

PANEL RECOMMENDATIONS AND OFFICER RECOMMENDED POSITION FOR ADOPTION

PART I - PRECINCT-WIDE RECOMMENDATIONS

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
<p>Criteria for discretionary height controls</p>	<p>10</p>	<p>Panel recommended change:</p> <p>The Panel recommends a requirement allowing for the consideration of one or two additional storeys above the preferred height, where the applicant demonstrates that specific criteria will be achieved, including:</p> <ul style="list-style-type: none"> • Supports the vision and objectives for the Precinct • Demonstrates exemplary quality design • Results in specific design benefits • Does not adversely impact on the streetscape, heritage values, the public realm or the amenity of adjoining properties. <p>Rationale:</p> <ul style="list-style-type: none"> • The Panel envisages that the recommended criteria would put the onus on the applicant to demonstrate that a departure from the heights would meet the range of relevant planning objectives for the Precinct (p. 58). 	<p>Agree with Panel's recommendation to limit discretion for overall building heights to 1-2 storeys.</p> <p>Vary the Panel's suggested wording to guide discretion by offering more specific built form guidance.</p> <ul style="list-style-type: none"> • Amend the exhibited clause in DDO27 which guides discretion for additional building heights, as follows: <ul style="list-style-type: none"> <i>One additional storey will be considered above the preferred height where the preferred height is up to seven storeys. Up to two additional storeys will be considered above the preferred height where the preferred height is eight storeys, or higher. This does not apply where mandatory controls are specified elsewhere in this Schedule. All applications seeking height above the preferred height must meet all of the relevant Design Objectives, as well the following, as appropriate, all to the satisfaction of the Responsible Authority:</i> <ul style="list-style-type: none"> ▪ <i>In areas where a discretionary height of up to seven storeys is specified, development must:</i> <ul style="list-style-type: none"> - <i>Not overwhelm adjoining properties in a residential zone in terms of building scale or bulk.</i> - <i>Achieve a greater overall consistency of scale within the streetscape and moderate the difference between mid-rise development and existing taller high rise structures.</i> - <i>Be designed to reduce the visual dominance of levels above the street wall.</i> - <i>Not detract from the distinct higher-rise built form outcomes sought at St Kilda Hill or the Junction.</i> - <i>Respect the fine grain of adjoining sensitive residential interfaces.</i> ▪ <i>In areas where a discretionary height of eight storeys or greater is specified, development must:</i> <ul style="list-style-type: none"> - <i>Moderate the height of buildings on adjoining sites, including the site on the opposite street or laneway for corner sites.</i>

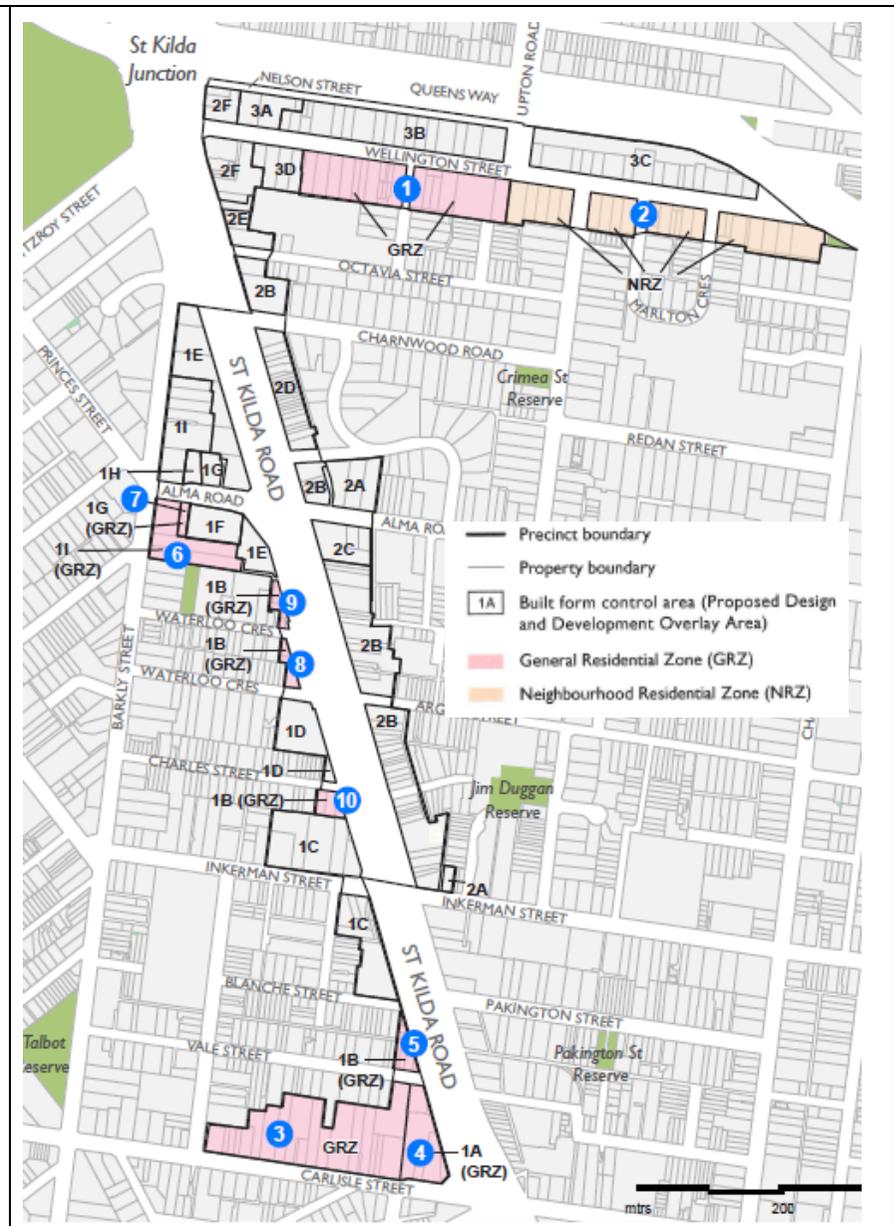
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			<ul style="list-style-type: none"> - <i>Transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate, overwhelm or compromise the character of adjacent existing lower scale development areas.</i> - <i>Not overwhelm adjoining and / or adjacent residential dwellings in terms of building scale or bulk, access to daylight, outlook and overshadowing.</i> - <i>Be of a high architectural standard in terms of form, scale, massing, vertical articulation, use of materials and provide a positive address to all street frontages.</i> - <i>Support high levels of pedestrian amenity through street definition, the retention of sky views and the minimisation of the impacts of overshadowing and wind tunnelling.</i> <p>Rationale:</p> <ul style="list-style-type: none"> • The exhibited amendment included criteria to guide the extent of discretion for additional building heights. The criteria were strengthened in response to submissions and endorsed by Council at its Ordinary Council meeting of 1 February 2017 and referred to the Panel for their consideration. Additional criteria were added for proposals over 10 storeys. • The Panel's recommendation of strengthening and limiting the extent of discretion for additional building height to only one or two storeys is strongly supported. However, the Panel's proposed wording is too general and does not provide clear guidance identifying when additional height could be supported. • It is recommended that the wording in the version endorsed by Council in February 2017 is amended to limit height increases to one or two storeys above the preferred height, as suggested by the Panel. This will allow for flexibility as intended by the originally proposed controls while offering greater certainty to the community. • The proposed wording allows for additional height to be considered in the context of the total height of the building. The criteria allow for a potential increase of 1 storey for developments up to 6 storeys (low and mid-rise development in the Framework.) Two additional storeys may be considered for developments of 7 or more storeys (higher rise development in the Framework). It is also considered that an increase in height is more pronounced in a lower scale area. • The criteria is tailored to the scale of the development and outcomes sought. Different design responses are appropriate depending on the scale of the buildings.

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			<ul style="list-style-type: none"> • This criteria provides clearer guidance than the Panel’s recommended approach and identifies more specific matters such as limiting overshadowing of adjoining residential areas and minimising building bulk. • While the Panel’s suggested provision of community benefits is supported in principle, it was not exhibited as part of the Amendment and has not been adequately defined. Officers do not support the inclusion of this clause, with legal advice also indicating this position. • Matters such as ESD should be included in all developments and should not provide a mechanism to increase height.
<p>Consistent approach to building height</p>	<p>17</p>	<p>Panel recommended change:</p> <p>The Panel recommends that the preferred maximum building height in metres and storeys in all the mixed use and commercial zoned areas of the Precinct be changed as follows:</p> <ul style="list-style-type: none"> • Three storey (10.5 metres) • Four storey (14 metres) • Five storeys (17.5 metres) • Six storeys (21 metres). <p>Rationale:</p> <ul style="list-style-type: none"> • The Panel noted that the average floor heights proposed for the MUZ and CIZ in the Precinct vary between 3.25 (four storeys) to 3.5m (10 storeys) and for ground and upper level parking areas. • It recommends a more consistent approach to building height throughout the Precinct that is capable of achieving modern commercial development – that is an average of 3.5m for the commercial and mixed-use developments which allows for a generous four to five metre ground floor and 3.1m-3.2m at residential levels. • In forming this recommendation the Panel drew reference to DDO5 of the Stonnington Planning Scheme. 	<p>Agree with Panel recommendation create more consistent floor to floor heights but propose to increase overall building heights by a further 0.5m to allow for higher amenity outcomes and more adaptable buildings.</p> <ul style="list-style-type: none"> • Increase building heights in areas currently or proposed to be zoned Mixed Use and Commercial 1: <ul style="list-style-type: none"> - Three storeys (from 10m to 11m) - Four storeys (from 13/13.5 to 14.5m) - Five storeys (from 17m to 18 m) - Six storeys (from 20m to 21.5m). <p>Rationale:</p> <ul style="list-style-type: none"> • Updating the heights to reflect commercial / retail floor to floor heights is supported as this will create higher amenity residential conditions that are more adaptable to other land uses. As noted by the Panel, the heights in the amendment were calculated based on lower floor to floor heights. • This change to heights would not mean that a development could increase the number of storeys. The DDO includes heights in metres and a number of storeys. • Reflecting the heights in storeys and metres will make it difficult to justify reducing floor to floor heights to incorporate an additional storey (which occurs where only metres are specified). The originally proposed floor to floor heights preceded recent changes to the Residential Zones as part of state-wide Amendment VC110 which increased floor to ceiling heights. Noting the residential zones also include a maximum height in metres and number of storeys.

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		<ul style="list-style-type: none"> DDO5 applies to the Waverly Road Neighbourhood Activity Centre) that specifies 15m (four storeys) and 11m (three storeys) to apply to land in MUZ and CIZ with an average height of 3.7m. 	<ul style="list-style-type: none"> This change will result in a further increase of 0.5m is included for each height to accommodate an average 4m ground floor commercial use with 3.5m upper levels. These heights would also apply where a street wall height is proposed.
Heights in land prone to flooding	24	<p>Panel recommended change:</p> <ul style="list-style-type: none"> The Panel recommends the addition of a provision relating to land subject to inundation, where the minimum floor level from which to measure building and street wall height is determined by the relevant drainage authority. For example: <p><i>Building and street wall height if land is subject to inundation if the land is in a Special Building Overlay or is liable to inundation the maximum building height and street wall height specified in this schedule is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.</i></p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel recommends that the DDO should make specific provision for building and street wall height in areas subject to flooding that takes account of the need to set floor levels that avoid inundation. The Panel draws comparison to the way that this issue is addressed in recent changes to the residential zones – that avoids floor to floor heights being compromised for the mix of uses envisaged for the Precinct. 	<p>Accept the Panel’s recommendation to include some flexibility in overall building heights and street wall heights for land within a Special Building Overlay.</p> <ul style="list-style-type: none"> Include a new assessment criteria in DDO27 which reads as follows: <i>Where land is subject to inundation or in a Special Building Overlay, the overall building height or street wall height may be increased by the minimum floor level determined by the relevant drainage authority.</i> <p>Rationale:</p> <ul style="list-style-type: none"> Developments within a Special Building Overlay (SBO) need to allow for raised floor levels to mitigate flood risks. The DDO and SBO need to be read in conjunction with each other. It is noted that mandatory controls are not proposed where the SBO applies. As a result, the criterion is not strictly required. However, it will assist in assessing development which exceeds a discretionary overall height or street wall height.

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<p>Changes to heights for properties in a residential zone</p>	<p>1, 7</p>	<p>Panel recommended change:</p> <p>Pending a more comprehensive review, in areas where there is a shift from the intent of discretionary to mandatory requirements:</p> <ul style="list-style-type: none"> change the schedule to the zone to specify a height that is greater than the preferred maximum height (say an additional two storeys/7m) address the preferred maximum building height in the zone schedule character statement and decision guidelines or an extended DDO27 (with exemptions for development that does not exceed the preferred maximum building height). <p>Consider including land in the Precinct that is in a Neighbourhood Residential Zone or General Residential Zone in the Design and Development Overlay (schedule 27) to specify a discretionary preferred maximum height (in addition to a mandatory maximum height specified in the zone).</p> <p>Rationale:</p> <p><i>Accommodating the change from discretionary to mandatory heights</i></p> <ul style="list-style-type: none"> VCI10 applies mandatory controls in locations not envisaged in the Framework or the exhibited Amendment. In these areas, the Panel believes that the proposed discretionary heights should be translated to mandatory controls, by recognising a likely one or two additional storeys, and setting both a preferred and a maximum mandatory height. (p. 47) The Panel does not agree with the direct translation of the exhibited discretionary controls of four and five storeys to mandatory controls, as this does not accommodate the potential to consider the merits of additional heights implied by a discretionary control. 	<p>Not accept the Panel's recommendation to increase heights by 2 storeys where a discretionary height has become a mandatory height, but allow for an additional storey in Carlisle Street only.</p> <p>Not accept the Panel's recommendation extend the DDO to all residential zoned land in the precinct.</p> <ul style="list-style-type: none"> Increase heights by 1 storey where a discretionary height has become a mandatory height in Carlisle Street. Directly translate discretionary heights into mandatory heights in locations where sites are small and have a direct interface with a sensitive residential interface. Retain the extent of land in a residential zone and in the DDO as exhibited (excepting fronting Waterloo Crescent where it is proposed to remove properties from the DDO). <p>Rationale:</p> <p><i>Accommodating the change from discretionary to mandatory heights</i></p> <ul style="list-style-type: none"> The recent changes to the residential zones introduced through State-wide Amendment VCI10 have changed the default height for land in the General Residential Zone (GRZ) from a default discretionary 9m (3 storeys) height to a mandatory maximum of 11m (3 storeys), that can be varied to be a higher mandatory height with a schedule. The effect on some of the areas in the Precinct which were exhibited with discretionary heights is two-fold. Firstly, lower heights now apply in the default scenario and secondly, the height limit would change from discretionary to mandatory. For example, in Carlisle Street, Amendment C122 proposes a 4 storey discretionary height. This height would now be limited to a 3 storey mandatory height in the default application of the GRZ. The Panel's response to this issue is to increase mandatory heights by up to two storeys above the exhibited height. In an area such as Carlisle Street, this would allow two additional storeys in what is generally intended to be a 4 storey area. This is not supported. Instead, it is considered that one additional storey would provide an appropriate outcome given the change from a discretionary to a mandatory height control. In other locations, given the site sizes and their abuttal to sensitive residential interfaces, it is proposed to retain the height proposed under the discretionary control and convert it to a mandatory control at the same height. For example, a 4 storey discretionary control becomes a 4 storey mandatory control.

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		<p><i>Application of the DDO to residential land in the Precinct</i></p> <ul style="list-style-type: none"> The Panel suggests that a higher mandatory height (increased by one or two storeys) should be specified in the schedule to the GRZ however, a lower preferred height could also be included in the zone character statement and decision guidelines or an extended DDO27. Developments could qualify for an additional storey or two, subject to demonstrating the Framework and other planning objectives are satisfied. In light of the new mandatory garden area requirement and height controls in the new residential zone provisions, it was submitted that consideration should be given to an alternative MUZ. It was recognised that this could be deemed a substantive change that would warrant notice to those who may be affected. 	<ul style="list-style-type: none"> The Panel also suggested that Council give consideration as to whether residential zoned land in the Precinct should be rezoned to the Residential Growth Zone (where mandatory height controls do not apply). This is not supported at this stage, however could be addressed as part of development of a new Housing Strategy (See also Recommendation 29.) Having regard to this issue, the following is recommended: <table border="1" data-bbox="1167 464 2020 1294"> <thead> <tr> <th data-bbox="1167 464 1245 667">Map ref. # See Map</th> <th data-bbox="1245 464 1529 667">Location / Area</th> <th data-bbox="1529 464 1834 667">Height exhibited in C122</th> <th data-bbox="1834 464 2020 667">Recommended heights to be included in a Schedule to the GRZ (to allow higher heights than the default of 3 storeys)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1167 667 1245 740">①</td> <td data-bbox="1245 667 1529 740">Southern side of Wellington Street – GRZ</td> <td data-bbox="1529 667 1834 740">3 storeys mandatory (Height included in Schedule to the zone)</td> <td data-bbox="1834 667 2020 740">No specific schedule required</td> </tr> <tr> <td data-bbox="1167 740 1245 813">②</td> <td data-bbox="1245 740 1529 813">Southern side of Wellington Street – NRZ</td> <td data-bbox="1529 740 1834 813">2 storeys mandatory (Height included in Schedule to the zone)</td> <td data-bbox="1834 740 2020 813">No specific schedule required</td> </tr> <tr> <td data-bbox="1167 813 1245 874">③</td> <td data-bbox="1245 813 1529 874">Carlisle Street – GRZ</td> <td data-bbox="1529 813 1834 874">4 storeys discretionary (Height included in Policy)</td> <td data-bbox="1834 813 2020 874">5 storeys mandatory</td> </tr> <tr> <td data-bbox="1167 874 1245 948">④</td> <td data-bbox="1245 874 1529 948">Corner of Carlisle Street and St Kilda Road – Area 1A (GRZ)</td> <td data-bbox="1529 874 1834 948">5 storeys discretionary (Height included in DDO)</td> <td data-bbox="1834 874 2020 948">6 storeys mandatory</td> </tr> <tr> <td data-bbox="1167 948 1245 1008">⑤</td> <td data-bbox="1245 948 1529 1008">189-193 St Kilda Road – Area 1B (GRZ)</td> <td data-bbox="1529 948 1834 1008">4 storeys discretionary (Height included in DDO)</td> <td data-bbox="1834 948 2020 1008">5 storeys mandatory</td> </tr> <tr> <td data-bbox="1167 1008 1245 1067">⑥</td> <td data-bbox="1245 1008 1529 1067">Barkly Street – Area 11 (GRZ)</td> <td data-bbox="1529 1008 1834 1067">4 storeys mandatory (Height included in DDO)</td> <td data-bbox="1834 1008 2020 1067">4 storeys mandatory</td> </tr> <tr> <td data-bbox="1167 1067 1245 1128">⑦</td> <td data-bbox="1245 1067 1529 1128">Alma Road – Area 1G (GRZ)</td> <td data-bbox="1529 1067 1834 1128">6 storeys mandatory (Height included in DDO)</td> <td data-bbox="1834 1067 2020 1128">6 storeys mandatory</td> </tr> <tr> <td data-bbox="1167 1128 1245 1187">⑧</td> <td data-bbox="1245 1128 1529 1187">Waterloo Crescent* (GRZ)</td> <td data-bbox="1529 1128 1834 1187">4 storeys discretionary (Height included in DDO)</td> <td data-bbox="1834 1128 2020 1187">No specific schedule required</td> </tr> <tr> <td data-bbox="1167 1187 1245 1248">⑨</td> <td data-bbox="1245 1187 1529 1248">189-193 St Kilda Road* (GRZ)</td> <td data-bbox="1529 1187 1834 1248">4 storeys discretionary (Height included in DDO)</td> <td data-bbox="1834 1187 2020 1248">4 storeys mandatory</td> </tr> <tr> <td data-bbox="1167 1248 1245 1294">⑩</td> <td data-bbox="1245 1248 1529 1294">Charles Street (GRZ)</td> <td data-bbox="1529 1248 1834 1294">4 storeys discretionary (Height included in DDO)</td> <td data-bbox="1834 1248 2020 1294">4 storey mandatory</td> </tr> </tbody> </table> <p data-bbox="1167 1310 2020 1391">* NB - There is a recommendation to remove part of Waterloo Crescent from the DDO. Properties at 189-193 St Kilda Road would remain in the DDO. See Part 4 – Neighbourhood-Specific Recommendations.</p>	Map ref. # See Map	Location / Area	Height exhibited in C122	Recommended heights to be included in a Schedule to the GRZ (to allow higher heights than the default of 3 storeys)	①	Southern side of Wellington Street – GRZ	3 storeys mandatory (Height included in Schedule to the zone)	No specific schedule required	②	Southern side of Wellington Street – NRZ	2 storeys mandatory (Height included in Schedule to the zone)	No specific schedule required	③	Carlisle Street – GRZ	4 storeys discretionary (Height included in Policy)	5 storeys mandatory	④	Corner of Carlisle Street and St Kilda Road – Area 1A (GRZ)	5 storeys discretionary (Height included in DDO)	6 storeys mandatory	⑤	189-193 St Kilda Road – Area 1B (GRZ)	4 storeys discretionary (Height included in DDO)	5 storeys mandatory	⑥	Barkly Street – Area 11 (GRZ)	4 storeys mandatory (Height included in DDO)	4 storeys mandatory	⑦	Alma Road – Area 1G (GRZ)	6 storeys mandatory (Height included in DDO)	6 storeys mandatory	⑧	Waterloo Crescent* (GRZ)	4 storeys discretionary (Height included in DDO)	No specific schedule required	⑨	189-193 St Kilda Road* (GRZ)	4 storeys discretionary (Height included in DDO)	4 storeys mandatory	⑩	Charles Street (GRZ)	4 storeys discretionary (Height included in DDO)	4 storey mandatory
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			<p><i>Application of the DDO to residential land in the Precinct</i></p> <ul style="list-style-type: none"> • The Panel also proposes to address the issue of the new mandatory heights by including all land in a residential zone in the DDO. This would allow Council to apply a mandatory height through the zone but also recommend a preferred height through the DDO. • The Panel's solution to apply a mandatory height through the zone and recommend a preferred height through the DDO would operate in a similar fashion to some older DDOs that specify a 'preferred' height <u>and</u> an 'absolute maximum' height. This approach is not supported as is not a contemporary approach to writing controls. For example, in a recent review of DDO1 which applies to Port Melbourne, the concept of 'absolute' and 'preferred' heights was removed as the absolute height becomes the default. Additionally the approach is not clear and could be confusing having different heights in different parts of the Scheme. • The application of the DDO was a deliberate decision during the drafting of Amendment C122 and the Framework. The DDO has only been applied to the residential zones where it was considered essential to manage issues such as active frontages and street walls, for example, along St Kilda Road frontages. • Land in Carlisle Street and Wellington Street are within a residential zone but outside the DDO. The Panel is recommending that these properties are included in the DDO to enable Council to include a preferred as well as mandatory height. • It is not considered necessary to include Carlisle Street (GRZ) or Wellington Street (GRZ and NRZ) in the DDO. In these locations, the DDO is not required as the residential zones provisions address the outcomes sought for the area.

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<p>Visual cohesion across St Kilda Road</p>	<p>8</p>	<p>Panel recommended change:</p> <p>The Panel recommends removing references to creating visual cohesion between the east and west sides of St Kilda Road in the DDO Design Objectives.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel did not support the objective that a similar built form to the eastern side needed to be ascribed to the western side (pp. 42-44). The Panel proposed the following objective: <p><i>To create visually cohesive streetscapes with well-defined street edges and consistency in street wall heights and overall building scale within sections of the streetscape along each side of St Kilda Road.</i></p> The Panel thought that the western side presented new development opportunities which should not be unduly constrained by the heritage fabric and established context of the shops on the eastern side. The Panel advised it was not convinced that it was necessary or practical to achieve visual cohesion between the east and the west side of St Kilda Road, given the significant width (60m) of the road, varying contexts of each side and significant slope. It was satisfied that visual cohesion and definition of the streetscape would be achieved through zero setbacks to St Kilda Road, street walls and upper level setbacks. The Panel also thought that consistent public realm treatment, i.e. a canopy of trees along the footpath and median strips would contribute to a strong boulevard outcome along St Kilda Road. (p. 43). 	<p>Accept the Panel's recommendation to remove references to visual cohesion between the east and west sides of St Kilda Road.</p> <ul style="list-style-type: none"> Delete the following Precinct-wide objective which refers to visual cohesion: <p><i>To create visual cohesion within streetscapes through consistency in street wall heights and overall building heights, and the regular spacing of buildings.</i></p> Amend the objective under St Kilda Road Neighbourhood - General Objectives to read as follows: <p><i>To create visual cohesion and strengthen the boulevard character along St Kilda Road by achieving greater consistency in:</i></p> <ul style="list-style-type: none"> <i>The street-wall height along each side of St Kilda Road.</i> <i>Overall building scale along each side of St Kilda Road within key sections of the streetscape, including on the western side of St Kilda Road between Carlisle Street and Waterloo Crescent and on the eastern side of St Kilda Road between Inkerman Street and 166 St Kilda Road and between Alma Road and Octavia Street.</i> <p>Rationale:</p> <ul style="list-style-type: none"> The concept of visual cohesion is a key urban design principle guiding development in the St Kilda Road South Precinct. In the Framework, the concept of 'visual cohesion', or in other words, creating a visual consistency in building scale and bulk applies to Wellington Street and St Kilda Road, but it is achieved in different ways. In Wellington Street, the overall building heights and street-wall heights proposed will achieve a transitional scale and street cohesion across the street. This reflects the heritage and neighbourhood character context of Wellington Street. It will also maintain solar access to the southern footpath which will strengthen its role as a key east-west pedestrian and cycling route. In St Kilda Road, the Framework aimed to establish a similar scale and form of development along each side of the road, in terms of both the street-wall height and overall building height, to assist in re-creating a sense of consistency that has been lost on the western side through the demolition of buildings for road widening.

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			<ul style="list-style-type: none"> • However following the consideration of submissions to the Draft Framework in November 2015, changes were recommended to Framework. On further review it was considered that, relative consistency in overall building height and street-wall along each side of St Kilda Road would contribute to a cohesive streetscape rather than across the road given the significant road width. • This change was not clearly reflected in the adopted Framework and exhibited DDO. In considering C122, the Panel essentially agreed with Council's position on the Draft Framework. • To correct this issue, it is recommended that the objective for St Kilda Road be redrafted to clarify that visual cohesion in this context refers to consistent overall heights and street wall heights along each side of the street and not across the street. • It is also recommended that the overall objective on visual cohesion is deleted as it does not sufficiently recognise the different approaches in St Kilda Road and Wellington Street.
Street walls	13, 21	<p>Panel recommended change:</p> <p>The Panel recommends amending the 10m (three storey) street wall height in all the required areas to 11m (three storeys).</p> <p>It also recommends changing the mandatory street wall provision to discretionary, except in Area 2D where a mandatory 11m (three storey) height should apply.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • The Panel supports the preservation of the existing street wall in Area 2D, which is a key part of the heritage fabric of the shops in that Area. • The Panel considers that the street wall, including parapets, is 11m and that the parapets should be included in verifying the street wall height. 	<p>Vary the Panel's recommendations to change mandatory street wall requirements to discretionary.</p> <ul style="list-style-type: none"> • Retain mandatory maximum street wall heights in Wellington Street (Areas 3A, 3B and 3D) and St Kilda Road between Charnwood Road and Charnwood Crescent (Area 2D). • Change mandatory street wall heights to discretionary, elsewhere on the eastern side of St Kilda Road. <p>Accept the Panel's recommendation to increase the three storey street wall requirement from 10m to 11m.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • Mandatory street wall heights were proposed in DDO27: <ul style="list-style-type: none"> - In Wellington Street - north side west of Upton Road and within the commercial area on the south side to address pressure for higher scale development on the northern side of Wellington Street and the scale and sensitivity of the residential and heritage areas opposite and retain open sky views.

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
		<ul style="list-style-type: none"> It believes that the small increase in street wall height will assist in preserving the heritage fabric of historic buildings whilst supporting their redevelopment potential into viable modern commercial or retail premises. 	<ul style="list-style-type: none"> Along St Kilda Road – on the eastern side, south of Octavia Street to reflect the well-established street wall and historic pattern of development and provide a 'human scale' at street level for buildings along the retail areas of St Kilda Road. The mandatory street wall heights are considered essential on the north side of Wellington Street to achieve a transitional scale and visual cohesion in the street. The Panel's recommendation to retain mandatory street wall heights on the eastern side of St Kilda Road between Charnwood Road and Charnwood Crescent is strongly supported given the group of intact heritage shopfronts in this location. In other locations on the eastern side of St Kilda Road, in line with the Panel's recommendation, street wall requirements could be made more flexible without compromising Council's strategic intent of creating human scale streets (through changing the control from a mandatory to a discretionary requirement). The requirement for a street wall would be maintained however controls would enable discretion to be applied on a site by site basis. A development should provide a 3 storey street wall unless it can demonstrate that an alternative design results in a high quality development. The Panel's recommendation to increase street walls to 11m including parapets is accepted. As outlined in relation to consistent approach to overall building heights (Recommendation 17), this will facilitate generous floor to ceiling heights to accommodate modern retail /commercial development and promote access to daylight without compromising the human scale that is sought.
Upper level setbacks above the street wall	22	<p>Panel recommended change:</p> <p>The Panel recommends changing the mandatory five metre upper level setback requirement to a discretionary requirement.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel is not convinced that the mandatory status of the requirement is justified (p. 47). 	<p>Vary the Panel's recommendation to retain mandatory upper level setbacks in areas where mandatory street wall heights apply.</p> <ul style="list-style-type: none"> Retain mandatory upper level setbacks where the street wall heights are mandatory. Where upper level setbacks are proposed to become discretionary, amend the upper level setback requirement to discretionary but retain the criteria to guide discretion.

Cont.

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
		<ul style="list-style-type: none"> It is of the view that the exceptions to the 'mandatory' five metre upper level setback proposed in the post-exhibition DDO demonstrate that the exercise of judgement is required, which is not appropriate in a mandatory provision. 	<p>Rationale:</p> <ul style="list-style-type: none"> The Amendment seeks to create a visual distinction between the lower (street wall) levels and upper levels of a building through setbacks / recessed development, well-articulated design and the use of varying materials and colour. The key mechanism to achieve this is the requirement for upper level setbacks. The DDO requires a 5m mandatory upper level setback, however the minimum upper level setback can be reduced to not less than 2m in specific circumstances (eg to maintain the heritage significance of an adjoining building). Criteria in the DDO outline these circumstances. Given changes it is proposed to change some street wall requirements from mandatory to discretionary, it makes sense to change the requirement for upper level setbacks to match. The criteria to guide to discretion would still be maintained in the DDO.
<p>Overshadowing of footpaths</p>	<p>12</p>	<p>Panel recommended change: Remove all overshadowing of footpath requirements from DDO27.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel recognises the importance of securing the amenity and safety of green links including along the southern footpath and other important pedestrian and cycling routes (p. 65). However, the Panel does not support the use of overshadowing provisions to protect this. The Panel was not satisfied that the proposed solar access requirements along the length of the nominated roads were warranted. It views the level of solar protection proposed for Wellington Street as appropriate for significant open spaces or locations used intensively by pedestrians. It also noted that street planting will contribute to shading of the footpath, as will the taller building forms proposed for the western end of the Wellington Street. 	<p>Not accept the Panel's recommendation to delete all overshadowing requirements.</p> <ul style="list-style-type: none"> Retain all overshadowing requirements consistent with the exhibited amendment. <p>Rationale:</p> <ul style="list-style-type: none"> Overall the Framework, and the proposed built form controls, place strong emphasis on new development that protects and contributes to a high quality public realm including through requirements to maintain solar access to footpaths. The Framework and DDO27 include overshadowing requirements which apply between 10am and 3pm at the Equinox (21 September) as follows: <ul style="list-style-type: none"> Southern kerb-line of Wellington Street (discretionary where 10 storey built form is anticipated on the north side of Wellington Street in Areas 2F and 3A and mandatory in Areas 3B and 3C where the 4 and 5 storey heights apply) Eastern kerb-line of St Kilda Road (discretionary) Southern kerb-line of Alma Road and Inkerman Street (discretionary) Southern kerb-line of Carlisle Street (mandatory).

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Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
			<ul style="list-style-type: none"> The overshadowing requirements protect key pedestrian routes identified in the Framework; Wellington Street, St Kilda Road, Alma Road, Inkerman Street and Carlisle Street. In the majority of cases, a discretionary Equinox (21 September) control is proposed which matches the purpose of the footpaths as a pedestrian movement corridor. A more restrictive measure would be at the Winter Solstice which is typically applied to key public open spaces only. Applying a mandatory control to protect the southern footpath from overshadowing is justified for Wellington Street, as it forms a critical east-west 'green' link from Chapel Street through to St Kilda Road. The application of a mandatory equinox control is typical for such streets. Mandatory controls are proposed for Carlisle Street for the same reason.
Building separation	15	<p>Panel recommended change:</p> <p>The Panel recommends that Council undertake further evaluation of the implications of the building separation/side and rear setbacks provision.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel endorses the concept of equitable development, whereby the provision of light and separation above the base level is shared between adjoining developments as an efficient approach to redevelopment. It considers that the typical commercial form – with the 'base' levels below the street wall able to build to boundaries – should apply to retail, commercial and mixed use areas in the Precinct. Further, it considers that the abutting residential development should expect this form of development (with interface treatments to adjoining residential zoned properties). The Panel cautioned that the proposed mandatory four and a half metre and nine metre side boundary setbacks could impose a major constraint on narrow lots if there is an existing habitable room window (particularly along the eastern side of St Kilda Road). 	<p>Not accept the Panel's recommendation to further evaluate building separation / side and rear setbacks provision.</p> <ul style="list-style-type: none"> Retain the exhibited mandatory building separation / side and rear setbacks provision for developments of 5 storeys or more. <p>Rationale:</p> <ul style="list-style-type: none"> There are a number of examples along St Kilda Road (South and North) where developments have been permitted to locate habitable room windows and balconies close to a side or rear boundary. This can lead to poor amenity outcomes (lack of sunlight and overlooking) and in some cases, this compromises a future development outcome on a neighbouring property. The Better Apartments Design Standards (BADs) does not adequately address this issue and does not specify acceptable distances or provide clear guidance. The DDO proposes to apply minimum mandatory separation distances for development with an overall building height of 5 storeys or more, for: <ul style="list-style-type: none"> A minimum 4.5m side and rear setback / 9m from other buildings, or alternatively Boundary to boundary development (zero building separation) where the adjoining site presents a blank wall to the boundary or where upper levels above the street wall have not yet been developed.

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Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
		<ul style="list-style-type: none"> It recommended the provision of greater flexibility to accommodate the large variation in lot sizes throughout the Precinct. The reason for the Panel's recommendation that 'equitable' side boundary setback and building separation be assessed further is to facilitate Council clarifying the implications for redevelopment in the Precinct and promote a consistent approach to the issue. The Panel supports a consistent approach to this issue and recognises that this type of provision has been put forward elsewhere, including in the Better Apartment Design Standards and in the City of Moreland. 	<ul style="list-style-type: none"> The above allows for situations where sites are not wide enough to accommodate the separation by allowing sites to build a blank wall to one side of the site in anticipation of the adjoining site doing the same in the future. This responds to the Panel's concern about the constraint that this control places on narrow sites. Given this, officers maintain the need for mandatory building separation / side and rear setback provisions.
Floor to ceiling heights for car parking	14	<p>Panel recommended change:</p> <p>Reduce the car parking height under adaptable buildings from 3.5m to 2.7m floor to ceiling height.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel notes that the average floor heights proposed for the MUZ and CIZ in the Precinct vary between 3.25 (four storeys) to 3.5m (10 storeys) and for ground and upper level parking areas. The Panel recommends that parking levels at ground and above should be reduced to a 2.7m FTC height, which it believes is adequate for a future habitable use. (p. 50) 	<p>Vary the Panel's recommendation to reduce floor to ceiling heights in carparks in DDO27.</p> <ul style="list-style-type: none"> Amend the following provision as follows to ensure that the height of car parking levels match the height of other uses on the same level (creating a flat floor plate): <i>The height of car parking levels within a building should match the height of other uses in the same building to enable future adaptation for habitable uses.</i> <p>Rationale:</p> <ul style="list-style-type: none"> Reduction of parking levels to 2.7m would restrict future use to residential as an average of 3.5m is recommended for commercial and mixed-use developments. This would not be consistent with the requirement for active, non-residential uses at ground level in the Mixed Use and Commercial I Zones of the Precinct. Changes are proposed in relation to overall building heights and street walls to ensure they can accommodate modern retail and commercial uses and also provide for the amenity of internal spaces. This will guide floor to floor heights. Given this, it is not considered necessary to specify specific heights for car parking. However, developments should create flat floor plates across the development which should not vary with the use.

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
<p>Consistency with other strategic planning work</p>	<p>29, 30</p>	<p>Panel recommended change:</p> <p><i>Consistency with Amendment C123 and the Review Areas</i></p> <p>Council to apply consistent principles across Amendment C122, Amendment C123 and the Review Areas in the proposed comprehensive review.</p> <p>It recommends that this include consideration of locations in the Precinct where the RGZ may be appropriate.</p> <p><i>Hinterland areas</i></p> <p>Council review the extent, the zoning and the management/mitigation of impacts for the hinterland areas of the Precinct's St Kilda Road West Neighbourhood (south of Alma Road) in its proposed 'Review Areas' work.</p> <p>Rationale:</p> <p><i>Consistency with Amendment C123 and the Review Areas</i></p> <ul style="list-style-type: none"> • The Panel recognises that the changes to residential zones will also affect the residential zones proposed by Amendment C123 (pp. 30-31). • It also acknowledges that the appropriate planning framework for the review areas and the implications of recent changes for Amendment C123 on achieving the strategic intent for the Precinct are yet to be evaluated by Council. • The Panel considers that assessment should apply consistent principles across the two Amendments and the Review areas. • The Panel notes Amendment C123 proposes to apply the Residential Growth Zone (RGZ) to strategic precincts identified for 'substantial residential growth' (Queens Road), strategic sites and precincts identified for residential growth in structure plans, land with an existing DDO allowing for 4 or more storeys and established residential areas of 4 or more storeys. 	<p>No change to the amendment. The Panel's recommendations relate to future work on the application of the Residential Zones.</p> <p>Rationale:</p> <p><i>Consistency with Amendment C123 and the Review Areas</i></p> <ul style="list-style-type: none"> • Amendment C123 is Council's translation of the New Residential Zones. It seeks to align the new zones in line with Council's existing Housing Strategy. Amendment C123 was referred by the Minister for Planning to the Residential Zones Standing Advisory Committee for further consideration. The Hearing was held in November 2016. The RZSAC Report is currently being considered by the Minister for Planning. In the time since the Advisory Committee, the Minister has implemented further changes to the new zones through state-wide amendment VC110 (see previous discussion regarding this for more detail). • The proposed application of the General Residential Zone and Neighbourhood Residential Zone in the precinct are still considered appropriate, despite changes to the residential zones through Amendment VC110. • As noted above, some changes to C122 are required, particularly in relation to building heights to align the amendment with VC110. • Application of the RGZ is not supported at this stage, however this could be considered as part of the development of a new Housing Strategy. <p><i>Hinterland areas</i></p> <ul style="list-style-type: none"> • Whilst the primary study area is the focus for delivery of updated planning controls, the Framework was developed through detailed analysis and consideration of the wider surrounding area. • Residential areas east and west of St Kilda Road have been considered as part of the application of the New Residential Zones. • As part of its consideration of Amendment C123, Council defined specific areas across St Kilda, East St Kilda, Ripponlea and Elwood (initially proposed as Neighbourhood Residential Zone) where a further review of zoning would occur followed by a full exhibition planning scheme amendment process. <p>These areas would remain in a General Residential Zone, as a 'default' position, while the further strategic work takes place.</p>

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
		<ul style="list-style-type: none"> Considering that these criteria are relevant to the residential zones proposed in the Precinct, and that the new mandatory garden area requirement does not apply in the RGZ, the further work Council proposes should consider the application of the RGZ in the Precinct. <p><i>Hinterland areas</i></p> <ul style="list-style-type: none"> The Panel is not satisfied that integration of planning for the Precinct's St Kilda Road West Neighbourhood (south of Alma Road) and the land to the west is not evident and the development outcome for this part of the Precinct may be compromised by the tight Precinct boundary. The Panel recommends that the proposed Review Areas work address the extent of this part of Precinct, the appropriate zoning and the management or mitigation of impacts for hinterland areas. 	<ul style="list-style-type: none"> Some of the areas in the St Kilda Road South Precinct hinterland have been identified as 'Review Areas' and a more detailed analysis of neighbourhood character and development potential will be undertaken to determine which residential zone should apply. Other areas (proposed for inclusion in the Neighbourhood Residential Zone) are generally not considered to be suited to comprehensive urban renewal or substantial infill development – given the extensive application of heritage controls and fine grain subdivision pattern.
Prominent corner sites	9	<p>Panel recommended change:</p> <p>Amend the Precinct wide objective to read <i>'to reinforce the key intersections of the Junction and Barkly Street, Alma Road, Inkerman Street and Carlisle Street through the scale of development, quality architecture and a strong address to each street frontage'</i>.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The topography of St Kilda Hill and the St Kilda Junction are important elements of the urban structure of the Precinct to emphasise with high rise development. Another key element to reinforce the urban structure of the Precinct is the key intersections of Alma Road, Inkerman Street and Carlisle Street. Although important intersections can be marked by quality architecture, the Panel recognises that also encouraging additional building height at these nodes, is appropriate for an arterial road, such as St Kilda Road. 	<p>Accept the Panel's recommendation to amend the objective about corner sites in the DDO.</p> <ul style="list-style-type: none"> Amend the following Precinct-wide objective to read: To ensure new development reinforces prominent corners through a strong address to each street frontage, <u>including the intersection of the Junction and Barkly Street, and the intersection of St Kilda Road with Wellington Street, Alma Road, Inkerman Street and Carlisle Street.</u> <p>Rationale:</p> <ul style="list-style-type: none"> A key design objective in the DDO is: <i>To ensure new development reinforces prominent corners through a strong address to each street frontage.</i> The Framework specifically identifies prominent corners within the Precinct and includes specific objectives for key corners. However following the receipt of submissions it was identified that the DDO did not mention the Alma Road and Inkerman Street corners. The objectives in the DDO recognise the important strategic role of these sites.

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
		<ul style="list-style-type: none"> • Key intersections should be marked by taller forms that scale down moving south along St Kilda Road: <ul style="list-style-type: none"> - up to 18 storeys at the Junction, scaling down to 13-15 storeys at Alma Road will emphasise the hill and intersection at the approximate scale of existing or approved development. - a couple of storeys above the surrounding development would be sufficient to mark the Inkerman Street intersection, suggesting 9 storeys here, though this is unlikely to be achieved on the eastern side of St Kilda Road. - at the Carlisle street and St Kilda Road intersection, the Panel believes a preferred 5 storey height with a mandatory 7 storeys would be sufficient to mark the corner while recognising the intent of the Amendment’s discretionary provision. 	<ul style="list-style-type: none"> • The discretionary building heights would potentially allow an increase in height on such corner sites, subject to a high quality architectural response which achieves this design objective. • Noting the Panel is recommending changes to some of the heights on corners – see Part 4 – Neighbourhood-Specific Recommendations.
Residential amenity	16	<p>Panel recommended change:</p> <p>Delete the residential amenity requirements from DDO27 that repeat provisions in other parts of the planning scheme.</p> <p>Rationale:</p> <p><i>Residential amenity</i></p> <ul style="list-style-type: none"> • The Better Apartment Design Standards have now been adopted into Planning Schemes under Clause 58 and Clause 55.07. (p. 50) • As part of these changes, apartment developments up to four storeys in a residential zone will be assessed against existing Clause 55 standards as well as Clause 55.07 to ensure that development respects existing or preferred neighbourhood character. (p. 50) 	<p>Accept the Panel’s recommendations to remove residential amenity provisions which are repeated elsewhere in the Scheme.</p> <ul style="list-style-type: none"> • Remove the amenity provisions relating to private open space and providing adequate solar access, natural light and natural ventilation and acoustic attenuation. • Remove minimum apartment sizes requirement from the DDO but retain it in the Framework. <p>Rationale:</p> <p><i>Residential amenity</i></p> <ul style="list-style-type: none"> • It is unclear from the Panel’s recommendations exactly which amenity provisions should be deleted. However, in its revised version of the DDO, it suggests the deletion of references to incorporating private open space, providing adequate solar access, natural light, natural ventilation and acoustic attenuation. • The Better Apartments Design Standards (BADS) came into effect in March 2017 and specifically addresses the issues highlighted in the requirements with clear and measurable standards:

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes												
		<ul style="list-style-type: none"> Apartment developments of five or more storeys will be assessed against selected Clause 55 standards as well as Clause 58, to ensure that development reflects the existing or preferred urban context. (p. 50) Given this, it is appropriate for ResCode objectives, as distinct from standards, to be mandatory and the building separation and interface requirements should be discretionary. (p. 52) <p><i>Minimum apartment sizes</i></p> <ul style="list-style-type: none"> The Panel does not believe the minimum apartment sizes have been adequately justified by Council and should be removed from the Amendment, as well as the other residential amenity requirements that are now addressed by Clause 58. <p><i>Interfaces with Residential Zones</i></p> <ul style="list-style-type: none"> The Amendment proposes to apply the objectives of Clause 55.04, so that their consideration is mandatory for all development adjoining residential zones, including where separated by a laneway. In its marked up version of the DDO, the Panel proposes to retain this requirement. 	<table border="1" data-bbox="1227 261 2002 496"> <thead> <tr> <th data-bbox="1227 261 1529 293">Amenity provision</th> <th data-bbox="1529 261 2002 293">What the standard addresses</th> </tr> </thead> <tbody> <tr> <td data-bbox="1227 293 1529 347">Communal open space</td> <td data-bbox="1529 293 2002 347">Solar access to communal open space Amount of communal open space</td> </tr> <tr> <td data-bbox="1227 347 1529 402">Private open space</td> <td data-bbox="1529 347 2002 402">Solar access to provide open space Amount of private open space</td> </tr> <tr> <td data-bbox="1227 402 1529 434">Cross ventilation</td> <td data-bbox="1529 402 2002 434">Minimum dwelling depths</td> </tr> <tr> <td data-bbox="1227 434 1529 466">Daylighting</td> <td data-bbox="1529 434 2002 466">Minimum room depths</td> </tr> <tr> <td data-bbox="1227 466 1529 496">Acoustic attenuation</td> <td data-bbox="1529 466 2002 496">Minimum noise levels</td> </tr> </tbody> </table> <ul style="list-style-type: none"> On the basis of these guidelines, the Panel's rationale to remove these requirements from the DDO is accepted. <p><i>Minimum apartment sizes</i></p> <ul style="list-style-type: none"> It is noted that BADS does not include minimum apartment sizes. However it does include minimum dimensions for bedrooms and living areas. This allows for flexibility and innovation while making sure spaces are liveable. It is noted that the size of apartments developed in-line with BADS (using the minimum bedroom and living room sizes from BADS plus an average sized kitchen and bathroom) is roughly equivalent to the ones specified in DDO27. Given this, officers consider the requirement in the DDO could be deleted. <p><i>Interfaces with Residential Zones</i></p> <ul style="list-style-type: none"> DDO27 requires that development must meet specific amenity objectives in the ResCode (the residential standards for residential development of two dwellings or more of five storeys or less). Implementing specific objectives of Clause 55.04 (ResCode) as mandatory controls on sites adjoining a property in a residential zone (including where separated by a laneway and including land in the Mixed Use Zone) will ensure that new development respects the amenity of established residential areas adjoining the Precinct. The Panel supported this provision in their proposed version of the DDO and as a result, no change is recommended. 	Amenity provision	What the standard addresses	Communal open space	Solar access to communal open space Amount of communal open space	Private open space	Solar access to provide open space Amount of private open space	Cross ventilation	Minimum dwelling depths	Daylighting	Minimum room depths	Acoustic attenuation	Minimum noise levels
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Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
<p>Fine grained character of surrounding areas</p>	<p>11</p>	<p>Panel recommended change:</p> <p>Move the fine grain character provision from the Area Requirements to the Precinct Wide Requirements and redraft it to read:</p> <p><i>New development should provide a transition to the fine grain character of Vale Street, Carlisle Street, Charles Street, Blanche Street and Market Street.</i></p> <p>Rationale:</p> <ul style="list-style-type: none"> Some of the proposed Area Requirements also refer to a 'fine grain heritage' character along Vale, Blanche, Charles and Market Street. Although there is old building stock here, it is predominately free of heritage overlays and one of the few areas in Port Phillip with lesser heritage constraints. How this provision would be interpreted is also unclear. (p. 49). 	<p>Vary the Panel's recommendation on fine grained character provisions.</p> <ul style="list-style-type: none"> Move the fine grain character provision from Area Requirements to Precinct-wide Requirements in the DDO, however make the following changes: <p>Delete the following requirement:</p> <p><i>New development is required to protect and respect the fine grain heritage character of Vale, Blanche and Charles Streets and Waterloo Crescent.</i></p> <p>Replace with the following requirement:</p> <p><i>New development with frontages to Vale, Blanche and Charles Streets and Waterloo Crescent is required to respect the fine grain heritage character of these streets by providing an appropriate transition in scale and ensuring development on larger sites expresses the fine grain of the street on these frontages through scale and articulation.</i></p> <p>Rationale:</p> <ul style="list-style-type: none"> The Panel's recommendations are two-fold. The first suggests changing the location of the provisions from the area specific requirements to the precinct-wide requirements. This is supported as it will reduce repetition. However, the Panel's proposed changes to the wording are not supported as it will weaken the intent of the provision. A key characteristic of the hinterland is the fine grain pattern of subdivision and network of lanes and small streets. If not carefully managed, the consolidation of sites to achieve larger building footprints can erode this character. Changes are proposed to strengthen the intent of the requirement and make it clearer how developments should respond to the fine grained character.
<p>Landscaped setbacks</p>	<p>23</p>	<p>Panel recommended change:</p> <p>Move the landscaped setbacks provision from Area Requirements to the Neighbourhood Requirements and redraft the provisions to read '<i>new development located on corners, should be built to the front and side property boundary and provide a transition to adjoining properties along side streets</i>'.</p>	<p>Officer recommended change for adoption:</p> <p>Vary the Panel's suggested wording for landscaped setbacks on corner sites.</p> <ul style="list-style-type: none"> Move the landscaped setback provisions in DDO27 from Area Requirements to Precinct-wide Requirements and re-word as follows: <p><i>Development should provide a landscaped front setback to Wellington Street (in Areas 3C and 3D), Alma Road (west of St Kilda Road excepting Areas 1E, 1G, 1H and 1I), Barkly Street (excepting nos 44-46), Waterloo Crescent, Charles Street, Blanche Street, Vale Street and Carlisle Street, generally consistent with adjoining properties, except on corner sites.</i></p>

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
		<p>Rationale:</p> <ul style="list-style-type: none"> The re-establishment of the boulevard edge along St Kilda Road is strategically important, therefore development should be built out to the front and corner property boundaries. (p. 49) Given the strategic importance of reinstating the St Kilda Road boulevard, the Panel considers the requirement 'protect and respect' fine grain character accords undue deference to the residential hinterland. (p. 49) The Panel suggests a new precinct wide discretionary provision that provides for a zero setback from the front and corner boundaries facing St Kilda Road, with an appropriate transition to adjoining properties being determined on the basis of a response to the particular context and circumstances of the site in question. (p. 49) 	<p><i>Development should provide a zero, minimal or landscaped front setback to Charnwood Crescent, Alma Road (east of St Kilda Road), Inkerman Street (east of St Kilda Road), Argyle Street, Charnwood Road and Octavia Street, generally consistent with adjoining properties, except on corner sites.</i></p> <ul style="list-style-type: none"> Insert new requirements as follows: <p><i>New development located on corners should be built to the front and side property boundary and provide a transition to, and respect the setbacks of adjoining properties in the side street.</i></p> <p><i>Where a corner site abuts a lane or other street at its rear, a transition to the adjoining properties in the side street is not required.</i></p> <p>Rationale:</p> <ul style="list-style-type: none"> DDO27 requires that zero, minimal or landscaped front setbacks (generally consistent with adjoining properties) are required for frontages to side streets off St Kilda Road (e.g. Vale Street and Charnwood Road) It also requires front setbacks to properties which directly front Barkly Street, Alma Road and Wellington Street. Along parts of Alma Road and Barkly Street, mandatory front setbacks were proposed are to protect established views of the Presbyterian Church and Spire. They were supported by the Panel. The Panel considered that DDO27 is not clear how development should treat corner sites and the frontage to side streets. It recommends the requirements are amended to make it clear that developments 'mark' the corner and should be constructed to the front and side boundaries at corner. However it is expected that the development would then need to transition to the match the setbacks of adjoining properties. This concept reflects a sound urban design principle and is supported. However officers propose an additional clause to address rear streets and laneways. Where the property abuts a lane / street to its rear, a transition to the neighbouring property would not be required as the properties are separated by a lane / street.

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Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
			<ul style="list-style-type: none"> • The requirements for landscaped front setbacks along Wellington Street, Alma Road, Barkly Street and parts of Inkerman Street which are generally consistent with adjoining properties would be retained, except on corner sites. • The Panel's recommendation to relocate the landscape requirements to one location is supported as it would reduce repetition and help to simplify the provisions.

PART 2 - DRAFTING OF DDO & POLICY

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
Drafting of Policy in the Municipal Strategic Statement at Clause 21.06-6	26	<p>Panel recommended change:</p> <p>Review the strategies in Clause 21.06-6 St Kilda relating to the Wellington Street Specialised Activity Centre for consistency with the land use envisaged by the Framework.</p> <p>Rationale:</p> <ul style="list-style-type: none"> Retention of the Wellington Street Specialised Activity Centre strategies in Clause 21.06-6 to encourage consolidation of commercial and office uses and discourage new residential uses appears to be inconsistent with the proposed change to identify with the land use intentions for Wellington Street in the Framework and the Amendment. 	<p>Accept the Panel's recommendation to review strategies in Clause 21.06-6 which relate to the Wellington Street Specialised Activity Centre.</p> <ul style="list-style-type: none"> Delete strategies at Clause 21.06-6 in the Municipal Strategic Statement which refer to the Specialised Activity Centre. <p>Rationale:</p> <ul style="list-style-type: none"> The concept of a Specialised Activity Centre is no longer relevant and has been superseded by the Framework. This text should have been deleted prior to exhibition. This error was identified in submissions to the amendment. This change was supported by Council in its Ordinary Council Report of 1 February 2017 following the consideration of submissions and recommended to the Panel.
	27	<p>Panel recommended change:</p> <p>Redraft the exhibited Clause 21.06-6 (St Kilda) strategies relating to the Precinct to provide much more succinct overarching guidance for the Precinct with more specific provisions in Schedule 27 to the Design and Development Overlay.</p> <p>Generic guidance, policy addressed elsewhere in the planning scheme, content addressed in DDO27 should be deleted.</p> <p>Rationale:</p> <ul style="list-style-type: none"> Three pages of new strategies for the Precinct are not warranted. Much of the content simply repeats the content of the DDO27 or refers to other policy in the planning scheme. There is no reason for providing detailed provisions for an area in the MSS. 	<p>Vary the Panel's recommendation to review the content of Clause 21.06-6 to reduce repetition with the DDO.</p> <ul style="list-style-type: none"> Review strategies at Clause 21.06-6 in the Municipal Strategic Statement (MSS) to reduce repetition between the DDO and policy. <p>Rationale:</p> <ul style="list-style-type: none"> The strategies in the MSS have been reviewed to minimise repetition, noting that some repetition between controls is necessary. The Panel's view, that the number of strategies included in C122 in the MSS is not necessary, is not supported. The role of the strategies and policy in the MSS is to implement the land use directions from the Framework as a DDO cannot address land use issues. The MSS also guides built form where the DDO does not apply (eg in Carlisle Street.). This content is essential to guide decision making and implement these aspects of the Framework through the planning scheme. A tracked change version of the Clause 21.06-6 from the MSS has been provided at Attachment 6. Only minor changes are recommended.

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
Redrafting of DDO27	28	<p>Panel recommended change:</p> <p>Revise Schedule 27 to the Design and Development Overlay, as shown in Appendix E of the Panel Report.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • The Amendment must satisfy the updated Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act (May 2017) (gazetted on 9 April 2017) (which stipulates: <ul style="list-style-type: none"> - A maximum of five objectives may be inserted (whereas the proposed DDO27 includes 68 design objectives over five pages) - Buildings and works requirements in a dot point form. - The decision guidelines in the schedule are "... in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered...' 	<p>Vary the Panel's recommendation to revise DDO27 as provided by the Panel.</p> <ul style="list-style-type: none"> • Revise the DDO27 by: <ul style="list-style-type: none"> – Reducing the number of objectives to focus on matters critical to the St Kilda Road South Precinct and not dealt with elsewhere in the scheme. – Reducing repetition in the Area specific requirements by relocating these to General Requirements, where possible. – Deleting requirements which repeat other clauses of the planning scheme. – Updating the extent of the DDO in Map I – remove wider precinct boundary. – Providing additional maps to show the proposed overall building heights. <p>Rationale:</p> <ul style="list-style-type: none"> • Various changes to the DDO are outlined above and in Part 4 - Neighbourhood-Specific Recommendations. • However additional changes which enhance the clarity and readability of the DDO are supported. For example, the inclusion of height maps within the DDO. DDO26, which applies to St Kilda Road North, provides an example of this. A tracked change version of the DDO is at Attachment 6. • Since the exhibition of C122, the Minister has released a new Ministerial Direction. The redrafting of the DDO is required to comply with the Ministerial Direction on the Form and Content of Planning Schemes. • This new approach represents a substantial change from the exhibited amendment for example, reducing a significant number of objectives to 5 and may be difficult to achieve without compromising the intent and clarity of the DDO. • The DDO was prepared, authorised, exhibited and considered by a Planning Panel prior to the approval of the new Ministerial Direction. • While the DDO has been simplified and the number of objectives reduced, compliance with the Direction would undermine due process as third parties would not have an opportunity to provide comment. The intention is to request Minister for Planning disregard the Ministerial Direction based on the significant progress of the amendment prior to gazettal of the Direction.

Issue	Panel Rec #	Panel recommended changes	Officer recommended changes
<p>Updating the St Kilda Road South Urban Design and Land Use Framework</p>	<p>5</p>	<p>Panel recommended change:</p> <p>Adopt Urban Design and Land Use Framework as a reference document in the City of Port Phillip Planning Scheme with a qualifying statement on the document to indicate the provisions implemented in the planning scheme contain significant modifications.</p> <p>Rationale:</p> <ul style="list-style-type: none"> No specific rationale provided. 	<p>Accept the Panel's recommendation to highlight changes to the St Kilda Road South Urban Design and Land Use Framework as a result of changes to Amendment C122.</p> <ul style="list-style-type: none"> Prepare an addendum to the Framework which highlights the changes between the Framework and final planning controls. <p>Rationale:</p> <ul style="list-style-type: none"> The Framework was adopted by Council in November 2015 and is proposed to become a Reference Document to the Port Phillip Planning Scheme through Amendment C122. The Framework provides the background and rationale for the amendment. To assist with clarity and aid future users of the scheme, it is proposed to provide an addendum to the Framework to ensure it reflects any changes to the final planning controls.

PART 3 - ADDITIONAL CHANGES RECOMMENDED BY OFFICERS

Issue	Officer recommended changes
<p>Update the active frontages map in Schedule to DDO27</p>	<p>In DDO27, update the Active Frontages requirements to change the western side of St Kilda Road between 20 Waterloo Crescent and 195 St Kilda Road from Mixed Commercial and Residential Frontage to a Residential Frontage.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • This change corrects a mapping error. The active frontage map in the DDO shows a 'Mixed Commercial and Residential Frontage' which does not align with the actual residential zoning of the land. In this location, the residential zone that applies means that most commercial uses would not be permitted. • This error was identified in submissions to the amendment. This change was endorsed by Council in its Ordinary Council Report of 1 February 2017 following the consideration of submissions and recommended to the Panel.
<p>Zero setbacks</p>	<p>In DDO27, change mandatory zero setback requirements to discretionary requirements throughout the precinct to provide more flexibility, excepting Area 2D (area between Charnwood Road and Charnwood Crescent).</p> <p>Rationale:</p> <ul style="list-style-type: none"> • The Panel makes no specific recommendation where Council has specified zero setbacks, however in its marked up version, it proposes to change a number of these requirements from mandatory to discretionary (eg along the eastern side of St Kilda Road). • Zero frontage setbacks are required to ensure new buildings are consistent with the established pattern of a typical commercial strip. In these areas, the street edge treatment is consistent, clearly defined and desired to be continued (eg along the eastern side of St Kilda Road). • In the exhibited DDO, mandatory zero setbacks are required along the eastern side of St Kilda Road and a small section of Wellington Street (southern side – Area 3D). Along Wellington Street (northern side, east of Upton Road) and the western side of St Kilda Road, a zero setback is preferred in the DDO but flexibility has been provided through a discretionary control. • It is proposed to change the mandatory requirements to discretionary. • Assessment of applications along St Kilda Road has revealed that further flexibility should be provided for. For example, if strictly applied the mandatory zero setback does not allow for a ramp or an indented entrance to a building. It is therefore proposed to change these requirements to discretionary. • A mandatory requirement would remain for the intact Victorian shopfronts between Charnwood Road and Charnwood Crescent.
<p>Mapping error in Nelson Street</p>	<p>In DDO27, update the DDO map to change 20 Nelson Street from 3A (10 storeys) to 3B (5 storeys) to correct a mapping error.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • The Planning Scheme map associated with DDO27 has included the site at 22 Nelson Street within Area 3A (up to 10 storeys). The property should have been included within Area 3B (up to 5 storeys) consistent with the adopted Framework. • Owners of this property were notified of the intent to update the maps when the issue was first identified soon after exhibition. They did not make a submission on this issue.

Issue	Officer recommended changes
	<ul style="list-style-type: none"> This error was identified in submissions to the amendment. This change was supported by Council in its Ordinary Council Report of 1 February 2017 following the consideration of submissions and recommended to the Panel.
Building heights and street wall heights in Nelson Street	<p>In DDO27 in Areas 2F and 3A, clarify that 3 storey street wall height and 10 and 5 storey height limits apply to Nelson Street as well as Wellington Street.</p> <p>Rationale:</p> <ul style="list-style-type: none"> In addition to a street frontage to Wellington Street, the properties on the northern side of Wellington Street have a frontage to Nelson Street and the Princess Highway/Queens Way and the embankment. The Panel notes that property frontages along Nelson Street and the Princess Highway could accommodate significant scale, while setbacks from Wellington Street could render those levels unseen. (See Part 4 – Neighbourhood Specific Recommendations – Wellington Street Neighbourhood – Northern Side for further discussion on why the Panel’s approach is not supported.) Clarifying that the height limits and street wall heights for areas 2F and 3A apply to Nelson Street as well as Wellington Street is intended to alleviate any confusion about the heights envisaged for these Areas and reiterate Council’s position.
Update one of the Heritage reference documents	<p>Update the ‘Heritage Review - Wellington, Crimea and Redan Streets, St Kilda (Lovell Chen, October 2015)’, a reference document to the Amendment to remove the references to properties in Crimea and Redan Streets and update references in the amendment documentation to refer to the updated document ‘Heritage Review – Wellington Street, St Kilda (Lovell Chen, March 2017)’.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The exhibited reference document for Wellington Street included a review the individual heritage significance of specific properties in Crimea and Redan Streets – nos. 41, 43 and 45 Crimea Street and no. 27 Redan Street. These properties are not part of the St Kilda Road South Precinct. The reference document was amended to remove these properties. They will be included in a review of Heritage Overlay 6, which is underway.
Reformat heritage citations	<p>Reformat the eight heritage citations.</p> <p>Rationale:</p> <ul style="list-style-type: none"> The heritage citations have been reformatted to ensure consistency with Council format that has been revised since the Amendment was exhibited. The reformatting was minor and did not include any changes to content.