

STRATEGY AND POLICY REVIEW COMMITTEE

7 JULY 2008

POLICY AND PLANNING

A6	AMENDMENT C57 PART 2 - CONSIDERATION OF PANEL REPORT
LOCATION/ADDRESS:	ORMOND ROAD AND ST KILDA STREET, ELWOOD
RESPONSIBLE EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING
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FILE NO.:	66/04/71
ATTACHMENTS:	ATTACHMENT 1 – PANEL REPORT ATTACHMENT 2 – REVISED DDO18

1. EXECUTIVE SUMMARY

- 1.1. This report presents the findings of the independent Panel Report to Amendment C57 Part 2.
- 1.2. Amendment C57 Part 2 proposes to introduce a new schedule to the Design and Development Overlay (DDO18) at Clause 43.02 of the Planning Scheme. The DDO18 reflects the outcomes of the Ormond Road Urban Design Guidelines and applies to the easternmost residential precinct of Ormond Road, between Pine Avenue and St Kilda Street.
- 1.3. Amendment C57 Part 2 follows on from the originally exhibited Amendment C57. In their consideration of Amendment C57, the Panel recommended changes to controls for the easternmost residential precinct and recommended that these changes be re-exhibited.
- 1.4. Amendment C57 Part 2 was placed on public exhibition during November and December 2007. All submissions received to the amendment were considered by council in February 2008, which resolved to request the Minister for Planning appoint an independent Panel to consider the submissions. The Minister appointed a one-person Panel (the same Chairperson who heard submissions to the originally exhibited Amendment C57).
- 1.5. Council received the Panel report on 2 June 2008, which recommended adoption of the amendment subject to specific minor changes. The main changes recommended by the Panel include:
 - 1.5.1. The mandatory maximum front wall height amended from 10 metres to 10.5 metres in the subject residential precinct (between Pine Avenue and St Kilda Street).
 - 1.5.2. A discretionary provision precluding car parking in the frontage setback introduced in the westernmost residential precinct (between Byrne Avenue and Beach Avenue).

- 1.5.3. Qualification to the balustrading provision in the 'Design Requirements' in the commercial precincts of Elwood Junction and Elwood Village.
- 1.6. In accordance with the provisions of the *Planning and Environment Act 1987*, it is recommended that council adopt Amendment C57 Part 2 with changes as recommended by the Panel and request approval by the Minister for Planning. It is also recommended that those changes affecting the precincts outside the amendment area, described in 1.5.2 and 1.5.3 above, be considered as part of a 'tidy-up' amendment, which will be presented to the council in the August cycle of meetings.

2. BACKGROUND AND CONTEXT

- 2.1. Amendment C57 Part 2 affects the residential land fronting Ormond Road in Elwood, between Pine Avenue and St Kilda Street (including 473 and 475A St Kilda Street).
- 2.2. Amendment C57 Part 2 implements the findings of the Ormond Road Urban Design Guidelines (2007) and introduces a new Design and Development Overlay (DDO18), to manage the built form outcomes of new development in this area.
- 2.3. Amendment C57 Part 2 follows on from the originally exhibited Amendment C57. The Panel appointed to hear Amendment C57 recommended that some changes be made to the DDO18 affecting the residential precinct between Pine Avenue and St Kilda Street. The key changes are summarized as follows:
 - 2.3.1. Increase in height from 3 storeys (9 metres) to 4 storeys (13 metres).
 - 2.3.2. 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.
 - 2.3.3. Increase in the front setback to a minimum of 6 metres, as a mandatory requirement.
 - 2.3.4. Mandatory landscaping of the front setback area.
 - 2.3.5. Side setbacks to accord with Rescode.
- 2.4. 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.
- 2.5. Council considered the Panel's recommendation in August 2007 and resolved to separate the amendment into two parts as follows:
 - 2.5.1. Amendment C57 Part 1 – incorporating the commercial precincts of Elwood Junction and Elwood Village, and the adjoining residential area along Ormond Road, between Byrne Avenue and Beach Avenue (referred to in this report as the westernmost residential precinct).
 - 2.5.2. 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.

- 2.6. Council also resolved to undertake further public notice of the changes to the residential precinct between Pine Avenue and St Kilda Street.
- 2.7. 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.
- 2.8. Public exhibition of Amendment C57 Part 2 occurred over a four-week period during November and December 2007. Notices were sent to all property owners and occupiers affected by the amendment, in accordance with the requirements of Section 19 of the *Planning and Environment Act* 1987. Notices were also sent to the owners and occupiers of abutting properties and to the submitters to the original Amendment C57. A separate letter was sent to the relevant state government departments and servicing authorities.
- 2.9. A notice of the amendment was included in the Port Phillip Leader, Emerald Hill Times and Government Gazette.
- 2.10. A total of twelve (12) submissions were received to Amendment C57 (Part 2). South East Water, the Department of Sustainability and Environment (DSE), and VicRoads advised that they had no objection to the amendment, whilst the remaining 9 submissions opposed the amendment.
- 2.11. Of the 9 submissions opposing the amendment, 8 submissions were identical 'form letters' that had been signed individually.
- 2.12. Council considered all submissions to Amendment C57 Part 2 in February 2008 and resolved to request that the Minister for Planning appoint an independent Panel to consider the submissions to the amendment.
- 2.13. In March 2008, council requested a Panel to hear all submissions.
- 2.14. 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).
- 2.15. Council received further notification on 15 April 2008 that no submitter requested to be heard 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'.
- 2.16. The Panel directed that council forward its submission to the Panel by close of business 16 May 2008.
- 2.17. Council received the Panel report on 2 June 2008. This report considers the findings and recommendations of the Panel.

3. PANEL REPORT

- 3.1. Section 27(1) of the *Planning and Environment Act 1987* (the Act) requires that:
- (1) *The planning authority must consider the Panel's report before deciding whether or not to adopt the amendment.*
- 3.2. The Panel recommended a small number of changes to Amendment C57 Part 2. The recommendations relate to:
- 3.2.1. The exhibited DDO18 affecting the subject residential precinct between Pine Avenue and St Kilda Street.
- 3.2.2. The DDO18 already approved under Amendment C57 Part 1 affecting the westernmost residential precinct between Byrne Avenue and Beach Avenue, and the commercial precincts of Elwood Village and Elwood Junction.
- 3.3. The Panel report discusses two general themes:
- 3.3.1. Consideration of issues raised in the submissions, and
- 3.3.2. Other matters.

The following sections (4 and 5) provide a detailed discussion of the Panel recommendations as they relate to the exhibited DDO18 and the DDO18 already approved under Amendment C57 Part 1. A summary of the Panel's recommendations and the recommended council position is provided at Section 5.6.

4. PANELS CONSIDERATION OF ISSUES RAISED IN THE SUBMISSIONS

- 4.1. The main issues raised in the submissions were in regard to the increase in height from 3 storeys to 4 storeys, and mandatory setbacks being applied above a height of 3 storeys rather than above 2 storeys.
- 4.2. The Panel agreed with council's view that the increase in height would not be adverse to the design intent sought by the amendment. The Panel also agreed that the impact of the increased height would be ameliorated by the proposed controls requiring that the uppermost level is not to be visible from the street directly opposite or from properties to the rear, and by the requirement for a mandatory 6 metre landscaped frontage setback.
- 4.3. The submitters suggested that it would be appropriate to retain a difference in permissible height between the commercial area of Elwood Village to the west and the subject precinct on the basis that this would "*help define where the residential area begins and where the activity centre ends.*" The Panel agreed with council's position that the adoption of a 6 metre landscaped front boundary setback for the residential areas compared to a zero setback in the commercial areas, in combination with the differences in building styles brought about by the different uses of buildings, would be more than adequate to differentiate between the two areas.
- 4.4. The Panel did not agree with council's position that a lower front wall height of 10 metres (as opposed to 10.5 metres recommended by the Panel in

Amendment C57), would assist in the commercial-residential differentiation. The Panel noted that *“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.”* This is discussed in further detail in Section 5.1.

- 4.5. The objecting submissions also suggested that existing development in the subject precinct is less intense than that occurring in the westernmost residential precinct between Byrne Avenue and Beach Avenue, and that the development controls should reflect that difference. The Panel acknowledged that there is currently a less intensive scale of development in the subject precinct compared to the westernmost residential precinct, however noted that Amendment C57 Part 2 deals with preferred future character and therefore saw no reason to treat the residential neighbourhoods on Ormond Road differently. This was also a position adopted by council in considering the Panel report for Amendment C57.
- 4.6. One submitter raised concern about the noise and danger to pedestrians on the street posed by heavy equipment during construction activities. The Panel did not believe that this was a sound basis to refuse the amendment and noted that *“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.”* This is consistent with council’s position with regard to issues associated with construction works.
- 4.7. The Panel concluded by stating that the issues raised in the submissions do not warrant a change to the Amendment as exhibited, except the increase in the front wall height from 10 metres to 10.5 metres.

5. OTHER MATTERS RAISED BY THE PANEL

Council’s submission to the Panel included a section on its position in relation to the recommendations for the subject precinct made in the earlier Amendment C57 Panel report as reflected in the exhibited amendment. The key issues addressed by the Panel in relation to council’s submission are the front wall height, parking, reference document, and changes affecting other precincts.

5.1. **Front wall height**

In their consideration of Amendment C57, the Panel recommended that the front wall height of buildings in this precinct be 10.5 metres to provide some flexibility in design detail and to allow for raised ground floor levels for those sites affected by a Special Building Overlay. Council however, concluded that a 10 metre front wall height would still achieve these objectives but more importantly, would more closely relate to the existing lower rise built form in this precinct. A 10 metre front wall height was subsequently exhibited.

It is important to note that prior to exhibition of Amendment C57 Part 2, the Department of Planning and Community Development (DPCD) had not made a decision on Amendment C57 Part 1. As such, council were unaware as to whether DPCD would approve a 10 metre front wall height for the commercial precincts and the westernmost residential precinct (councils

adopted position), or whether they would approve the 10.5 metre height as recommended by the Panel.

DPCD subsequently approved Amendment C57 Part 1 on 10 April 2008 with a front wall height of 10.5 metres.

Although the Panel accepted that it would be possible to apply a 10 metre front wall height in the subject precinct, their position was that the additional 0.5 metres of height would be beneficial in terms of offering design flexibility. In the Panels 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.”*

Given that the remaining precincts along Ormond Road have been approved by DPCD with a front wall height of 10.5 metres as part of Amendment C57 Part 1, it is considered that the same height should be adopted for the subject precinct to ensure built form consistency in the Ormond Road streetscape.

The Panel also recommended that council *“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.”* The Panel’s position with regard to notice is supported. The change in height is minimal (0.5 metres) and has already been approved for the remaining precincts in Ormond Road. No further notice was deemed necessary when the Panel recommended the 10.5 metre height for these precincts (and no further notice was given in these precincts). Similarly, DPCD approved Amendment C57 Part 1 with a front wall height of 10.5 metres without requiring that council give further notice of this change. The same approach should therefore be adopted for the subject precinct. No further notice is considered necessary.

5.2. **Parking**

In its report on Amendment C57, the Panel recommended that the 6 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”*, however this did not form part of their recommended DDO18 controls.

Officers considered that the inclusion of a discretionary control that front setbacks areas should not be used for car parking (in line with the Panel’s comments) would assist in achieving enhancement of the Ormond Road streetscape. As such, the exhibited DDO18, as part of Amendment C57 Part 2, included the following mandatory requirement:

Front setbacks must be landscaped, and should not be used for carparking.

The Panel supported the expression of this car parking arrangement as discretionary, noting that *“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.”

The Panel rightly noted that this provision should apply to both residential precincts (as the controls affecting both precincts are intended to be the same) and further noted that given the control is discretionary, “*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.*”

It is therefore recommended that council adopt the discretionary control that front setback areas should not be used for car parking, for both residential precincts. No further notice of this change is considered necessary.

5.3. **Reference document**

The Panel, in its report on Amendment C57, recommended that the Ormond Road Urban Design Guidelines not be amended to accord with the changes proposed by the Panel, but rather recommended that a foreword or commentary be added to the Guidelines (as an addendum) explaining the reasons between the discrepancies in the Guidelines and the Planning Scheme provisions.

This approach was not supported by council in their consideration of the Amendment C57 Panel report, on the basis that further work was required to prepare a foreword to the Guidelines to explain the changes and it was considered just as time and resource-efficient to update the Guidelines themselves. This approach was supported by David Lock Associates (DLA), who originally prepared the Guidelines. It is noted that the DPCD approved Amendment C57 Part 1 with the Guidelines, as a reference document, in their amended form.

The new changes that would be required to be made to the Guidelines would be an increase in the front wall height from 10 metres to 10.5 metres in all precincts. Given that this change was not supported by DLA and was not adopted by council in their consideration of Amendment C57 (as opposed to the other changes that were adopted), it is not recommended that the Guidelines be updated with this change. In this instance, it is recommended that a foreword be prepared to the Guidelines outlining the reasons for the difference between the approved DDO18 controls and the Guidelines.

5.4. **Changes affecting other precincts**

The exhibited DDO18 for Amendment C57 Part 2 included a small number of provisions which have implications for the other precincts. This came about as a result of council’s consideration of the Amendment C57 Panel report and the adoption of changes based on the Panel’s recommendations. The Panel report for Amendment C57 Part 2 notes that if these provisions were to be adopted and later approved, there is the potential for some of them to alter the already approved content of the DDO18 put in place by Part 1.

The provisions referred to by the Panel are the front wall height (discussed at 5.1), parking (discussed at 5.2), and balustrading in the commercial precincts. It is noted that these provisions were included in the DDO18 sent to DPCD for approval as part of Part 1, however DPCD determined not to incorporate them in the approved DDO18. It is therefore fortunate that, through Amendment C57 Part 2, the Panel has recognised that these provisions should be included in the approved version of the DDO.

In relation to balustrading in the commercial precincts, the following underlined section was added to the Design Requirements:

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.

The Panel supported the addition of this clause, stating that *“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.”*

- 5.5. DPCD has been consulted with regard to how the changes affecting the westernmost residential precinct and the commercial precincts could be incorporated into the DDO18, given that these precincts do not form part of Amendment C57 Part 2. DPCD has advised that the changes affecting these precincts would need to be considered under a separate amendment process (as they are outside the scope of consideration for Amendment C57 Part 2), and has suggested the ‘fast-track’ amendment process under Section 20(2) of the Act.
- 5.6. A ‘fast-track’ amendment under Section 20(2) of the Act provides the Minister with the authority to grant an exemption from the requirements relating to giving notice of an amendment. The types of amendments that can be considered for an exemption include *“A plain English translation that does not change the effect of the provision”*. The changes affecting the westernmost residential precinct and the commercial precincts are considered to fall within this category. The changes do not alter the intent of any provision on the DDO18, but rather only provide further guidance and direction on the design outcomes sought. Requesting exemption from notice is consistent with the Panel’s view that notice of the changes is not likely to be required.

5.7. A summary of the recommendations made by the Panel, and the officer response to the recommendations, is provided in the following table:

Panel Recommendation	Recommended Council Position
Recommendation affecting the subject residential precinct (Amendment C57 Part 2)	
<ul style="list-style-type: none"> ▪ Mandatory maximum front wall height amended to 10.5 metres (consistent with the other precincts). <p>In relation to whether public notice of the change should be given, the Panel noted <i>“the change would likely be seen as one which could be adopted without further notice.”</i></p>	<p>Adopt the Panel recommendation and change the front wall height to 10.5 metres. No further public notice of the change is recommended.</p> <p>Reasons for adoption:</p> <p>A 10.5 metre front wall was approved by DPCD for the westernmost residential precinct and the two commercial precincts, as part of Amendment C57 Part 1. Adopting the same height for the subject precinct will ensure consistency in the built form in the Ormond Road streetscape.</p>
Recommendation affecting the westernmost residential precinct (Amendment C57 Part 1)	
<ul style="list-style-type: none"> ▪ Introduction of a discretionary provision precluding car parking in the frontage setback in the westernmost residential precinct. <p>In relation to whether public notice of the change should be given, the Panel noted that <i>“given the discretionary nature of this provision, 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.”</i></p>	<p>Adopt the Panel recommendation to introduce a discretionary provision for car parking in the frontage setback in the westernmost residential precinct. No further public notice of the change is recommended.</p> <p>Reasons for adoption:</p> <p>The inclusion of this provision will assist in achieving enhancement of the Ormond Road streetscape in both residential precincts.</p>
Recommendation affecting the commercial precincts (Amendment C57 Part 1)	
<ul style="list-style-type: none"> ▪ Inclusion of the qualification to the balustrading provision in the Design Requirements in the commercial precincts, as follows (change underlined): <p>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, <u>unless it can be incorporated into the street wall without extending above a height of 10.5 metres.</u></p> <p>In relation to whether public notice of the change should be given, the Panel noted that <i>“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.”</i></p>	<p>Adopt the Panel recommendation to introduce a qualification to the balustrading provision in the Design Requirements’ relating to the commercial precincts. No further public notice of the change is recommended.</p> <p>Reasons for adoption:</p> <p>Inclusion of this provision would facilitate development outcomes complementary to many of the older commercial buildings in the area which are characterised by decorative parapets.</p>
Other recommendation	
<p>Council should consult with DPCD about how best to further process those parts of the</p>	<p>DPCD have suggested that the changes affecting the westernmost residential precinct</p>

Panel Recommendation	Recommended Council Position
<p>exhibited Schedule 18 to the DDO which the Panel recommends are intended to change the provisions of the already approved Schedule as it applies to the other three precincts.</p>	<p>and the commercial precincts could be considered as a ‘fast-track’ amendment under Section 20(2) of the Act.</p>

6. RECOMMENDED OPTION

6.1. It is recommended that council adopt Amendment C57 Part 2 with the changes as presented in the table under Section 3 of this report, and forward it to the Minister for Planning for approval. It is further recommended that council request that the Minister authorise the preparation of an amendment to consider the changes affecting the westernmost residential precinct and the commercial precincts, pursuant to Section 20(2) of the Act, with limited notification (i.e. to Ministers only). This amendment will be known as Amendment C74.

6.2. No further public exhibition of the changes is recommended.

6.3. To effectively utilise council resources, it is proposed to incorporate other ‘tidy-up’ changes to the Planning Scheme into Amendment C74, which will be presented to council for consideration in the August cycle of meetings.

6.4. Criterion for recommendation

The Ormond Road Urban Design Guidelines was initiated at the start of 2006 and council and the community have committed substantial time, effort and resources in first producing the Guidelines and then Amendment C57 to give statutory effect to the findings.

The Guidelines and subsequent amendment provides a framework for the future development of Ormond Road, without which each development would be decided in a policy vacuum and potentially subject to appeal at VCAT.

Amendment C57 Part 1, which applies to the commercial precincts and the westernmost residential precinct, was approved by DPCD on 10 April 2008 and now forms part of the Port Phillip Planning Scheme. Amendment C57 Part 2 complements that which is already approved and will ensure consistency in the built form on the Ormond Road streetscape.

7. SUSTAINABILITY ASSESSMENT

Social Pillar	Amendment C57 Part 2 builds on the community’s aspirations for the residential precinct between Pine Avenue and St Kilda Street and attempts to reflect local values within a municipal and metropolitan planning framework.
Economic Pillar	<p>The inclusion of a Design and Development Overlay into the Port Phillip Planning Scheme will provide an additional tool for the assessment of development applications, thereby decreasing the uncertainty associated with redevelopment.</p> <p>The proposed provisions (particularly the mandatory provisions in relation to height and setbacks) will provide guidance to council planning officers for determining applications and should therefore reduce appeal costs associated with decisions.</p>
Environmental Pillar	Amendment C57 Part 2 provides for urban consolidation and additional development opportunities in the residential precinct along Ormond Road, between Pine Avenue and St Kilda Street. This precinct is recognised as part of the Principle Public Transport Network (PPTN) in M2030, and proximity to bus routes allows opportunities for greater public transport use.
Cultural Pillar	The amendment will positively contribute to the City’s culture and will provide direction for the future built form for the residential precinct.

7.1. Policy and legislative implications

Amendment C57 Part 2 introduces a new planning control for determining development applications in the amendment area, in the form of a Design and Development Overlay (Schedule 18). The provisions have been developed in recognition of existing council policies and strategies relating to the Elwood area.

7.2. Risk implications

Support from DPCD and ultimately from the Minister for Planning is anticipated. No risk implications are therefore identified, as this report recommends support of all the Panel’s recommendations and the justification for such support.

7.3. Resource implications

There will be minimal resource implications as a result of supporting the recommendations of the Panel.

8. ALTERNATIVE OPTIONS

8.1. The *Planning and Environment Act 1987* outlines the three options that are available to council in relation to the amendment and consideration of the Panel's recommendations:

- (1) Adopt the amendment without change.
- (2) Adopt the amendment with change.
- (3) Abandon the amendment.

The only viable option for council is to adopt Amendment C57 Part 2 with the changes as recommended by the Panel and outlined in Sections 3 and 4 of this report. The controls proposed under Amendment C57 Part 2 complement those controls already approved under Amendment C57 Part 1 for the remaining precincts in Ormond Road. Adopting the amendment will ensure a consistency in built form along the whole length of Ormond Road.

9. PARTICIPATION AND ENGAGEMENT

9.1. Internal

The people who have been engaged with in relation to this issue are:

- 9.1.1. Janet Cribbes – Ward Councillor
- 9.1.2. Statutory Planning

9.2. External

- 9.2.1. The Panel considered the amendment 'on the papers' rather than through a formal hearing, as no submitter requested to be heard by the Panel. Council submitted its submission to the Panel on 16 May 2008 and received their report on 2 June 2008.
- 9.2.2. DPCD have been consulted with regard to the adoption of the parking and balustrading changes that affect the westernmost residential precinct and the commercial precincts respectively. Further consultation with DPCD will also be undertaken at the time the amendment is submitted to the Minister for Planning for approval.

10. RECOMMENDATION

That the Strategy and Policy Review Committee recommend that Council resolve to

- 10.1. Adopt Amendment C57 Part 2 with changes recommended by the Panel (presented in the re-drafted DDO18 schedule at Attachment 2) by changing the exhibited maximum front wall height for the eastern residential precinct (between Pine Avenue and St Kilda Street) from 10 metres to 10.5 metres.
- 10.2. Resolve to prepare an amendment to the Port Phillip Planning Scheme to make the following changes recommended by the Panel:
 - 10.2.1. Introduce a discretionary provision precluding car parking in the frontage setback in the westernmost residential precinct (between Byrne Avenue and Beach Avenue).
 - 10.2.2. Introduce the qualification to the balustrading provision in the 'Design Requirements relating to the commercial precincts (Elwood Junction and Elwood Village).
- 10.3. Note that the changes referred to in 9.2 will be incorporated into a proposed 'corrections' amendment (to be known as Amendment C74) which will be presented to Council in the August cycle of meetings together with a recommendation that the Minister grant an exemption from notice under Section 20(2) of the *Planning and Environment Act 1987* for this amendment.
- 10.4. Include a foreword to the Ormond Road Urban Design Guidelines which outlines the reasons for the difference in the front wall height from 10 metres (as proposed in the Guidelines) to 10.5 metres (as approved by the Department of Planning and Community Development as part of Amendment C57 Part 1 and recommended for adoption by the Panel).
- 10.5. Authorise the Executive Director, Community Development and Planning, to finalise the amendment documentation.