Delegate Report

PA2604598

49, 51A and 51 Fitzgerald Street, South Yarra

VICTORIA State Government | Department of Transport and Planning

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Summary

Table 1 - Summary

Key Information	Details	
Application No:	PA2604598	
Applicant:	Ratio Consultants on behalf of Leftfield Property	
Planning Scheme:	Stonnington	
Land Address:	49, 51A and 51 Fitzgerald Street, South Yarra	
Development Value:	$21,500,000.00	
Why is the Minister responsible?	In accordance with Clause 72.01, the Minister for Planning is the responsible authority for this application and associated approval and endorsement matters because Clause 53.25 (Great Design Fast Track) applies to the proposed use and development.	
Why is a permit required?	**Planning Scheme Clause**	**Matter for which the permit has been granted**
Zone:	32.10-5 (Housing Choice and Transport Zone 1)	Construct two or more dwellings on a lot.
Delegates List:	Approval to determine under delegation received on 19 October 2026.	

Site and surrounds

Site description

1. The site is 49, 51A and 51 Fitzgerald Street, South Yarra. The site is formally known as Lot 1 on Title Plan 843504F and Lots 1 and 2 on Registered Plan of Strata Subdivision 008132.
2. The site is on the northern side of Fitzgerald Street, about 100 metres west of Chapel Street.
3. The site comprises three properties that together form a 1,400-square-metre rectangular allotment, with a street frontage of approximately 35 metres and a depth of about 41 metres. The site has a slight fall of about 80 centimetres from its northern end to its southern one.
4. Each property has a single-storey brick dwelling built to a Victorian style, with nos. 51A and 51 being a dual-occupancy sharing a single building. The properties adopt a typical site layout with landscaped, fenced frontyards and backyards. The backyard of no. 51A has an approximately 12-metre-high mature Box Elder tree, with a crown spread of roughly 15 metres.
5. Figure 1 shows the site.



Figure 1. Site plan (site shown in red-dashed line).

6. The site does not have any easements or registered covenants on title that would preclude the proposal.
7. The site is in the City of Stonnington and is subject to the Stonnington Planning Scheme (scheme). The following controls under the scheme affect the site:
    - Clause 32.10 (Housing Choice and Transport Zone 1) (HCTZ1)
    - Schedule 3 (Late night liquor trading in the Chapel Street Precinct: Measuring the saturation levels) to Clause 43.03 (Incorporated Plan Overlay) (IPO3)
    - Schedule 1 (Stonnington Development Contributions Plan) to Clause 45.06 (Development Contributions Plan Overlay) (DCPO1)
8. The site is not in a designated Bushfire Prone Area.
9. The site is not in an area of Aboriginal cultural heritage sensitivity as defined by the *Aboriginal Heritage Regulations 2018*.

Site surrounds

10. Fitzgerald Street runs east from Portland Place to Chapel Street. It has an unmarked carriageway, footpaths and parallel parking. A small public park at the Chapel Street end prevents through-vehicle movement. The street is characterised by detached single dwellings with occasional examples of slightly more intensive built form and non-residential uses, such as St Joseph's church and associated parish buildings across the road from the site.
11. To the immediate north of the site are a number of residential properties including nos. 46, 50 and 52 Arthur Street. These properties include two postwar three-storey apartment buildings
12. To the immediate east of the site at 53 Fitzgerald Street is Haven House, a two-storey residential development, used as *Community care accommodation*. Haven House provides long-term supported housing for people experiencing mental health challenges, with 14 self-contained one-bedroom lodging rooms, shared communal facilities and on-site support.
13. To the south of the site, across Fitzgerald Street, St Joseph's Church and its associated parish buildings occupy landscaped grounds at 50 Fitzgerald Street. The red-brick church is about three-storeys tall and has an approximately four-storey bell tower. The adjoining parish buildings are mainly two storeys.
14. To the immediate west of the site is a single-storey dwelling at 47 Fitzgerald Street, built to a Modern style.
15. More widely, the site has access to:
    - Route 78 trams on Chapel Street 100 metres to its east
    - Route 58 trams on Toorak Road 330 metres to its north-east
    - South Yarra Station 350 metres to its north-west
    - Prahran Market 360 metres to its south

Proposal

Demolition and tree removal

16. The proposal involves the demolition and removal of the existing buildings and structures on the site, as well as the removal of the mature Box Elder tree from the backyard of no. 51A.

17. Pursuant to Clause 62.05 (Demolition), planning permission is not required for demolition unless a provision of the scheme specifically requires it. No such provision applies. As such, there is not discretion to consider the proposed demolition, beyond what is required to ensure the waste-diversion commitment in the submitted Sustainable Management Plan is met.

18. Pursuant to Clause 62.02-3 (Vegetation removal), planning permission is not required for vegetation removal unless a provision of the scheme specifically requires it. While Clause 52.37 (Canopy trees) would ordinarily trigger a permit requirement for the proposed removal of the Box Elder tree, its transitional provisions (Clause 52.37-9) include an exemption for *the removal, destruction or lopping of a canopy tree included in an Incorporated Plan Overlay before the approval date of VC289 and a permit is not required to remove, destroy or lop the tree under another provision of this planning scheme*.

19. As the site was affected by the IPO3 before Clause 52.37 was implemented and no other provision of the scheme requires a permission for vegetation removal, a planning permit is therefore not needed for the tree removal, and there is no standing to regulate it.

Land use

20. The use of land for *Dwelling* is as of right and does not require a permit under the HCTZ1.

Buildings and works

21. Clause 32.10-5 (Housing Choice and Transport Zone 1) requires a permit to construct two or more dwellings on a lot. Permission is sought under this clause to construct the proposed apartment building.

22. The proposed apartment building is five storeys above two basement levels. Along its primary frontage to Fitzgerald Street, the proposed building would reach a maximum height of 18.6 metres, measured from natural ground to the roof parapet. The proposed lift shaft would rise above this level, to about 22 metres above natural ground at Fitzgerald Street, however the submitted information indicates this structure would be largely concealed in views from Fitzgerald Street.



Figure 2. Proposed Fitzgerald Street elevation with the HCTZ1 height control shown in red-dashed line.



Figure 3. Render of proposed Fitzgerald Street elevation.

23. The principal building setbacks are approximately 4.50–4.54 metres from Fitzgerald Street, 4.50–4.66 metres from the rear boundary, 4.54–5.45 metres from the western boundary and 4.50–4.76 metres from the eastern boundary. Operable façade screens project up to approximately one metre into these setbacks when open. The architectural schedule records above-ground building coverage of approximately 795 square metres, or 56 per cent of the site, and basement coverage of approximately 981 square metres, or 69 per cent.

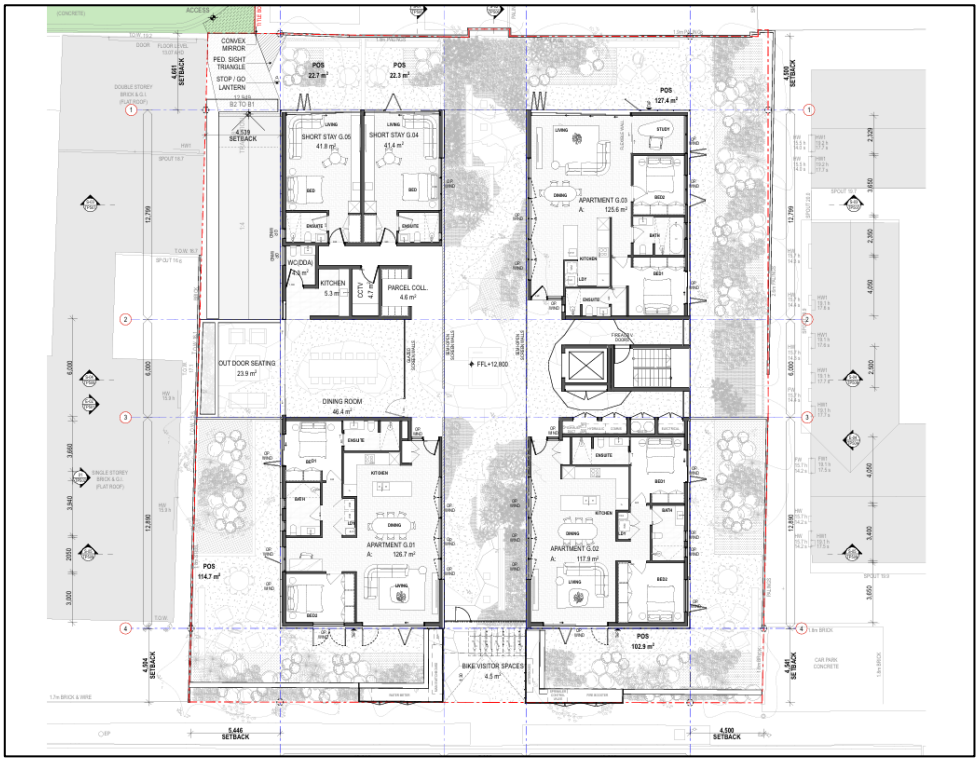

Figure 4. Proposed ground floor plan.

24. The external elevations comprise vertically arranged aluminium batten screens between exposed concrete floor edges, with recessed balconies and glazed openings (see Figure 3). The material palette includes off-form concrete, concrete-coloured rendered masonry and powder-coated aluminium and steel. Terracotta breeze-block screens will line parts of the internal atrium elevations.

25. The proposed building is arranged around a central atrium with side lengths of approximately five metres between the principal internal facades. Apartments extend across different parts of this space at different levels, and bridges connect the apartments to the lift and enclosed stair on the eastern side of the central passage. The atrium includes planting at ground level and beside parts of the upper-level circulation, with terracotta breezeblock screens along the internal elevations.

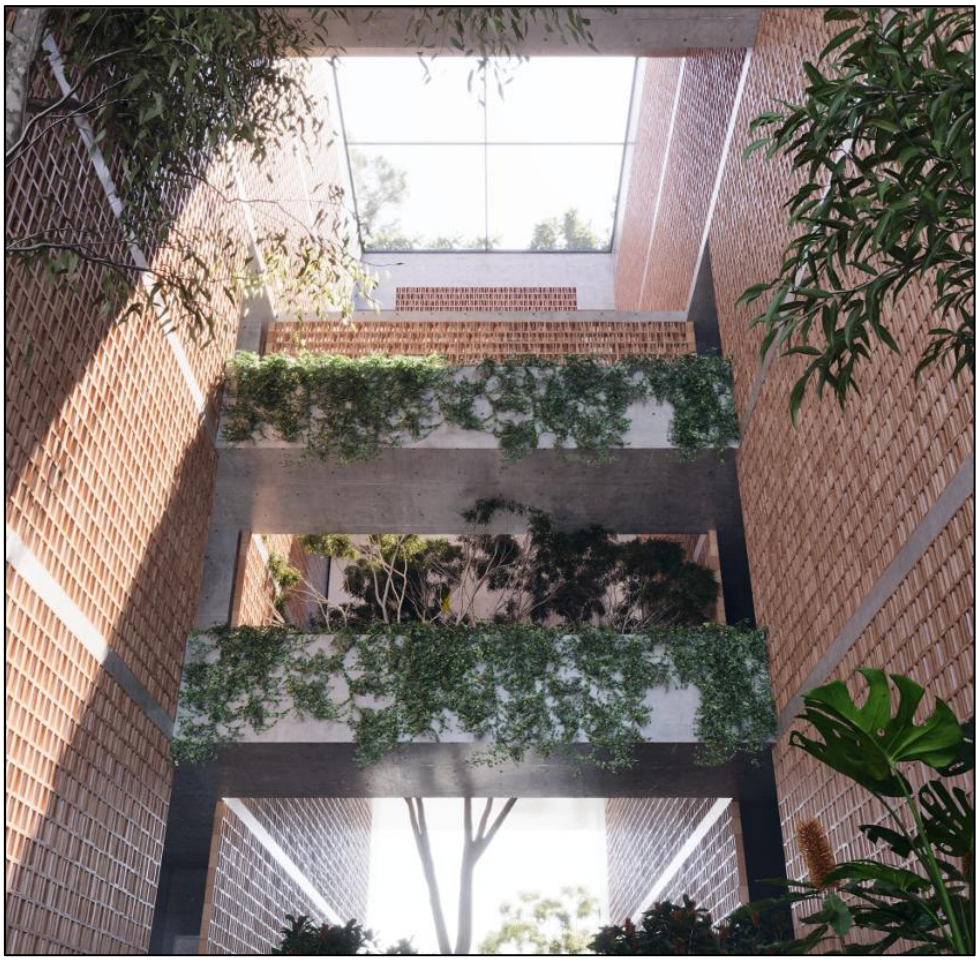

Figure 5. Render of proposed internal atrium, looking up.



Figure 6. View of proposed internal atrium from upper levels.

26. The plans show 20 permanent dwellings, comprising four one-bedroom, ten two-bedroom and six three-bedroom apartments, with scheduled internal areas ranging from approximately 63.2 to 229.2 square metres. This mix counts the flexible room in Apartment 4.02 as a bedroom. Three permanent dwellings are proposed at ground level, four at level one, six at level two, four at level three and three at level four. Upper-level balconies adjoin living areas and range from approximately 8 to 38.5 square metres.

27. Apartments G.01 and G.02 occupy the southern part of the ground floor, with private gardens along the street and side boundaries, while Apartment G.03 is to the north-east with private open space along the eastern and rear boundaries. Their private open spaces are labelled on the ground-floor plan as approximately 114.7, 102.9 and 127.4 square metres respectively. Two ancillary guest studios occupy the north-western part of the ground floor, with internal areas of 41.4 and 41.8 square metres and rear courtyards of 22.3 and 22.7 square metres. The guest accommodation is proposed for residents' visitors and would be managed with the communal facilities.

28. The western side of the ground-floor also accommodates a 46.4-square-metre communal dining room, a 5.3-square-metre kitchen, a 23.9-square-metre outdoor seating area and a 4.6-square-metre parcel room, with the lift and stair opposite on the eastern side.

29. A front fence of up to 1.6 metres high is proposed along Fitzgerald Street (see Figure 2). Service cupboards are incorporated into the frontage on either side of the entrance, extending approximately 3.5 metres to its west and 4.6 metres to its east. Landscaped private courtyards occupy the space between the front fence and the building.

30. The proposed basements contain 34 car parking spaces, comprising 15 spaces in Basement 1 and 19 spaces in Basement 2. Four spaces are allocated to car sharing. Basement 1 also contains a bicycle room accommodating 23 bicycles, a workshop, waste storage and building services. Basement 2 contains a gym, sauna and steam facilities, a

change and shower area, and storage. Five visitor bicycle spaces are shown at ground level using horizontal parking devices.

31. A communal garden of approximately 283.8 square metres occupies the northern part of the roof. It includes paved paths, seating and landscaping. Solar panels occupy the southern part of the roof, with screened mechanical plant towards the south-east (see Figure 7).

32. Landscaping is proposed within the perimeter setbacks, ground-floor courtyards and central atrium, and in planters on the upper floors and roof. The submitted landscape plans identify approximately 209 square metres of deep soil outside the basement footprint, together with raised and mounded planting areas. The planting schedule includes 34 trees, comprising 26 at ground level and eight on the roof, alongside shrubs, ferns, grasses and cascading groundcovers. The landscape schedule records an estimated mature tree canopy of approximately 451 square metres within the site.

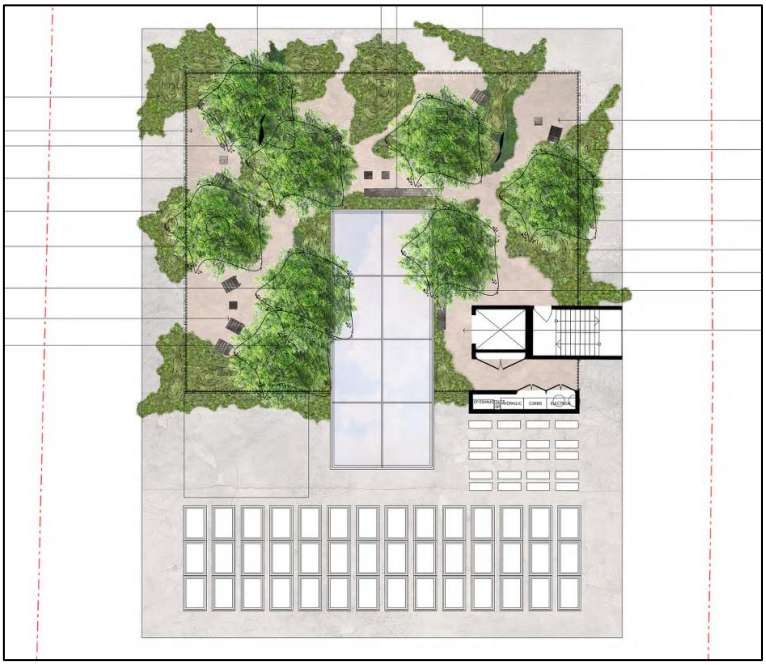

Figure 7. Proposed rooftop landscaping concept.

Application process

33. Table 2 shows milestones in the application process.

Table 2. Application milestones.

Milestone	Date
Pre-application lodged	11 December 2025
OVGA advice report	14 August 2026
DTP letter of eligibility	14 August 2026
Permit application received	20 August 2026
Permit application lodged	21 August 2026
Decision (approval)	2 November 2026

Permit trigger

Table 3 - Permit trigger

Clause	Permit trigger	Notice provisions
32.10-5 Housing Choice and Transport Zone Schedule 1	Construct two or more dwellings on a lot	Not exempt from notice.

Referral and notice

Referrals

34. No referrals were required for this application.

Notice

35. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act.

36. Under Clause 53.25-4, an application under any provision of the Stonnington 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.

Table 4 – Summary of notice given.

Notice	Organisation/Group	Response Received
Section 52(1)(a)	Property owners and occupiers adjacent to the subject site and signs on the site.	37 submissions were received.
Section 52(1)(b)	Stonnington City Council.	Response from council received 30 September 2026.
Section 52(1)(c)	No notice was required under s 52(1)(c).	N/A.
Section 52(1)(d)	No notice was required under s 52(1)(d).	N/A.

Submissions

37. As at the date of this report, 38 submissions, including one from Stonnington City Council (council) have been received from community members and interested third parties.

38. The community members' submissions generally opposed the proposal and raised concerns about:

- The height, scale, massing and visual prominence of the proposed building
- The proposed development's response to the low-rise, Victorian character of the area
- Loss of amenity through overlooking, overshadowing, noise, loss of daylight and cumulative impacts
- Particular impacts on residents at Haven House
- Traffic, car parking, vehicle access, loading and waste collection
- Vegetation removal

39. Council objects to the proposal. It considers the building would appear too bulky and dominant in Fitzgerald Street and raises concerns about the daylight and outlook of apartments facing the central atrium. Council also raises concerns about the width and operation of the basement access crossover, works affecting the council-owned laneway, the extent of services along the street frontage and possible wind effects through the building.

40. The issues raised by council and submitters have been considered in the assessment below. Overall, the proposal provides an acceptable response to the site and relevant planning controls, with the identified departures being supported on their merits as detailed below.

Assessment

Municipal Planning Strategy

41. The following objectives and strategies of the Municipal Planning Strategy of the scheme are relevant to the proposal:

Table 5. Relevant Municipal Planning Strategy clauses.

Clause	Description
02.03-1	Settlement
02.03-4	Built environment and heritage
02.03-5	Housing
02.03-7	Transport
02.03-8	Infrastructure

Planning Policy Framework

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

Table 6. Relevant Planning Policy Framework clauses.

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Development capacity
11.03-1S	Activity centres and precincts
11.03-1R	Activity centres and precincts
11.03-1L-01	Activity centres
Clause 13	**Environmental risks and amenity**
13.01-3S	Urban heat
13.07-1S	Land use compatibility
13.07-1L-03	Interfaces and amenity
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 design
15.04-4S	Healthy neighbourhoods
15.01-5S	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**
18.01-1S	Land use and transport integration
18.01-1L	Integrated transport
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
Clause 19	**Infrastructure**
19.03-3S	Integrated Water Management
19.03-5S	Waste and resource recovery

Land use and strategic direction

43. *Plan for Victoria* sets a target of 50,000 additional dwellings in Stonnington by 2051. The proposal would contribute to this target by providing 20 apartments close to Chapel Street's shops and services, South Yarra station and tram routes. This also supports the direction of *Victoria's Housing Statement: The Decade Ahead 2024–2034* to increase housing supply close to existing infrastructure and services.

44. Clauses 16.01-1S and 16.01-1R support additional housing in established areas with access to employment, services and public transport. Local policy provides more specific support for the proposal. Clause 02.03-5 encourages higher-density housing in activity centres and surrounding land within the HCTZ, while Clause 16.01-1L-01 expressly directs medium and higher-density housing to HCTZ land. Consolidating the site for an apartment development gives effect to this direction by accommodating more households in an accessible location.

45. The mix of four one-bedroom, ten two-bedroom and six three-bedroom apartments provides housing for different household sizes, including families. The flexible layouts also support Clause 16.01-1L-01, which encourages housing that can adapt to changing household needs. The proposal therefore responds to the policy directions for both additional housing and greater housing choice.

Building height and the scale provided for by HCTZ1

46. The applicable HCTZ1 provides for increased housing densities around activity centres, encourages diverse housing, and seeks a transition between more intensive development and lower-scale residential areas. For this site, Clause 32.10-8 establishes the permissible building height and number of storeys, while Clause 57 establishes the siting and separation expected for residential development at that scale.

47. Clause 32.10-8 allows a maximum building height of 21.5 metres and six storeys on a large site in HCTZ1. A large site expressly includes:

> *two or more contiguous lots with a combined area of at least 1000 square metres and a combined frontage of at least 20 metres.*

48. The three contiguous lots have a combined area exceeding 1,400 square metres and a frontage of approximately 35 metres. The land therefore qualifies as a large site and is subject to the 21.5-metre and six-storey limits. Clause 32.10-8 also expressly excludes basements from the calculation of storeys, so the two basement levels do not add to the proposed five storeys.

49. The proposed five-storey building is within the six-storey limit, and its principal parapet height of approximately 18.6 metres is below the 21.5-metre limit. The building is therefore consistent with the scale expressly provided for by HCTZ1. The lift structure above the roof requires separate consideration.

50. Clause 15.01-2L-01 reinforces the distinction between existing development and the future scale identified by the planning scheme. It seeks development that respects the *existing or identified future scale, height, density, bulk, setbacks, style, form, building materials, colours and character* of buildings and their surroundings. Its preference for heights comparable to nearby buildings is expressly discounted where:

> *a different preferred height is specified for the particular area in another provision of the planning scheme or in a structure plan.*

51. A different scale is expressly provided for here through HCTZ1. The existing single-storey dwelling to the west and two-storey development to the east remain relevant to the physical relationships at those boundaries but do not establish a lower height limit for the subject land. Consistently, the residential development decision guideline in Clause 32.10-11 asks whether the building height provides an appropriate transition to adjoining areas with *less or more intensive built form expectations*. It does not require development to reproduce the existing scale of each adjoining building. The proposal responds to this transition through its setbacks, building separation and landscaped perimeter. These measures moderate its relationship with the lower-scale adjoining development while retaining the increased scale allowable at a large HCTZ1 site.

52. The lift structure rises above the principal parapet to approximately 22 metres above ground level. Clause 73.01 measures building height from natural ground level to the roof or parapet at any point, and HCTZ1 does not provide a general exemption for lift overruns. To the extent that it exceeds 21.5 metres, the additional height must be expressly allowed under Clause 53.25-2.

53. The additional height is acceptable. It is confined to a lift structure serving the building and communal roof garden, occupies a limited part of the roof and is recessed behind the principal elevations. It does not create an additional residential storey or increase the height of the street-facing facade, while the principal built form remains approximately 2.9 metres below the applicable height limit.

54. Clause 15.01-2L-01 encourages roof attachments to be enclosed or integrated into the building design or to have minimal visibility from the public realm. The recessed position of the lift and its integration with the roof arrangement respond appropriately to this policy. The front part of the building will screen the structure from some nearby views. Although the application does not demonstrate that it will be invisible from every ground-level vantage point, its limited visibility in more distant or oblique views does not materially affect the building's scale or presentation. The lift structure is therefore an acceptable and confined exceedance of the otherwise compliant building height.

Siting and assessment under Clause 57

55. Clause 32.10-5 requires a development of four to six storeys, excluding a basement, to meet Clause 57. The application was lodged on 21 August 2026, after the HCTZ applied to the land and before Amendment VC315 commenced. The transitional provision therefore preserves Clause 57 as it stood immediately before VC315, including the changes introduced by VC308.

56. Clause 57 requires a development to meet each applicable objective and specifies the effect of meeting a standard:

> *If a development meets a standard … The corresponding objective is deemed to be met … The responsible authority is not required to consider the corresponding decision guidelines.*

57. Where a standard is not met, the responsible authority must consider the applicable decision guidelines and determine whether the corresponding objective is nevertheless met. Clause 57 also excludes consideration of the Municipal Planning Strategy, Planning Policy Framework, zone purposes and decision guidelines, and Clause 65, except where an applicable decision guideline specifies otherwise. Compliance with a standard therefore resolves the matter addressed by that standard. Only the identified departures require further assessment against the corresponding objectives and decision guidelines.

58. Standards E2-1 and E2-2 require the building to be set back at least 4.5 metres from the street, side and rear boundaries. Standard E2-2 provides greater setbacks from a southern side or rear boundary. Those requirements do not apply to the southern boundary because it fronts Fitzgerald Street, so is assessed under the street setback standard.

59. The principal building is set back approximately 4.50 to 4.54 metres from Fitzgerald Street, 4.54 to 5.45 metres from the western boundary, 4.50 to 4.76 metres from the eastern boundary and 4.50 to 4.66 metres from the rear boundary. It therefore meets the applicable setback standards. The only setback departures arise from the operable screens when extended, as considered below.

60. The screen encroachments, together with the proposed variations to the front-fence and street-integration standards, require assessment against the relevant objectives and decision guidelines. For each variation, the decision guidelines require consideration of *any relevant urban design objective, policy or statement set out in this scheme.* This brings Clauses 15.01-1S, 15.01-1L-01, 15.01-2S and 15.01-2L-01 into the assessment of those departures.

61. The residential development decision guidelines at Clause 32.10-11 also address overlooking and overshadowing of adjoining residential land, effects on existing rooftop solar energy systems, and the applicable Clause 57 objectives,

standards and decision guidelines. These matters must be considered consistently with the operation of Clause 57 and do not provide a separate basis to revisit an objective that is deemed to be met through compliance with its corresponding standard.

Operable screens within the street setback

62. The operable screens facing Fitzgerald Street are not among the projections expressly allowed by Standard E2-1. When fully extended, they project up to one metre into the required street setback and therefore require assessment against the corresponding objectives and decision guidelines.

63. The principal building walls retain the required 4.5-metre setback. The screens are lightweight, movable elements that provide shade and privacy without extending the occupied part of the building towards the street. Their operation does not reduce the ground-level area available for landscaping or alter the location of the apartments and balconies behind them.

64. The setback continues to provide space for canopy trees and planting, while the main building maintains the separation anticipated by Clause 57. The screens also contribute to the environmental performance and amenity of the apartments. Their limited and intermittent projection is therefore consistent with the efficient use of the site and does not materially affect the building's relationship with Fitzgerald Street. The street-setback objectives are considered to be met.

Operable screens within the side and rear setbacks

65. Standard E2-2 requires the building to be set back at least 4.5 metres from the side and rear boundaries and allows privacy screens to project up to 0.5 metres into those setbacks. The building meets the setback requirement, but the operable screens project a further 0.5 metres when fully open, bringing them to approximately 3.5 metres from the boundaries.

66. The variation is acceptable. The screens are movable elements that provide shade and privacy, while the apartments and balconies remain within the required setbacks. Their limited additional projection does not materially affect adjoining properties to the sides or rear, or reduce the space available for landscaping. The side and rear setback objectives are therefore met.

Front fence height and transparency

67. Standard E2-7 allows a front fence up to 1.5 metres high and requires at least 25 per cent transparency. The proposed fence is up to 1.6 metres high and approximately 15 per cent transparent.

68. The decision guidelines require consideration of the design response, relevant urban design policy and the setback and the appearance of front fences on adjoining land. Clause 15.01-2L-01 also supports low, transparent fencing that allows landscaping and passive surveillance at the public-private interface.

69. The proposed fence provides less openness than these provisions prefer, but responds appropriately to the particular design of the development. The predominantly solid sections provide privacy to the ground-floor apartments and gardens directly behind the footpath, while their rendered masonry finish complements the building and incorporates the service enclosures into a coherent frontage. Planting behind the fence will further soften its presentation.

70. The solid sections also frame the central pedestrian entrance and make it the clear focus of the frontage. Together with the street-facing windows and balconies above, this will provide a legible residential address and maintain sufficient passive surveillance of Fitzgerald Street. The additional 100 millimetres of height will also have little perceptible effect.

71. The fence therefore contributes positively to the design of the frontage while appropriately balancing the needs for privacy and engagement with the street. The front-fence objective is met.

Street-facing services

72. Standard E3-2 limits the combined width of site services within three metres of a street to 20 per cent of the frontage. The proposed service areas occupy approximately 23 per cent of the Fitzgerald Street frontage, exceeding the standard by about 1.1 metres.

73. The decision guidelines require consideration of how the services are screened and integrated with the pedestrian entrance. Clause 15.01-2L-01 also seeks utility services to be integrated into the design to minimise their effect on the street frontage. The applicant submits that the additional width is needed to meet the practical engineering requirements of the development.

74. The departure is acceptable because the cupboards are split across the frontage and incorporated into the front fence, rather than forming a single continuous bank of services. Their materials match the building, and their location on either side of the central entrance helps frame the entrance without obscuring it. The building continues to present front gardens, windows and balconies to Fitzgerald Street, so the additional service width does not displace the main elements that give the development its residential address and connection with the street. The services therefore meet a practical need without dominating the frontage or weakening the prominence of the pedestrian entrance. The street-integration objectives are met.

Central atrium and internal separation

75. Clause 57.03-12 seeks to ensure that separation within a development provides reasonable outlook and daylight, privacy between habitable rooms and space for landscaping. Standard E3-12 requires nine metres between walls containing a habitable-room window or balcony, except where the intervening space is a light court. The central atrium is approximately five metres wide and does not meet this requirement.

76. While the atrium width is notably less than the separation ordinarily sought by Standard E3-12, the apartments are not reliant upon the atrium as their sole source of daylight, outlook or ventilation. The primary habitable rooms maintain an outward-facing aspect and access to balconies, while the atrium functions as a supplementary source of amenity. In this respect, the proposal differs materially from developments where inward-facing rooms are wholly dependent upon an enclosed light court. The atrium is also substantially larger and more open than a conventional light court and incorporates landscaping, visual interest and filtered views through the breezeblock treatment.

77. Where a variation to this requirement is proposed, the decision guidelines require consideration of the design and function of the intervening space, the daylight and outlook available to dwellings, views between windows and private open space, and opportunities for landscaping.

78. The reduced separation is acceptable because the atrium-facing windows do not provide the only aspect to the apartments. The first-floor living areas extend through to external glazing and balconies at the front or rear of the building, while the ground-floor apartments also have windows and private gardens facing the site perimeter. The atrium windows serve to provide these apartments with additional daylight and outlook from a second direction; apart from a flexible room at Apartment 4.02, no habitable room is completely dependent on the atrium for light and outlook.

79. The atrium is designed as a landscaped internal space, with ground-level planting and elevated planters providing an outlook from the apartments and common areas. The bridges are located differently at each level, so the common walkways do not run continuously past the inward-facing windows. Terracotta breezeblocks provide further separation by filtering views between the apartments and walkways while allowing light and air to pass through.

80. Clause 57.03-13 separately seeks to ensure that a light court provides adequate daylight to bedroom and non-habitable-room windows. Although the atrium does not meet all the requirements of Standard E3-13, it is approximately five metres wide, extends through the building and is partly covered by a glazed roof that admits daylight from above.

81. The flexible room in Apartment 4.02 would rely on the atrium for daylight and outlook if enclosed as a third bedroom. This is acceptable because Clause 57 allows a bedroom to receive daylight from a light court, and the room is on the top floor close to the glazed roof. Its window looks across the upper part of the atrium, where it will receive daylight and retain an outlook through the breezeblock openings.

82. Throughout the internal elevations, the breezeblocks will provide privacy without fully enclosing windows. Their solid sections and depth interrupt direct views from the common walkway and the opposite side of the atrium, while the openings retain daylight, ventilation and a filtered outlook. Together with the changing position of the bridges, this successfully avoids continuous or close-range views into the apartments.

83. The atrium therefore provides adequate daylight, a landscaped outlook and reasonable privacy for the rooms facing it, including the flexible room in Apartment 4.02. The building-separation and light-court objectives are met.

Apartment amenity and communal facilities

84. The proposal provides 20 one, two and three-bedroom apartments. The plans demonstrate that the apartments have functional bedrooms and living areas, together with private open space and storage appropriate to their size. The detailed assessment of room dimensions, depth, accessibility and storage against Clause 57 is set out in Appendix 1.

85. Each apartment has an external aspect towards Fitzgerald Street or a side or rear boundary, providing the principal living areas with daylight and an outlook beyond the building. Inward-facing windows provide some apartments with additional light and an outlook over the landscaped atrium. The amenity of the atrium-facing rooms, including the flexible room in Apartment 4.02, is assessed separately above.

86. The private open space is well connected to the apartments. The ground-floor courtyards comfortably exceed the minimum area required by Standard E3-4, while the upper-level balconies adjoin living rooms and range from approximately 8 to 38.5 square metres. These spaces are appropriately proportioned for everyday use and extend the usable living space of the apartments.

87. Standard E3-5 requires at least 50 square metres of communal space for the 20 apartments and allows this to be provided indoors or outdoors. The communal roof garden provides approximately 283.8 square metres and includes seating, planting and an area for food production. Its lift access makes it readily available to residents throughout the building.

88. The ground-floor dining room, kitchen and outdoor seating area complement the roof garden, while the workshop and recreation facilities support a broader range of shared activities. Providing communal facilities at both basement, ground and roof levels gives residents a useful choice of indoor and outdoor spaces for socialising, recreation and gardening.

89. The two guest studios form part of this shared amenity and provide residents with a practical way to accommodate visitors for short stays. Their courtyards provide additional outdoor space, while their limited purpose means they do not require the storage expected of independent dwellings.

90. Overall, the apartments provide functional internal layouts, usable private open space and access to a generous and varied range of communal facilities. The development provides a good standard of residential amenity and meets the relevant Clause 57 objectives.

Amenity of adjoining properties

Built-form compliance

91. Clause 57 links the overlooking and overshadowing requirements to compliance with the building envelope. Standard E4-1 does not apply to parts of a building that meet the side and rear setback and wall-on-boundary standards, while Standard E4-2 excludes relevant windows, balconies and terraces situated within a part of the building that meets the side and rear setback standard.

92. The principal building meets Standards E2-2 and E2-3. Its effect on adjoining properties through overlooking and overshadowing is therefore resolved by compliance with the prescribed building envelope and does not require a separate merits assessment.

93. The operable screens extend up to 0.5 metres beyond the encroachment allowed by Standard E2-2 and may cast some additional shade when open. This effect will be limited because the screens are lightweight, movable elements rather than walls or occupied areas. They do not create a new viewing position or additional opportunity for overlooking. The screens will therefore not significantly increase overshadowing of adjoining secluded private open space. The external amenity objectives of Clause 57 are met.

Haven house

94. Submissions relating to Haven House raise concerns about the sensitivity of its operations and residents to the proposal.

95. While the particular needs of Haven House residents have been carefully considered, the planning assessment must focus upon the physical planning impacts of the proposal. The development satisfies the applicable setback requirements and appropriate measures can be implemented during construction to manage temporary impacts. It is

therefore not considered that the proposal would result in unreasonable planning impacts on the operation of Haven House.

96. A condition will require a construction management plan to manage noise, dust, vibration and disruption. While the concerns are acknowledged, individual psychological responses are not, of themselves, a town planning consideration.

Building design and materials

97. Clauses 15.01-2S and 15.01-2L-01 seek development that contributes positively to its context and public realm, with building form, materials, landscaping and entrances considered as part of an integrated design.

98. The building has a clear and ordered form. The central atrium will divide the broad frontage into two smaller parts, while recessed balconies and operable screens will add depth and variation to the facades. This will reduce the apparent scale of the building and avoid a flat or repetitive presentation to Fitzgerald Street.

99. The materials will reinforce this design. Exposed concrete floor edges will provide a consistent horizontal framework, while reddish-brown aluminium screens will add warmth and a finer layer of detail. Rendered masonry and glazing will complement this palette, and terracotta breezeblocks will give the atrium a distinct treatment while providing shade, privacy and filtered views. It is considered that the restrained range of materials will give the building a coherent contemporary character suited to its residential use and scale.

100. The main entrance will be readily visible from Fitzgerald Street and is framed by the two parts of the building. Parking and waste facilities will be located behind or below the main frontage, allowing gardens, windows and balconies to shape the building's relationship with the street. Planting within the front setback, atrium and upper levels will help to soften the building and integrate landscaping throughout the design.

101. The Office of the Victorian Government Architect strongly supported the architectural response, describing the proposal as a carefully considered and high-quality design. In particular, it welcomed the building's material expression, operable façade screens, landscaped atrium and integration of communal spaces. This independent design review supports the conclusion that the building form, materials and landscape treatment provide a coherent and well-resolved response to the site.

102. Overall, the building combines a well-resolved form, consistent materials and integrated landscaping. It will provide a suitably articulated residential building and make a positive contribution to Fitzgerald Street.

Landscaping

103. Clause 57.02-6 seeks canopy cover and landscaping that respond to the future development of the area, support biodiversity and amenity, reduce urban heat and provide space for deep-soil planting. Standard E2-6 requires at least 20 per cent canopy cover for a site exceeding 1,000 square metres, together with trees in the front and rear setbacks, suitable soil provision and basement setbacks that allow for meaningful planting.

104. For the 1,416-square-metre site, the required canopy cover is 283.2 square metres. The proposal provides approximately 451 square metres, or 32 per cent, from 34 trees distributed across the ground level and roof. The calculation excludes overlapping canopy, canopy outside the site and planting beneath roofs, walkways and skylights. Trees are provided within both the front and rear setbacks, and the basement is set back more than three metres from the front, eastern and rear boundaries.

105. The landscape design provides approximately 209 square metres of deep soil, supplemented by raised and mounded planting over the basement and at upper levels. Trees and gardens extend around the site perimeter, through the central atrium and beside the private and communal spaces. This distribution gives the building a landscaped setting when viewed from Fitzgerald Street and adjoining properties.

106. Some rooftop planters provide less soil than the dimensions specified for a Type A tree. However, the proposal provides substantially more canopy cover than required and does not rely solely on those trees to achieve an effective landscape outcome, and the permit (should it issue) can be conditioned to require clarification and correction of soil volumes. In any case, most of the planting is distributed through the ground-level setbacks and deep-soil areas, where trees have better conditions to establish and contribute lasting canopy.

107. The existing Box Elder at the rear has fair health and structure, medium arboricultural value and an estimated useful life of 10 to 20 years. As mentioned above, there is no planning discretion to consider its removal.

108. Overall, the proposal provides substantial canopy cover, meaningful deep-soil planting and a well-distributed landscape response at ground and upper levels. It will soften the increased building scale, improve residents' outlook and contribute to biodiversity and urban cooling. The tree-canopy and landscaping objectives are met.

Transport and waste

109. The proposal provides 34 car spaces, including four resident car-share spaces, which is within the range allowed by Clause 52.06 for the 20 apartments. The 23 resident and five visitor bicycle spaces also exceed the requirements of Clause 52.34.

110. Parking is contained within two basement levels and accessed from the rear lane. This allows the existing Fitzgerald Street crossovers to be removed and kerb reinstated, keeping vehicle movements away from the pedestrian entrance and allowing the frontage to be used for gardens and residential uses.

111. The basement crossover is 2.86 metres wide, slightly less than the three-metre width required by Clause 52.06-9. The proposed width matches the existing crossover and avoids widening the opening to the lane. Importantly, the swept paths demonstrate that vehicles can enter and leave without crossing adjoining private property, with further manoeuvring space available inside the site. Given the small 140-millimetre variation and the demonstrated vehicle movements, the crossover is expected to provide safe and workable building access.

112. The single-lane entrance and ramps are proposed to be managed through vehicle detection, a stop-go system and internal passing areas, with priority given to entering vehicles. The traffic assessment forecasts a low level of peak-hour traffic and demonstrates that these measures can manage the expected vehicle movements. The short variation to the entrance gradient and restricted headroom on the route to two basement spaces are also limited and can be accommodated without affecting the overall operation of the basement.

113. Standard E5-2 requires accessible waste and recycling facilities with sufficient capacity for the development. The proposed basement waste room has an area of 23.7 square metres and exceeds the minimum requirement. Private collection from within the basement keeps bins and collection activity away from Fitzgerald Street, with the collection vehicle using the same managed access arrangements.

114. Overall, the proposal provides sufficient car and bicycle parking, workable access from the rear lane and suitable waste storage and collection. The minor variations to the car parking design standards are supported by the swept-path and traffic assessments and will not prevent the basement from operating safely and efficiently.

Sustainability and stormwater

115. The proposal incorporates a range of measures to adequately reduce energy and water use and improve the building's environmental performance. The Sustainable Management Plan commits to an average NatHERS rating of at least 8 stars, with no apartment below 6.5 stars, effective natural ventilation and a maximum annual cooling load of 30 MJ/sqm. These outcomes are supported by an all-electric design, external shading, operable windows and screens, and a 28.6-kilowatt photovoltaic system. Together, these measures will reduce reliance on mechanical heating and cooling and allow residents to manage ventilation and solar exposure within their apartments.

116. The proposal achieves a reported BESS score of 72 per cent. This reflects a strong overall sustainability response, particularly the combination of high thermal performance, renewable energy, external shading and natural ventilation. The partly glazed atrium also allows daylight into the centre of the building while retaining openings for ventilation.

117. Clause 57.05-1 seeks to reduce runoff to drainage systems and waterways, support infiltration and water reuse, and contribute to urban cooling. Standard E5-1 requires at least 20 per cent of the site to be pervious and the stormwater system to meet best-practice water-quality objectives.

118. The proposal reports approximately 359 square metres of permeable surface, equivalent to about 25 per cent of the site. It also includes approximately 209 square metres of deep soil, a 5,000-litre rainwater tank connected to toilets and irrigation, and a raingarden of at least 4.3 square metres. These measures provide a balanced approach to infiltration, treatment and reuse rather than relying on a single stormwater measure.

119. The deep-soil areas allow direct infiltration and support the proposed canopy planting, while the rainwater tank reduces potable water use and the volume of runoff leaving the site. The raingarden provides further treatment before discharge. The reported Blue Factor result of 112 per cent supports the effectiveness of this combined approach.

120. Overall, the proposal integrates energy efficiency, renewable energy, water reuse, stormwater treatment and substantial landscaping into the building design. It will reduce energy and water demand, manage runoff and support the development's broader urban-cooling and landscape outcomes. The relevant sustainability and stormwater objectives are met.

Recommendation

121. As outlined in the body of the report, the proposal is generally consistent with the relevant planning policies of the Stonnington Planning Scheme and, on balance, achieves an acceptable outcome having regard to the relevant considerations, including housing growth, built form and amenity.

- Notably, the proposal demonstrates a high level of compliance with the relevant standards. The limited variations are confined to specific architectural elements, including projecting screen features, and do not materially undermine achievement of the relevant objectives. Overall, the proposal represents a high-quality architectural outcome, a conclusion supported by the Office of the Victorian Government Architect (OVGA).**It is recommended that Planning Permit No. PA2604598 for 49, 51A and 51 Fitzgerald Street, South Yarra be issued subject to conditions.**

Prepared by:

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

☒ **No Conflict**

☐ **Conflict and have therefore undertaken the following actions:**

☐ **Completed the Statutory Planning Services declaration of Conflict/Interest form.**

☐ **Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.**

☐ **Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.**

[redacted]

Dated: 2 November 2026

Approved by:

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

☒ **No Conflict**

☐ **Conflict and have therefore undertaken the following actions:**

☐ **Completed the Statutory Planning Services declaration of Conflict/Interest form.**

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[redacted]

Dated: 2 November 2026

Appendix One – Clause 57 assessment

Street setback objectives

Clause 57.02-1		
Objective	**Standard E2-1**	**Assessment**
To ensure that 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.*	*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 not encroach more than 1.5 metres into the setbacks of this standard.* *Table E2-1 Street setback* ○ *Minimum setback from front street: 4.5 metres.* ○ *Minimum setback from a side street: 3 metres.*	**Objective met** The primary building form provides the required 4.5-metre setback to Fitzgerald Street, with space for trees and gardens along the frontage. The operable screens will encroach into the setback area, however, this encroachment is considered acceptable for the reasons outlined in this report.

Side and rear setbacks objectives

Clause 57.02-2		
Objective	**Standard E2-2**	**Assessment**
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.*	*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.*	**Objective met** The primary building form maintains at least 4.5 metres to each side and rear boundary. The operable screens will encroach into these setback areas, however, this encroachment is considered acceptable for the reasons outlined in this report.

Walls on boundaries objective

Clause 57.02-3		
Objective	**Standard E2-3**	**Assessment**
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.	*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* ○ *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.*	**Not applicable** No walls are proposed on the side or rear boundaries.

Site coverage objective

Clause 57.02-4		
Objective	**Standard E2-4**	**Assessment**
To ensure that the site coverage responds to the future urban development of the area and to the features of the site.	*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.*	**Standard met** The proposed site coverage is comfortably below 70 per cent.

Access objectives

Clause 57.02-5		
Objective	**Standard E2-5**	**Assessment**
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.*	*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.*	**Not applicable** Vehicle access is taken from the rear laneway, so the frontage-width limit does not apply. The existing Fitzgerald Street crossovers will be removed and kerb reinstated.

Tree canopy objectives

Clause 57.02-6		
Objective	**Standard E2-6**	**Assessment**
To provide tree canopy and landscaping that responds to the future urban development of the area. *To preserve existing canopy cover and support the provision of new canopy cover.* *To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.* *To ensure that basements allow space for deep soil planting at the front of a site.*	*Basements of buildings 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: 1000 square metres or less. Canopy cover: 10% of site area.* *Site area: More than 1000 square metres. Canopy cover: 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*	**Objective met** The proposed basement levels are set back more than three metres from the northern, eastern and southern site boundaries. The proposal includes a tree canopy coverage area of 32 per cent, which comfortably exceeds the 20 per cent standard. The proposal includes the planting of multiple canopy trees in the front setback. The applicant has not clearly demonstrated how the deep-soil planting and planter requirements have been met. Notwithstanding, on balance, the objective is considered to be met given the extensive landscaping proposed. The proposed landscaping is considered to adequately respond to the future urban development of the area, to support the provision of new canopy cover and to ensure climate responsiveness and amenity.

Clause 57.02-6		
Objective	**Standard E2-6**	**Assessment**
	Tree type A — Minimum canopy diameter at maturity: 4 metres; minimum height at maturity: 6 metres; minimum mature canopy cover: 12.6 square metres; area of deep soil: 12 square metres (minimum plan dimension 2.5 metres); volume of planter: 12 cubic metres (minimum plan dimension 2.5 metres); minimum depth of planter soil: 0.8 metres. *Tree type B — Minimum canopy diameter at maturity: 8 metres; minimum height at maturity: 8 metres; minimum mature canopy cover: 50.3 square metres; area of deep soil: 49 square metres (minimum plan dimension 4.5 metres); volume of planter: 28 cubic metres (minimum plan dimension 4.5 metres); minimum depth of planter soil: 1 metre.* *Tree type C — Minimum canopy diameter at maturity: 12 metres; minimum height at maturity: 12 metres; minimum mature canopy cover: 113.1 square metres; area of deep soil: 121 square metres (minimum plan dimension 6.5 metres); volume of planter: 64 cubic metres (minimum plan dimension 6.5 metres); minimum depth of planter soil: 1.5 metres.* *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.*	

Front fences objective

Clause 57.02-7		
Objective	**Standard E2-7**	**Assessment**
To encourage front fence design that responds to the future urban development of the area.	*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.* *Table E2-7 Maximum front fence height*	**Objective met** As outlined in the body of this report, the proposed fence provides privacy to the ground-floor gardens, while planting, the central entrance and street-facing windows and balconies maintain a residential frontage and opportunities to observe the street. In this setting, the additional 100 millimetres of height and approximately 15 per cent transparency, compared with the required 25 per cent, are acceptable.

Clause 57.02-7		
Objective	**Standard E2-7**	**Assessment**
	Streets in a Transport Zone 2: maximum front fence height 2 metres; minimum front fence transparency 25%. *Other streets: maximum front fence height 1.5 metres; minimum front fence transparency 25%.*	

Parking location objective

Clause 57.03-1		
Objective	**Standard E3-1**	**Assessment**
To minimise the impact of vehicular noise within developments on residents.	*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.*	**Objective met** The short stay G.05 room has a habitable room with a window within 1.5 metres of the proposed basement ramp. This outcome is considered acceptable, and the objective met, as: The room is used for short stays rather than as a permanent dwelling The proposed basement ramp will be used only intermittently and at a low speed The variation is minor, as all other habitable rooms meet the standard.

Street integration objectives

Clause 57.03-2		
Objective	**Standard E3-2**	**Assessment**
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.*	*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.* *Car parking and internal waste collection areas are visually concealed from the street.* *Lighting is provided to all external accessways and paths.*	**Objective met** The entrance, windows and balconies give the building a clear address and allow residents to overlook Fitzgerald Street, while parking and waste storage are concealed below ground. The services occupy approximately 23 per cent of the frontage rather than 20 per cent, which is reasonable given the practical servicing requirements and their integration with the fence and entrance.

Clause 57.03-2		
Objective	**Standard E3-2**	**Assessment**
	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.	

Building entry and circulation objectives

Clause 57.03-3		
Objective	**Standard E3-3**	**Assessment**
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.*	*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.*	**Standard met** The covered entrance is readily visible from Fitzgerald Street and separate from vehicle access, with a clear route to the lift and stairs. Shared circulation areas receive natural light and ventilation through external openings and the central atrium, while services are contained within cupboards clear of those areas.

Private open space objective

Clause 57.03-4		
Objective	**Standard E3-4**	**Assessment**
To provide adequate private open space for the reasonable recreation and service needs of residents.	*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.* *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*	**Standard met** Each apartment has a courtyard or balcony with direct access from its living or dining area, allowing the outdoor space to form part of everyday use of the home. The ground-floor courtyards comfortably exceed the minimum area and dimension requirements, and the upper-level balconies provide the space required for their respective apartments.

Clause 57.03-4		
Objective	**Standard E3-4**	**Assessment**
	Studio or 1 bedroom dwelling. Minimum area: 8 square metres. Minimum length (parallel to the external wall): 3 metres. Minimum width: 1.8 metres. *2 bedroom dwelling. Minimum area: 8 square metres. Minimum length (parallel to the external wall): 3 metres. Minimum width: 2 metres.* *3 or more bedroom dwelling. Minimum area: 12 square metres. Minimum length (parallel to the external wall): 3 metres. Minimum width: 2.4 metres.*	

Communal space objectives

Clause 57.03-5		
Objective	**Standard E3-5**	**Assessment**
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.*	*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.*	**Standard met** The rooftop garden provides approximately 283 square metres of communal space, comfortably exceeding the 50 square metres required, and its elevated position provides good access to sunlight. The ground-floor dining, kitchen and outdoor areas add to this provision and give residents a choice of shared spaces.

Functional layout objective

Clause 57.03-6		
Objective	**Standard E3-6**	**Assessment**
To ensure dwellings provide functional areas that meet the needs of residents.	*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* *Main bedroom. Minimum width: 3 metres. Minimum depth: 3.4 metres.* *All other bedrooms. Minimum width: 3 metres. Minimum depth: 3 metres.*	**Standard met** The bedroom and living-room dimensions meet the standard and allow for practical furniture arrangements and everyday use, with wardrobe space provided in addition to the minimum bedroom areas.

Clause 57.03-6		
Objective	**Standard E3-6**	**Assessment**
	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* *Studio and 1 bedroom dwelling. Minimum width: 3.3 metres. Minimum area: 10 square metres.* *2 or more bedroom dwelling. Minimum width: 3.6 metres. Minimum area: 12 square metres.*	

Room depth objective

Clause 57.03-7		
Objective	**Standard E3-7**	**Assessment**
To allow adequate daylight into single aspect habitable rooms.	*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.*	**Standard met** Room depths remain within the limits set by the standard relative to ceiling height, allowing daylight to reach the usable parts of the single-aspect habitable rooms.

Daylight to new windows objective

Clause 57.03-8		
Objective	**Standard E3-8**	**Assessment**
To allow adequate daylight into new habitable room windows.	*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:*	**Standard met** All habitable rooms have external windows and none is located in a basement. The applicant's assessment that these windows satisfy the daylight requirements is accepted.

Clause 57.03-8		
Objective	**Standard E3-8**	**Assessment**
	○ *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.*	

Natural ventilation objectives

Clause 57.03-9		
Objective	**Standard E3-9**	**Assessment**
To encourage natural ventilation of dwellings. *To allow occupants to effectively manage natural ventilation of dwellings.*	*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.*	**Standard met** Complying natural ventilation is provided to every dwelling through openable windows, doors or other external openings, with breeze paths within the required lengths. This exceeds the requirement for 40 per cent of dwellings to achieve natural cross-ventilation.

Storage objective

Clause 57.03-10		
Objective	**Standard E3-10**	**Assessment**
To provide adequate storage facilities for each dwelling.	*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* *Studio. Total minimum storage volume: 8 cubic metres. Minimum storage volume within the dwelling: 5 cubic metres.* *1 bedroom dwelling. Total minimum storage volume: 10 cubic metres. Minimum storage volume within the dwelling: 6 cubic metres.* *2 bedroom dwelling. Total minimum storage volume: 14 cubic metres. Minimum storage volume within the dwelling: 9 cubic metres.* *3 or more bedroom dwelling. Total minimum storage volume: 18 cubic metres. Minimum storage volume within the dwelling: 12 cubic metres.*	**Standard met** The permanent apartment dwellings provide the required internal and total storage through a combination of storage within the homes and allocated basement spaces. The guest studios provide ancillary accommodation for short stays, for which their reduced total storage is reasonable and does not affect compliance by the permanent dwellings.

Accessibility objective

Clause 57.03-11		
Objective	**Standard E3-11**	**Assessment**
To ensure the design of dwellings meets the needs of people with limited mobility.	*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* *Table E3-11 Bathroom design* *Door opening* *Design option A: A clear 850mm wide door opening.* *Design option B: A clear 820mm wide door opening located opposite the shower.* *Door design* *Design option A: Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.* *Design option B: Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.* *Circulation area* *Design option A: A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.* *Design option B: A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.* *Path to circulation area* *Design option A: A clear path with a minimum width of 900mm from the door opening to the circulation area.* *Design option B: Not applicable.* *Shower* *Design option A: A hobless (step-free) shower.* *Design option B: A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.* *Toilet*	**Standard met** The apartments provide accessible entrances, circulation to main bedrooms and adaptable bathrooms throughout, exceeding the requirement for these features in half the dwellings and accommodating residents with limited mobility.

Clause 57.03-11		
Objective	**Standard E3-11**	**Assessment**
	Design option A: A toilet located in the corner of the room. *Design option B: A toilet located closest to the door opening and clear of the circulation area.*	

Building separation within a site objective

Clause 57.03-12		
Objective	**Standard E3-12**	**Assessment**
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.	*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.*	**Objective met** The approximately five-metre atrium separation is acceptable because principal living areas also have perimeter daylight and outlook, while planting and breezeblocks improve the internal setting and filter views.

Light courts objective

Clause 57.03-13		
Objective	**Standard E3-13**	**Assessment**
To ensure that a light court provides adequate daylight into a new bedroom or non-habitable room window.	*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.*	**Objective met** The atrium is approximately five metres wide and extends through the building, with a glazed roof that admits daylight from above. The flexible room in Apartment 4.02 is located on the uppermost residential level close to the glazed roof and will receive adequate daylight through its atrium-facing window.

Overshadowing secluded private open space objective

Clause 57.04-1		
Objective	**Standard E4-1**	**Assessment**
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.	*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.* *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.*	**Not applicable/objective met.** As the side and rear setback and boundary-wall provisions are satisfied by the principal built form, the development is exempt from this standard.

Overlooking objective

Clause 57.04-2		
Objective	**Standard E4-2**	**Assessment**
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.	*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.*	**Not applicable** The windows and balconies are within parts of the building assessed as meeting the side and rear setback requirements and are therefore exempt from this standard.

Clause 57.04-2		
Objective	**Standard E4-2**	**Assessment**
	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.* *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.*	

Permeability and stormwater management objectives

Clause 57.05-1		
Objective	**Standard E5-1**	**Assessment**
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.*	*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.* *Note: A certificate generated from a stormwater assessment tool including Blue Factor, Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.* *Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.*	**Objective met** The proposal provides approximately 25 per cent permeable area and achieves a Blue Factor score of 112 per cent, meeting the permeability and stormwater treatment requirements. Rainwater collected in the 5,000-litre tank is reused for toilets and irrigation, reducing runoff and demand for potable water.

Waste and recycling objectives

Clause 57.05-2		
Objective	**Standard E5-2**	**Assessment**
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.*	*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* *15 or less dwellings. Minimum area: 0.7 square metres per dwelling in a shared waste storage area. Minimum depth: 0.8 metres. Minimum height: 2.7 metres.* *16 to 55 dwellings. Minimum area: 0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area. Minimum depth: 1 metre. Minimum height: 2.7 metres.* *56 or more dwellings. Minimum area: 0.5 square metres per dwelling in a shared waste storage area. Minimum depth: 1 metre. Minimum height: 2.7 metres.* *Enclosed bin storage areas are ventilated by:* *Natural ventilation openings to the external air with an area of at least 5 per cent of the area for 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.*	**Standard met** The basement waste room exceeds the required area and provides ventilation, washing facilities and convenient resident access, with separate waste storage within each apartment. The private collection arrangements allow waste to be managed on site without routine presentation of bins along the street frontage.

Noise impacts objectives

Clause 57.05-3		
Objective	**Standard E5-3**	**Assessment**
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.*	*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.*	**Objective met** The objective is considered met as the building has been designed to: Separate plant from bedrooms by intervening building elements and distance, reducing the transmission of noise Basement plant is contained within the building, while rooftop plant is physically separated from the residential areas below The location of the plant avoids placing a significant noise source

Clause 57.05-3		
Objective	**Standard E5-3**	**Assessment**
	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* ○ *Zone interface: Industry. Noise influence area: 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. Noise influence area: 300 metres from the nearest trafficable lane.* ○ *Railways: Railways servicing passengers in Victoria. Noise influence area: 80 metres from the centre of the nearest track.* ○ *Railways: Railway servicing freight outside metropolitan Melbourne. Noise influence area: 80 metres from the centre of the nearest track.* ○ *Railways: Railway servicing freight in metropolitan Melbourne. Noise influence area: 135 metres from the centre of the nearest track.*	directly beside existing or proposed bedrooms and will allow any noise to be adequately contained within the building. The site is not within any noise influence area.

Energy efficiency objectives

Clause 57.05-4		
Objective	**Standard E5-4**	**Assessment**
To achieve energy efficient dwellings and buildings. *To ensure dwellings achieve adequate thermal efficiency.*	*Dwellings located in a climate zone identified in Table E5-4 do not exceed the maximum NatHERS annual cooling load.* *Table E5-4 Cooling load* *Climate zone 21 Melbourne. NatHERS maximum cooling load MJ/M² per annum: 30.* *Climate zone 22 East Sale. NatHERS maximum cooling load MJ/M² per annum: 22.* *Climate zone 27 Mildura. NatHERS maximum cooling load MJ/M² per annum: 69.* *Climate zone 60 Tullamarine. NatHERS maximum cooling load MJ/M² per annum: 22.* *Climate zone 62 Moorabbin. NatHERS maximum cooling load MJ/M² per annum: 21.* *Climate zone 63 Warrnambool. NatHERS maximum cooling load MJ/M² per annum: 21.* *Climate zone 64 Cape Otway. NatHERS maximum cooling load MJ/M² per annum: 19.*	**Standard met** The sustainability assessment identifies compliance with the maximum annual cooling load of 30 MJ/m² for each dwelling. The proposed apartments therefore meet the thermal performance requirement for the Melbourne climate zone.

Clause 57.05-4		
Objective	**Standard E5-4**	**Assessment**
	Climate zone 66 Ballarat. NatHERS maximum cooling load MJ/M² per annum: 23. *Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*	