incorporate small canopy trees in deep soil, lush garden beds and permeable paving to allow water flow. **Recommendation:** • **Further reduce paved area to increase garden beds and maximise planting of canopy trees in connected deep soil in line with earlier design proposals presented.** • **An increase to landscape planters at upper-level terraces is recommended, where overly generous hardscape paving has been provided to dwellings (e.g. Apartment 8).**

	• **Street trees were previously indicated as part of the public realm upgrades along Carters Avenue. These were strongly supported to enhance the public realm and help situate the development in its context. Confirm whether these canopy trees may still be delivered.**
Planning Officer comments on matters in contention (in bold)	The extent of paving has been reduced in revised plans and extent of canopy trees increased within the development. As noted earlier, any works on the public realm cannot be encouraged/required without Council's support/consent on Council land.
Viability of landscape and planting – maintenance, resilience, climate and longevity	• The inclusion of predominately (78%) native plant species alongside a small selection of exotics will support effective maintenance and resilience. • The proposed permeable crazy pave with dichondra repens planted between pavers, will allow for water flow, supporting healthy soils and urban cooling. **Recommendation:** • **Ensure that minimum widths for raised planter beds do not fall below the nominated 400mm minimum, to allow adequate space for planting, irrigation and soil health.** • **Confirm that all apartment private open spaces will be provided with irrigation drip lines to support longevity as indicated in planting details.** • **As stated in the Sustainable Management Plan, ensure taps are provided to private terraces for resident use.**
Planning Officer comments on matters in contention (in bold)	It will be required as a condition on any permit that will issue that widths for raised planter beds be nominated as 400mm minimum, to allow adequate space for planting, irrigation and soil health and that private open spaces of all apartments provided with irrigation drip lines, as indicated in planting details.
Deep soil and canopy cover	• 379.5sqm (37.3%) of tree canopy cover is proposed on site, noting that most proposed trees are nominated in raised planters and not in deep connected soil. • Deep soil area diagram and calculation have been provided in the architecture package indicating a deep soil provision of 196.5sqm (19.3%). • As noted in the architecture package, the development proposes a garden area of 308.8sqm (30.3%) with 218.5sqm (21.5sqm) of permeable surfaces.
Contribution to existing natural systems and neighbourhood – biodiversity, habitat creation and integration with public realm	• The proposed landscape, supported by a diverse planting mix, will connect with the broader garden network of the neighbourhood, providing valuable cooling, habitat and water absorption.

Principle 04: Sustainable Homes

Enduring and high-performing, embedding climate resilience and minimising environmental impacts

Summary of overall performance against principle: High	
Compliance with NatHERS requirements	• The preliminary NatHERS assessment demonstrates the design achieves an average NatHERS rating of 8.0 stars with no individual dwelling less than 6.5 stars. This is demonstrated via ratings across a selection of apartments representing the typical conditions only. **Note: This result will need to be demonstrated across all dwellings in the final development to comply with Clause 53.25.**
Sustainability targets and outcomes	• The project achieves a total BESS score of 76% (Excellence rating) with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%. • A 107% Bluefactor score rating is achieved for stormwater. • The development is to be all electric. **Recommendation: These commitments are critical to meeting the GDFT design principles and should be a condition of the Planning Permit.**
Commitments and approaches integrated into the design	• Passive design strategies have been adopted, including approaches to screening northern sun. Balcony overhangs, blade columns, external blinds and deep reveals have been adopted to shade glazing and limit summer solar heat gains. • A 5kW solar photovoltaic system for renewable energy generation will be installed on the roof to offset a portion of the development's emissions and energy use.

	Note: Explore opportunities to increase the size of the PV system to maximise the benefit to residents. • A 4,000-litre rainwater water tank will collect rooftop rainwater for use in toilet flushing. An additional 5,000L rainwater tank will harvest rainwater from terraces for use in landscape irrigation. • The SMP report includes a commitment that an ESD professional will perform a minimum of two site inspections during the construction phase to ensure implementation of the ESD initiatives. • The SMP report includes a commitment to test a sample of apartments at completion for air tightness to verify the quality of the sealing of the building envelope. • The SMP lists a commitment to ensuring all timber used in the building and construction works shall be certified by a forest certification scheme. • The production of a 'Materials Passport' to catalogue all materials and quantities used within the development to support ease of maintenance, replacement and potential deconstruction process, is listed as a commitment. • The SMP includes a commitment that a minimum of 80% of all construction waste generated on site will be diverted from landfill. • The SMP lists the implementation of a zero-waste operational plan for the development as a commitment. **Note: The commitments listed above are included in the SMP report and are important to maintain through the delivery of the project**.
Planning Officer comments on matters in contention (in bold)	A condition on the permit will be required that a façade strategy is submitted to the satisfaction of the Responsible Authority, in consultation with OVGA ensuring that the development continues to achieve the objectives, application requirements and design principles of Clause 53.25 (Great Design Fast Track) of the Stonnington Planning Scheme. A further condition will require that the Sustainability Management Plan be endorsed and form part of this permit, and the development be carried out in accordance with the endorsed plan to the satisfaction of the Stonnington City Council. The proposal maintains the provision of a 5kW solar photovoltaic system for renewable energy generation for the development.

Principle 05: Healthy Homes

Enhancing health and wellbeing through integrating the natural and built environment

Summary of overall performance against principle: High

Compliance with mandatory ventilation requirement	• 100% of dwellings are naturally cross ventilated.
Orientation and outlook of individual dwellings	• Eight out of nine apartments have living rooms oriented north. The remaining apartment has multiple aspects with glazing to the east, west and south. • All dwellings have dual-aspect or multi-aspect views supported by corner or full floor layouts. • Outlook from living spaces to outdoor terraces and balconies has been maximised. • 100% of living areas and bedrooms achieve best practice daylight requirements. The SMP report states that the BESS daylight built-in calculator has been used to demonstrate the proposal will achieve best practice including daylight access. • Planters and minimal screens have been designed to manage overlooking while ensuring light and outlook to the proposed dwellings. • Overhead planes, projecting columns and balcony planter boxes have been effectively used to provide screening, privacy and prevent overlooking.
Amenity and comfort of dwellings	• Internal amenity to the apartments is generally of a high standard with the layouts providing generous room sizes, effective zoning of uses, and good access to daylight. • Generous ceiling heights of 2.7m, 2.9m and 3.1m to the apartments, as indicated in the architecture drawings, will support good amenity.

	• Operable windows are provided to all bathrooms and laundries located on the façade. • Operable windows are provided to the upper floor lobbies to improve ventilation opportunity. • IEQ sensors are to be installed to all apartments. The sensors are to measure at a minimum VOC levels, humidity, PPM and temperature.
Quality of private outdoor spaces	• Private ground floor terraces are of a high quality, providing opportunity for flexible use. • Balconies to upper-level dwellings are generously sized, including multiple balconies / elevated terraces with different aspects and sizes, providing households with a range of options.

Principle 06: Adaptable Homes

Housing that meets the diverse and changing needs of households and families

Summary of overall performance against principle: High

Mix of dwelling types and sizes	• The proposal includes generously proportioned apartments with a single 2-bedroom dwelling, seven 3-bedroom dwellings and a single 4-bedroom apartment. • Given the number of proposed dwellings within the development, this limited mix of dwelling types is considered acceptable. • 100% of dwellings are identified as accessible and compliant with Standard B3-12 of Clause 55.03-12.
Quality and convenience achieved through dwelling planning and fit out	• Dwelling layouts typically provide generously sized rooms and considered zoning of uses and points of entry, that support flexible use over time. • Direct connection to private open space is provided to all main living / dining spaces. • Kitchens are generally well planned and provide generous bench space and storage, with separate pantry rooms providing additional storage and preparation area to some larger apartments.
Flexibility and adaptability of dwelling layouts	• Apartment plans demonstrate effective zoning of the shared and private areas which enhances functionality and manages noise. • Generous internal area and clear room dimensions allow for flexible use of the spaces and a variety of different furniture arrangements. • All apartments are single level with minimum 1200mm circulation spaces. • The apartments on the top two levels are designed to enable separate carer's quarters access directly from the entry lobby. • Baths are included in one of the bathrooms in every apartment. • Provision for grab rails has been made in at least one bathroom within every dwelling. • The individual apartment plans include demonstration of how selected bathrooms within each apartment can be adapted to achieve high-quality accessibility standards and full compliance where possible, including circulation and door openings, and handrail locations. • Step-free thresholds to access POS are included

Principle 07: Good Value Homes

Supporting more affordable housing through innovative housing development delivery models that respond to changing housing markets

Summary of overall performance against principle: Acceptable

Range of housing and target market	• Spacious apartments with multiple bedrooms and bathrooms will support different household types and life stages, including larger families, mixed households and ageing in place. • The size of the dwellings and inclusions indicate that they are unlikely to assist with affordability.
Proposed development model	• Build to sell model proposed. Affordable housing opportunity not proposed.

Construction approach – waste strategies, MMC, repetition	• The development is targeting the diversion of 80% of waste generated through demolition and construction from landfill, as indicated in the Sustainability Management Plan. **Note: This initiative as outlined in the SMP is important to maintain through the delivery of the project.**
Minimisation of ongoing maintenance and operational costs	• Durable external materials have been selected to reduce ongoing maintenance costs. • The initiatives identified in the Sustainability Management Plan should contribute to enhanced building performance and lowering of operational costs for residents. • The approach to landscape is considered with limited maintenance requirements.
Planning Officer comments on matters in contention (in bold)	A condition on any approval will require that the Sustainability Management Plan be endorsed and form part of this permit, and the development be carried out in accordance with the endorsed plan to the satisfaction of the Stonnington City Council.

86. Following the comments received from OVGA, the proponent has made numerous changes to the proposal, such as:

- Redistribution of building massing to reduce overshadowing impacts on neighbouring secluded private open spaces.
- Introduction of greater façade articulation to reduce the perceived bulk of the building.
- Enhanced overlooking mitigation measures, including awnings and increased planter depths to improve privacy outcomes.
- Landscape Enhancements by provision of larger terrace planters for Apartments 3, 6 and 8, increased planting volumes, improved visual screening and enhanced building greening and streetscape presentation.
- Public Realm Improvements: Provision of a new public footpath along Carters Avenue, where no footpath currently exists on the eastern side adjacent to the park.

87. The OVGA is satisfied that the proposed five-storey development represents an appropriate response to the site's characteristics, limited sensitive interfaces and strategic planning context. OVGA is satisfied that the proposed development offers a height, although taller than surrounding buildings, does not disrupt an established character but contributes positively to the ongoing evolution of the area. The building has been designed to respect the streetscape through a three-storey street wall to Ormsby Grove, with the upper levels recessed to reduce visual bulk and manage its perceived scale from the public realm.

88. DTP agrees with this position. It is considered that the fifth storey enables additional residential floor area to be accommodated without materially increasing the footprint of the building. This allows greater setbacks, increased landscaping opportunities and redistribution of built form away from the more sensitive Ross Street interface. Accordingly, the additional height achieves improved urban design and amenity outcomes compared to a full four-storey envelope occupying a greater site coverage.

Built Form, Layout, Massing and Height

89. The proposal presents a high-quality architectural response that appropriately capitalises on the site's prominent corner location and strategic position within the Housing Choice and Transport Zone (HCTZ). The development provides a strong address to Carters Avenue, creating a clear sense of entry and identity from the public realm, while dwellings and private terraces are oriented to overlook Ormsby Grove and Carters Avenue Park, facilitating passive surveillance and enhancing public safety. As a result of this layout, all apartments are afforded either a street-facing outlook or direct views towards Carters Avenue Park, providing a high level of internal amenity, access to natural light and visual connection to the surrounding environment.

90. While the proposal exceeds the preferred built form outcome anticipated by the HCTZ, the extent of the variation is considered modest having regard to the strategic planning framework and the site's location. The zone specifically identifies areas with strong access to public transport and services as appropriate locations for substantial residential growth and intensification. The preferred four-storey outcome on this site establishes a clear expectation that comparatively large-scale residential development is anticipated within this precinct. In this context, the

proposal represents a moderate increase over the preferred height rather than a fundamentally different built form outcome.

91. The built form is well articulated, comprising a distinct three-storey podium with the upper two levels substantially recessed. This design approach reduces the perceived scale, height and visual bulk of the development when viewed from both the public realm and adjoining properties. The building is further broken into smaller, legible components through two substantial recesses along the Carters Avenue frontage, while tiled screening elements and canopy tree planting introduce visual relief and contribute to a finer-grain built form that responds positively to the scale and character of the surrounding neighbourhood.

92. The development adopts a tapered built form, with successive upper levels recessed from the podium to progressively reduce the building footprint as height increases. The additional height is not expressed as a full additional storey rising directly from ground level. Instead, the uppermost level is substantially recessed from the primary building form and integrated within a highly articulated architectural composition. Consequently, the development reads predominantly as a four-storey building, with the upper-level appearing visually subordinate to the podium and lower levels. This approach reduces visual bulk and increases separation from adjoining properties, particularly along the eastern and southern interfaces. While the lower levels establish the primary building mass, Levels 4 and 5 are substantially recessed, creating extensive landscaped terrace areas around the building perimeter. The uppermost level occupies only a small portion of the footprint below and is concentrated around a single dwelling, ensuring it reads as a lightweight architectural element and contributing to a well-articulated built form (see figures below).



Figure 16: Development footprint at each level, with modest footprint at the uppermost level (last image)



Figure 17: West (left) and north (right) elevations of the development showing increased setbacks along sensitive boundaries

93. The development adopts a varied setback response to Carters Avenue, Ormsby Grove and adjoining residential properties that reflects the site's corner location, surrounding built form pattern and differing interface conditions. While the proposal does not consistently achieve the preferred setback dimensions, the building has been carefully designed through articulation, upper-level recesses and strategic increases in setback distances to reduce visual bulk and moderate its overall scale.

94. Along Carters Avenue, the lower levels generally align with the adjoining development at 3 Ormsby Grove before progressively stepping back at Levels 4 and 5, maintaining a coherent streetscape presentation while reducing the prominence of the upper storeys. Along Ormsby Grove, setbacks are broadly consistent with the existing development pattern. Along the park interface, the main building line is setback 7.3m for levels 2-5, with the setback for Levels 2 and 3 are reduced to 3.0m, due to the intrusion of open style balconies within this space.

95. Along the Ross Street interface, which represents the site's most sensitive residential boundary, the building is sculpted away from adjoining properties through increased upper-level setbacks, substantial recessed and the redistributed towards the site's public frontages. There is a 3.3m separation between the development and the adjoining building, increasing to 6.6m at Level 1, 12.0m at Level 3 and 16.6m to Levels 4 and 5.

96. These measures provide an appropriate transition to neighbouring residential development, minimise the perception of visual bulk and reduce potential amenity impacts. Collectively, the setback response takes advantage of the opportunities presented by the site's extensive public frontages while maintaining an appropriate relationship with surrounding development and responding positively to neighbourhood character.

Whether the proposal adequately address amenity of future residents of the proposed development

Internal amenity

97. The proposal provides a high level of internal amenity for future residents through well-designed dwellings that maximise access to natural daylight, outlook, ventilation and functional living environments. All apartments are afforded either a street-facing outlook or direct views towards Carters Avenue Park, providing a high level of internal amenity, access to natural light and visual connection to the surrounding environment. The development incorporates appropriate room dimensions, adequate storage, and safe, convenient access arrangements, ensuring residents are provided with comfortable and functional living spaces. Collectively, these design measures will support a high standard of residential amenity and achieve the objectives of Clause 57 in delivering well-designed and liveable housing outcomes (see Clause 57 assessment at the end of this report).

Whether the proposal cause any undue amenity to the surrounding properties

Overshadowing

98. Clause 57.04-1 of the Stonnington Planning Scheme seeks to ensure that any part of a building that does not meet Standards E2-2 (side and rear setbacks) and E2-3 (walls on boundaries) does not significantly overshadow existing secluded private open space. Parts of the proposed building do not meet the requirements of Standard E2-2 (side and rear setbacks). This standard requires assessment of the proposal for sections of the building where it does not comply with E2-2.

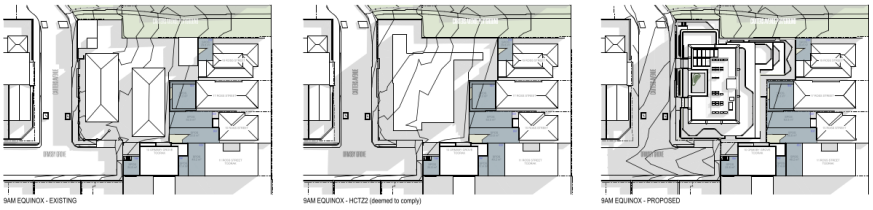
99. Standard E4-1 requires that at least 50 per cent of an adjoining property's secluded private open space, or 25 square metres with a minimum dimension of 3 metres (whichever is the lesser area), remains unshadowed for a minimum of five hours between 9.00am and 3.00pm on 22 September. Where an existing dwelling already receives less sunlight than required by the standard, the amount of sunlight must not be further reduced. The assessment of the development against this standard therefore considers whether the proposal maintains adequate solar access to adjoining secluded private open space and avoids unreasonable additional overshadowing impacts on neighbouring properties.

100. While, the proposal does not achieve the numerical outcome sought by Standard E4-1 in relation to 10 Ormsby Grove, the extent of additional overshadowing is limited to between approximately 0.7sqm and 1.9sqm during the afternoon period and is not considered to result in an unreasonable loss of amenity having regard to the strategic planning context, the site's zoning and the broader built form outcomes anticipated under the HCTZ

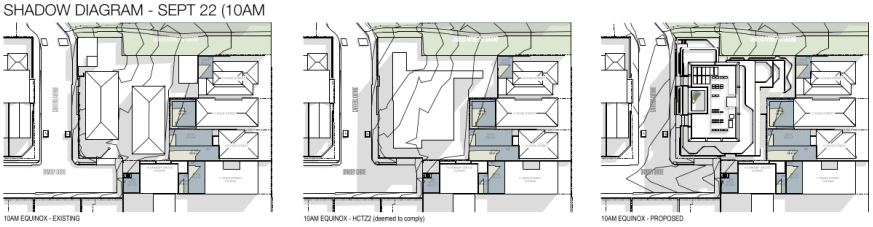
101. The development will not cause changes to shadow conditions to neighbouring properties between 9:00am and 12:00pm. Any changes that will do occur are limited and are concentrated in the late afternoon period. Where

additional shadowing will occur, the extent of impact will be incremental and affect properties at 17 Ross Street, 1/15 Ross Street and 2/15 Ross Street (after approximately 2:00pm).

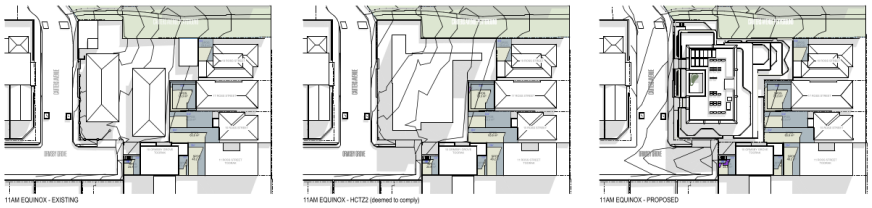
SHADOW DIAGRAM - SEPT 22 (9AM)



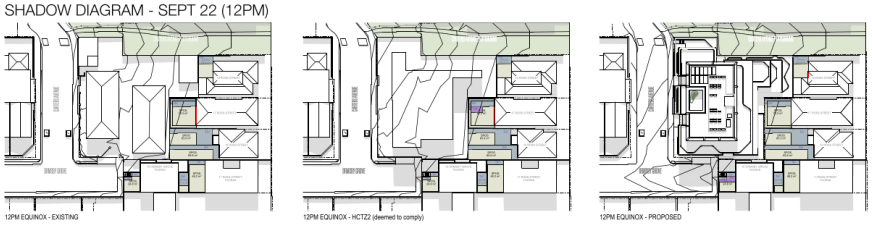
SHADOW DIAGRAM - SEPT 22 (10AM



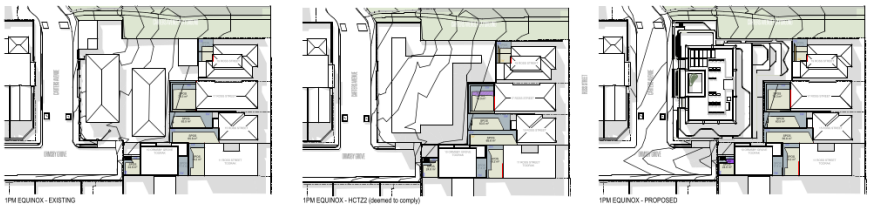
SHADOW DIAGRAM - SEPT 22 (11AM)



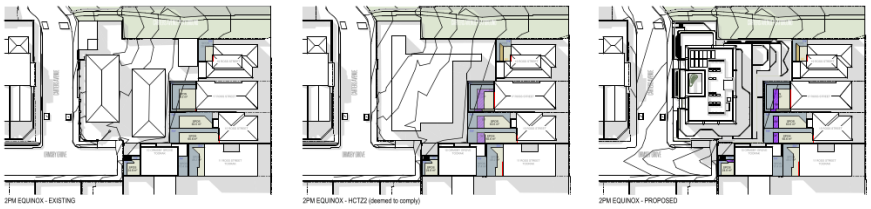
SHADOW DIAGRAM - SEPT 22 (12PM)



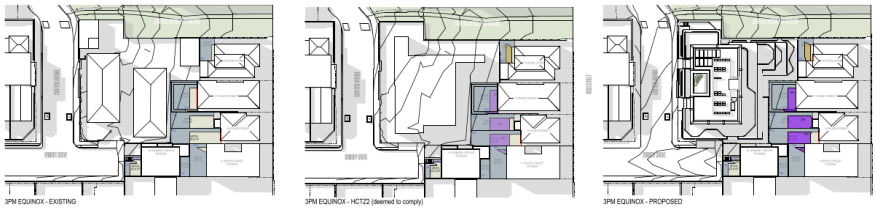
SHADOW DIAGRAM - SEPT 22 (1PM)



SHADOW DIAGRAM - SEPT 22 (2PM)



SHADOW DIAGRAM - SEPT 22 (3PM)



102. The table compares the shadow cast by a theoretical building envelope anticipated under the HCTZ2 against the shadow generated by the proposed development between 2:00pm and 3:00pm. In most instances, the shadow impacts generated by the proposal are equal to or less than those associated with the HCTZ2 outcome. At 2:00pm, 2:15pm and 2:30pm, the proposal produces less shadow than the HCTZ2 scenario for 17 Ross Street, 1/15 Ross Street and 2/15 Ross Street. Similarly, at a number of times during the afternoon period, 19 Ross Street experiences less shadow under the proposal than under the HCTZ2 scenario.

	2:00pm		2:15pm		2:30pm		2:45pm		3:00pm	
	HCTZ2	Proposed	HCTZ2	Proposed	HCTZ2	Proposed	HCTZ2	Proposed	HCTZ2	Proposed
19 Ross St	-5.3sqm	-5.0sqm	-6.1sqm	-5.7sqm	-7sqm	-7sqm	-7.9sqm	-7.4sqm	-8.9sqm	-8.1sqm
17 Ross St	16.7sqm	10.5sqm	21.1sqm	16.0sqm	27sqm	25sqm	23.1sqm	23.1sqm	17.8sqm	17.8sqm
2/15 Ross St	8.3sqm	6sqm	11.2sqm	8.9sqm	15sqm	14sqm	18.3sqm	20sqm	22.4sqm	26.1sqm
1/15 Ross St	7.40sqm	5.3sqm	10.1sqm	8.0sqm	13sqm	12sqm	16.3sqm	17sqm	20.1sqm	22.6sqm
11 Ross St	0sqm	0sqm	0sqm	0sqm	0-1sqm	0-1sqm	1.6sqm	1.8sqm	2.1sqm	2.2sqm
10 Ormsby Gr (front)	0sqm	1.9sqm	0sqm	1.6sqm	0sqm	1sqm	0sqm	1.1sqm	0sqm	0.7sqm
Legend		**Additional shadow**			**Performs better**			**neutral**		**Performs better**

103. Overall, the assessment demonstrates that while the proposal introduces some incremental late-afternoon shadowing, neighbouring properties continue to retain acceptable solar access outcomes. The majority of affected properties maintain compliance with the five-hour sunlight requirement, and the proposal generally performs as well as, or better than, the shadow outcome anticipated under the preferred future built form envisaged for land within the HCTZ.

104. The most notable improvements occur at 17 Ross Street, where the proposed development consistently reduces overshadowing compared to the HCTZ2 envelope. At 2:00pm, the proposal reduces overshadowing from 16.7sqm to 10.5sqm, with similar reductions occurring throughout the assessment period. The greatest improvement occurs at 2:15pm, where overshadowing is reduced by approximately 5.1sqm. By 3:00pm, both scenarios generate the same extent of shadowing.

105. The proposal also performs better than the HCTZ2 envelope at 1/15 Ross Street, reducing additional shadow by approximately 2.0 to 2.3sqm between 2:00pm and 2:30pm. While the proposal results in a marginal increase in shadowing at 2:45pm and 3:00pm, the differences are relatively minor.

106. At 19 Ross Street, the proposal marginally improves the outcome throughout the assessment period, reducing shadowing by between 0.3sqm and 0.8sqm compared to the HCTZ2 scenario.

107. For 2/15 Ross Street, the proposal performs better between 2:00pm and 2:30pm, reducing shadowing by between 1sqm and 2.3sqm. However, from 2:45pm onwards, the proposal generates slightly more shadow than the HCTZ2 envelope, increasing by approximately 1.7sqm at 2:45pm and 3.7sqm at 3:00pm.

108. The outcomes for 11 Ross Street are effectively neutral. No additional shadow is cast under either scenario until after 2:30pm, with only negligible increases of approximately 0.1sqm to 0.2sqm under the proposal.

109. The only property where the proposal consistently performs worse than the HCTZ2 envelope is 10 Ormsby Grove (front). While the HCTZ scenario produces no additional overshadowing during the assessment period, the proposal results in between 0.7sqm and 1.9sqm of additional shadow. However, these impacts are very limited in extent and remain relatively minor.

110. Overall, the comparison demonstrates that the proposed development generally performs comparably to, and in several cases better than, the shadowing outcome that could reasonably be anticipated under the HCTZ2 built form framework.

Overlooking

111. The development overlooks adjoining residential properties along the eastern and southern interfaces, particularly at 1/15 Ross Street, 2/15 Ross Street, 17 Ross Street, 19 Ross Street and 10 Ormsby Grove. This overlooking arises from a number of east-facing and south-facing habitable room windows that do not to meet the requirements of Standard E2-2 of the Stonnington Planning Scheme (discussed later in this report). These will be required to be rectified/demonstrated as a condition on any approval that may issue.

112. The northern and western interfaces are less sensitive as they address Carters Avenue, Ormsby Grove and the adjoining public open space rather than private residential secluded open space. Any approval will require appropriate fixed privacy screening to ensure compliance with Standard E2-2 and to minimise unreasonable overlooking of adjoining residential properties.

113. The development benefits from extensive outlook over the adjoining Carters Avenue park and surrounding public realm. This outlook enhances passive surveillance of public spaces, contributing to increased safety and activity within the streetscape. There is no privacy controls associated with overlooking in public areas such as the park, rather, good planning practices encourage it for passive surveillance and safety of public space users.

114. The park frontage also provides residents with attractive and open views, access to a landscaped setting, and a greater sense of visual openness than would typically be achieved where development interfaces solely with neighbouring residential properties.



Figure 18: Less sensitive interfaces where overlooking mitigation is not required

Landscaping

115. The landscape response will contribute positively to the character of the site, the public realm and the amenity of future residents. Extensive landscaping will be integrated throughout the development, reinforcing the garden setting of the site and providing a strong landscape framework that softens the appearance of the built form.

116. At ground level, substantial planting will be provided along the building edges and within connected deep soil zones, creating a landscaped interface with Carters Avenue and Ormsby Grove and strengthening the green character of the streetscape. Opportunities for canopy tree planting will be maximised, with the landscape design incorporating a diverse mix of vegetation that will provide visual interest, shade and long-term resilience.

117. Landscaping will also be integrated throughout the upper levels through generous planter beds associated with private open spaces and building recesses. As a result, vegetation will form a visible and consistent element of the architectural presentation, reducing the perceived scale of the building and enhancing outlook opportunities for

residents. Conditions on any approval will however require that the widths for raised planter beds nominated as 400mm minimum, to allow adequate space for planting, irrigation and soil health and the private open spaces of all apartment provided with irrigation drip lines to support longevity as indicated in planting details.

118. The planting palette will comprise approximately 78 per cent native species, complemented by a limited selection of exotic species. This approach will support biodiversity outcomes, landscape resilience and ongoing maintenance objectives. Sustainable landscape measures, including permeable paving treatments and substantial planting areas, will assist in stormwater infiltration, support healthy soil conditions and contribute to urban cooling.

119. Overall, the landscape response will provide a high-quality outcome that is commensurate with the scale and prominence of the development. It will enhance neighbourhood character, support a high level of residential amenity, improve the presentation of the development to the public realm and assist in mitigating the visual impact of the built form through a comprehensive and well-resolved landscape design.

Public realm works

120. While the landscape plans indicate street tree planting and public realm improvements along Carters Avenue, these works are proposed on land outside the application site and are subject to Council approval. Council has not advised that they will support the proposed public realm works within the road reserve.

121. Limited weight has been attributed to the proposed public realm works given they are located outside the application site and would require Council approval. Nevertheless, the proposed works demonstrate the potential for improved pedestrian connectivity and streetscape outcomes..

122. Retention of the existing street trees and on-street parking is considered the preferred outcome, preserving both the established streetscape character and local parking supply. Consequently, no positive weight has been attributed to the proposed public realm works, and the application has been assessed on the basis of the development occurring wholly within the subject site.

Whether the car parking, access and waste management arrangements are suitable for the proposal

Car parking and access

123. The car parking requirements are prescribed in Clause 52.06 of the Stonnington Planning Scheme. The subject site falls within Category 3 of the car parking requirements which requires the provision of two car spaces per dwelling, generating a demand of 18 cars spaces for 9 dwellings. 24 will be provided, which exceeds the requirement by 6 car spaces.



Figure 19: site falls within category 3

124. Clause 52.06-7 of the Planning Scheme allows a permit to be granted to provide more than the maximum parking provision.

125. A Traffic Engineering Assessment prepared by Traffic Group has been submitted in support of the application. The report argues that the provision of 6 additional car spaces will be provided as second and third car spaces for a small proportion of the apartments. These car spaces will typically be used for weekend or special vehicles rather than being an additional regular transport mode to cater for residents. The result is these additional car spaces typically do not generate additional regular peak hour traffic movements.

126. The report further argues that the provision of additional car spaces within the two basement levels will alleviate any on-street demands by residents and their visitors.

Traffic generation

127. The development is expected to generate approximately 70 vehicle movements per day, including around seven movements during peak periods. The submitted traffic report suggests this level of traffic is considered low and capable of being accommodated by the surrounding road network without discernible impacts.

Access and layout

128. The submitted traffic report suggests that the widened two-way crossover/vehicular access from Ormsby Grove demonstrate satisfactory vehicle circulation within the site. The car parking layout, access ramps, sightlines and circulation arrangements are assessed as generally complying with the intent of Clause 52.06 and AS2890 requirements.

Bicycle Facilities

129. Clause 52.34 of the Planning Scheme specifies the bicycle parking requirement for new developments. Clause 52.34 provides that 1 space each, per 5 dwellings for residents and per 10 dwellings for visitors. For nine dwellings, this generates that need for two resident spaces and one visitor space. Bicycle parking is proposed well in excess of the statutory requirement, with 14 resident bicycle spaces and 2 visitor spaces provided. This is satisfactory as it promotes sustainable mode of travel.

Loading

130. A dedicated on-site loading and waste collection area is provided within Basement 1 and is accessed via Ormsby Grove.

131. Loading demands associated with the residential development are expected to be infrequent and generally limited to moving vehicles, couriers and delivery vans.

132. The Traffic Engineering Assessment considers it appropriate for larger delivery and removalist vehicles to utilise available on-street parking when required, which is consistent with many residential developments of a similar scale.

Waste Management

133. A Waste Management plans prepared by Traffic Group has been submitted in support of the application. The report provides that waste will be separated into general waste, FOGO, commingled recycling and glass recycling streams, supporting contemporary waste minimisation and resource recovery practices. A 1,100L general waste bin, one 1,100L recycling bin, two 240L FOGO bins and one 240L glass recycling bin, with weekly collection will be required. A dedicated waste room is provided within the basement and is accessible by residents via a continuous pedestrian route.

134. Waste collection is proposed to occur on-site by a private contractor using a 6.4m mini rear-loading waste vehicle. Swept path modelling demonstrates that the nominated waste collection vehicle can enter, manoeuvre within and exit the site in a forward direction.

Whether the proposal provides Environmentally Sustainable Design (ESD)

Sustainability

135. A Sustainability Management Plan (SMP) prepared by GIW Environmental Solutions, dated 31 July 2026 has been submitted in support of this development proposal. The report states that the proposal will achieve an overall Built Environment Sustainability Scorecard (BESS) score of 76%, which exceeds the 50% benchmark for best practice and achieves a rating within the BESS excellence range. The development will be designed as an all-electric building, with no gas connection proposed, supporting the transition to lower-emission residential development.

136. The apartments are proposed will achieve an average NatHERS rating of 8.0 Stars, with no apartment below 6.5 Stars. The proposed 5kW rooftop solar PV system will reduce operational energy demand and greenhouse gas emissions.

137. All apartments will be naturally ventilated, with 100% cross-ventilation achieved, and 89% of apartments receiving at least three hours of direct winter sunlight.

138. The proposal provides 14 resident bicycle spaces, 2 visitor bicycle spaces, and EV charging infrastructure, encouraging sustainable transport choices.

Stormwater Management

139. The SMP report also suggests that the development will incorporate 4,000L and 5,000L rainwater tanks, water-efficient fixtures and fittings, and landscape irrigation, supplied by harvested rainwater. A Blue Factor score of 107% will be achieved, exceeding the minimum 100% requirement for stormwater management. This meets the requirements of Clause 53.18 of the Stonington Planning Scheme.

140. This is satisfactory. Conditions on any approval will require all relevant details listed on the SMP be demonstrated on the plans and within six months of the occupation of the development, a report from a suitably qualified professional be submitted to and approved by the Stonnington City Council that outlines how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, including that a minimum NatHERS rating of 8.0 stars for all dwellings and all Environmentally Sustainable Development (ESD) initiatives identified in this report. This is also a requirement under the GDFT pathway.

Whether the proposal provides for development contributions

141. Pursuant to Clause 45.06 of the Stonnington Planning Scheme, the Stonnington Municipal-Wide Development Contributions Plan (2020-2040) (DCP) applies to all new development on the subject site. The rate that applies to the site is tabulated below:

Charge Area	Levies payable by Residential Development ($)		
	Development infrastructure	Community infrastructure	All infrastructure
	Per Dwelling	Per Dwelling	Per Dwelling
Toorak	$1,695.74	$1,210.00	$2,905.74

Figure 20: Summary contributions for residential development

Note: Square metres of floorspace (SQM) refers to gross floor area. The above listed contribution amounts are current as at 1 August 2020. They will be adjusted annually on 1 August each year to cover the cost of inflation and fluctuations in the cost of construction. The amount of the adjustment will be in accordance with the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics in any adjustment period.

142. Stonnington City Council is both the Collecting Agency and Development Agency for the purpose of the DCP and all of its projects.

143. The Clause states that Stonnington City Council commits to delivering the DCP projects by 1 July 2040, but may deliver projects earlier. It is likely that projects will be progressively delivered over the DCP period. Should Council

not proceed with any of the infrastructure projects listed in this DCP, the funds collected for these items will be either:

- Used for the provision of other infrastructure as approved by the Minister responsible for the Planning and Environment Act, or,
- Refunded to owners of land subject to these DCP charges.

144. It will therefore be required as a condition on any approval that, prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy must be paid to Stonnington City Council in accordance with the approved Development Contributions Plan Overlay schedule 1.

Clause 57 – Residential Development of Four Storeys

145. The proposal generally complies with Clause 57 of the Stonington Planning Scheme. It is noted that pursuant to Clause 53.25-2 (Good Design Fast Track Pathway), the responsible authority may waive or vary any building height, setback or minimum garden area requirement, in relation to an application or a proposed use or development.

146. An assessment of the proposal against Clause 57 objectives and standards are appended on this document. The development seeks a variation to the following:

Clause 57.02-1: Street setback

147. The development has frontages to Carters Avenue and Ormsby Grove. Under this standard, setbacks of 4.5 metres and 3.0 metres are required, respectively. The proposal provides setbacks ranging from 1.25 metres to 4.5 metres along Carters Avenue and from 0.6 metres to 5.8 metres along Ormsby Grove.

148. While portions of the development do not meet the preferred setback requirements, the variation is considered acceptable in the context of the surrounding built form. Along Carters Avenue, the setback pattern is generally consistent with the adjoining property at 3 Ormsby Grove, with the building aligning for the first three levels before progressively recessing at Levels 4 and 5. This assist in maintaining a coherent streetscape presentation while reducing the perceived scale of the upper levels.

149. Along Ormsby Grove, the development incorporates boundary walls for part of the interface shared with 10 Ormsby Grove. Beyond these abuttals, the building is setback approximately 1.9 metres from the boundary, which is broadly consistent with the setback established by the existing development on the site.

150. The proposed setbacks, together with the upper-level recesses and articulation of the building form, provide an appropriate response to the streetscape and do not result in unreasonable visual bulk or adverse amenity impacts. The proposed setbacks are generally consistent with the prevailing character of the area. Where reduced setbacks are proposed, these occur primarily along the site's more public interfaces, appropriately leveraging the opportunities presented by the corner location and direct park frontage while maintaining an active and engaging streetscape response (as discussed earlier in this report).

Clause 57.02-2: Side and rear setbacks

151. A minimum setback of 4.5 metres is required under this Clause. The proposal does not achieve this setback along all interfaces. To the south, adjoining 10 Ormsby Grove, the building is setback between 1.9 and 2.0 metres, with planter boxes reducing the effective setback to between 1.2 and 1.2 metres from ground level to Level 2. The upper two levels are substantially recessed, achieving a setback of 6.5 metres.

152. Along the eastern interface to 5-17 Ross Street, the building is setback 2 metres at ground level and between 3.0 and 3.5 metres at Levels 1 and 2, with planter boxes reducing the effective setback to 2 metres. The upper two levels are setback between 9.0 and 9.0 metres.

153. Along the eastern interface to 19 Ross Street, the building is setback 4.9 metres at ground level, 8.7 metres at Level 1, and 12.195 metres at Level 2. Planter boxes reduce these setbacks to 3.2 metres at Level 1 and 6.7 metres at Level 2. The upper two levels achieve setbacks of between 17.6 and 17.6 metres, with the Level 3 planter box reducing the effective setback to 12.0 metres.

154. While the proposal does not fully comply with the preferred setback requirement, the variation is considered acceptable. The building has been deliberately designed to reduce its visual bulk and scale along the eastern Ross Street boundary, being the site's most sensitive residential interface. Through a combination of increased upper-level setbacks, building articulation and the redistribution of built form to less sensitive parts of the site, the development provides an appropriate transition to adjoining residential properties and minimises any unreasonable amenity impacts (as discussed earlier in this report).

Clause 57.02-4: site Coverage

155. The proposal achieves a site coverage of 76.3%, which exceeds the preferred maximum site coverage of 70% by 6.3%. This variation is considered acceptable having regard to the site context and the overall design response. The submitted Sustainable Management Plan (SMP) raises no concerns regarding stormwater runoff, with appropriate mitigation measures incorporated into the development, including rainwater harvesting and other integrated water management initiatives. Accordingly, the modest increase in site coverage is not expected to result in adverse stormwater impacts.

Clause 57.02-7: Front fences

156. The development proposes front fencing that exceeds the preferred maximum height of 1.5 metres and does not achieve the minimum 25% transparency requirement. Specifically, the sandstone masonry fence ranges between 1.7 and 1.8 metres in height, with an additional permeable fence element ranging from 0.6 to 0.8 metres above, resulting in an overall visual permeability of approximately 18%.

157. Notwithstanding this variation, the proposed fencing is considered acceptable. The fence forms part of a high-quality architectural and landscape response that complements the design of the development and contributes positively to the presentation of the site. The use of sandstone masonry provides a durable and visually refined material treatment that is consistent with the established character of the area. While the fence exceeds the preferred height and transparency outcomes, it does not result in an unreasonable interface with the public realm, having regard to the site's prominent corner location, extensive landscaping and the active building presentation provided by the development.

158. The front fence also forms an integral component of the overall architectural composition and landscape strategy, providing an appropriate balance between privacy, security and resident amenity for ground-floor dwellings. Importantly, the fence does not prevent passive surveillance of the surrounding streets and adjoining public realm, which is achieved through the extensive glazing, balconies and habitable room windows incorporated throughout the development. The fence therefore supports the amenity of future residents while maintaining an active and visually engaging relationship between the development and the public realm.

Clause 57.04-1: Overshadowing secluded private open space

159. As discussed in detail, earlier in this report, this standard seeks to ensure that any part of a building that does not meet Standards E2-2 (side and rear setbacks) and E2-3 (walls on boundaries) does not significantly overshadow existing secluded private open space. Parts of the proposed building do not meet the requirements of Standard E2-2 (side and rear setbacks). This standard requires assessment of the proposal for sections of the building where it does not comply with E2-2.

160. The development will not cause changes to shadow conditions to neighbouring properties between 9:00am and 12:00pm. Any changes that will do occur are limited and are concentrated in the late afternoon period. Where additional shadowing will occur, the extent of impact will be incremental and affect properties at 17 Ross Street, 1/15 Ross Street and 2/15 Ross Street.

Does not comply but can be rectified as a condition on any approval

Clause 57.04-2: Overlooking

161. The objective of this clause is to limit views from any part of a building that does not meet standard E2-2 (side and rear setbacks) into existing secluded private open space and habitable room windows.

162. There will be direct overlooking from east-facing habitable room windows overlooking the adjoining residential properties at 1/15 Ross Street, 2/15 Ross Street, 17 Ross Street and 19 Ross Street and south facing habitable room windows overlooking the adjoining residential at 10 Ormsby Grove. The development along this elevation does not comply with E2-2 (side and rear setbacks).

163. It will be required as a condition on any permit that may issue that the following habitable room windows, located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has a sill height of at least 1.5 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.5 metre above floor level; or
- Has permanently fixed external screens to at least 1.5 metres above floor level and be no more than 25 per cent transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Obscure glazing in any part of the window below 1.5 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.

These must be annotated on floor plans and clearly demonstrated on elevation drawings. Where they do not comply, appropriate mitigation methods must be utilised.

164. The habitable room windows that do not comply with E2-2 and present overlooking issues as prescribed in this standard are:

<u>East facing</u>

- Apt 4 – Bed 2 window,
- Apt 5 - Primary bedroom window, Bed 3 window

<u>South facing</u>

- Apt 5 – Bed 2 window, Bed 3 window, dining rooms windows

165. Overlooking toward the west and north is less sensitive, as these interfaces address Carters Avenue, Ormsby Grove and the adjoining Carters Avenue Park, rather than private residential secluded open space.

166. The identified instances of overlooking can be readily resolved through permit conditions requiring fixed screening, obscured glazing or other measures specified by Standard E4-2. The required modifications are minor in nature and do not necessitate a redesign of the development.

Response to Municipal Council Comments

167. Stonnington City Council objects to the proposed development for the following key reasons:

Council's comments	Planning Officer response
Excessive Building Height: The proposal exceeds the preferred maximum height under HCTZ2, which specifies a maximum of 13.5 metres and four storeys. Council considers the fifth storey to be excessive and inadequately justified.	It is acknowledged that the surrounding area is presently characterised by a mix of predominantly one and two-storey development. However, neighbourhood character is informed not only by the existing built form but also by the preferred future character established by the planning framework.
Inconsistent with Neighbourhood Character: The area is predominantly characterised by one and two-storey dwellings, with some three-storey apartments. The proposed scale is considered inconsistent with the established low-scale residential character.	The site's inclusion within the Housing Choice Transport Zone (HCTZ) reflects a strategic planning decision that the area is capable of accommodating increased residential density and more substantial built form outcomes, having regard to its proximity to public transport, services and activity centres. The rezoning signals an intended transition from a predominantly low-scale suburban environment to one that accommodates greater housing growth and intensification.
Excessive Scale, Massing and Visual Bulk: The development would appear visually dominant from public realm including Ormsby Grove, Carters Avenue, Carters Avenue Park and adjoining residential properties. Council considers the proposal to have a disproportionate and overdeveloped built-form outcome.	In assessing the proposal, it is relevant to recognise that the strategic planning framework, through the HCTZ, has largely contemplated a built form outcome of up to four storeys on the site. Accordingly, the key built form consideration is not whether additional density or a four-storey form is appropriate in this location, but whether the proposed fifth level results in unacceptable visual, character or amenity impacts. In this regard, the fifth level is designed as a recessed element, resulting in a discernible reduction in visual bulk when viewed from the public realm and adjoining properties. Together with the building's articulated form, varied setbacks and landscape treatment, the uppermost level is visually moderated and read as subordinate to the primary building form. Consequently, while the proposal exceeds the scale generally anticipated through the rezoning by one additional level, it is considered that the design response appropriately manages this variation and remains broadly consistent with the strategic intent of the HCTZ to facilitate increased housing growth in well-connected locations.
Inadequate Street, Side and Rear Setbacks: The proposal does not meet the street setback objective of Clause 57. Side and rear setbacks, particularly along the eastern boundary adjoining properties fronting Ross Street, are insufficient. Reduced setbacks contribute to visual bulk and poor transition to neighbouring properties.	While the proposal does not fully comply with the preferred setback requirement, the design response appropriately manages visual bulk and provides a reasonable transition to surrounding residential development. The resulting amenity impacts are not considered unreasonable, and the proposal is assessed as meeting the underlying objectives of the setback provisions notwithstanding the numerical variation.
Excessive site Coverage: site coverage is proposed at 76.3%, exceeding the preferred maximum of 70%. Council considers this contributes to an overly intensive development and limits opportunities for meaningful landscaping and deep soil planting.	This slight exceedance is considered acceptable having regard to the site context and the overall design response. the submitted Sustainable Management Plan (SMP) raises no concerns regarding stormwater runoff, with appropriate mitigation measures incorporated into the development, including rainwater harvesting and other integrated water management initiatives. Accordingly, the modest increase in site coverage is not expected to result in adverse stormwater impacts.
Overshadowing Impacts: The proposal does not comply with the overshadowing requirements of Clause 57. Additional shadowing of neighbouring properties along Ross Street is considered unreasonable and would adversely affect amenity.	As discussed in the body of the report, the extent of overshadowing is minor and acceptable.

Access to Park: Council does not support any direct access from the development into Carters Avenue Park to the north.	It will be required as a condition on any approval that this access is removed.

Response to objections not previously addressed

Grounds (summarised)	Planner response
Impacts during Construction	The concerns raised regarding construction traffic, parking, amenity and cumulative impacts are acknowledged. It is noted that these matters relate primarily to the construction phase of the development rather than the ongoing operation of the site. To manage these impacts, a Construction Management Plan (CMP) will be required as a condition of any permit. The CMP will address, among other matters: • Construction vehicle access routes, delivery schedules and truck movements to minimise impacts on the local road network, including Ormsby Grove. • Measures to ensure that construction vehicles can safely access and exit the site without adversely affecting traffic circulation within the cul-de-sac. • Temporary management of any on-street parking impacts and restrictions associated with construction activities. • Provision for construction worker parking and travel arrangements to minimise overspill parking within surrounding residential streets. • Traffic management measures to maintain safe access for pedestrians, cyclists and motorists during all stages of construction. • Measures to control dust, noise and other construction-related amenity impacts in accordance with relevant EPA and best-practice guidelines. • site operating hours, contact details for site management, and procedures for responding to complaints. • Coordination of construction activities, where practicable, having regard to other major developments occurring within the locality to minimise cumulative impacts on surrounding residents and businesses. • Subject to the implementation of an approved CMP, it is considered that the temporary impacts associated with construction can be appropriately managed and do not warrant refusal of the application. While concerns regarding other developments in the area and the timing of construction are noted, the planning system does not generally provide a mechanism to delay an otherwise acceptable development until nearby projects are completed. Rather, the appropriate response is to ensure that construction impacts are carefully managed through permit conditions and the preparation of a comprehensive CMP.
Geotechnical and structural risks	Potential impacts associated with excavation, including disturbance to adjoining foundations, ground movement and settlement arising from the proposed two-level basement, are matters that will be addressed through the detailed design and construction process. Any excavation and basement construction works will be required to comply with the structural engineering requirements of the Building Code of Australia (BCA) and relevant Australian Standards, ensuring that adjoining properties are appropriately protected during construction
Neighbourhood Character, Scale and Overdevelopment	This matter has been addressed within the assessment of neighbourhood character, built form and strategic planning context.
Not suited to location	*Refer to the body of the report*
Height and Great Design Fast Track (GDFT) Concerns	*Refer to the body of the report*
Built Form, Massing and Setbacks	*Refer to the body of the report*

Privacy, Overlooking and Residential Amenity	*Refer to the body of the report*
Overshadowing, Sunlight and Views	Refer to report for overshadowing considerations. While the development may alter some existing outlook from neighbouring properties, the assessment of the proposal has focused on the relevant built form, neighbourhood character, amenity and residential development provisions of the scheme. The proposal's height, setbacks and overall form have been assessed against these requirements and are considered acceptable in the context of the site's zoning and strategic planning framework. Accordingly, any loss of views does not warrant refusal of the application.
Impact on Carters Park/Public Open Space	It is acknowledged that the building will be visible from Carters Avenue park. However, the site is located within an area identified for urban renewal and increased housing density, where a taller built form is anticipated. The proposal has been assessed against the relevant built form and amenity provisions of the Planning Scheme and is considered an appropriate response to its strategic context. The development will provide an active interface to the public realm, with windows and balconies overlooking the park and surrounding streets. This passive surveillance is generally regarded as a positive outcome, contributing to the safety and activation of public spaces. Overshadowing impacts have been assessed. The park will continue to receive sunlight and remain functional for its intended recreational use. The proposal is not considered to create a closed or unwelcoming edge to the public realm and will maintain an appropriate relationship with the adjoining open space.
Traffic, Access and Parking	Traffic and parking impacts have been assessed through the submitted Traffic Engineering Assessment. The report concludes that the development will generate approximately 70 vehicle movements per day, including around seven movements during peak periods, which is considered a low level of traffic capable of being accommodated by the surrounding road network. The report also identifies that the six additional car spaces are intended to function primarily as second or third spaces for a small number of dwellings and are not expected to generate significant additional peak-hour traffic. Further, the provision of on-site resident and visitor parking is expected to reduce demand for on-street parking. Having regard to the traffic assessment and the level of parking proposed, the development is not expected to result in unreasonable impacts on the operation of Ormsby Grove or the surrounding street network.
Landscaping, Canopy Trees and Environmental Outcomes	Landscaping has been assessed having regard to the requirements of the Planning Scheme and the strategic context of the site. The proposal incorporates canopy tree planting, deep soil areas and landscaping throughout the site, including within communal open space and upper-level areas. While concerns have been raised regarding the extent of canopy planting and landscaping along Ormsby Grove, the landscaping outcome is considered appropriate given the constraints associated with accommodating a higher-density residential development and basement parking. The detailed design, species selection and establishment of landscaping will be further refined through the landscape plan. Concerns regarding impacts on existing trees and root systems during construction are noted. Any excavation and basement works will be required to be undertaken in accordance with appropriate arboricultural and engineering requirements to ensure protection of retained trees where required. Overall, the landscaping response is considered to contribute positively to the amenity, sustainability and presentation of the development.
Housing Outcomes and Good Value Homes	*Refer to the body of the report and OVGA comments*
Clause 57 Compliance Concerns	*Refer to appendix for Clause 57 assessment*

Public Realm, Urban Design and Connectivity	Concerns regarding the building's interface with the public realm, pedestrian connectivity and the delivery of public realm improvements are noted. The proposal has been designed having regard to the established character of the area and is considered to provide an appropriate streetscape response. While the front fencing differs from preferred outcomes, it is consistent with the prevailing neighbourhood character and does not result in an unacceptable street presentation. With respect to public realm upgrades, it is considered any such works will have limited benefit to the surrounding community or pedestrian networks. There are no requirements for community benefits as a result of this development.
Infrastructure and Servicing	It will be required as a condition on any approval that electricity infrastructure from the development is located underground, if seemed feasible by the service provider. There is no nexus to require the development to cover the cost of undergrounding of overhead electricity infrastructure along Carters Avenue and Ormsby Grove. The site is located in an area with existing infrastructure, which will be able to accommodate this minimal change in housing density (9 dwellings replace 8 dwellings). The SMP report provides there will not be increased stormwater run-off as the development will harvest rainwater and use it for irrigation purposes. The SMP report also suggests that the development will incorporate 4,000L and 5,000L rainwater tanks, water-efficient fixtures and fittings, and landscape irrigation, supplied by harvested rainwater. A Blue Factor score of 107% will be achieved, exceeding the minimum 100% requirement for stormwater management. This meets the requirements of Clause 53.18 of the Stonington Planning Scheme.
Community Infrastructure Impacts	While the proposal will marginally increase the number of dwellings on the site, growth in population and demand on community infrastructure has already been strategically anticipated through the application of the Housing Choice and Transport Zone and the broader State planning framework seeking increased housing supply in well-serviced locations. Contributions towards infrastructure are also captured through the Development Contributions Plan Overlay. In addition, the benefit of the proposal is not limited to the increase in dwelling numbers. The redevelopment will replace older housing stock with contemporary dwellings designed to current accessibility, sustainability and liveability standards while delivering additional housing choice
Process, Governance and Consultation	Concerns regarding public notification, community consultation and the assessment process are noted. Notice of the application was given for a minimum period of 14 days in accordance with the requirements of the Planning and Environment Act 1987. Council was also given notice of this application and have expressed their objection to this proposal, as stated in this report. The application was lodged and assessed under the Development Facilitation Program pursuant to Clause 53.25 of the Stonnington Planning Scheme. This is an established statutory pathway available to any proponent seeking to pursue a qualifying development and does not represent a departure from the planning framework applying to the land. Concerns regarding the non-exhibition of the Office of the Victorian Government Architect (OVGA) assessment report are also noted. The findings and recommendations of the OVGA review have been considered and incorporated into the assessment of the proposal and are reflected throughout this report. It was not considered necessary to exhibit the OVGA report itself, as the report is an urban design review document and is not required to identify or assess potential detrimental impacts to adjoining landowners.
Site Suitability and Density	The proposal does not increase the residential yield of the site, with nine dwellings proposed to replace eight dwellings. As such, the development does not result in a substantial increase in dwelling density and is not expected to generate additional population impacts beyond those already associated with the existing use of the land.
Oversupply	Oversupply of apartments is not a matter for consideration under the Planning and Environment Act 1987 or the Stonnington Planning Scheme.

Recommendation

168. The proposal is generally consistent with the relevant planning policies of the Stonnington Planning Scheme and will contribute to the provision of a high-quality built form within Toorak. Stonnington City Council was notified of the application under section 52(1)(b) of the Act, who object to the proposal for reasons stated in this report. These matters raised have been addressed within the body of the report.

169. It is recommended that:

a) Planning permit PA2504564 issue, subject to conditions.

b) The applicant be notified of the above in writing.

c) The Council and objectors be notified of the above in writing. The notification should advise that pursuant to Clause 53.25-4 (Great Design Fast Track), an application under any provision of this Planning Scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the Act.



Appendix 1 – Clause 57 Assessment (4-6 storeys)

Clause 57.01 Application Requirements

Clause 57.01 Application Requirements	Assessment
An application to which this Clause applies must be accompanied by: • A site description. • A design response. • A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.	**Complies** The architectural plans prepared by DKO and the submitted Planning Report describes the site and design response.

Clause 57.01-2 Design Response	Assessment
The design response must explain how the proposed design: • Responds to the future urban development of the area. • Derives from and responds to the site description. • Specifies suitable materials and finish for the external walls. The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. The design response must include a landscape plan that details the proposed: • Retention and planting of canopy trees. • Planting of other vegetation including location, species, number and size at maturity of vegetation. • Where required, areas of deep soil and root barriers. • Irrigation system to support existing and planted vegetation including details of any alternative water supply sources. • Selection of vegetation that responds to the site's environment and geographic factors. • Location of site services. If in the opinion of the responsible authority a design response requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	**Complies** The architectural plans prepared by DKO and the submitted Planning Report describes the design response.

Clause 57.02 Urban Context

Clause 57.02-1: Street setback	Assessment
Objectives • To ensure that the setbacks of buildings from a street provide space for canopy trees and make efficient use of the site. • To ensure that the setbacks of buildings from a street respond to the future urban development of the area.	
Standard E2-1 Walls of buildings are set back from streets: • At least the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, the distance specified in Table E2-1. Entry canopies, pergolas and awnings for windows or doors may encroach up to 1.5 metres into the setbacks of this standard.	**Variation is sought** The development fronts Carters Avenue and has a side to Ormsby Grove. 4.5m and 3.0m setbacks are required to be provided, respectively, under this standard. Carters Avenue: A setback of 1.25m (ground to level 2) to 4.5m (two top levels is proposed. Ormsby Grove: A setback of 0.6m (apartment 5) to 5.8m are proposed (top two levels).

Table E2-1 Street setback	
Minimum setback from front street	**Minimum setback from side street**
4.5 metres	3 metres

The reduced setbacks can be considered as, pursuant to Clause 53.25-2, the responsible authority may waive or vary setback requirements. The reduced setback in these instance**s** can be supported as the setbacks along Carters Avenue is consistent with the property to its east at 3 Ormsby Grove for three levels before it starts to peel away at levels 4 and 5.

Along Ormsby Grove, the development has abuttals with 10 Ormsby Grove for part of its boundary. Where the site has abuttals to 10 Ormsby Grove, a 1.9m setback is provided. This is similar to the current setback provided by the existing buildings on site.

Clause 57.02-2: Side and rear setbacks	**Assessment**
Objectives • To ensure the setback of a building from a boundary provides sufficient space for canopy trees and landscaping. • To ensure the setback of a building from a boundary responds to the future urban development of the area and limits the impact on the amenity of existing dwellings and small second dwellings.	
Standard E2-2 • A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 4.5 metres. • If the boundary is to the south of the building, the building is set back at least 6 metres up to a height not exceeding 13.5 metres and at least 12 metres for a height over 13.5 metres between south 30 degrees west to south 30 degrees east. • Sunblinds, awnings, privacy screens, eaves, facias, gutters, rainwater goods, flues, pipes, domestic water tanks, heating or cooling equipment or other services may encroach not more than 0.5 metres into the side and rear setbacks. • Stairways and ramps (including landings) that are less than 1 metre above the ground level may encroach into the side and rear setbacks. • Pergolas and shade sails may encroach into the side and rear setbacks.	**Variation is sought** South (10 Ormsby Grove) The building line is 1.9-2.0m; the planter is 1.2-1.249m. This applies to Ground to Level 2; the top two levels are set back 6.49m. (East) 15-17 Ross Street The building line is 2m at Ground, 3.0–3.49m at Levels 1 and 2. The planters are 2m. The top two levels are set back 9.0-9.0m. (East) 19 Ross Street The building line is 4.9m at Ground, 8.7m at Level 1, and 12.2m at Level 2. The Level 1 planter is 3.2m; the Level 2 planter is 6.6m. The building line for the top two levels is 17.5-17.5m, with the Level 3 planter at 12.0m. This is acceptable as the development is designed so that its bulk is reduced along the eastern Ross Street boundary, which is the site's most sensitive residential interface. The building form has been shifted to other parts of the site where it can be accommodated without impacting neighbouring properties.

Clause 57.02-3: Walls on boundaries	**Assessment**
Objective • To ensure that the location, length and height of a wall on a boundary responds to the future urban development of the area and limits the impact on the amenity of existing dwellings and small second dwellings.	
Standard E2-3 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 a 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	**Complies** The development does not propose any walls on boundaries.

- 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 does not exceed 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Clause 57.02-4: site Coverage	**Assessment**
Objective • To ensure that the site coverage responds to the future urban development of the area and to the features of the site.	
Standard E2-4 The site area covered by buildings does 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, 70 per cent.	**Variation is sought** A site coverage of 76.3%, slightly higher than what is permissible. A marginal increase of the site coverage by 6.3% is acceptable.

Clause 57.02-5: Access	**Assessment**
Objectives • To ensure the number and design of vehicle crossovers responds to the future urban development of the area • To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.	
Standard E2-5 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** A single two-way crossover with a width of 6.6m to Ormsby Grove. This equates to 24% of the 27m frontage. This is acceptable.

Clause 57.02-6: Tree Canopy	**Assessment**
Objectives • To provide tree canopy and landscaping that responds to the future urban development of the area.	

- To preserve existing tree 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.
- To ensure that basements allow for space for deep soil planting at the front of a site.

Standard E2-6

Basements of a building are setback at least 3 metres from the frontage and at least one other boundary.

Provide a minimum canopy cover as specified in Table E2-6.1.

Table E2-6.1 Canopy cover

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

Existing trees to be retained meet all of 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 E2-6.2.

Existing trees that are retained can be used in calculating canopy cover.

Table E2-6.2 Tree type, canopy cover, deep soil and 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 square metres	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metres
B	8 metres	8 metres	50.3 square metres	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension 4.5 metres)	1 metre
C	12 metres	12 metres	113.1 square metres	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension 6.5 metres)	1.5 metres

Complies

As the land has an area of 1017sqm, 20% of the site area needs to be allocated for canopy cover under this standard. The proposal seeks to provide 48.69% in canopy coverage, exceeding the minimum of 20% to be provided. The tree comprise 37 nominated trees across eight species, with 7 of the tree species identifies as Type A trees and all located in generous soil volumes.

Clause 57.02-7: Front fences **Assessment**

Objective

- To encourage front fence design that responds to the future urban development of the area.

Standard E2-7

A front fence within 3 metres of a street is:

- The maximum height and transparency specified in a schedule to the zone, or
- If no maximum height or transparency is specified in a schedule to the zone, the maximum height and transparency specified in Table E2-7.

Transparency is measured as the percentage of the fence that is open when viewed perpendicular to the fence line.

Variation is sought

The development proposes front fences that exceed 1.5m height and 25% transparency. In this instance, the sandstone masonry fence will be between 1.7–1.8m in height with an additional 0.6-0.8m high permeable fence located on top of it, achieving an 18% visual permeability. The fence is of high quality and will not detract from the appearance of the main development but complement it. Further, the fence type and not in odds with the neighbourhood which can be described as having high, gated fences.

Table E2-7 Maximum front fence height

Street context	Maximum front fence height	Minimum front fence transparency
Streets in a Transport Zone 2	2 metres	25%
Other streets	1.5 metres	25%

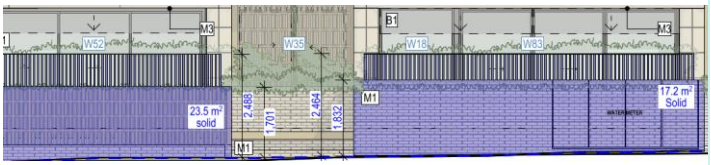
Provide at least one new or retained tree in the front setback and the rear setback.

Trees are located in either:

- An area of deep soil as specified in Table E2-6.2; or
- A planter as specified in Table E2-6.2

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.

This variation can be supported.



Clause 57.03 Liveability

Clause 57.03-1: Parking Location	Assessment
Objective • To minimise the impact of vehicular noise within developments on residents.	
Standard E3-1 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.	**Complies** No at-grade parking or accessway adjoins habitable room windows and setbacks well exceeding 1.5 metres as 24 car spaces are located within two basement levels and accessed via Ormsby Grove

Clause 57.03-2: Street integration	Assessment
Objectives • To integrate the layout of development with the street and open spaces to support the safety and amenity of residents. • To support development that activates and provides passive surveillance to streets and public open spaces.	
Standard E3-2 Development is oriented to front a street. Where a development fronts a street or abuts public open space: • Passive surveillance is provided by a direct view from at least one balcony or habitable room window at each storey of the building to each street and public open space. • The total cumulative width of all site services located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage. Pedestrian entries are located on street frontages.	**Complies** The proposed building presents active frontages to both Ormsby Grove and Carters Avenue and directly addresses the adjoining park. Habitable room windows, terraces and balconies are provided across all elevations and at every level, ensuring passive surveillance of the surrounding public realm and contributing to a safe and attractive streetscape. This represents a significant improvement to the site interface, replacing the existing inactive northern edge with a well-overlooked and inhabited frontage.

Car parking and internal waste collection areas are visually concealed from the street. Lighting is provided to all external accessways and paths. One mailbox is provided for each dwelling, and at least one parcel locker is provided for every five dwellings. Mailboxes and parcel lockers are communally located.	Pedestrian access to the development is provided from Carters Avenue, separated from the vehicle access point on Ormsby Grove. This arrangement prioritises pedestrian movement and creates a legible and safe arrival experience for residents and visitors. Car parking, waste management facilities and building services are wholly contained within the basement level, minimising their visual presence and impact on the public realm. Communal mailboxes and parcel lockers are conveniently located adjacent to the ground-floor entrance, while external lighting is provided along pedestrian pathways and entry areas to support safety, accessibility and convenient access at all times.

Clause 57.03-3: Building entry and circulation	**Assessment**
Objectives • **To provide safe, weather protected building entries with a sense of address.** • **To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.** • **To ensure internal common circulation areas provide adequate access to daylight and natural ventilation.**	
Standard E3-3 An apartment development or residential building has: • A ground level entry door, gate or walkway with a direct line of sight from a street. • An external covered area over the entry door to the building of at least 1.44 square metres with a minimum dimension of 1.2 metres. Pedestrian building entries are separated from vehicle entry points. Shared corridors and common areas: • Have at least one source of natural light and natural ventilation. • Are unobstructed by building services; and • Have a clear sightline from the building entry to the lift lobby area at ground level.	**Complies** A clearly identifiable pedestrian entrance is provided at ground level, with a direct line of sight from Carters Avenue. The entrance is separated from the basement vehicle access and incorporates a covered entry area that exceeds 1.44m², with a minimum dimension of 1.2 metres, providing weather protection and a welcoming arrival experience. The entry achieves a clear transition between the public footpath and the private residential lobby while enhancing the sense of address and arrival. Clear sightlines are maintained between the building entrance and the lift lobby to maximise visibility and personal safety. Communal circulation areas are efficiently designed, with each landing serving no more than three dwelling entries.

Clause 57.03-4: Private open space	**Assessment**
Objective • To provide adequate private open space for the reasonable recreation and service needs of residents.	
Standard E3-4 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 15 square metres of private open space at ground level or on a podium, with a minimum dimension of 2.4 metres width; or • A balcony with at least the area and dimensions specified in Table E3-4; or • An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.	**Complies** Every dwelling opens directly from its living area onto generous private open space, with ground floor terraces of up to 54.5sqm**,** with upper-level balconies expanding up to 230.4 sqm, with wrap around terraces to Apartment 8 of 504.6 sqm, well exceeding the requirements of Table E3-4. Step-free access is provided to all balconies and terraces, which are equipped with hose taps and floor wastes to support their use as functional and accessible outdoor living areas.

If a cooling or heating unit is located in the private open space, the required area is increased by 1.5 square metres.

Table E3-4 Private open space for a balcony

Dwelling type	Minimum area	Minimum length (parallel to the external wall)	Minimum width
Studio or 1 bedroom dwelling	8 square metres	3 metres	1.8 metres
2 bedroom dwelling	8 square metres	3 metres	2 metres
3 or more bedroom dwelling	12 square metres	3 metres	2.4 metres

Clause 57.03-5: Communal Space	Assessment

Objectives

- To provide communal space that meets the recreation and amenity needs of residents.
- To ensure that communal space is accessible, practical, attractive and easily maintained.
- To ensure that communal space is integrated with the layout of the development and enhances resident amenity.

Standard E3-5

A development of 10 or more dwellings includes communal space accessible to all residents of at least:

- 2.5 square metres per dwelling; or
- 25 per cent of the site area, whichever is the lesser.

This may consist of multiple separate areas of communal space.

This may include indoor communal space or outdoor communal space.

If outdoor communal space is provided, 50 per cent of the area or 25 square metres whichever is the greater, is not overshadowed for a minimum of two hours between 9 am and 3 pm on 22 September.

Not applicable

Only 9 dwellings are proposed.

Clause 57.03-6: Functional layout	Assessment

Objective

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

Standard E3-6

Bedrooms:

- Meet the minimum internal room dimensions specified in Table E3-6.1; and
- Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

Table E3-6.1 Bedroom dimensions

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

Complies

All nine dwellings will be provided with main bedrooms with a minimum dimension of 3.4m x 3.0m and secondary rooms with minimum dimensions of 3.0m x 3.0m.

All nine dwellings will be provided with a minimum living area dimension of 12 sqm.

Dwellings are generously proportioned (154.5sqm to 256.3sqm) with living and bedroom zones separated, kitchens are well-located with ceiling heights of up to 3.1 metres for provide high level of internal amenity for residents.

Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table E3-6.2.

Table E3-6.2 Living area dimensions

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

Clause 57.03-7: Room Depth	Assessment
Objective • To allow adequate daylight into single aspect habitable rooms.	
Standard E3-7 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 depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. The room depth is measured from the external surface of the habitable room window to the rear wall of the room. For the purposes of Clause 57.03-7 a single aspect habitable room is a habitable room with windows on only one wall.	**Complies** Room depths for the dwellings comply. All dwellings are dual or multi-aspect through corner or full-floor layouts.

Clause 57.03-8: Daylight to new windows	Assessment
Objective • To allow adequate daylight into new habitable room windows.	
Standard E3-8 Habitable rooms are to have a window in an external wall of the building. A habitable room window is not located in a basement. 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.	**Complies** All habitable rooms have a window in an external wall. The windows will generous openings across all facades, complemented with low reflective insulated glazing to manage privacy while admitting diffused light. The Sustainable Management Plan confirms 100% of living areas and bedrooms achieve best practice daylight.

Clause 57.03-9: Natural Ventilation	Assessment

Objectives

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

Standard E3-9

At least 40 per cent 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 size.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Complies

All dwellings will be naturally cross ventilated, well in excess of the 40% required.

Clause 57.03-10: Storage	Assessment

Objective

- To provide adequate storage facilities for each dwelling.

Standard E3-10

Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table E3-10.

Table E3-10 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

Complies

Each dwelling will be provided with storage areas between internal zones and dedicated cages in the basement, exceeding the requirements of this table, with a minimum of 18sqm for any dwelling.

Clause 57.03-11: Accessibility	Assessment

Objective

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

Standard E3-11

At least 50 per cent of dwellings 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 one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table E3-11 **(***refer to Planning Scheme for table***).**

Complies

All nine dwellings have been designed to incorporate accessible living principles. Each dwelling will be provided with wall nibs for the future installation of grab rails, together with step-free thresholds throughout.

The dwellings will provide a minimum clear opening width of 850mm at the primary entrance and main bedroom doorways. A continuous 1.2-metre-wide accessible path will connect the dwelling entrance to the main bedroom, adaptable bathroom and main living area. These design measures will support accessibility and facilitate future adaptation to meet the changing needs of occupants.

Clause 57.03-12: Building separation within a site	Assessment
Objective • To ensure that the separation between buildings (other than a light court) within a site provides a reasonable outlook and adequate daylight to new dwellings, and sufficient space for canopy trees and landscaping.	
Standard 3-12 • Walls of buildings that contain a habitable room window or balcony are set back from other walls of buildings on a site by at least 9 metres. This does not apply to a wall that forms part of a light court. • Sunblinds, awnings, privacy screens, eaves, facias, gutters, rainwater goods, flues, pipes, domestic water tanks, heating or cooling equipment or other services may encroach up to 0.5 metres into the building separation setback. • Stairways and ramps (including landings) that are less than 1 metre above the ground level may encroach into the building separation setback. • Pergolas and shade sails may encroach into the building separation setback.	**Not applicable**

Clause 57.03-13: Light Courts	Assessment
Objectives • To ensure that a light court provides adequate daylight into a new bedroom or non-habitable room window.	
Standard E3-13 A light court: • Has a minimum dimension of at least 4.5 metres and an area of at least 20.25 square metres. • Has a maximum dimension of 6 metres and a maximum area of 36 square metres. • Is enclosed by the wall of a building for at least 75 per cent of its perimeter. • Is clear to the sky. • Is not the primary source of daylight to a living room or private open space.	**Not applicable**

Clause 57.04 External Amenity

Clause 57.04-1: Overshadowing secluded private open space	Assessment
Objective • To ensure that any part of a building that does not meet standards E2-2 and E2-3 does not significantly overshadow existing secluded private open space.	
Standard E4-1 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 a 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.	**Does not comply – however impact is minimal** As parts of the proposed building do not meet the requirements of Standards E2-2 and E2-3, this Standard applies. The shadow assessment demonstrates that all affected neighbouring secluded private open space areas, with the

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight is not further reduced. This standard does not apply to any part of a new building that meets standards E2-2 and E2-3.	exception of 10 Ormsby Grove, will continue to receive at least five hours of sunlight between 9:00am and 3:00pm on 22 September, thereby satisfying the relevant amenity requirement under this Clause. The development will not cause changes to shadow conditions to neighbouring properties between 9:00am and 12:00pm. Any changes that will do occur are limited and are concentrated in the late afternoon period. Where additional shadowing will occur, the extent of impact will be incremental and affect properties at 17 Ross Street, 1/15 Ross Street and 2/15 Ross Street. This is therefore acceptable.

Clause 57.04-2: Overlooking	**Assessment**
Objectives • To limit views from any part of a building that does not meet standard E2-2 into existing secluded private open space and habitable room windows.	
Standard E4-2 A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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 1.5 metres above floor level. A habitable room window, balcony, terrace, deck or patio located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio: • Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or • Has a sill height of at least 1.5 metres above floor level; or • Has fixed, obscure glazing in any part of the window below 1.5 metre above floor level; or • Has permanently fixed external screens to at least 1.5 metres above floor level and be no more than 25 per cent transparent; or • Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins. Obscure glazing in any part of the window below 1.5 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 1.5 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.	**Does not comply but can be rectified as a condition on any approval** There will be direct overlooking from east-facing habitable room windows overlooking the adjoining residential properties at 1/15 Ross Street, 2/15 Ross Street, 17 Ross Street and 19 Ross Street and south facing habitable room windows overlooking the adjoining residential at 10 Ormsby Grove. It will be required as a condition on any permit that may issue that the following habitable room windows, with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio: • Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or • Has a sill height of at least 1.5 metres above floor level; or • Has fixed, obscure glazing in any part of the window below 1.5 metre above floor level; or • Has permanently fixed external screens to at least 1.5 metres above floor level and be no more than 25 per cent transparent; or • Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins. Obscure glazing in any part of the window below 1.5 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. **The habitable room windows that do not comply with E2-2 and will present overlooking issues are:** <u>East facing:</u> • Apt 4 – Bed 2 window <u>South facing</u> • Apt 5 – Bed 2 window, Bed 3 window, dining rooms windows

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio that is located in any part of a building that meets standard E2-2.	These must be annotated on floor plans and clearly demonstrated on elevation drawings. Where they do not comply, appropriate mitigation methods must be utilised.

Clause 57.05 Sustainability

Clause 57.05-1: Permeability and stormwater management **Assessment**

Objectives
- To reduce the impact of increased stormwater run-off on the drainage 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 E5-1

The site area covered by the pervious surfaces is at least 20 percent of the site.

Buildings are connected to a non-potable dual pipe reticulate water supply, where available from the water authority.

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.

Complies

The development exceeds the requirements of Standard E5-1, providing 218.5m² of pervious surface area, equivalent to 21.5% of the site.

Water-sensitive urban design measures are incorporated throughout the development, including provision of porous ground floor treatment. A 4,000-litre rainwater tank will service toilet flushing demands, while a separate 5,000-litre rainwater tank will capture runoff from terrace areas for landscape irrigation, using an integrated drip irrigation system.

The Sustainable Management Plan confirms a Bluefactor stormwater rating of 107%, exceeds the best-practice performance objectives and demonstrating a high level of stormwater management and water reuse across the site.

Clause 57.05-2: Waste and recycling **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.

Standard E5-2

The development includes a shared bin storage area for use by each dwelling of at least the applicable area, depth and height specified in Table E5-2.

Table E5-2 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

Complies

Waste management facilities will exceed the requirements of Standard E6-1. A shared waste and recycling storage area of 50.1m² will be provided within the basement, equipped with mechanical ventilation, a wash-down tap and floor drain to support the hygienic cleaning and maintenance of bins.

Bin chutes will be provided on every level for both general waste and commingled recycling.

In addition, each dwelling will be provided with internal waste and recycling storage space exceeding the minimum capacity requirement of 0.07m³. Collectively, these measures will ensure that waste management facilities are functional, accessible and capable of meeting the needs of future residents.

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 bin storage area; or

- A mechanical exhaust ventilation system.
- A tap and drain are 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.

Clause 57.05-3: Noise Impacts	Assessment

Objectives

- To minimise the impact of mechanical plant noise located in the development.
- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external and internal noise sources.

Standard E5-3

Mechanical plant, including mechanical car storage, lift facilities, building services, non-residential uses, car parking, communal areas are not located immediately adjacent to bedrooms of new or 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.

Buildings within a noise influence area specified in Table E5-3 are designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels are assessed in unfurnished rooms with a finished floor and the windows closed.

Table E5-3 Noise influence area

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

Complies

Mechanical plant will be located at roof level within an acoustic screen enclosure, physically and acoustically separated from bedrooms for both new and existing dwellings.

Car parking, lift facilities and building services will be located within the solid concrete basement structure, providing an acoustic barrier.

Clause 57.05-4: Energy efficiency	Assessment
Objectives • To achieve energy efficient dwellings and buildings. • To ensure dwellings achieve adequate thermal efficiency.	
Standard E5-4 Dwellings located in a climate zone identified in Table E5-4 do not exceed the maximum NatHERS annual cooling load.	**Complies** The proposal will achieve a preliminary NatHERS average of 8.0 stars with no dwelling below 6.5 stars, and will not exceed the maximum annual cooling load for the applicable climate zone.

Table E5-4 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

Appendix 2: site photos



Figure 21: Subject site (left) and 10 Ormsby Grove



Figure 22: Rear of subject site (right). Carters Avenue park (left)



Figure 23: Carters Avenue Park



Figure 24: Public path to the north of the site



Figure 25: 23 Ross Street (northeast of site)



Figure 26: Properties to the west of Carters Avenue



Figure 27: Properties to the east of the site (Ross Street)



Figure 28: 3 Ormsby Grove (property to the west of the subject site)



Figure 29: Looking east to Mathoura Road



Figure 30: 6-8 Ormsby Grove