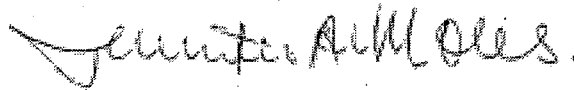


**PORT PHILLIP PLANNING SCHEME  
AMENDMENT C57 PART 2**

**PANEL REPORT**

A handwritten signature in black ink, reading "Jennifer A Moles". The signature is written in a cursive style with a large initial 'J'.

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**Jennifer A Moles, Chair**

**JUNE 2008**

**PORT PHILLIP PLANNING SCHEME  
AMENDMENT C57 PART 2**

**PANEL REPORT**

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# 1. Introduction

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This is the report of the Panel appointed by the Minister for Planning under delegation to consider the objecting submissions received in response to public notice of Amendment C57 (Part 2) (the Amendment) to the Port Phillip Planning Scheme (the Planning Scheme) and make recommendations to the Port Phillip City Council as Planning Authority concerning a response to the submissions and further processing of the Amendment.

Port Phillip City Council is both the Planning Authority and Proponent for this Amendment.

## 1.1 The Amendment

The Amendment proposes the application of urban design controls and guidelines to the properties facing Ormond Road Elwood in the residential area between Pine Avenue and St Kilda Street, including the land at 473 and 475A St Kilda Street - generally to the east of the Elwood Village commercial centre.

The area affected by the proposed Amendment is at the south-eastern end of Ormond Road, Elwood and wraps the southern corner of its intersection with St Kilda Street. Most of the buildings in the area are single storey dwellings from the first half of last century but there are also a number of multi-storey apartment buildings, many of which appear to date from the 1960's.

The affected properties (which all face the main road) together with the abutting housing areas are zoned Residential 1. Under the zone provisions most residential development proposals require permission and the 'ResCode' development provisions at Clauses 54 to 56 of the Planning Scheme apply. The latter provisions recommend that certain design objectives, implementation measures and standards are to be met by new residential developments of less than 4 storeys. They seek *interalia* to maintain and enhance neighbourhood character and on- and off-site amenity.

Two Heritage Overlays also apply in the subject area: one applies to a small number of properties on the northern side of Ormond Road at the western end of the subject area and another applies to a single property in St Kilda Street. These overlays impose additional permission requirements and

include that the effect of demolition or new developments upon heritage values are to be considered in any application.

A Special Building Overlay affects most of the properties in the subject area. This applies to areas affected by overland flow from surcharges from the urban drainage system. It imposes the need for planning permission for buildings and works with specified exemptions. The exemptions and referrals are specified in such a way that it would seem that the result will be that proposed buildings and extensions will generally have a ground floor level of at least 300mm above the nominated flood level, with consequent implications for overall height.

The controls and guidelines proposed in the Amendment would be introduced by a new part to Schedule 18 to the Design and Development Overlay (DDO 18-3) at Clause 43.02 of the Planning Scheme relating to the design and built form of new development in this area. A copy of the exhibited schedule is included as Appendix A to this report together with the Planning Scheme map (DDO Map 9) indicating the area to which DDO 18-3 would apply. The Panel notes that the exhibited document was in fact all of Schedule 18 to the DDO as it was intended to be put in place by the Planning Authority at time of exhibition. Some difficulties identified by the Panel arising from the timing of the exhibition of the Amendment and later approval of the related Part 1 of Amendment C57 are discussed in Section 4 of this report.

The statutory effect of the intended Amendment is described in Ms Thomas' written submission to the Panel as follows:

*Amendment C57 Part 2 establishes a permit requirement for buildings and works in the area covered by the proposed DDO18-3.*

*Amendment C57 Part 2 also establishes 'design objectives' for the area. A preferred character statement is specified for the precinct, accompanied by design objectives and requirements that will assist in ensuring new development achieve the preferred character.*

*Specific 'Requirements' of the DDO include building height, setbacks and overshadowing standards, some of which are mandatory and some of which are discretionary.*

*The DDO18 requires all permit applications to be assessed against:*

- *The overall 'Design Objectives' of the Schedule.*
- *The 'Preferred Character' statement of the relevant area.*
- *The 'Design Objectives' of the relevant area.*
- *The 'Requirements' of the relevant area.*

## 1.2 Statutory History

Amendment C57 Part 2 follows on from the earlier exhibited Amendment C57 which applied to a more extensive area of Ormond Road properties - incorporating the two commercial areas of Elwood Junction (around the Glenhuntly Road intersection) and Elwood Village (between Pine and Beach Streets), the intervening residential area, as well as the residential area east of Elwood Village (now the subject of the Part 2 Amendment).

Ms Thomas's written submission to the Panel in relation to the present Amendment sets out the following succinct summary of much of the strategic and statutory planning history leading to the present consideration by the Panel of the Amendment:

### *Ormond Road Urban Design Guidelines*

*In January 2006, Council commenced preparation of the Ormond Road Urban Design Guidelines, to guide built form within the retail areas of Elwood Junction and Elwood Village and the residential areas in between.*

*Council adopted the Guidelines in September 2006 and resolved to implement the findings of the Guidelines by an amendment to the Port Phillip Planning Scheme, known as Amendment C57.*

### *Amendment C57*

*Amendment C57 proposed a new schedule to the Design and Development Overlay (DDO18-3) at Clause 43.02 of the Planning Scheme. The DDO18 applied to the two retail precincts (Elwood Junction and Elwood Village) and the two residential precincts within Ormond Road. The DDO18 introduced mandatory height and setback requirements, in addition to a number of other mandatory and discretionary design requirements.*

*Amendment C57 was exhibited during November and December 2006. A total of 25 submissions were received, 3 of which offered no objection and 22 which opposed the amendment. Council considered all submissions in February 2007 and resolved to refer them to an independent Panel appointed by the Minister for Planning.*

*The Panel hearing was conducted on 21 May 2007. The Panel Chairperson was Jennifer Moles and the Panel Member was Craig Czarny. One submitter, representing the owners at 138-140 Ormond Road, presented at the hearing, in addition to Council...*

*The Panel report was received by Council in July 2007. The Panel supported in principle the changes to the Port Phillip Planning Scheme proposed under Amendment C57, but recommended that some changes*

be made to the DDO18. The most significant change recommended by the Panel was that both residential precincts be treated in the same manner, with the same Preferred Character, Design Objectives and Requirements, including an increase in height from 3 storeys to 4 storeys.

The Panel further advised that if Council agreed with the recommendation to increase the height in this precinct, further notice of these revisions to the earlier exhibited controls should be given.

Council considered the Panel's recommendation in August 2007 and resolved to separate the amendment into two parts as follows...:

- Amendment C57 Part 1 – incorporating the commercial areas of Elwood Junction and Elwood Village and the adjoining residential area along Ormond Road, between Byrne Avenue and Beach Avenue.
- Amendment C57 Part 2 – incorporating the residential area along Ormond Road, between Pine Avenue and St Kilda Street, including 473 and 475A St Kilda Street.

Council also resolved to undertake further public notice of the changes to the residential precinct between Pine Avenue and St Kilda Street (known as Amendment C57 Part 2). The DDO which applies to this area is referred to as DDO18-3.

#### **Gazetted Amendment C57 Part 1**

Council adopted Amendment C57 Part 1 with changes and forwarded this to the Minister for Planning for approval in October 2007. Amendment C57 Part 1 was subsequently approved by the Minister and gazetted on 10 April 2008. The approved Design and Development Overlay (Schedule 18) ... relates to the retail precincts (Elwood Junction and Elwood Village) and the residential precinct between Byrne Avenue and Beach Avenue... The DDO which applies to the retail centres is DDO18-1, while DDO18-2 applies to the residential precinct between Byrne Avenue and Beach Avenue.

#### **Key changes to Amendment C57 Part 2**

The key changes to the controls proposed to DDO18-3 under Amendment C57 Part 2 are summarised as follows:

- Adoption of the same controls for the residential precinct between Byrne Avenue and Beach Avenue (i.e. DDO18-2), with a single set of preferred character statements, design objectives and requirements.
- Increase in height from 3 storeys (9 metres) to 4 storeys (13 metres).

- The 4th storey setback so that it is not visible from standing eye level on the opposite side of the street, or the rear building line of adjoining residential properties.
- Increase in the front setback to a minimum of 6 metres, as a mandatory requirement.
- Mandatory landscaping of the front setback area.
- Side setbacks to accord with ResCode.

The following table provides a more detailed description of these changes...

	Controls originally exhibited under Amendment C57	Controls recommended by the Panel	Controls proposed under Amendment C57 Part 2
Height	Building must not exceed a maximum height of 9 metres (3 storeys)	Buildings must not exceed an overall height of 13 metres (4 storeys).	Same as recommended by the Panel.
		The front wall of buildings must not exceed a height of 10.5 metres (3 storeys).	Variation to the Panel recommendation: The front wall of buildings must not exceed a height of 10 metres (3 storeys).
	Above a height of 6 metres, buildings must be setback so that they are not apparent from standing eye level on the footpath directly opposite the site, or the rear building line of adjoining residential properties.	New development must be setback above a height of 10.5 metres such that it is not visible from standing eye level at the rear building line of any adjoining residential property.	Variation to the Panel recommendation: New development must be setback above a height of 10 metres such that it is not visible from standing eye level at the rear building line of any adjoining residential property.
		Any 4th storey must be setback from front and side street boundaries such that it (and any associated balustrading) is not visible from standing eye level on the footpath directly opposite the site.	Same as recommended by the Panel.
Front Setback	New development should be setback from the street boundaries in accordance with Clause 55.03-1 (Street setback objective) of the Port Phillip Planning Scheme.	Buildings must be setback from the front boundary a minimum distance of 6 metres or that distance required by Clause 55.03-1 of the Port Phillip Planning Scheme, whichever is the greater.	Same as recommended by the Panel.
Landscaping	Front setbacks should provide for landscaping.	Front setbacks must be landscaped.	Variation to the Panel recommendation: Front setbacks must be landscaped, and should not be used for carparking.
Side Setbacks	Side setbacks must conform with the character of the area.	The height and setback of a building from a boundary with any residential property should accord with Clause 55.04-1 (side and rear setbacks objective) and Clause 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.	Same as recommended by the Panel.

### 1.3 Notice of Amendment C57 Part 2 and submissions

The following summary of the exhibition of the Amendment, submissions received ( a list of which is included in Appendix B to this report) and Panel processes to the present stage is again drawn from Ms Thomas' written submission to the Panel:

#### *Exhibition of Amendment C57 Part 2*

*Amendment C57 Part 2 was exhibited from 15 November 2007 to 17 December 2007.*

*Notification of the amendment was undertaken by:*

- *Public Notice in the Emerald Hill Times*
- *Public Notice in the Port Phillip Leader*
- *Public Notice in the Victorian Government Gazette*
- *Direct mail to prescribed Ministers and authorities*
- *Direct mail to owners and occupiers of properties potentially affected*
- *Direct mail to all owners and occupiers who made a submission to the originally exhibited Amendment C57...*

#### *Submissions*

*Council received a total of twelve (12) submissions to Amendment C57 Part 2. Of the 12 submissions received:*

- *three (3) raised no objection to the amendment, and*
- *nine (9) opposed the amendment and requested that it be changed. Of the 9 submissions opposing the amendment, 8 submissions are identical 'pro forma' letters that have been signed individually.*

*The main issues raised in the submissions involved the increase in height from 3 storeys (as originally exhibited) to 4 storeys, and the requirement for setbacks above 2 storeys being increased to above 3 storeys.*

*Council considered all submissions at its meeting on 4 February 2008 (a copy of the Council report is included as Attachment 6), and resolved to:*

- 1. Request that the Minister for Planning appoint an independent Panel to review submissions to the amendment, in accordance with Part 8 of the Planning and Environment Act 1987.*
- 2. Refer all submissions, and any late submissions received, to the Panel to be appointed by the Minister for Planning.*
- 3. Inform all submitters of Council's decision.*

*In a letter to the Minister for Planning dated 29 February 2008, Council requested that a panel be appointed under Part 8 of the Planning and Environment Act 1987 to consider all submissions to the amendment.*

#### ***Panel directions***

*Council received advice by way of a letter dated 20 March 2008 that the Minister for Planning had appointed a one-person panel to hear and consider submissions in relation to Amendment C57 Part 2 (the same Panel Chairperson that heard submissions to Amendment C57).*

*Council received further notification on 15 April 2008 that no submitter requested to be head by the Panel in regard to Amendment C57 Part 2, and that the Panel would proceed without a Public Hearing and would consider the amendment 'on the papers'. In the same letter, the Panel gave the following directions:*

- *Direction 1*

*By no later than close of business on Friday 2 May 2008, any Submitter wishing to elaborate on their written submission, may forward further material to the Panel and provide a copy to the City of Port Phillip.*

- *Direction 2*

*By no later than close of business on 16 May 2008, the Council may forward its submissions including a reply on any of the material sent to the Panel in accordance with Direction 1.*

*To date, Council has not received any additional submissions, either directly from a submitter or indirectly through the Panel.*

*No further directions were made by the Panel in relation to the content to be addressed in Council's submission.*

The Planning Authority's written submission was received by the Panel on 16 May 2008. No submitter who had responded to public notice of the Amendment forwarded material additional to their written submission to the Council.

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## 2. The strategic policy context

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While no submitters raised policy issues in their written submissions, as part of the strategic assessment of this Amendment, there is a requirement to consider how it relates to the various planning policies in the Planning Scheme.

There are a many planning policies at State and local level that are in some way applicable to the consideration the Amendment. The submissions from the Planning Authority set out the details of the relevant policies in a section responding to the Strategic Assessment Guidelines.

Also, in the earlier panel report relating to Amendment C57 at Chapter 3, a similar but slightly larger group of policies was set out which that panel saw as providing a context for that amendment, which had similar design intents to the present Amendment (its being formerly part of the earlier one). Most of those policies continue to be relevant to the present Amendment.

Importantly, it was the previous panel's assessment of Amendment C57 against the planning policies which led it to the view that that amendment required revision especially as it related to the easternmost section of Ormond Road (see section 3.3 of that report). As already indicated the previous panel recommended that the development controls for the easternmost residential precinct should match those of the other residential precinct located between the two commercial sections of Ormond Road.

The revised Schedule 18 included in Amendment C57 Part 2 as exhibited, as it relates to the subject area, includes provisions apparently intended to match those of the other residential precinct and largely consistent with those recommended by the previous panel.

The present Panel is satisfied that the general directions of the exhibited Amendment are supported by policy. The Panel does have some concerns about the details of the amendment which arise from its assessment. They are discussed in Sections 3 and 4 of this report.

### **3. Consideration of issues raised in submissions**

The Panel has reviewed all the written submissions received and forwarded by the Planning Authority and no submitter forwarded any further material in response to the Panel's leave to do so in the context of the 'on the papers' assessment.

The Panel identifies the following matters as issues raised in the objecting submissions:

- It is said that the proposed design controls and guidelines would not protect the character of the area. In particular there is opposition to the proposed mandatory height control in this residential sector of Ormond Road being increased from the three storeys proposed under Amendment C57 to four storeys (as recommended by the C57 panel) and the associated change to the application of the upper level setback from above two storeys to above three storeys.
- The proposed Amendment would further limit parking options in the area.
- Noise and danger on the street during construction of new developments.

#### **3.1 Height issues**

The objecting submissions largely rely on the fact that the area affected predominately comprises single storey dwellings and express the view that a general four storey height limit would destroy the 'charming nature' of the area and resultant development would be essentially out of character, allow intrusions on privacy, and cause overshadowing and loss of sunlight. The objecting submissions refer to a four storey development under construction at the time of exhibition of the Amendment as illustrative of the development that is seen as inappropriate.

As submitted to the Panel by the Planning Authority, however, the impact of the increased height will be ameliorated by the proposed controls requiring that the uppermost level is to not be visible from directly opposite in the street and from properties to the rear, and by the requirement for a mandatory six metre landscaped frontage setback.

As also submitted by the Planning Authority, the facades of new developments are required to be highly articulated and reference is to be made in the design of new buildings to the characteristics of heritage buildings in the area.

The Panel agrees with the Planning Authority views that the increase in overall height will not be adverse to the design intents sought by the Amendment.

The submitters also suggest that it would be appropriate to retain a difference in permissible height as between the commercial areas to the west and the subject area on the basis that this would 'help define where the residential area begins and where the activity centre ends'.

Ms Thomas' written submission for the Planning Authority also argued that based on this objective it was appropriate that the permissible maximum front wall height for the precinct should be ten metres rather than the 10.5 metres recommended by the previous panel.

So far as this issue of commercial-residential differentiation is concerned, the Panel is satisfied that the adoption of a six metre landscaped front boundary setback for the residential areas compared to a zero setback in the commercial areas, in combination with the differences in style of development brought about by the different uses made of the buildings will be more than adequate to differentiate the two types of areas.

The Panel also believes that there is no merit in the Planning Authority's argument that a change in front wall height of 0.5 metres would assist in the commercial-residential differentiation. In the Panel's view such a change between developments along the road would simply go unnoticed and the other developmental changes - especially the change in frontage landscaping and frontage setbacks - would be much more effective in this regard.

The objecting submissions also suggested that the development in this easternmost residential precinct is less intense than that occurring in the other residential precinct between the two commercial strips, and the development restrictions should reflect that difference.

The Panel acknowledges that there is currently a less intensive scale of development in the subject area than in the residential area between the two commercial precincts. This was also acknowledged in the Amendment C57 panel report. This Amendment, however, is essentially one which deals with preferred future character and, for the same reasons as are set out in the earlier panel report on Amendment C57, the Panel sees no reason to treat the residential neighbourhoods on Ormond Road differently. The Planning Authority also adopted this view having received the advice of the earlier panel.

In relation to this matter of the consistency of controls for the two residential precincts, the Panel would further comment that examination of the documentation put before the Panel indicates that the Planning Authority

disagreed with the earlier C57 panel view that the front wall height in all precincts should have a permitted maximum of 10.5 metres (preferring 10 metres **throughout**). It would appear that Part 1 of Amendment C57 was then adopted by them with a 10 metre front wall height for the other three precincts. It would also appear that subsequently the front wall height for the area affected by Part 2 of the amendment was adopted for exhibition purposes so as to be consistent with the height for those other three areas. It further seems that DPCD and/or the Minister for Planning did not agree with the Planning Authority's departure from the earlier panel recommendation in this respect, and Part 1 was approved (after exhibition of Part 2 had taken place) with a 10.5 metre front wall maximum height for all other precincts.

The Panel would comment that it is most irregular that it is now put in submissions for the Planning Authority that the two residential areas should be treated differently given the clear intent by the Planning Authority that they be treated in the same manner.

The consequences of approval of Part 1 of this amendment between exhibition of this Part 2 and the Panel hearing are further discussed in Section 4 of this report.

So far as overlooking, overshadowing and loss of daylight are concerned, the Panel is satisfied that these potential effects of new developments can be addressed under the provisions of the proposed DDO in combination with the relevant ResCode provisions. In the context of the Planning Scheme requirements as whole the Panel sees little or no difference as between an absolute height of four storeys and three storeys in these respects.

### **3.2 Parking issues**

In its report on Amendment C57, the previous panel recommended that the six metre frontage setback to buildings in the residential precincts should be mandatory and that there should be a mandatory requirement for the setback area to be landscaped. The panel also commented that the front setback 'should not be viewed as a space set aside for car parking'. In the Amendment C57 recommended version of DDO18, however, the panel did not include any reference to precluding parking in the front setback.

The current Panel notes that under the approved version of DDO18, for the other residential precinct in Ormond Road – there similarly is no such prohibition on parking. Amendment C57 Part 2 as exhibited, however, does include such a prohibition – which would apply to both residential precincts.

Examination of the documentation relating to the adoption and approval of Part 1 of the amendment reveals no intention by the Planning Authority to include a car parking prohibition in the front setback, so it appears that this

was not a proposed requirement set aside in the approved version by DPCD or the Minister (as it seems occurred in the case of the front wall height). It would seem that it is only now proposed by the Planning Authority to include this provision under Part 2.

This provision would also apply to the other residential precinct between the two commercial areas. The Panel's concerns about utilising Part 2 of the amendment to alter provisions applying under the approved DDO18 to any other precinct are discussed in Section 4 following.

So far as the merits of precluding parking in the frontage setback is concerned, and its consequences for parking pressures elsewhere, the present Panel would comment that this requirement would not apply retrospectively to existing developments and would be given effect only when new developments are proposed. In these circumstances, developers would normally be required to find other arrangements for the on-site provision of parking or apply for parking waivers which the Responsible Authority would allow only in appropriate circumstances.

The Panel notes and supports the expression of this car parking arrangement as discretionary. This would allow parking in front setbacks to be allowed if there was a real necessity for it – such as to cater for disabled residents.

The Panel is satisfied that this discretionary provision to be applied to new developments would not necessarily result in further on-street parking pressures in the area and should be supported as a measure to achieve appropriate enhancement of the streetscape.

### **3.3 Construction noise and street danger**

One submitter raised concern about the noise and danger to pedestrians on the street posed by heavy equipment during construction activities.

The Panel does not believe that this is a sound basis to refuse Part 2 of the amendment. Construction vehicles and noise will occur in this area irrespective of this Amendment. Under the present planning controls for the area, developments of any scale can be considered and might be approved. The provisions introduced by this Amendment would simply serve to guide the form of future development.

### **3.4 Concluding comments on public submissions**

It can be seen from the discussion above that the Panel is of the view that the issues raised in submissions do not warrant a change in the Amendment as exhibited. Section 4, following, does recommend that there should be some changes.

## 4. Other matters

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The Planning Authority's written submission to the Panel includes a section dealing with the Planning Authority's view on the recommendations made in the earlier Amendment C57 panel report in relation to this residential precinct.

### Front wall height

The Authority's submission includes the discussion referred to in Section 3.1 of this report of why the Planning Authority prefers a 10 metre maximum front wall height in this precinct rather than the 10.5 metre height as has been approved for the other three precincts along Ormond Road. A number of reasons are advanced.

It is said that a 10 metre wall height would be more appropriate because a 10 metre wall height would still meet the Amendment C57 panel's intent of allowing some flexibility in design detail and raised floor levels on the sites affected by the Special Building Overlay while more closely relating to the existing single storey dwellings. Calculations are provided. It is also said that the 10.5 metre maximum height recommended by the Amendment C57 panel was appropriate in the commercial areas and the second residential area for reasons not applying in this eastern residential area.

The Panel accepts that it would be possible to apply a 10 metre front wall height in this residential precinct and still achieve 3 levels of building behind but believes that the additional 0.5 metres of height would be beneficial in terms of offering design flexibility. If 3.2 metres per floor is assumed (as suggested by the Planning Authority) and a 300 mm allowance is made for raised floor levels due to the SBO, then only 100mm would remain below a mandatory 10 metre height limit for the roof structure, any parapet etc. Flat roof forms would be the inevitable outcome for all developments and design variation would be precluded.

In the Panel's view the 10.5 metre front wall height limit would desirably also afford more consistent built form along the length of Ormond Road, and the additional height would make little or no difference to the relationship in terms of scale of new developments in the area with the existing single storey dwellings.

Further, comment has already been made that the argument included in the Planning Authority submission that it is appropriate to differentiate between

the two residential precincts is not supported for the reasons set out earlier in the Amendment C57 panel report. Nothing has been put in submission to the present Panel that was not already discussed in that report and the Planning Authority has previously adopted that panel's recommendations concerning consistency of treatment.

The Panel recommends that the Planning Authority should adopt the same 10.5 metre height for the subject precinct so as to be consistent with the other precincts.

As also already commented it would seem that this matter of the desirability of distinguishing this residential area in terms of front wall height has been argued by the Planning Authority only because the Authority's preferred 10 metre height for all precincts was not approved for the other three precincts.

The Panel believes that, because the exhibition of Part 2 of the amendment proceeded ahead of the approval of Part 1 and because all of DDO18 was included in the exhibited documents for Part 2, there needs to be some formal response by the Planning Authority to the fact that the Part 2 Amendment as exhibited included a 10 metre maximum front wall height for all precincts inconsistent with the approved form of Amendment C57 Part 1.

Assuming that the Panel recommendation for a 10.5 metre front wall height is to be adopted as part of the Amendment, it is recommended that when resolving on the Amendment, the Planning Authority should formally note that, in the period following the exhibition of Part 2, Part 1 was approved with a different maximum front wall height for the other three precincts. In order to avoid any confusion arising from the fact that the whole of the Schedule to DDO18 was exhibited as part of the Part 2 documentation, it should also be formally resolved that, to the extent that it is necessary, the DDO18 Schedule in Part 2 should be approved with 10.5 metres rather than 10 metres for the mandatory maximum front wall height for all precincts.

It is further recommended that the Planning Authority should formally turn its mind to whether the change in the exhibited front wall height for the eastern residential precinct requires further public notice. In the Panel's view the change would likely be seen as one which could be adopted without further notice.

It should be noted that if the 10 metre height is instead adopted for front wall height in this precinct, it would be necessary to reformat Schedule 18 to the DDO so as to allow for this variation as between the residential precinct provisions.

### **Side setbacks**

The Panel has considered the Planning Authority's written submission on why the side setback approach recommended by the Amendment C57 panel should not be adopted for this precinct and has also noted that it has not been approved for the other three precincts under Part 1.

The Panel agrees with the Planning Authority submission that the approach to side setback requirements in the present Amendment as exhibited is appropriate.

### **Reference document**

Ms Thomas' submission included an explanation of why the Planning Authority has already required the reference document, the 'Ormond Road Urban Design Guidelines', to be retrospectively amended to accord with the controls approved under Part 1 and proposed under Part 2 of the amendment.

The Panel disagrees with amending the guidelines in this way rather than including a preface indicating why there is a difference between the guidelines and the statutory requirements. This is on the basis that it falsifies the recommendations originally made by the consultants - which is contrary to proper professional practice and may in time lead to confusion given that two versions of the design recommendations will exist.

There is no recommendation required of the Panel on this matter which has already been determined.

### **Changes affecting other precincts**

Despite clear indications in the supporting material that Part 2 of the amendment relates only to the easternmost residential precinct, the exhibited DDO18 includes a small number of provisions affecting the other three precincts. If those provisions were to be adopted and later approved, there is the potential for at least some of them to alter the already approved content of the Schedule put in place by Part 1.

Those provisions include the change to the mandated maximum front wall height. As already advised, this should be modified for the subject precinct to 10.5 metres and the schedule as affects the other precincts also amended if necessary to accord with the approved Part 1 requirements.

The introduction of the discretionary prohibition on car parking in the frontage to residential properties is another inclusion. It affects both

residential precincts. This may have gone unnoticed given the apparent application of the Part 2 Amendment only to the eastern residential precinct. The question of further notice again requires determination by the Planning Authority. In the Panel's view, given the discretionary nature of this provision, however, it would be difficult to see that persons with an interest in properties in the residential precinct between the two commercial areas should be given further notice of this change.

Another inclusion is the modification to the provisions relating to balustrading in the commercial precincts - under the third dot point of the 'Requirements'. The following clause has been added to what is now the approved version of that clause: 'unless it can be incorporated into the street wall without extending above a high of 10 metres'.

It does not seem that this is something that has been overtaken by changes introduced to Part 1 by DPCD and it appears to be a deliberate inclusion by the planning Authority.

For the reasons already set out, it is the Panel's view that in this clause as elsewhere '10 metres' should be altered to '10.5 metres'. The Panel generally supports the addition of this clause to the provision as it is in accordance with the earlier panel view and would facilitate development outcomes complementary to many of the older commercial buildings of the area which are characterised by decorative parapets. It is the Panel's view also that no further notice of this change is likely to be required given it affords greater flexibility in the manner in which developments can meet the design intents for the area.

Nevertheless, it too is a part of the Part 2 Amendment which strays beyond the easternmost residential area - the area which is said to be the sole subject of the Part 2 changes.

This issue of the latter two changes affecting land which is the subject of the approved Part 1 amendment needs to be specifically addressed by the Planning Authority and may require different processing from the bulk of this Amendment. This processing matter is one about which the advice of DPCD should be sought.

## 5. Recommendations

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Based on the reasons set out in this report, the Panel makes the following recommendations.

1. Assuming that the Planning Authority would intend to adopt Amendment C57 Part 2 to the Port Phillip Planning Scheme in modified form in accordance with this Panel's recommendations, the Planning Authority should first formally turn its mind to whether or not further notice should be given of:
  - the change in the exhibited maximum front wall height for the eastern residential precinct from 10 metres to 10.5 metres;
  - the introduction of the discretionary provision precluding car parking in the frontage setback in the **westernmost** residential precinct; and
  - the inclusion of the qualification to the balustrading provision in the 'Requirements' relating to the commercial precincts.
2. The Planning Authority should consult with the Department of Planning and Community Development about how best to further process those parts of the exhibited Schedule 18 to the DDO which are intended to change the provisions of the already approved Schedule as it applies to the three other precincts.
3. Assuming no further notice is required and that the minor matters which are the subject of Recommendation 2 can be processed as part of the present Amendment, it is recommended that Amendment C57 Part 2 should be adopted as exhibited subject to the following:
  - the mandatory maximum front wall height should be amended to 10.5 metres for the easternmost residential precinct; and
  - in order to avoid any confusion arising from the fact that the whole of the Schedule to DDO18 was exhibited as part of the Part 2 documentation, the Planning Authority should also formally resolve that, to the extent that it is necessary, the DDO18 Schedule in Part 2 should be approved with 10.5 metres rather than 10 metres for the mandatory maximum front wall height for **all** precincts (to accord with Part 1 as already approved).

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**Appendix A: Exhibited schedule (18-3) to DDO  
and exhibited map**

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## **SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO18**

### **ELWOOD NEIGHBOURHOOD ACTIVITY CENTRES AND ADJOINING RESIDENTIAL LAND**

#### **1.0 Design Objectives**

- To ensure development achieves the design objectives and requirements identified for each area in the Table to this Schedule.
- To enable additional development within the neighbourhood activity centres and adjoining residential areas.
- To encourage high quality, well-designed new buildings, works, renovations and additions that are compatible with the existing architectural and streetscape character of Elwood Junction, Elwood Village and the residential areas of Ormond Road.
- To encourage contemporary architecture that respects the historic and distinctive character of the retail and residential areas.
- To ensure built form respects the amenity of the public realm and surrounding residential areas and limits adverse impacts.
- To ensure that development is of a scale that maintains a sense of openness, access to sky views and provides for adequate solar access to ensure the protection of the amenity of the public realm.
- To ensure articulated, attractive and detailed facades on all street elevations.
- To retain a built form that respects the scale and form of nearby heritage places.

#### **2.0 Buildings and Works**

A permit cannot be granted to vary any mandatory requirements in the Table to this Schedule.

This does not apply to architectural features such as domes, towers, masts and building services, including enclosed stairwells, that do not exceed the required height by more than 4 metres. The floor area of these features must not exceed 10% of the gross floor area of the top building level.

A permit may be granted to vary the discretionary requirements as specified in the Table to this Schedule, subject to the proposal achieving the Design Objectives specified for this Schedule, the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the responsible authority.

Minor buildings and works, such as basements which do not project above ground level, verandahs, architectural features, balconies, shelters, sunshades, art works, street furniture, and fences may be constructed within the setback distance from boundaries specified in the Table to this Schedule for area DDO18-2, subject to the proposal achieving the Design Objectives specified for this Schedule, and the Preferred Character and Design Objectives for the particular area.

In this schedule reference to a 'storey' is a reference to an above-ground storey. It does not include a basement.

An application must be accompanied by a site analysis and urban context report, which demonstrates how the proposed buildings or works achieve:

- The Design Objectives of this Schedule;
- The Design Objectives of the relevant Area;
- The Requirements of the relevant Area.

**Table to Schedule 18**

**AREA DDO18-1 – Elwood Neighbourhood Activity Centres (Elwood Junction and Elwood Village)**

**Preferred Character**

- Vibrant pedestrian-orientated shopping and leisure strips with buildings that provide active frontages that face the footpath with a mix of uses above.
- A built form that relates to the scale of the existing two-storey inter-war buildings.
- New development of a contemporary character with architectural detail that responds to the existing two-storey inter-war buildings by interpreting their characteristic pattern of façade articulation and materials.

**Design Objectives**

- To ensure that the built form of new development respects the historic scale of buildings in the area including their overall and street height and parapet form.
- To ensure that additional building levels above the street wall are set back behind the street wall so that they do not compromise the integrity of the street wall parapet.
- To ensure ground-floor frontages are pedestrian orientated and add interest and vitality to the retail areas.
- To ensure that developments on lots in the Business 1 Zone in Elwood Junction and Elwood Village provide comfortable transition in form to the residential precincts to the rear.
- To add interest and variety to the commercial area's streetscape by including architectural corner features integrated with the design of the building on street corners (with the exception of 35 Glen Huntly Road).

**Requirements**

- Buildings with frontage to Glen Huntly and Ormond Roads must have a street wall\* with a height of not less than 7.5 metres and not more than 3 storeys and 10 metres, and must not exceed an overall height of 4 storeys and 13 metres, with the exception of any new building on the land at 35 Glen Huntly Road which must not exceed an overall height of 9.5 metres.
  - \* Street wall is the wall at zero setback from the footpath or in the absence of a footpath, the road boundary.
- Any storey(s) above the street wall must adopt a setback from front and side street boundaries (not laneways) that ensures that, at most, only fascia and eaves are visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the site.
- Balustrading above the street wall must be setback from the street boundary such that it is not visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the subject site, unless it can be incorporated into the street wall without extending above a height of 10 metres.

- Buildings on corner sites (including those with laneway abuttal) must have a street wall with a height of not less than 7.5 metres and not more than 3 storeys and 10 metres, for at least 10 metres along the side street boundary.
- New development on land on the north side of Ormond Road, with the exception of the land at 79 to 83 Ormond Road, must be set back above a height of 10 metres such that it is not visible from standing eye level (1.6 metres above ground level) at the rear building line of any adjoining residential property.
- Where balconies are included above ground level, they must not project beyond the title boundary.
- Buildings must be built to the width of the lot along the Ormond Road and Glen Huntly Road frontages.
- Buildings should have a verandah or canopy over the street footpath extending the full width of the property and consistent with the height of the adjoining weather protection structures.
- The design of buildings should contribute to visual interaction between ground floor activity and pedestrians on the street by:
  - having the ground floor level with the footpath, except within the Special Building Overlay where ground floors may be raised to meet the requirements of that overlay;
  - incorporating substantial clear glazing at the ground floor level;
  - including pedestrian entrances to retail activities from Glen Huntly and Ormond Roads.
- Above ground floor level, the facades of buildings facing Ormond and Glen Huntly Roads and any intersecting side street or laneway should be well articulated and should respond to the building characteristics of the two-storey inter-war buildings by an interpretation of/ or by including the following design details:
  - punched openings;
  - parapets;
  - the existing predominant pattern of vertical articulation;
  - the existing predominant pattern of window proportions and locations; and
  - predominantly red face brickwork and/ or light-coloured render finish.
- Upper level side walls should be designed to create an attractive façade.
- All new vehicular access should be provided from the side or rear of lots, wherever possible.
- New development should not significantly overshadow existing secluded private open space of residential properties in accordance with Clause 54.04-5 / 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.
- The height and setback of a building from a boundary with any residential property should accord with Clause 54.04-1 / 55.04-1 (side and rear setbacks objective) of the Port Phillip Planning Scheme.

## AREA DDO18-2 and DDO18-3 – Residential Precincts

### Preferred Character

- A residential area with a consistent built form character where buildings present to the street and abutting properties to the rear as of three-storey contemporary building scale.
- An area where new development is highly articulated and of a contemporary character.
- An area that has a leafy character with buildings having front and side setbacks allowing for landscaping.

### Design Objectives

- To ensure that the built form of new development respects the domestic nature of the area and communicates a residential quality in terms of building massing and presentation.
- To ensure the provision of generous front setbacks to maintain the precinct's garden qualities.
- To ensure that side setbacks are provided at ground and upper level to ensure sufficient spacing between buildings for the penetration of light and landscaping into the streetscape.
- To ensure that redevelopment of residential land in Ormond Road provides a transition in form to that of abutting residential properties to the rear.
- To ensure that buildings are well articulated and of a contemporary character which are respectful to their historic context.

### Requirements

- The front wall of buildings must not exceed a height of 3 storeys and 10 metres and the buildings must not exceed an overall height of 4 storeys and 13 metres.
- Any 4<sup>th</sup> storey must be set back from front and side street boundaries such that it (and any associated balustrading) is not visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the site.
- New development on land on Ormond Road must be set back above a height of 10 metres such that it is not visible from standing eye level (1.6 metres above ground level) at the rear building line of any adjoining residential property.
- Any 4<sup>th</sup> storey must be designed to appear as a lightweight element in the context of the total building structure.
- Buildings must be set back from the front boundary a minimum distance of 6 metres or that distance required by Clause 54.03-1 / 55.03-1 (street setback objective) of the Port Phillip Planning Scheme, whichever is the greater.
- Front setbacks must be landscaped, and should not be used for car parking.
- Front and side street facades should be highly articulated and of a contemporary character while maintaining some reference to the design detail of residential heritage buildings within the precinct, by employing features such as doors, windows, balconies, porches, bay windows, overhanging eaves, recesses, projections and changes of material and colour.
- Exposed side walls and the rear walls of buildings should be well articulated.
- The height and setback of a building from a boundary with any residential property should accord with Clause 54.04-1 / 55.04-1 (side and rear setbacks

objective) and Clause 54.04-5 / 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.

- New development should have rear setbacks that maintain the existing characteristic pattern of backyards in the area.

### **3.0 Decision Guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- The Design Objectives of this Schedule.
- The Preferred Character statements, Design Objectives and Requirements for the relevant area.
- The Ormond Road Urban Design Guidelines (2007).

# PORT PHILLIP PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 9000

## LEGEND

-  DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 18-2

## AMENDMENT C57 PART 2

PREPARED BY INFORMATION SERVICES  
Geographical Information System

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT



2008

## **Appendix B: Written submissions**

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**List of Written Submissions:**

Port Phillip Region, Department of Sustainability and Environment (now Department of Planning and Community Development)

South East Water

VicRoads

Dr Belinda Owen

Roger & Maxine Backway

Robert Gotmaker & Zoe McQuilten

J. Smith

Amanda Montag

Paula Harding & Tim Gray

Adam Johnstone

Kylie Trease

Alexa Jones

All of the above individual submitters are owners and/or occupiers of Ormond Road properties within the exception of one submitter whose address was given as Pine Avenue.

Date to be  
inserted  
C57(Part 2)

## SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO18

### ELWOOD NEIGHBOURHOOD ACTIVITY CENTRES AND ADJOINING RESIDENTIAL LAND

#### 1.0

Date to be  
inserted  
C57(Part 2)

#### Design Objectives

- To ensure development achieves the design objectives and requirements identified for each area in the Table to this Schedule.
- To enable additional development within the neighbourhood activity centres and adjoining residential areas.
- To encourage high quality, well-designed new buildings, works, renovations and additions that are compatible with the existing architectural and streetscape character of Elwood Junction, Elwood Village and the residential areas of Ormond Road.
- To encourage contemporary architecture that respects the historic and distinctive character of the retail and residential areas.
- To ensure built form respects the amenity of the public realm and surrounding residential areas and limits adverse impacts.
- To ensure that development is of a scale that maintains a sense of openness, access to sky views and provides for adequate solar access to ensure the protection of the amenity of the public realm.
- To ensure articulated, attractive and detailed facades on all street elevations.
- To retain a built form that respects the scale and form of nearby heritage places.

#### 2.0

Date to be  
inserted  
C57(Part 2)

#### Buildings and Works

A permit cannot be granted to vary any mandatory requirements in the Table to this Schedule.

This does not apply to architectural features such as domes, towers, masts and building services, including enclosed stairwells, that do not exceed the required height by more than 4 metres. The floor area of these features must not exceed 10% of the gross floor area of the top building level.

A permit may be granted to vary the discretionary requirements as specified in the Table to this Schedule, subject to the proposal achieving the Design Objectives specified for this Schedule, the Preferred Character and Design Objectives for the particular area, and any local planning policy requirements, to the satisfaction of the responsible authority.

Minor buildings and works, such as basements which do not project above ground level, verandahs, architectural features, balconies, shelters, sunshades, art works, street furniture, and fences may be constructed within the setback distance from boundaries specified in the Table to this Schedule for area DDO18-2, subject to the proposal achieving the Design Objectives specified for this Schedule, and the Preferred Character and Design Objectives for the particular area.

In this schedule reference to a 'storey' is a reference to an above-ground storey. It does not include a basement.

An application must be accompanied by a site analysis and urban context report, which demonstrates how the proposed buildings or works achieve:

- The Design Objectives of this Schedule;
- The Design Objectives of the relevant Area;
- The Requirements of the relevant Area.

#### Table to Schedule 18

### AREA DDO18-1 – Elwood Neighbourhood Activity Centres (Elwood Junction and Elwood Village)

#### Preferred Character

- Vibrant pedestrian-orientated shopping and leisure strips with buildings that provide active frontages that face the footpath with a mix of uses above.
- A built form that relates to the scale of the existing two-storey inter-war buildings.
- New development of a contemporary character with architectural detail that responds to the existing two-storey inter-war buildings by interpreting their characteristic pattern of façade articulation and materials.

#### Design Objectives

- To ensure that the built form of new development respects the historic scale of buildings in the area including their overall and street height and parapet form.
- To ensure that additional building levels above the street wall are set back behind the street wall so that they do not compromise the integrity of the street wall parapet.
- To ensure ground-floor frontages are pedestrian orientated and add interest and vitality to the retail areas.
- To ensure that developments on lots in the Business 1 Zone in Elwood Junction and Elwood Village provide comfortable transition in form to the residential precincts to the rear.
- To add interest and variety to the commercial area's streetscape by including architectural corner features integrated with the design of the building on street corners (with the exception of 35 Glen Huntly Road).

#### Requirements

- Buildings with frontage to Glen Huntly and Ormond Roads must have a street wall\* with a height of not less than 7.5 metres and not more than 3 storeys and 10.5 metres, and must not exceed an overall height of 4 storeys and 13 metres, with the exception of any new building on the land at 35 Glen Huntly Road which must not exceed an overall height of 9.5 metres.
  - \* Street wall is the wall at zero setback from the footpath or in the absence of a footpath, the road boundary.
- Any storey(s) above the street wall must adopt a setback from front and side street boundaries (not laneways) that ensures that, at most, only fascia and eaves are visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the site.
- Balustrading above the street wall must be setback from the street boundary such that it is not visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the subject site, unless it can be incorporated into the street wall without extending above a height of 10.5 metres.

- Buildings on corner sites (including those with laneway abuttal) must have a street wall with a height of not less than 7.5 metres and not more than 3 storeys and 10.5 metres, for at least 10 metres along the side street boundary.
- New development on land on the north side of Ormond Road, with the exception of the land at 79 to 83 Ormond Road, must be set back above a height of 10.5 metres such that it is not visible from standing eye level (1.6 metres above ground level) at the rear building line of any adjoining residential property.
- Where balconies are included above ground level, they must not project beyond the title boundary.
- Buildings must be built to the width of the lot along the Ormond Road and Glen Huntly Road frontages.
- Buildings should have a verandah or canopy over the street footpath extending the full width of the property and consistent with the height of the adjoining weather protection structures.
- The design of buildings should contribute to visual interaction between ground floor activity and pedestrians on the street by:
  - having the ground floor level with the footpath, except within the Special Building Overlay where ground floors may be raised to meet the requirements of that overlay;
  - incorporating substantial clear glazing at the ground floor level;
  - including pedestrian entrances to retail activities from Glen Huntly and Ormond Roads.
- Above ground floor level, the facades of buildings facing Ormond and Glen Huntly Roads and any intersecting side street or laneway should be well articulated and should respond to the building characteristics of the two-storey inter-war buildings by an interpretation of/or by including the following design details:
  - punched openings;
  - parapets;
  - the existing predominant pattern of vertical articulation;
  - the existing predominant pattern of window proportions and locations; and
  - predominantly red face brickwork and/or light-coloured render finish.
- Upper level side walls should be designed to create an attractive façade.
- All new vehicular access should be provided from the side or rear of lots, wherever possible.
- New development should not significantly overshadow existing secluded private open space of residential properties in accordance with Clause 54.04-5 / 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.
- The height and setback of a building from a boundary with any residential property should accord with Clause 54.04-1 / 55.04-1 (side and rear setbacks objective) of the Port Phillip Planning Scheme.

## AREA DDO18-2 – Residential Precinct

### Preferred Character

- A residential area with a consistent built form character where buildings present to the street and abutting properties to the rear as of three-storey contemporary building scale.

- An area where new development is highly articulated and of a contemporary character.
- An area that has a leafy character with buildings having front and side setbacks allowing for landscaping.

### **Design Objectives**

- To ensure that the built form of new development respects the domestic nature of the area and communicates a residential quality in terms of building massing and presentation.
- To ensure the provision of generous front setbacks to maintain the precinct's garden qualities.
- To ensure that side setbacks are provided at ground and upper level to ensure sufficient spacing between buildings for the penetration of light and landscaping into the streetscape.
- To ensure that redevelopment of residential land in Ormond Road provides a transition in form to that of abutting residential properties to the rear.
- To ensure that buildings are well articulated and of a contemporary character which are respectful to their historic context.

### **Requirements**

- The front wall of buildings must not exceed a height of 3 storeys and 10.5 metres and the buildings must not exceed an overall height of 4 storeys and 13 metres.
- Any 4th storey must be set back from front and side street boundaries such that it (and any associated balustrading) is not visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the site.
- New development on land on Ormond Road must be set back above a height of 10.5 metres such that it is not visible from standing eye level (1.6 metres above ground level) at the rear building line of any adjoining residential property.
- Any 4th storey must be designed to appear as a lightweight element in the context of the total building structure.
- Buildings must be set back from the front boundary a minimum distance of 6 metres or that distance required by Clause 54.03-1 / 55.03-1 (street setback objective) of the Port Phillip Planning Scheme, whichever is the greater.
- Front setbacks must be landscaped.
- Front and side street facades should be highly articulated and of a contemporary character while maintaining some reference to the design detail of residential heritage buildings within the precinct, by employing features such as doors, windows, balconies, porches, bay windows, overhanging eaves, recesses, projections and changes of material and colour.
- Exposed side walls and the rear walls of buildings should be well articulated.
- The height and setback of a building from a boundary with any residential property should accord with Clause 55.04-1 (side and rear setbacks objective) and Clause 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.
- New development should have rear setbacks that maintain the existing characteristic pattern of backyards in the area.

## AREA DDO18-3 – Residential Precinct

### Preferred Character

- A residential area with a consistent built form character where buildings present to the street and abutting properties to the rear as of three-storey contemporary building scale.
- An area where new development is highly articulated and of a contemporary character.
- An area that has a leafy character with buildings having front and side setbacks allowing for landscaping.

### Design Objectives

- To ensure that the built form of new development respects the domestic nature of the area and communicates a residential quality in terms of building massing and presentation.
- To ensure the provision of generous front setbacks to maintain the precinct's garden qualities.
- To ensure that side setbacks are provided at ground and upper level to ensure sufficient spacing between buildings for the penetration of light and landscaping into the streetscape.
- To ensure that redevelopment of residential land in Ormond Road provides a transition in form to that of abutting residential properties to the rear.
- To ensure that buildings are well articulated and of a contemporary character which are respectful to their historic context.

### Requirements

- The front wall of buildings must not exceed a height of 3 storeys and 10.5 metres and the buildings must not exceed an overall height of 4 storeys and 13 metres.
- Any 4th storey must be set back from front and side street boundaries such that it (and any associated balustrading) is not visible from standing eye level (1.6 metres above ground level) on the footpath directly opposite the site.
- New development on land on Ormond Road must be set back above a height of 10.5 metres such that it is not visible from standing eye level (1.6 metres above ground level) at the rear building line of any adjoining residential property.
- Any 4th storey must be designed to appear as a lightweight element in the context of the total building structure.
- Buildings must be set back from the front boundary a minimum distance of 6 metres or that distance required by Clause 54.03-1 / 55.03-1 (street setback objective) of the Port Phillip Planning Scheme, whichever is the greater.
- Front setbacks must be landscaped, and should not be used for car parking.
- Front and side street facades should be highly articulated and of a contemporary character while maintaining some reference to the design detail of residential heritage buildings within the precinct, by employing features such as doors, windows, balconies, porches, bay windows, overhanging eaves, recesses, projections and changes of material and colour.
- Exposed side walls and the rear walls of buildings should be well articulated.

- The height and setback of a building from a boundary with any residential property should accord with Clause 55.04-1 (side and rear setbacks objective) and Clause 55.04-5 (overshadowing open space objective) of the Port Phillip Planning Scheme.
- New development should have rear setbacks that maintain the existing characteristic pattern of backyards in the area.

### 3.0

Date to be  
inserted  
C57(Part 2)

#### Decision Guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The Design Objectives of this Schedule.
- The Preferred Character statements, Design Objectives and Requirements for the relevant area.
- The Ormond Road Urban Design Guidelines (2007).