Planning and Environment
Interim Regulations 2026

Form 4 Regulation 22

PLANNING PERMIT

Permit No.:	PA2604598
Planning scheme:	Stonnington Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	49, 51A and 51 Fitzgerald Street, South Yarra (Lot 1 on Title Plan 843504F, Lots 1 and 2 on Registered Plan of Strata Subdivision 008132)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
32.10-5 (Housing Choice and Transport Zone)	Construction of two or more dwellings on a lot.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and endorsed architectural plans – changes needed

3. Before the development starts, excluding demolition and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the *Architectural Plans* (Workroom) 20 August 2026, but amended to:
    a) Clarify or correct the:
        i. Private open space areas for G.01 and G.02
        ii. Specified deep soil areas and ensure that any specified areas are consistent with the landscape plan submitted for endorsement.

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iii. Depiction of the waste storage and ensure it is consistent with the waste management plan submitted for endorsement.

iv. Apartment development's roof level, with consistent figures to be used between plan drawings (TP308) and all sections and elevations

v. Overshadowing information to be updated for consistency between diagrams and tables at TP54.

b) Amend the apartment storage schedules to refer to metres cubed rather than metres squared

c) Amend the notation for the photovoltaic system at TP308 from 28.6 kWh to 28.6 kW.

d) Show any physical parking controls specified in the traffic engineering assessment submitted for endorsement.

e) Use drawings and/or notations to reflect the commitments relied on in the submitted *Sustainable Management Plan* (GIW Environmental Solutions) 20 July 2026, including permeable paving and a 15sqm communal food-production area.

f) Nominate the removal of any trees that require removal for the development.

g) Show any changes required for consistency with another document endorsed or submitted for endorsement under this permit.

Layout not altered

4. The development as shown on the endorsed architectural plans must not be altered (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Facade strategy

5. Concurrent with the endorsement of architectural plans, a facade strategy must be approved and endorsed to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the architectural plans submitted for endorsement. The endorsed facade strategy must include:

    a) A description by the architect of the building design concept and how the facade works to achieve this.

    b) A detailed schedule of colours, materials and finishes including the colour, type and quality of the materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes, and by linking them to a sample board with clear coding.

    c) Elevation details generally at a scale of 1:50, or other suitable scale agreed by the responsible authority, illustrating typical building details, entries, doors, windows, utilities and any other features that are important to the presentation of the building.

    d) Details of the atrium skylight and its operability.

    e) Cross sections and/or other diagrams demonstrating the facade systems, including fixings, junctions and changes between materials.

f) Information about how the façade and atrium skylight will be accessed, maintained and cleaned.

g) Example images of the materials that demonstrate the intended design outcome.

h) Details of the materials' quality, robustness and maintenance requirements.

No equipment or services

6. Any plant, equipment or domestic services visible from Fitzgerald Street must be located and visually screened to the satisfaction of the responsible authority.

Retention of architect

7. Except with the written consent of the responsible authority, Workroom must be retained to provide architectural oversight during the completion of the development as shown in the endorsed architectural plans to the satisfaction of the responsible authority.

Landscaping – changes needed

8. Concurrent with the endorsement of architectural plans, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, drawn to scale with dimensions and be generally in accordance with the *Landscape Architectural Drawings* (Barber Landscape Architecture) August 2026, but amended to include:

    a) The following changes:

        i. Revised dimension lines for planter depths, roof balustrades, service cupboards, entrance gates and the eastern boundary fence, to ensure that dimensions are consistent throughout the plans.

        ii. Clarify or correct the notations specifying proposed planting.

        iii. Revised information on upper- and roof-level planter soil depths, to ensure that specified depths are consistent throughout the plans.

        iv. The commitments relied on in the submitted *Sustainable Management Plan* (GIW Environmental Solutions) 20 July 2026 including permeable pavement and a 15sqm communal food-production area.

        v. Show any changes required for consistency with another document endorsed or submitted for endorsement under this permit.

    b) Layout of landscaping and planting within all open areas of the subject land

    c) A survey (including botanical names) of all existing vegetation to be retained and/or removed, with any trees that require removal for the development nominated for removal.

    d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the shared boundary

    e) Details of surface finishes of paved areas including pathways and driveways.

f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant

g) Details of how the project responds to water sensitive urban design principles, including how stormwater will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation

h) Clear demarcation of public and private spaces, including arrangements for pedestrian circulation

i) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

9. Before the occupation of the development, the landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of Stonnington City Council.

10. At all times, the landscaping shown on the endorsed landscape plan must be maintained, including the replacement of any dead, diseased or damaged plants, to the satisfaction of Stonnington City Council.

Environmentally sustainable design – changes needed

11. Concurrent with the endorsement of architectural plans, a sustainability management plan must be approved and endorsed by the responsible authority. The sustainability management plan must be prepared to the satisfaction of the responsible authority and generally in accordance with the *Sustainable Management Plan* (GIW Environmental Solutions) 20 July 2026, but amended to:

    a) Provide an assessment of the development against Clause 53.18 (Stormwater management in urban development).

    b) Update the site area, apartment and bicycle parking information, and drawing references to match the architectural plans submitted for endorsement or endorsed architectural plans.

    c) Update the daylight and natural ventilation assessments to match the architectural plans submitted for endorsement.

    d) Update the stormwater assessment and permeable area information to match the architectural plans submitted for endorsement.

    e) Update the BESS assessment to reflect the architectural plans submitted for endorsement.

    f) Specify one extended retention depth for the raingarden.

    g) Make any changes required for consistency with another document endorsed or submitted for endorsement under this permit.

12. Within six months of the occupation of the development, a report from the author of the endorsed sustainability management plan must be submitted to and approved by the responsible authority. The report must outline how the initiatives committed to and/or relied

upon in the endorsed sustainability management plan have been achieved, to the satisfaction of the responsible authority.

Traffic engineering assessment – changes needed

13. Prior to the commencement of development, excluding demolition and site preparation works, a traffic engineering assessment must be approved and endorsed by the responsible authority. The traffic engineering assessment must be prepared to the satisfaction of the responsible authority, be generally in accordance with the *Traffic Engineering Assessment* (Traffix Group) 19 August 2026 but amended to:
    a) Update the site area to match the architectural plans submitted for endorsement or endorsed architectural plans.
    b) Remove references to council kerbside collection.
    c) Update the bicycle facilities assessment to match those nominated on the architectural plans submitted for endorsement or endorsed architectural plans.
    d) Make any changes required for consistency with another document endorsed or submitted for endorsement under this permit.

Waste management plan – changes needed

14. Prior to commencement of development, excluding demolition and site preparation works, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the *Waste Management Plan* (Traffix Group) 20 July 2026 but amended to make any changes required for consistency with another document endorsed or submitted for endorsement under this permit.
15. All waste material must be stored and removed from the site in accordance with the endorsed waste management plan to the satisfaction of Stonnington City Council.

Construction management plan – no document submitted previously

16. Before the development starts, including demolition and site preparation works, a Construction Management Plan (CMP) must be submitted to and endorsed by the responsible authority, in consultation with Stonnington City Council. The endorsed construction management plan must be implemented to the satisfaction of Stonnington City Council. The plan must address, but not be limited to, the following:
    a) Contact details of key construction site staff including after-hours contact numbers.
    b) Hours for the construction activity.
    c) Measures to control the escape of noise, dust, litter, water and sediment-laden runoff from the site.
    d) Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
    e) The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).

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f) The protection measures to avoid impacts to street trees and trees on adjoining land.

g) Delivery and unloading points and expected frequency.

h) The location of parking areas for construction vehicles and construction workers' vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.

i) Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.

j) Management of laneway access during construction.

k) An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services.

l) The processes to be adopted for the separation, re-use and recycling of demolition materials.

m) The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.

n) The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).

o) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors.

p) Any other relevant matters.

Residential gas

17. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Guest suites

18. The approved short-stay suites may only be used to accommodate persons visiting residents of the apartment development. The approved short-stay suites must not, to the satisfaction of the responsible authority, be let, hired, licensed or otherwise made available for a fee, charge or other consideration, unless with the written consent of the responsible authority.

Development contributions

19. Unless otherwise agreed in writing by Stonnington City Council, a Development Infrastructure Levy and Community Infrastructure Levy in accordance with the approved Development Contributions Plan which applies to the land must be paid to Stonnington City Council as the Collecting Agency not more than 21 days prior to the grant of a building permit under the *Building Act 1993* or the commencement of development of any buildings and works associated with the permitted development, whichever occurs first; or the owner must enter into an agreement with Stonnington City Council as the Collecting Agency to pay the Development Infrastructure Levy within a time specified in the agreement.

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Civil works

20. Before the development is occupied any:
    a) New vehicle crossings must be constructed in accordance with the endorsed plans.
    b) Redundant vehicular crossing must be demolished and reinstated as standard footpath, verge (if applicable), and kerb and channel.
    c) Damage to council infrastructure resulting from the development must be reinstated at cost to the permit holder.
    d) Service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly.
    e) On-street parking reinstated as a result of development works must be approved to the satisfaction of Stonnington City Council.

General

21. The land must be drained to the satisfaction of Stonnington City Council.
22. The permitted development must take into account any existing street trees and those on neighbouring properties, and take measures to limit the impact on those trees.
23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Stonnington City Council.
24. All external lighting must be suitably baffled so as not to cause any nuisance or annoyance to nearby properties or roads to the satisfaction of Stonnington City Council.
25. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
    a) Transport of goods to and from the land
    b) Appearance of any buildings, works or materials
    c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
    d) Presence of vermin.

Permit expiry

26. This permit will expire if one of the following circumstances applies:
    a) The development is not started within 3 years of the issued date of this permit
    b) The development is not completed within 5 years of the issued date of this permit

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USEFUL INFORMATION:

- (the following information does not form part of this permit)
- The permitted use or development may need to comply with, or obtain the following further approvals:
    - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
    - A building permit under the *Building Act 1993*.
- Permission may be required from Stonnington City Council to alter the existing laneway infrastructure, pavement, kerbing, drainage or other council assets.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from–
  (a)the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  (b) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if–
   - the development or any stage of it does not start within the time specified in the permit; or if no time is specified, within 3 years after the issue of the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within 2 years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if–
   - the use does not start within the time specified in the permit, or if no time is specified, within 3 years after the issue of the permit; or
   - the use is discontinued for a period of 3 years.
3. A permit for the development and use of land expires if–
   - the development or any stage of it does not start within the time specified in the permit; or if no time is specified, within 3 years after the issue of the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within 5 years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within 3 years after the completion of the development; or
   - the use is discontinued for a period of 3 years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision–
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within 2 years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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