

# AMENDMENT C122 - ST KILDA ROAD SOUTH - RESPONSE TO SUBMISSIONS

This document provides an analysis of the issues raised in submissions received during public consultation on Amendment C122. It comprises three parts:

- Part 1: An overview of the exhibition process and submissions received.
- Part 2: A response and recommendations to broad / precinct-wide issues raised by submissions.
- Part 3: Response to individual or site specific submissions.

Attachment 2 to the Ordinary Council Report of 13 December 2016 provides a more detailed summary of the individual submissions.

## PART I – OVERVIEW OF EXHIBITION PROCESS AND SUBMISSIONS RECEIVED

### SUMMARY OF EXHIBITION

- The Amendment was on public exhibition for one calendar month from 8 August until 12 September 2016.
- Approximately 4,200 letters were sent to property owners and occupiers within and adjoining the St Kilda Road South Precinct, notifying of exhibition of the Amendment and inviting interested stakeholders to lodge submissions with Council.
- Letters were sent to Prescribed Ministers, local members of Parliament, community groups, historical societies, the National Trust, the City of Melbourne, relevant government agencies and infrastructure providers.
- Public notices were placed in the Port Phillip Leader on 9 August 2016 and in the Victorian Government Gazette on 11 August 2016.
- An interactive map (showing the key proposed changes to properties), comments form, fact sheets, draft Amendment documentation and other background information was made available on Council's website.
- Amendment documentation was also provided on the State Government's Planning Amendments Online website.
- Amendment Information folders were displayed at Council ASSIST Service Centres and libraries in Port Melbourne and St Kilda.
- A drop-in information session was held at the St Kilda Town Hall on 1 September 2016. This provided the opportunity for interested persons to speak to a planner on a 'one on one' basis.
- Verbal submissions were heard during the Ordinary Council Meeting on 13 December 2016.

## SUBMISSIONS RECEIVED

### Summary of submitters:

- A total of forty-three (43) written submissions were received during the consultation period, including one (1) late submission received after the closing date for submissions.
- Twenty-seven (27) submissions were from residents and community groups (including the Community Alliance Port Phillip and the Junction Area Action Group).
- Eleven (11) submissions were received from land owner-development interests (or their representatives).
- Three (3) submissions were received from government agencies/departments.
- Two (2) submissions did not make their interests clear.
- Submissions were received from the following areas:

LOCATION	NUMBER OF SUBMISSIONS	PROPORTION OF TOTAL SUBMISSIONS
Wellington Street Neighbourhood	8	19%
St Kilda Road Neighbourhood	11	26%
Carlisle Street Neighbourhood	0	0%
Outside the St Kilda Road South Precinct	24	56%
Total	43	100%

### Summary of submitter position:

- Twenty-five (25) of the submissions were in support of Amendment C122.
- Eighteen (18) submissions raised concerns/objections.

## PART 2 – RESPONSE AND RECOMMENDATIONS TO BROAD / PRECINCT-WIDE ISSUES RAISED BY SUBMISSIONS

The following section summarises the broad / precinct-wide issues raised in the submissions and provides a response to those issues:

1. The Role of St Kilda Road South Precinct, in terms of Growth
2. Building Heights
3. Mandatory versus Discretionary Controls
4. Street-walls
5. Front Setbacks
6. Apartment Amenity
7. Residential Interface with New Development
8. Loss of Views
9. Traffic, Parking and Access to Public Transport
10. Need for Improvements to the Public Realm and Open Space
11. Flooding
12. The application of the New Residential Zones
13. Protection of Heritage Places
14. Extent of the Amendment.

## I. ROLE OF ST KILDA ROAD SOUTH PRECINCT IN TERMS OF GROWTH

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<p><u>Precinct could absorb more growth:</u></p> <ul style="list-style-type: none"> <li>Precinct is strategically located in relation to transport, employment and services and facilities.</li> <li>Some submitters acknowledged the demand for population growth in the Precinct and argued that their sites should be treated as 'strategic development sites' with design controls relaxed.</li> </ul> <p><u>Concerns about impacts of growth on existing residents:</u></p> <ul style="list-style-type: none"> <li>Whilst submissions generally acknowledged the potential for additional development within the Precinct, specific concerns were also raised, including: <ul style="list-style-type: none"> <li>Encouraging greater density and increased traffic does not benefit existing residents.</li> <li>Large buildings fronting St Kilda Road may dominate existing dwellings in surrounding streets unless good urban design is a priority.</li> <li>Taller developments (along St Kilda Road) currently under construction are already causing overshadowing and blocking views from existing dwellings, causing serious amenity impacts and amplifying traffic noise.</li> <li>Increased residential density will place more strain on the public transport system which is already struggling to meet current demand.</li> </ul> </li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Potential for housing growth in the Precinct:</u></p> <ul style="list-style-type: none"> <li>The last five years in particular has seen increased development pressure for residential development south of St Kilda Junction, including within the established commercial strip along Wellington Street. This has resulted in the development of higher scale building forms in the Precinct (generally ranging from 8 up to 29 storeys).</li> <li>The <i>St Kilda Road South Precinct Urban Design and Land Use Framework</i> (the Framework, adopted in November 2015) was produced in response to this changing context and development pressures. The Framework formed a strategic basis for comprehensive revised planning policy and will ensure that future development and land use change within the Precinct is well planned, managed and responds appropriately to its surrounding context.</li> <li>The <i>Capacity Analysis</i>, which informed the Framework, calculated the future additional development capacity within the Precinct (ie permissible under the proposed built form controls) that could be supplied within the next 15+ years. The Study found that: <ul style="list-style-type: none"> <li>There are approximately 2,500 residents currently in the Precinct. It is anticipated this will increase by 3,300 to a total population of 5,900 (a 130% increase in population).</li> <li>There are approximately 1,200 existing dwellings in the precinct. A potential increase of 1,900 dwellings in the Precinct to a total of 3,200 dwellings is anticipated (a 151% increase).</li> <li>Office floor space will reduce from 48,000m<sup>2</sup> to 40,000m<sup>2</sup> with a subsequent reduction in employees – a reduction from 2,400 to 2,000 employees.</li> <li>Retail floor space is also anticipated to increase slightly from 12,000m<sup>2</sup> to 13,100m<sup>2</sup>.</li> </ul> </li> <li>The Amendment translates this recognition of growth potential through the strategy in Local Policy to “Provide additional opportunities for well-located housing growth throughout the Precinct, recognising its proximity to public transport and activity centres”.</li> <li>The principle of moderate residential growth has underpinned the review of heights across the St Kilda Road South Precinct and highlights that Council has progressed an integrated planning approach to protect and build upon the precinct’s liveability and urban character.</li> </ul> <p><u>Broader strategic context for growth:</u></p> <ul style="list-style-type: none"> <li>Council’s approved Housing Policy identifies strategic opportunities for well-located housing growth/renewal, including within commercial and mixed use areas (such as St Kilda Road and parts of Wellington and Carlisle Streets). The process of identifying opportunities for housing growth takes into account factors such as proximity to public transport, activity centres, open space and existing site utilisation. This is balanced with the objective to protect the character and heritage of established residential areas.</li> <li>Amendment C122 updates policy in the Planning Scheme which identifies preferred growth areas in Port Phillip. It identifies the St Kilda Road Neighbourhood (St Kilda Road South Precinct) as an area for ‘Moderate residential growth’ as well as within the established retail / commercial strips of the Major Activity Centres and the Glen Huntly Road / Ormond Road Neighbourhood Activity Centre.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>• Significant development capacity remains in a range of preferred housing growth areas, in addition to the St Kilda Road South Precinct. Analysis of five major precincts identifies capacity for 50,000 new dwellings - equivalent to 60+ years of supply, namely: <ul style="list-style-type: none"> <li>- Fishermans Bend Urban Renewal Area - 40,000 dwellings</li> <li>- St Kilda Road North Precinct - 3,100 dwellings</li> <li>- South Melbourne Central - 2,600 dwellings</li> <li>- Carlisle Street Major Activity Centre - 2,000 dwellings</li> <li>- St Kilda Activity Centre - 2,100 dwellings.</li> </ul> </li> <li>• <i>Plan Melbourne 2014</i> does not include direction specifically related to St Kilda Road South. However it includes an initiative (4.6.2) to 'develop Melbourne's network of boulevards' and recognises the boulevard of St Kilda Road – Brighton Road as being a highly valued, existing central city boulevard.</li> <li>• It is also noted that St Kilda Road South exhibits a very different built form character and scale to St Kilda Road north of the Junction. The role of St Kilda Road North is as a world famous boulevard offering premier office accommodation and well designed, higher density residential development, identified by <i>Plan Melbourne</i> as an extension of the central city.</li> </ul> <p><u>Concerns about the impacts of growth:</u></p> <ul style="list-style-type: none"> <li>• The <i>St Kilda Road South Framework</i> establishes the principles of 'a great place to live' and a 'thriving business cluster'. These recognise the potential for further business and particularly housing growth within the Precinct, but also highlight that 'buildings must be designed to ensure residents are provided with high levels of amenity' and that 'the amenity and character of adjoining residential areas must be protected'.</li> <li>• A primary objective of developing the Framework was to provide the strategic basis for developing and introducing new built form controls in the Port Phillip Planning Scheme to guide the scale and form of new development in the Precinct. Recent development approvals have occurred in the absence of a <i>Design and Development Overlay (DDO)</i> across the Precinct.</li> <li>• The Framework sets the 'vision' for the precinct and addresses land use, built form, public realm, access and parking. As well as providing the basis for the planning controls, the Framework also identifies project opportunities for public realm and movement and access improvements that will further enhance the identity and function of the precinct. These will be implemented through a range of other programs and initiatives of the Council, subject to budget.</li> </ul> <p><b>Recommended position:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## 2. BUILDING HEIGHTS

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>• A number of submissions were supportive of the proposed building heights.</li> <li>• Others thought they were too high based on amenity impacts such as overlooking, overshadowing and blocking existing views.</li> <li>• Conversely, others objected to the proposed height limits (particularly in the 4-6 storey areas). Submitters considered these heights would constrain the development potential of sites and are not consistent with recent VCAT decisions which have approved higher heights in the precinct.</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>• There are currently no height controls which apply across the St Kilda Road South Precinct. (Noting Design and Development Overlay 13 (DDO13), the Shrine Vista Overlay applies to some properties along St Kilda Road and Wellington and Nelson Streets.)</li> <li>• The last five years, in particular, has seen increased development pressure for residential development south of St Kilda Junction, including within the established commercial strip along Wellington Street. This has resulted in the development of, and ongoing proposals for, higher scale building forms in the Precinct (ranging up to 29 storeys) and a notable shift towards residential land use.</li> <li>• The Port Phillip Planning Scheme does not currently articulate a clear and up-to-date strategic approach in the context of these development pressures.</li> <li>• Amendment C122 reflects an ‘urban design led’ response to managing scale and form of new development, including appropriate building heights, based on key principles and supporting design objectives.</li> <li>• Council has taken a well-considered and responsive approach to the development opportunities and constraints of each part of the Precinct and the proposed building heights within the Amendment are based on a clear rationale, which provides the strategic justification for planning controls.</li> <li>• In setting appropriate built form parameters for the different neighbourhoods, a number of considerations must be taken into account: the existing streetscape character and development patterns; the topography; the street layout and width; lot sizes and configurations; and sensitive interface conditions.</li> <li>• There is considerable opportunity for the Precinct to continue to evolve as an area of mostly low to mid-rise development, with a defined cluster of higher scale buildings at the Junction and the crest of St Kilda Hill.</li> <li>• This pattern of future built form would allow for new development and renewal across the Precinct, while also achieving realistic building height parameters.</li> <li>• A range of building heights and setbacks are proposed in order to respond to the highly varied built form and land use contexts along St Kilda Road, with higher scale development contained to the St Kilda Junction and St Kilda Hill (Alma Road) areas. Maximum (discretionary heights) of 8-10 storeys are proposed for these areas, which contrasts with some recently approved developments of 18 and 29 levels along St Kilda Road.</li> <li>• Proposed building heights across the balance of the Precinct generally vary between 4 and 6 storeys, with these heights established based on the surrounding built form context, interface conditions and site characteristics (size / depth).             <ul style="list-style-type: none"> <li>- Building heights in the Precinct seek to ensure new development:</li> <li>- Contributes positively to the amenity, vibrancy and preferred built form character of each neighbourhood.</li> <li>- Strengthens the boulevard character of St Kilda Road.</li> <li>- Reinforces the topographic high point of St Kilda Hill, and St Kilda Junction as the entry point to the Precinct and the transition point to St Kilda Road North.</li> <li>- Creates visual cohesion within streetscapes through consistency of street-wall and building heights, and the regular spacing of buildings.</li> <li>- Achieves a transition down in scale to established residential areas.</li> </ul> </li> </ul>

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	<p><u>St Kilda Hill and St Kilda Junction:</u></p> <ul style="list-style-type: none"> <li>• The urban design approach of the Framework seeks to reflect the topographic high point of St Kilda Hill and the entry point of St Kilda Junction, through allowing for higher scale development in these locations. This is reflected in a 10 storey discretionary height which has been proposed through DDO27.</li> <li>• The intent of the proposed 10 storeys is to allow development at a scale that helps mediate the recent high scale development with the predominant low to mid-rise scale of the wider area, much of which will remain largely unchanged. Recent developments of 18-29 storeys are considered incongruent with both the existing and preferred future character of the area, and reflect a scale of development appropriate only north of the junction. St Kilda Road South exhibits a very different built form character and scale to St Kilda Road North (of the Junction).</li> <li>• In August 2016, VCAT approved a 26 storey building at 8 Punt Road, in an area identified for 10 storeys in Amendment C122. There are eight remaining sites located in the 10 storey height area where higher scale development has not yet been constructed or proposed.</li> <li>• To ensure that development on these sites responds to the Framework in the context of recent developments that far exceed the proposed height and design controls, additional principles and guidance for discretion are proposed within DDO27 to address issues associated with taller buildings in the Precinct such as building bulk, moderating the heights of existing buildings, overshadowing of residential properties and enhancing pedestrian amenity.</li> </ul> <p><u>St Kilda Road:</u></p> <ul style="list-style-type: none"> <li>• A proposed mid-rise scale of 4-6 storeys for most of St Kilda Road (generally south of Alma Road) provides for a change in height from low-mid-rise scale buildings at Carlisle Street to the higher scale cluster at St Kilda Hill and the Junction.</li> <li>• The western side of St Kilda Road has no clear development pattern (lost through the demolition of buildings for road widening).</li> <li>• Visual cohesion and strengthening of the boulevard character along St Kilda Road will be re-created through achieving greater consistency in overall building scale across opposite sides of St Kilda Road and along each side of St Kilda Road within key sections of the streetscape. This would provide greater definition of the built form edge, and would ultimately achieve a sense of ‘repair’ to the streetscape.</li> <li>• A lower overall scale of 4 storeys is proposed for the group of heritage shops on the eastern side and residential zoned sites on the western side of St Kilda Road. These sites adjoin established residential and the proposed scale reflects realistic development outcomes of these sites due to their interface conditions and sensitivity.</li> <li>• A 6 storey height for sites without these constraints reflects the upper height of recent development within the Precinct (such as development at the rear of the former St Kilda Post Office and sites along Inkerman Street). The Framework provides the following clear ‘rationale’ for the proposed mid-rise scale of development along the majority of St Kilda Road:  <i>“A 6 storey scale also approximates the upper range of building height that could be achieved on the majority of sites within the Precinct, noting there is a wide range of development capacity. Many sites are significantly constrained due to their size, configuration, heritage status or interface conditions, while a limited number of larger sites would have greater development potential. Limiting heights to 6 storeys would avoid isolated high scale buildings scattered throughout the precinct which is contrary to the urban design directions and objectives with regard to achieving a consistent built form rhythm, scale and recognition of the topography of the Hill.”</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• These heights are applied as discretionary height controls which allows a degree of design flexibility for large sites i.e. an additional level may be achieved where upper levels can be recessed and not impact on the amenity of adjoining established residential areas.</li> </ul> <p><u>St Kilda Presbyterian Church and environs:</u></p> <ul style="list-style-type: none"> <li>• The St Kilda Presbyterian Church and spire is a significant local landmark and a number of adjacent / nearby properties along Barkly Street are of heritage significance.</li> <li>• The objective in DDO27 is to maintain the visual prominence of and preserve view lines to local landmarks and significant heritage places, including the St Kilda Presbyterian Church and church spire.</li> <li>• Mandatory heights are proposed for sites adjoining the Church to ensure they provide a transitional scale down to this landmark site, ensuring that the Church spire remains a focal point at this corner. While higher scale development will soon form the backdrop to the Church, lower scale heights on adjoining sites will serve to frame views to the Church and its spire.</li> <li>• A building scale of 4 storeys along Barkly Street, between Alma Road and the new development at 42 Barkly Street will form a respectful scale within the context of the heritage and character buildings within this group.</li> <li>• Along Alma Road, the three sites east of the church will transition from 5 to 6 to 10 storeys.</li> </ul> <p><u>Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• The established residential areas on the southern side of Wellington Street allow for three storeys (generally west of Upton Road) and two storeys in the heritage area (to the east) – reflecting the established scale of development in these locations.</li> <li>• On the northern side of Wellington Street, the proposed scale of 5 storeys reflects the establishing pattern of development and will not visually overwhelm buildings on the southern side. It will also ensure that the southern footpath is not overshadowed. West of Upton Road, close to the junction, an increased scale of 10 storeys with 3 storey street-walls and zero front setbacks is proposed.</li> <li>• Given the pressure for higher scale development on the northern side of Wellington Street and the scale and sensitivity of the residential and heritage areas opposite, overall building heights are proposed as mandatory controls.</li> <li>• The overall heights and street-wall heights proposed will achieve a transitional scale and street cohesion, reflecting the heritage and neighbourhood character context, as well as maintaining solar access to the southern footpath.</li> <li>• The established residential areas on the southern side of Wellington Street allow for three storeys (generally west of Upton Road) and two storeys in the heritage area (to the east) – reflecting the established scale of development in these locations.</li> </ul> <p><u>Corner sites:</u></p> <ul style="list-style-type: none"> <li>• 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></li> <li>• The Framework specifically identifies prominent corners within the Precinct: <ul style="list-style-type: none"> <li>- Inkerman Street and St Kilda Road - The Framework also seeks to ensure new development reinforces the prominent corner at Inkerman Street through development which creates a strong address to each street frontage.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>- Alma Road and St Kilda Road - Similarly it identifies the corner of Alma and St Kilda Road. [NOTE -The objective in relation to the Alma Road and Inkerman Street corners was unintentionally omitted from the exhibited DDO. It is proposed to include the objective under 'Neighbourhood Objectives.']</li> <li>- Wellington Street and St Kilda Road - Design objectives call for “a high quality development that enhances the prominent corner of Wellington Street (north-side) and St Kilda Road”.</li> <li>- Barkly Street and St Kilda Road - Under the St Kilda Road Neighbourhood (Area No. 1 – Western side and Barkly Street (St Kilda Hill) - a key objective is to ‘provide for high quality high-rise development north of Waterloo Crescent that enhances the prominent corner of Barkly Street and St Kilda Road and emphasises the topography of the St Kilda Hill.’</li> <li>- Carlisle Street and St Kilda Road - The Framework also recognises the corner site on St Kilda Road at the intersection with Carlisle Street as having a gateway role, providing for a higher 5 storey building to match the height allowed on the opposite north-east corner of the street under the existing DDO21 controls. (Adjoining sites allow for 4 storey development). The Amendment seeks “to encourage high quality redevelopment that enhances the prominent corner of Carlisle Street and St Kilda Road”.</li> </ul> <ul style="list-style-type: none"> <li>• These objectives recognise the important strategic role of these sites. 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.</li> </ul> <p><u>Carlisle Street:</u></p> <ul style="list-style-type: none"> <li>• The amendment seeks to retain the established role of Carlisle Street as a residential area, with opportunities for additional medium density ‘infill’ residential development, consistent with the scale and neighbourhood character of the area. The proposed 2-4 storey heights reinforce the prevailing low to mid-rise (2-4 storeys) scale.</li> </ul> <p><u>Across the Precinct - Applying lower heights:</u></p> <ul style="list-style-type: none"> <li>• Limiting all sites within the Precinct to lower heights (eg 4 storeys) would not demonstrate a well-considered and responsive approach to the development opportunities and constraints of each part of the Precinct. It is important that proposed building heights are based on a clear rationale, which provides the strategic justification for planning controls.</li> </ul> <p><u>Across the Precinct - Applying higher heights and identifying strategic sites:</u></p> <ul style="list-style-type: none"> <li>• The application of a DDO will provide greater certainty for all stakeholders regarding the scale and form of new development expected across the Precinct. Both stages of consultation undertaken on the Framework highlight community concerns regarding the high scale of recent developments, reinforcing the need for clear built form controls in the Planning Scheme.</li> <li>• In preparing the Framework, detailed analysis was undertaken to recognise the propensity for individual sites and Areas to undergo renewal, including variance in scale, neighbourhood character and heritage. Accordingly, varying degrees of additional residential development are encouraged within the different areas of the Precinct.</li> <li>• Key design objectives of the Framework and Amendment C122 seek to achieve a greater degree of consistency in scale within streetscapes and also taller forms to mark the Junction and reflect the topography of St Kilda Hill. The Framework explicitly seeks to avoid buildings (heights) that would create intrusions within the streetscape and detract from these higher scale clusters.</li> </ul>

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	<ul style="list-style-type: none"> <li>• The application of discretionary height controls will allow a degree of design flexibility for larger sites. The Framework does acknowledge that an additional level may be achieved in such cases through recessed upper levels without impacting on the desired consistency on scale across streetscapes or the amenity of adjoining established residential areas.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• In DDO27 include the following objective from the Framework which was unintentionally omitted from the exhibited DDO- <i>‘Ensure new development reinforces prominent corners at Inkerman Street and Alma Road through development which creates a strong address to each street frontage.’</i></li> <li>• In DDO27 in Clause 2.0 Buildings and Works, include the following criteria to provide stronger guidance for discretion for the eight remaining sites located in the 10 storey height area to mitigate risk of inappropriate development: <p><i>In areas where a discretionary height of ten storeys is specified, development:</i></p> <ul style="list-style-type: none"> <li>- <i>Moderates the height of buildings on adjoining sites. For corner sites, this includes the site on the opposite street/laneway corner.</i></li> <li>- <i>Transitions down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.</i></li> <li>- <i>Does not overwhelm adjoining/adjacent/neighbouring residential dwellings in terms of building scale or bulk, access to daylight, outlook and overshadowing.</i></li> <li>- <i>Does not unreasonably overshadow adjoining residential properties to the west and south west in Barkly Street for the 10 storey areas in St Kilda Hill and residential properties to the east and south-east of 10 storey areas at St Kilda Junction.</i></li> <li>- <i>Minimises building bulk and promotes vertical articulation in its design.</i></li> <li>- <i>On prominent corner sites is of a high architectural standard in terms of form, scale, massing, articulation and use of materials and provide a positive address to all street frontages.</i></li> <li>- <i>Supports high levels of pedestrian amenity through street definition and a sense of openness, and microclimate conditions within the public realm including acceptable levels of sunlight access and wind.</i></li> </ul> </li> </ul>

### 3. MANDATORY VERSUS DISCRETIONARY CONTROLS

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>• Generally the preference was for mandatory, rather than discretionary controls for building heights throughout the precinct from community submissions. This was on the basis that they would offer greater certainty and remove flexibility for exceeding height limits through the planning permit process.</li> <li>• Objections to the proposed use of mandatory building heights and street-wall height controls in some areas.</li> <li>• Submitters objected to the use of mandatory building heights on the grounds that:               <ul style="list-style-type: none"> <li>- This is inconsistent with Planning Practice Note 59 - The role of mandatory provisions in planning schemes (DELWP, 2015)</li> <li>- The sites that are the interest of the submissions are not located in an area of any special or exceptional character</li> <li>- There is no documented rationale that discretionary height controls will not achieve the desired outcome.</li> <li>- Mandatory controls will constrain the future development potential of sites.</li> <li>- The mandatory height control is lower than some of the buildings within the precinct.</li> </ul> </li> <li>• Submissions from land owners with property development aspirations expressed a strong preference for performance-based, rather than mandatory controls to allow for innovative design responses and to maximise development potential.</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>• Discretionary controls allow heights/setbacks to be varied through a planning permit process e.g. a building may be approved at a height above the discretionary height limit, if considered to meet the design objectives. Mandatory controls cannot be varied through a planning permit process.</li> <li>• The planning system does provide scope for mandatory controls where justified, based on criteria set out in <i>Planning Practice Note 59</i>. The adopted Framework provides a clear rationale for the recommended built form controls, particularly where these are proposed to be applied as mandatory requirements.</li> <li>• Mandatory controls have not been sought across the Precinct having regards to the ‘tests’ set out in the Practice Note and recognition that some flexibility in controls is necessary to ensure a site specific design response can be achieved.</li> <li>• The majority of the proposed controls are discretionary, which provides for some flexibility, subject to meeting the design objectives and requirements. This recognises that the existing built form conditions, site sizes and the propensity for development across the precinct vary widely. Flexible controls enable a site specific design response to achieving the design objectives / outcomes sought.</li> <li>• Evaluating whether a proposed development meets the ‘design objectives’ provides the ‘test’ for determining where a discretionary height / setback control can be appropriately varied. In some cases specified criteria must also be met if a requirement is to be varied (e.g. the setback above a street-wall must still meet overshadowing standards if reduced).</li> <li>• The Amendment applies mandatory controls in limited circumstances. Urban design analysis of the St Kilda Road South Precinct identified a few key areas where specific built form outcomes for the various areas will only be achieved by establishing and consistently applying non-negotiable design requirements. These include:               <ul style="list-style-type: none"> <li>- Mandatory heights and setbacks to protect views to the Presbyterian Church.</li> <li>- Mandatory heights in Wellington Street to protect the character of the residential area.</li> <li>- Mandatory street-wall heights along parts of the eastern side of St Kilda Road reflecting the existing low scale heritage character at street level.</li> <li>- Mandatory upper level setbacks (noting there is opportunity to reduce these setbacks.)</li> </ul> </li> <li>• The use of mandatory height controls in parts of the precinct responds to the sensitivity of the setting of landmark buildings, the need to enhance a boulevard streetscape character along St Kilda Road, and the scale and sensitivity of residential areas in Wellington Street.</li> <li>• Mandatory overall building heights will help to achieve Council’s urban design vision for the Precinct, protect established urban character, ensure that appropriate scale relationships with adjacent areas are maintained and provide absolute certainty in relation to the scale of future development.</li> </ul> <p><b>Recommended position:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## 4. STREET-WALLS

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>• Submissions reflected opposing views on the application of street-wall heights and upper level setback requirements and whether they should be discretionary or mandatory.</li> <li>• Some submitters were seeking more variation in street-wall heights.</li> <li>• Other considered that higher street-walls along the western side of St Kilda Road.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Street-wall heights:</u></p> <ul style="list-style-type: none"> <li>• Street-wall heights are a key element of the built form approach. They have been used as a unifying element to achieve greater built form cohesion within sections of the streetscape, maintain the scale of existing heritage fabric, provide a sense of visual distinction between the ground and upper levels, provide a clear differentiation between old and new building elements, contribute to ‘human scale’ development at street level, minimise excessive visual bulk and, in some locations, maintain solar access to footpaths on the south side of the road.</li> <li>• The eastern side of St Kilda Road has a well-established street-wall height of approximately 3 storeys (which generally equates to a 2 storey scale for Victorian-era heritage buildings). The established street-wall height is a distinguishing element of the streetscape, even where higher scale development has been recently constructed, and provides a ‘human scale’ at street level.</li> <li>• The western side of St Kilda Road has no clear development pattern. Creating visual cohesion within the streetscape by reinforcing a similar building scale on both sides of St Kilda Road is a key design objective. Establishing a similar scale and form on both sides of the road would assist in re-creating a sense of consistency that has been lost through the demolition of buildings on the western side.</li> <li>• A 3 storey scale at the street edge also relates to the existing scale of the mixed commercial and residential sites on the western side of the road, which range from 1- 4 storeys. Additionally, it also equates to the maximum development potential of many of the small sites or residential properties on this side. Some flexibility in the street-wall height on the western side is appropriate given its mixed character, to ensure new development can respond appropriately to development on adjoining sites.</li> </ul> <p><u>Mandatory vs discretionary street-wall heights:</u></p> <ul style="list-style-type: none"> <li>• The majority of street-wall heights in the Precinct are discretionary.</li> <li>• Mandatory street-wall heights are proposed: <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul> </li> <li>• The rationale for the use of mandatory / discretionary controls is further outlined in Section 5. Mandatory versus Discretionary Controls.</li> <li>• Following public consultation on the draft Framework, changes were made to allow for flexibility in the street-wall height along the western side of St Kilda Road (removing the need for a mandatory street-wall height) to emphasise the greater importance of overall building scale in creating visual cohesion across St Kilda Road.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p><u>Setbacks above the street-wall:</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The key mechanism is the requirement for upper level setbacks. 2-5 metre setbacks are commonly used dimensions for setbacks above a street-wall. 5 metres is a standard minimum dimension for higher scale tower / podium style development. Mid-rise development (3-6 storeys) and developments up to 10 storeys commonly allow for a reduction in upper level setbacks from 5 metres where the primary objective to create recessive upper levels is achieved through well-articulated building design and use of materials. Noting this requirement is mandatory, however the minimum upper level setback can be reduced to less than 5 metres.</li> <li>• The Amendment establishes clear criteria for assessing (at the planning permit stage) whether a reduced upper level setback should be approved: <ul style="list-style-type: none"> <li>- For Wellington Street, this includes a solar access standard to ensure new development does not overshadow the southern footpath at the September Equinox (between 10am and 3pm).</li> <li>- For all other areas, the criteria relates to the design of upper levels to achieve a visual distinction through variations in form, openings and detailed design features (colours / materials) and maintaining heritage significance (where a building is either in or adjacent a Heritage Overlay).</li> </ul> </li> </ul> <p><b>Recommended position:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## 5. FRONT SETBACKS

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submissions were critical of requirements for no front setbacks in a number of locations.</li> <li>They expressed a preference for landscaped front setbacks (particularly along the western side of St Kilda Road).</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>In DDO27, in most locations, development is encouraged to be built to the street frontage.</li> <li>Specifically this includes: <ul style="list-style-type: none"> <li>Along the eastern side of St Kilda Road (mandatory)</li> <li>Along Inkerman Street, west of St Kilda Road (mandatory).</li> <li>Along the western side of St Kilda Road and in Areas 3A and 3B in Wellington Street (noting this is a discretionary control where a greater setback may be provided – see below).</li> </ul> </li> <li>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).</li> <li>Along Wellington Street (northern side, east of Upton Road) and the western side of St Kilda Road, a zero setback is preferred but flexibility has been provided. A setback may be provided where a greater setback would result in a well-designed, safe and publicly accessible space, which enhances the activation of the street. This area has a greater mix of front setbacks, including zero setbacks, landscaped frontages and frontages used for car parking. A flexible approach to frontage setbacks is considered appropriate given the mixed pattern of development and the setbacks to adjoining properties.</li> <li>In other locations in the Precinct, setbacks are important in contributing to a landscaped character, achieving consistency with adjoining properties and protecting established views of the Presbyterian Church and Spire.</li> <li>Landscaped front setbacks (generally consistent with adjoining properties) are required along side streets to the west of St Kilda Road including Vale Street, Carlisle Street, Waterloo Crescent, Charles Street, Blanche Street, Barkly Street, Alma Road and Wellington Street (west of Upton Road).</li> <li>Mandatory minimum landscaped front setbacks apply to Alma Road (west of St Kilda Road) and along a small section of Barkly Street to protect views to the Church.</li> <li>Along side streets on the eastern side of St Kilda Road (i.e. Charnwood Crescent, Alma Road, Inkerman Street, Argyle Street and Octavia Street) further flexibility, in terms of front setbacks, is provided. Front setbacks can range from being zero, minimal or landscaped, reflecting the mixed pattern of development.</li> <li>Maintaining the street rhythm of space between buildings and landscaping in the front setback is also a strategy expressed in Clause 21.06-6 for the south side of Wellington Street in a Residential Zone and the Carlisle Street Neighbourhood.</li> <li>Variation in street / front setbacks will allow for flexibility in design to respond to the individual context of each site (i.e. where a landscaped setback offers an improved design response to the siting of an adjoining building).</li> <li>Where design objectives require front setbacks, these are required to be landscaped.</li> <li>The rationale for controls in specific areas are addressed in the responses to individual submissions below.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to the Amendment.</li> </ul>

## 6. APARTMENT AMENITY

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>A few submissions identified concerns about the internal amenity of new residential development. Concerns included adequate separation distances between buildings, apartment sizes and also ceiling to ceiling heights.</li> <li>It was suggested that improved requirements for the amenity of apartment buildings i.e. minimum apartment sizes should be implemented to encourage permanent residents (rather than investors and short-term renters who do not have the same interest as permanent residents in the liveability and amenity of the area).</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>A diversity of housing types, tenures and apartment sizes to meet different household needs is encouraged as a Precinct-wide strategy in the DDO to 'create a great place to live'.</li> <li>A requirement of DDO27 is to ensure that the design of buildings provides a high standard of internal amenity for residents (including providing for outlook, access to sunlight and natural light, natural ventilation, visual and acoustic privacy, and adequate living and storage space).</li> </ul> <p><u>Separation distances:</u></p> <ul style="list-style-type: none"> <li>Side setback and building separation controls have become more necessary as urban environments become denser.</li> <li>The existing <i>Design Guidelines for Higher Density Residential Development</i> lack specific setback and separation requirements. The new <i>Better Apartments Design Standards</i> will come into effect in March 2017 when they are implemented in the Victoria Planning Provisions and all planning schemes, however they do not specify separation distances or specific daylight standards.</li> <li>There are a number of examples along St Kilda Road South where developments have been permitted to locate habitable room windows and balconies close to a side or rear boundary. This can lead to the loss of amenity for the existing and proposed development should the neighbouring site be developed, and in some cases, this compromises the developability of the neighbouring property.</li> <li>In response to submissions received to the draft Framework which requested explicit minimum building separation distances, a separation distance was adopted. The Precinct-wide urban design objectives were also made more specific and were supported by the more detailed development requirements.</li> <li>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"> <li>A minimum 4.5m side and rear setback / 9m from other buildings, or alternatively</li> <li>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.</li> </ul> </li> <li>The proposed controls provide for: daylight access to habitable room windows, cross ventilation within the building, privacy, opportunities for buildings to have an outlook, and (in areas where higher rise development is envisaged) assist in maintaining a sense of space and 'open sky views' from the street level. They also provide flexibility for developments to be built 'boundary to boundary' in specific circumstances.</li> <li>Since exhibition an inconsistency has been identified in the separation distances requirements for developments of five storeys or over where a street-wall is not required (eg in the 10 storey areas). Changes to the requirement in DDO27 are recommended to address this issue to ensure buildings are set back from all habitable windows and balconies whether a street-wall is required or not. An additional requirement to avoid the construction of blank walls in close proximity to existing windows and balconies is also proposed.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>The DDO proposes the discretionary requirement for new development of 4 storeys or less adjoining properties in a residential zone (including the mixed use zone) to incorporate upper level setbacks to avoid amenity impacts.</li> <li>The DDO proposes the mandatory application of 'ResCode' side and rear setback objectives to new development of 4 storeys or less within the Precinct adjoining properties in a residential zone (including the mixed use zone), to protect amenity.</li> </ul> <p><u>Apartment sizes:</u></p> <ul style="list-style-type: none"> <li>The DDO recommends minimum apartment sizes. The recommended minimum apartment sizes were included in the Amendment to provide guidance and reflect Council's aspirations for high amenity dwellings.</li> <li>In December 2016, the Victorian State Government released <i>the Better Apartments Design Standards</i>. The standards will come into effect in March 2017 when they are implemented in the Victoria Planning Provisions and all planning schemes. Rather than include blanket minimum apartment sizes, Victoria's new standards allow for flexibility and innovation while making sure spaces are liveable. The standards include minimum dimensions for bedrooms and living areas.</li> <li>The requirement in DDO27 is discretionary and the proposed sizes are similar to the floor area of developments which meet the <i>Better Apartments Design Standards</i>.</li> </ul> <p><u>Floor to floor heights:</u></p> <ul style="list-style-type: none"> <li>Amendment C122 and the Framework do not specify minimum floor to floor heights – except where a retail frontage is required and the minimum height is 4.0m.</li> <li>Planning controls can specify minimum floor-to-floor heights, with these most frequently applied at ground level where retail uses are sought. In Port Phillip this is typically required as a minimum of 4.0 or 4.5 metres. The Framework was modified in November 2015 to reflect this approach.</li> <li>The amendment does not specify minimum floor to floor heights for residential uses. However the proposed DDO has been written to enable and encourage generous floor-to-ceiling heights to improve the amenity of internal spaces. The DDO specifies a maximum height in metres whilst also placing a limit on storeys (thereby preventing an additional storey being accommodated through reduced ceiling heights). This approach is most significant where heights are established as mandatory.</li> <li>It is noted that the State Government's <i>Better Apartment Design Standards</i> do not specify a minimum ceiling height.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>Under Separation Distances, improve the clarity of the requirement for separation distances for developments of five storeys or over in the DDO, including circumstances when a street-wall is not required. <ul style="list-style-type: none"> <li>For development with an overall building height of 5 storeys or more: <ul style="list-style-type: none"> <li>Development above the street-wall height <u>and development below the street-wall height where the adjoining site has an existing building with habitable room windows / balconies facing the side or rear boundary</u> must be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9 m from existing buildings on the same or an adjoining site(s); or</li> </ul> </li> </ul> </li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>▪ Development may be constructed to a side boundary (0m setback) where: <ul style="list-style-type: none"> <li>○ The adjoining site has a blank boundary wall, with no habitable room windows or balconies, which has been constructed within 200mm of the boundary; or</li> <li>○ The adjoining site has not been developed above the street-wall height <i>or where no street-wall height is specified, the adjoining site has not been developed to or above the preferred height limit</i>; Providing: <ul style="list-style-type: none"> <li>- The primary living areas of all proposed dwellings have a main window(s) / balconies oriented to the front or rear of the site.</li> <li>- The proposed development does not unreasonably compromise the ability of the adjoining site(s) to be developed</li> <li>- There are no existing habitable windows / balconies on the adjoining site within 4.5m of the proposed development.</li> </ul> </li> </ul> </li> </ul> <p>A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.0 of this schedule.</p> <p>NOTE - This requirement does not apply to development of 4 storeys or less in a Residential Zone <i>(including the Mixed Use Zone)</i> where the provisions of ResCode (Clause 54 and 55, as applicable) apply.</p> <ul style="list-style-type: none"> <li>▪ <i>Where an adjoining site has existing habitable room windows and balconies facing the shared side or rear boundary, development should provide a positive address to this boundary and avoid blank walls.</i></li> </ul>

## 7. RESIDENTIAL INTERFACE WITH NEW DEVELOPMENT

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submissions were concerned that new development would restrict access to daylight and overlook existing private open space.</li> <li>Others were concerned about the mandating of requirements of ResCode - Clause 55.04 (Amenity Impacts) where development interfaces with established residential areas.</li> </ul> <p>It was submitted that referencing and mandating the objectives of Clause 55.04 is contrary to the intended purpose of DD027 and the built form controls and objectives proposed and should be removed. It was suggested that this will cause added confusion for applicants and decision makers, particularly with regard to conflicting setback controls.</p>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>The Precinct directly adjoins low-rise residential areas along most of its boundary. At this interface, amenity issues of overlooking, overshadowing and visual bulk must be carefully addressed to maintain the amenity enjoyed by these established residential areas.</li> <li>Throughout the Precinct, transitional heights are required to be provided to sensitive interfaces of heritage or residential properties, with setbacks provided at the ground and upper levels.</li> <li>The complex interface conditions of the Precinct mean that in many locations a lower scale of built form must be adopted, and the recommended building heights and setbacks have been prepared to take this into account.</li> <li>To ensure that proper consideration is given, DD027 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).</li> <li>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.</li> <li>The mandatory ResCode objectives address:             <ul style="list-style-type: none"> <li>Side and rear setbacks</li> <li>Walls on boundaries</li> <li>Daylight to existing windows</li> <li>North facing windows</li> <li>Overshadowing of open space</li> <li>Overlooking</li> <li>Internal views</li> <li>Noise impacts</li> </ul> </li> <li>This is sought to reduce amenity impacts given the high level of sensitivity of interfaces throughout the Precinct.</li> </ul> <p><u>Application of the controls in other DDOs:</u></p> <ul style="list-style-type: none"> <li>Applying the ResCode objectives as mandatory controls through Design and Development Overlays has occurred in other instances across the municipality.             <ul style="list-style-type: none"> <li>DDO 18-1 (Commercial-zoned land in Ormond Road, Elwood) applies the overshadowing open space objective of 54.04-5/55.04-5, and the side and rear setbacks objective of 54.04-1/55.04-1 as discretionary controls.</li> <li>DDO 18-2 (Residential-zoned land in Ormond Road, Elwood) applies the street setback objective of 55.03-1 (or a 6m setback, whichever is the greater) as a mandatory control, and the overshadowing open space objective of 54.04-5/55.04-5 and the side and rear setbacks objective of 54.04-1/55.04-1 as discretionary controls.</li> </ul> </li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS

RECOMMENDED POSITION / CHANGES TO THE AMENDMENT

- DDO21 (Carlisle Street Activity Centre Precinct) applies the overshadowing open space objective of 54.04-5/55.04-5 and the side and rear setbacks objective of 54.04-1/55.04-1 as discretionary controls to development at boundaries with properties in a residential zone.

Application of the controls at the planning permit stage:

- Side and rear setbacks - This control can often result in a tiered building design, minimising amenity impacts on the neighbouring property (see example in Diagram 1 below).

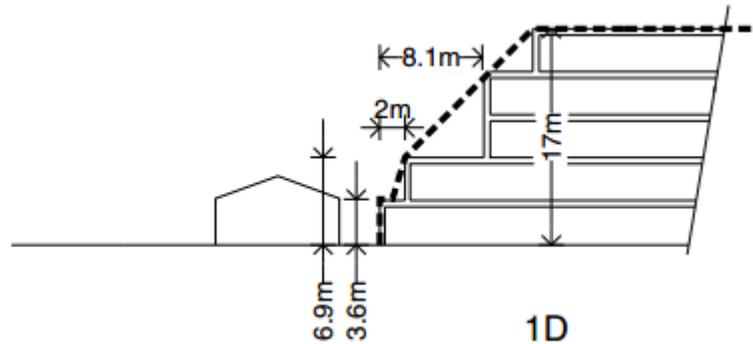


Diagram 1: Side and rear setbacks

- Walls on boundaries - This objective ensures that the length of a boundary wall is proportionate to the length of the boundary on which it falls, and limits the height of new boundary walls so as not to be excessive at the point where it meets the residential interface. New developments adhering to this objective may include sections of recessed wall along the boundary.
- Daylight to existing windows - This control provides a guarantee of adequate daylight to windows of existing dwellings, typically by requiring light courts to be constructed into new buildings opposite windows of existing dwellings, resulting in recessed walls similar to the example given above for Clause 55.04-2.
- North facing windows - This objective seeks to protect the energy efficiency of existing dwellings which are able to rely on north facing windows for solar access.

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>• Overshadowing open space - This control provides protection for existing private open space (typically residential backyards) from overshadowing by new developments. Permit applicants should seek to design new buildings that throw the majority of shadow on roads, public land, or roofs of existing dwellings rather than private open space.</li> <li>• Overlooking - To limit overlooking of habitable room windows (lounges, bedrooms etc.) or secluded private open space (backyards, courtyards), building designers may design new dwellings with obscure glazed windows on sides facing existing windows and backyards, offset windows to limit direct overlooking, integrate screening into the design of the new building, or a combination of the above.</li> <li>• Internal views - Building designers may employ similar approaches to those listed above under Overlooking (eg offset windows, screening, etc) in order to limit views into the secluded private open space and habitable room windows of other dwellings within the same new development. This objective relates to amenity impacts within a new development, and does not relate to the interface with neighbouring residential properties.</li> <li>• Noise impacts - Design responses to this objective may involve the careful locating of noise sources (such as mechanical plants) away from or shielded from existing sensitive rooms such as bedrooms.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## 8. LOSS OF VIEWS FROM NEW DEVELOPMENT OR INCREASED HEIGHTS

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submissions were concerned that new development would block existing views (and decrease property values).</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Protection of private views:</u></p> <ul style="list-style-type: none"> <li>Property values and private views are not direct considerations of the planning system.</li> <li>DDO27 does not include controls to maintain views from private property.</li> <li>There is 'case law' that has established the principle of there being 'no right to a view' (in relation to private land), whilst it is understood that such a view is valued by existing residents.</li> <li>In most of areas of the Precinct, substantial increases in the scale of development have not been envisaged. It is noted that mandatory heights will help to provide some certainty in terms of the scale of development that could be expected.</li> </ul> <p><u>Protection of public views / views from the public realm:</u></p> <ul style="list-style-type: none"> <li>DDO27 identifies key views in the public realm (eg to the St Kilda Presbyterian Church and spire, a significant local landmark). This is achieved through mandating lower scale heights on adjoining sites will serve to frame views to the Church and its spire and the maintenance of landscaped front setbacks.</li> <li>It is also noted a small portion of the precinct is subject to DDO13 - the Shrine Vista Control. This DDO seeks to protect views to the Shrine from the city and St Kilda Road by ensuring the blue sky backdrop to the Shrine is maintained.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to the Amendment.</li> </ul>

## 9. TRAFFIC, PARKING AND ACCESS TO PUBLIC TRANSPORT

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submitters raised concerns about the impacts of increased traffic from new development on local roads (particularly Charnwood Crescent, Wellington Street and Nelson Street).</li> <li>The need for traffic calming measures to ensure pedestrian safety (particularly on St Kilda Road, crossing points and access to public transport) were identified.</li> <li>Submitters expressed a desire to ensure adequate car parking is provided within new developments.</li> <li>Some submitters raised concerns that increased residential density will place more strain on the public transport system (which is already struggling to meet current demand).</li> <li>Submitters also identified concerns about the impacts of development on traffic in side streets and on existing residential properties eg headlights and noise.</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>A <i>Transport and Parking Capacity and Demand Study</i> was undertaken to inform the Framework, recognising that as development density increases, that the impacts on public transport, traffic and parking need to be considered and effectively managed.</li> <li>The Transport and Parking Study included an analysis of existing traffic and parking conditions. It then applied the outcomes of the 'Capacity Analysis' to determine the increase in residential apartment and change in commercial floorspace. The Transport and Parking Study then considered the capacity of the road network and additional transport, traffic and parking demands that will be associated with growth in the Precinct and identified parameters for access and parking rates.</li> </ul> <p><u>Traffic and parking:</u></p> <ul style="list-style-type: none"> <li>The exhibited DDO27 explicitly requires a traffic and parking report which requires consideration of the cumulative impacts of development.</li> <li>The DDO also seeks to ensure that vehicle access is provided to the side or rear of lots, wherever possible. This is partly to ensure that the design of new development makes a positive contribution to the street rather than being dominated by car parking access points. Ideally access would be provided at the nearest lane or other main roads such as Alma Road, Inkerman and Carlisle Streets, rather than St Kilda Road.</li> <li>Under these scenarios, access is considered to have a limited impact on local streets, mostly being contained to peak hour. Vehicle access arrangements are carefully considered, looking at multiple access points so that traffic generation does not concentrate in one particular side street. Drivers accessing driveways in side streets generally approach these access points at a slower speed, which is a safer arrangement for pedestrians.</li> <li>Amenity impacts could include noise from vehicles, however some amenity impact should be expected where residential properties abut laneways that provide vehicle access to properties within the Commercial 1 Zone.</li> <li>The Framework also identifies some improvements to traffic and vehicle movements along Wellington Street, Carlisle Street, Alma Road and Inkerman Street. Improvements to St Kilda Road need to be undertaken with VicRoads.</li> <li>Council has reviewed on-street parking restrictions in St Kilda through its Neighbourhood Parking Scheme. Consultation was undertaken in June-July 2016 with final changes expected to be installed early in 2017. As a result, some changes have been made to the on-street parking restrictions in some locations.</li> </ul> <p><u>On-site car parking:</u></p> <ul style="list-style-type: none"> <li>DDO27 includes requirements on the design/location of parking spaces and access/crossovers to car parks.</li> <li>The Amendment proposes that new use and development in the Precinct is self-sufficient in on-site car parking and includes proposed car parking requirements in Local Policy in Clause 21.06-6. Implementation of this policy will ensure new developments provide adequate car parking.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>• A Parking Overlay (the Planning Scheme mechanism to formalise variations/lower parking rates) has not been developed for the Precinct as part of Amendment C122. Rather it is Council's intent to consider application of a Parking Overlay that would apply across the whole of the City of Port Phillip and implement sustainable parking rates across a range of mixed use precincts/activity centres, rather than just St Kilda Road South.</li> </ul> <p><u>Enhancing walking and cycling:</u></p> <ul style="list-style-type: none"> <li>• An objective in the Amendment (under Creating streets and spaces for people) is to 'contribute to a vibrant, safe and attractive pedestrian environment throughout the Precinct'.</li> <li>• The aim is to enhance pedestrian and cycling linkages to nearby activity centres and public transport to maximise resident and worker access to a wide range of shopping and community facilities.</li> <li>• This objective will largely be implemented outside the Planning Scheme through the implementation of the Framework.</li> <li>• The Framework in Section 3.4 – Access and Parking contains detailed strategies and initiatives which will be implemented through capital works, advocacy to VicRoads and Public Transport Victoria. For example, an action to improve pedestrian safety (separate to Amendment C122) is to work with VicRoads to improve pedestrian crossing times at St Kilda Junction and across St Kilda Road.</li> <li>• The Framework also seeks to improve bike riding facilities and links throughout the Precinct, including through protected bike lanes along St Kilda Road.</li> </ul> <p><u>Access to public transport:</u></p> <ul style="list-style-type: none"> <li>• Amendment C122 will facilitate active transport choices by residents and workers in the Precinct, directing housing growth to an area that is well serviced by public transport.</li> <li>• The development capacity predicted in the Framework will be communicated as part of Council's future advocacy to influence PTV's decision making process (separate to the Amendment process). However, it is noted that there is an overall increase of population across the Melbourne metropolitan area, and public transport service providers will consider the level of service required in this wider context.</li> <li>• Public Transport Victoria has advised that they are gradually replacing the small A and Z class trams with B class trams on Routes 3,16 and 67. The B class trams have almost twice the capacity so although the number of trams will not increase the number of people who can travel on them will.</li> </ul> <p><b>Recommended position:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## 10. NEED FOR IMPROVEMENTS TO THE PUBLIC REALM AND OPEN SPACE

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>• Submitters raised concern about the impacts of new development and population increase on the liveability and local amenity of the area, including the provision of open space.</li> <li>• Submitters (both written and verbal) noted the several pockets of remnant land alongside St Kilda Road that were not addressed in Amendment C117 or the Framework and suggested that the remnant land be used as landscaped public open space.</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>• The land use and built form controls proposed in the Amendment place strong emphasis on new development that strengthens identity and place, creates a great place to live and is easily accessible for all.</li> </ul> <p><u>Public realm (eg streets, footpaths):</u></p> <ul style="list-style-type: none"> <li>• Requirements in the Amendment to enhance the public realm include: <ul style="list-style-type: none"> <li>- Ground level uses and ‘active edges’ that activate the public realm</li> <li>- Pedestrian scale street-wall heights</li> <li>- Maintaining solar access to the southern footpaths</li> <li>- Creating landscaped setbacks (green links) along Wellington Street</li> <li>- Ensuring building heights and recessed upper level development do not overwhelm the street</li> <li>- Achieving well-articulated building design on large sites to maintain a fine urban grain</li> <li>- Locating vehicular access and car parking to the rear of sites.</li> </ul> </li> <li>• These proposed controls will be supported through ongoing infrastructure maintenance and upgrades, including to footpaths, street tree plantings and street lighting.</li> <li>• Specific project opportunities for additional public realm and access improvements are identified in the Framework. Some improvements to Wellington Street have been implemented. Implementation of other improvements will be undertaken at a later date, following the development of a Capital Works Plan.</li> </ul> <p><u>Open space:</u></p> <ul style="list-style-type: none"> <li>• The increase in residential population will create some additional demands on existing open spaces.</li> <li>• The Framework does not specifically propose new open space sites within the Precinct, although does identify open space as one option for the future re-use of the Council owned car park at 98 Inkerman Street.</li> <li>• The increase in residential population will create some additional demands on existing open spaces and the Framework proposes to address this through: <ul style="list-style-type: none"> <li>- Identifying and enhancing key walking connections to existing open space sites, including Alma Park and Albert Park Reserve.</li> <li>- Improvements to existing local open spaces including: Jim Duggan Reserve, Alma Park, Crimea Street Reserve, Pakington Street Reserve and Waterloo Crescent. Improvements would seek to increase the functionality and capacity of these spaces.</li> <li>- Creating improved public realm conditions across the Precinct and more specifically, “establishing and reinforcing a series of ‘pause places’ - which function as neighbourhood spaces for people to meet and rest”. For example, two activity clusters (shops and cafes) with associated footpath spaces are proposed along Wellington Street, immediately east of St Kilda Road and Upton Road.</li> </ul> </li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>- Improving key east – west streets, through identifying walking routes / green links which provide connections between residential area to the east (and west) of the precinct, public open spaces and transport routes / stops. A continuous north–south walking link is also defined in the draft Framework through the residential areas east of St Kilda Road.</li> <li>- These links are defined on Figure 11 – Public Realm Framework Plan.</li> <li>- The Framework similarly identifies improvements to cycle links through this area. Enhancing these priority streets for walking and bike riding will encourage sustainable travel choices, and be achieved through on-going infrastructure maintenance and upgrades, including to footpaths, street tree plantings and street lighting.</li> </ul> <ul style="list-style-type: none"> <li>• In preparing a master plan / program for any significant changes and improvements to existing open spaces, Council typically undertakes consultation with the local community. Community views inform the future function and design of the space, including decisions to incorporate new elements such as community gardens. The role of the Framework is to present options / opportunities but detailed planning of spaces will occur through a separate process.</li> </ul> <p><u>Remnant areas along western side of St Kilda Road:</u></p> <ul style="list-style-type: none"> <li>• Along the western side of St Kilda Road, there are a number of ‘left over sites’ from the road widening scheme. These generally present as small undeveloped spaces that are generally not well maintained.</li> <li>• The Framework identifies that some of these sites could be used to help reinstate the building edge (potentially through consolidation with other adjoining sites) or as public spaces that encourage activity along the street.</li> <li>• Further investigation will be undertaken of these left over spaces on the western side of St Kilda Road to identify which sites will provide opportunities to create well-cared or public/green spaces. However the design and planning for these sites has not yet been undertaken and is subject to available budget.</li> </ul> <p><b>Recommended position:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## 11. IMPACTS OF FLOODING ON DEVELOPMENT

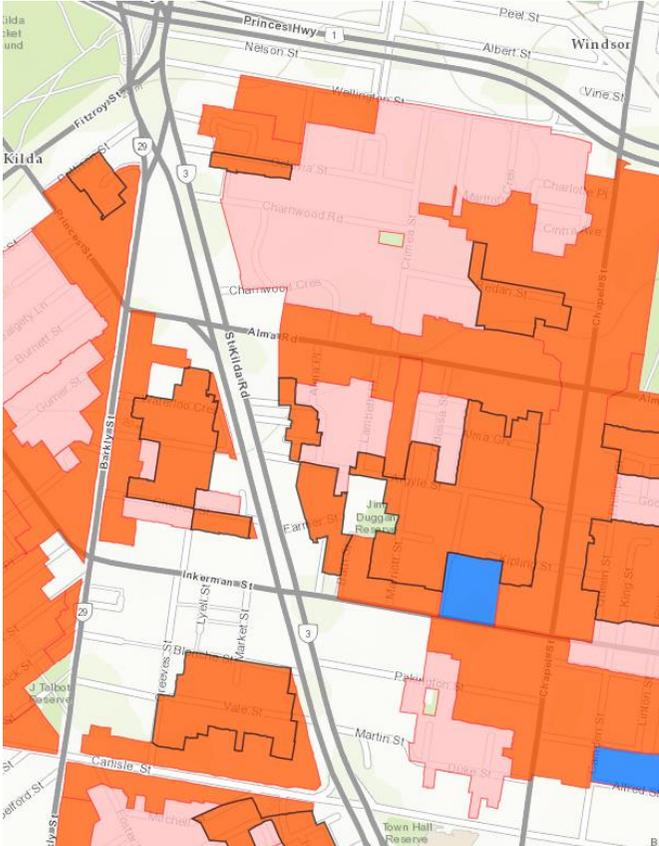
SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submissions were concerned that new development would add to flooding issues (particularly in the area south of Inkerman Street).</li> <li>It was suggested that the DDO should better address this (e.g. through revising guidance that ground floor entries to retail should be level with the footpath).</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>The Special Building Overlay (SBO) is a planning scheme provision that identifies areas prone to overland flooding.</li> <li>The overlay triggers a planning permit for development, with the purpose being to set appropriate conditions and floor levels to address any flood risk to new developments.</li> <li>The Special Building Overlay applies to land adjoining the Precinct between Inkerman and Carlisle Streets. A small area of land within the Precinct itself is affected by the SBO – mainly along Inkerman and Market Streets.</li> <li>The boundaries of the SBO were reviewed in 2015 as part of Amendment C111.</li> <li>Within and adjoining the Precinct, some properties were removed from the SBO and an area within the Precinct in the north-west corner if the Carlisle Street / St Kilda Road intersection was added to the SBO.</li> <li>The SBO affects a small number of properties within the Precinct itself – the rear some properties in Inkerman Street, properties in Market Street and properties along the western side of St Kilda Road between Inkerman and Carlisle Street. Some properties on the eastern side of St Kilda Road around Inkerman Street are also within a SBO.</li> <li>The Planning Scheme (Clause 22.06) encourages new non-residential and multi-unit development to manage additional pressure on the local drainage system through on-site storm-water retention and reuse.</li> <li>Clause 22.12 Stormwater Management (Water Sensitive Urban Design) also requires the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways.</li> <li>Council and Melbourne Water also have an on-going program of infrastructure works which will be implemented over time to reduce flooding impacts.</li> <li>The DDO seeks urban design outcomes such as ground floor entries, which would be appropriate for most of the precinct that is unaffected by a SBO. Developments within an SBO would need to take the requirements for raised floor levels into account. The two controls need to be read in conjunction with each.</li> </ul>  <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to the Amendment.</li> </ul>

## 12. PROTECTION OF HERITAGE PLACES

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>• Support for the identification of heritage properties and the application of the Heritage Overlay.</li> <li>• Objections were made to the Heritage Overlay on the sites at 59 and 59A Wellington Street and the grading of the building as “significant”.</li> <li>• An objection to the site-specific Heritage Overlay for 129 Wellington Street was received on the grounds that the building is not of sufficient historical or architectural significance to warrant an individual overlay.</li> <li>• The objections were concerned about the ability to redevelop their site.</li> </ul>	<p><b>Response / rationale:</b></p> <ul style="list-style-type: none"> <li>• The Amendment proposes to apply new individual Heritage Overlays to eight properties in Wellington Street and make related changes to the <i>Port Phillip Heritage Review</i>.</li> <li>• Heritage Overlay 6 (HO6) – a precinct-based overlay already applies to parts of the precinct, as do other individual HOs.</li> <li>• The application of further HOs provides for protection of individually significant buildings which adds to the diversity of buildings within this strategically important renewal area.</li> </ul> <p><u>Application of individual Heritage Overlays:</u></p> <ul style="list-style-type: none"> <li>• The two properties at 59 and 59A and 129 Wellington Street (raised in submissions) were assessed by Lovell Chen in the Wellington Street Heritage Assessment (2015) as being of local heritage significance and not being covered by existing heritage controls.</li> <li>• Heritage buildings outside the existing Heritage Overlay are considered vulnerable without demolition controls because they may be lost to development.</li> <li>• Buildings identified as being of heritage significance are included within a Heritage Overlay in the Port Phillip Planning Scheme. This ensures that heritage values are considered at the planning permit stage – with the local heritage policy in the Planning Scheme discouraging the demolition of a building graded as either a ‘significant heritage place’ or ‘contributory heritage place’.</li> <li>• In addition to existing (and proposed) Heritage Overlay controls, the proposed DDO and residential zone provisions recognise and seek to protect the identified heritage values of Wellington Street.</li> </ul> <p><u>Impacts of a Heritage Overlay on development:</u></p> <ul style="list-style-type: none"> <li>• It is a well-recognised and accepted consequence that planning controls will set parameters in relation to the use and development potential of land. All properties in the municipality are subject to zoning controls and most are also subject to overlay controls. The application of the Heritage Overlay to places of heritage significance is a clear obligation on Planning Authorities under the <i>Planning and Environment Act 1987</i>.</li> <li>• With regard to the concern that the future development potential of properties will be restricted through the application of a Heritage Overlay, Council recognises that ‘heritage’ will become an additional matter for consideration.</li> <li>• The inclusion of a site in a Heritage Overlay does not preclude redevelopment, instead it ensures that heritage is considered as part of the balanced consideration of the proposed development, with the intent to retain and reuse significant heritage fabric.</li> <li>• The Heritage Policy at Clause 22.04 of the Port Phillip Planning Scheme sets out objectives, policy statements and performance measures to guide decision making pursuant to the Heritage Overlay. This policy enables Council to consider applications on a case by case basis. It does not prohibit opportunity for repair, extension to or redevelopment of heritage places, but rather establishes an additional layer of consideration for such places so that the existing heritage values of a place (individual property and / or precinct) are maintained.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<ul style="list-style-type: none"> <li>• Previous Panels have consistently found that the economic impacts and impacts on development potential are not relevant to assessing significance or the application of controls, but rather are management considerations following this process (i.e. at the permit stage).</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

### 13. APPLICATION OF NEW RESIDENTIAL ZONES

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submissions objected to the proposed rezoning of properties from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ) in Wellington Street.</li> <li>They considered that application of the NRZ would limit the development potential of sites, including the number of dwellings allowed.</li> <li>Other submissions supported the application of the NRZ and mandatory height limits to the GRZ in Wellington Street.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Proposed application of the New Residential Zones in the St Kilda Road South Precinct:</u></p> <ul style="list-style-type: none"> <li>The Amendment applies new schedules to the GRZ in Wellington and Carlisle Streets and rezones the southern side of Wellington Street (east of Upton Road) from the General Residential Zone to the Neighbourhood Residential Zone.</li> <li>The Schedule to the GRZ which is proposed to apply to Wellington Street includes a 3 storey (10m) mandatory height limit and the NRZ provisions include the default mandatory 2 storey (8m) height limit.</li> <li>This is consistent with Council's adopted translation of the New Residential Zones (through Amendment C123).</li> </ul> <p><u>Map – Proposed Application of the New Residential Zones (including Review Areas)</u></p>  <p><b>Review Areas</b></p> <p>Note – The General Residential Zone is proposed to apply as a default zone while Council undertakes a further detailed review of the zoning.</p> <p><b>Proposed New Residential Zones</b></p> <ul style="list-style-type: none"> <li>Neighbourhood Residential Zone</li> <li>General Residential Zone</li> <li>Residential Growth Zone</li> </ul> <p>NB - In the proposed Planning Scheme Maps for Amendment C123, the 'Review Areas' and other zones eg commercial, mixed use zone are shown in white as they are not affected by Amendment C123.</p>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p><u>Application of the NRZ:</u></p> <ul style="list-style-type: none"> <li>• The application of the NRZ across the southern side of Wellington Street (east of Upton Road) recognises and seeks to protect the identified heritage values of Wellington Street.</li> <li>• This area has an established residential role, low scale (1-2 storey) and fine grain heritage area. The vision for this area is that the established role and built form will be maintained and reinforced.</li> <li>• The residential nature of the south side of the street will be complemented by the Amendment facilitating the north side to transition from a commercial to a mixed use area with increasing residential uses.</li> <li>• The NRZ is the most appropriate zone to provide greater certainty about the development capacity of these areas and to facilitate development that is of a density and scale that respects the low-density, fine-grain and heritage significance of the site and surrounds.</li> <li>• Council's approach to applying the NRZ is to not 'lock up' areas of the municipality. It is important that the Neighbourhood Residential Zone provides the opportunity for some new multi-unit development, whilst ensuring that the development yields in these areas are lower than in 'preferred' areas to incentivise and direct new housing to the best locations.</li> <li>• A four dwelling density limit rather than the default of two dwellings per lot has been applied in recognition of the larger lot sizes and predominant development styles.</li> <li>• Council's application of residential zones across the city has given detailed consideration to each Heritage Overlay area and has not applied the NRZ to all heritage overlays. It has applied the GRZ where there is capacity for new development and established apartment development.</li> <li>• A default mandatory height of 8m (2 storeys) has been applied. LIDAR data was used to determine the predominant building heights in the area.</li> <li>• The Neighbourhood Residential Zone includes a number of minor exemptions to the mandatory heights. It was considered that some additional flexibility is required to provide for architectural features, pitched roofs, green roofs and to address issues such as flooding.</li> </ul> <p><u>New schedules to the GRZ in Carlisle Street and Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• The default 9m discretionary height limit applies to the area of Carlisle Street in the GRZ.</li> <li>• A 10m mandatory height limit applies at 28-64 Wellington Street and 3-7 Robertson Street, St Kilda (Wellington Street).</li> <li>• The Framework seeks to '<i>reinforce the established 2-3 storey scale west of Upton Road, allowing for new well-designed 'infill' development on larger sites consistent with the established neighbourhood character</i>'.</li> <li>• The application of the GRZ with a mandatory 10 metre height establishes clear parameters for future development and ensures consistency with the established neighbourhood character. As opportunities for new 'infill' development in this portion of Wellington Street are limited (given existing and proposed heritage controls over individual sites and a prevalence of apartment developments), it is appropriate the any new development reinforces the established streetscape character and scale of buildings.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p><u>Residential zoned sites on the western side of St Kilda Road:</u></p> <ul style="list-style-type: none"> <li>• Some sites with the St Kilda Road South Precinct will be retained in the General Residential Zone. These sites are located fronting St Kilda Road adjacent to Waterloo Crescent and between Vale and Carlisle Streets and also in Alma Road (west of St Kilda Road ) and Barkly Street (south of Alma Road).</li> <li>• As part of the development of the Framework, consideration was given to the opportunity for selected residential properties, including a number of 'left over sites' from the road widening scheme, to play a role in facilitating the consolidation and renewal of sites along St Kilda Road, to recreate a built form edge lost through the earlier road widening. These sites were recommended for retention in the General Residential Zone.</li> <li>• For the sites along St Kilda Road, a lower scale of four storeys is proposed through DDO27. These sites adjoin established residential areas and the proposed scale reflects realistic development outcomes due to their interface conditions and sensitivity. Transitional heights are proposed for the sites adjacent to the church.</li> </ul> <p><u>Relationship with Amendment C123:</u></p> <ul style="list-style-type: none"> <li>• Amendment C123 is Council's updated translation of the New Residential Zones. Amendment C123 seeks to finalise the translation to new zones in specified areas aligned with Council's Stage 1 and 2 translation and housing policy, establishing certainty in these locations. 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.</li> <li>• The translation is based on Council's adopted Housing Strategy, which is incorporated as local policy in the Port Phillip Planning Scheme. Council's translation is based on a strategic and balanced approach to housing growth which ensures that: <ul style="list-style-type: none"> <li>- Significant and sustained housing growth opportunities are provided across Port Phillip.</li> <li>- Housing growth is directed to 'preferred locations' close to public transport, shops and services.</li> <li>- Growth in established residential areas is managed to ensure new development respects neighbourhood character and heritage.</li> </ul> </li> <li>• The Framework, and consequently Amendment C122, was developed taking Council's proposed approach to the New Residential Zones into account. (Noting Submission 32 identifies a discrepancy in Charles Street.)</li> <li>• Since adopting the Framework, the key change in terms of the proposed residential zones is the identification of the Review Areas where further work will take place. (Noting the Review Areas are outside the St Kilda Road South Precinct.)</li> <li>• Council has 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. These areas would remain in a General Residential Zone, as a 'default' position, while the further strategic work takes place.</li> <li>• 45 review areas have been defined for further analysis and consideration across the city. Analysis of the 'review areas' will incorporate an assessment of development potential and capacity and a detailed assessment of neighbourhood character. This process may identify further opportunities for development in proximity to the St Kilda Road South Precinct.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to the Amendment.</li> </ul>

#### 14. EXTENT OF THE AMENDMENT

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<ul style="list-style-type: none"> <li>Some submissions have suggested that this study area is not sufficiently broad to consider the relevant wider context.</li> <li>It has been suggested that the area of the Precinct is too narrow and that the Precinct should be wider to allow for the amalgamation of allotments to facilitate larger building envelopes to be created along St Kilda Road.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Extent of the amendment:</u></p> <ul style="list-style-type: none"> <li>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. This was a specific requirement of the study brief for the Framework and reflected in all community consultation undertaken (with notification of the Framework and Amendment C122 and input sought from surrounding residents/land owners).</li> <li>Recommendations of the Framework reflect these broader considerations, for example: <ul style="list-style-type: none"> <li>Built form policy related to the protection of sensitive residential 'interface' areas.</li> <li>Built form policy which considers the scale and form of development sought in adjoining areas under existing DDOs.</li> <li>Design objectives based on respecting the scale of development on the opposite side of a street (e.g. Barkly and Wellington Streets).</li> <li>Land use recommendations which acknowledge the close proximity of the Acland, Carlisle and Chapel Street Activity Centres where weekly retail and service needs can be met.</li> <li>Definition of 'green-links' and walking links connecting the precinct to nearby open spaces and activity centres.</li> </ul> </li> <li>Definition of the St Kilda Road South Precinct was based on the inclusion of: <ul style="list-style-type: none"> <li>Sites directly fronting St Kilda Road between the Junction and Carlisle Street not currently included within a Design and Development Overlay to manage the scale and form of future development. (This excludes sites south of Inkerman Street on the eastern side of St Kilda Road which are covered by DDO1 and the Carlisle Street Activity Centre Structure Plan.)</li> <li>All properties within Wellington Street, to enable the strategic directions for both land use and urban design to be considered holistically, recognising recent high levels of redevelopment.</li> <li>Part of the north side of Carlisle Street, east of St Kilda Road, which has larger lots sizes and is currently subject of development pressure.</li> <li>Small sections of Alma Road, Barkley Street and Inkerman Street, generally in a Commercial Zone, which are not covered by an existing DDO but within areas experiencing development pressure.</li> </ul> </li> </ul> <p><u>In relation to specific requests for altering the boundary to:</u></p> <ul style="list-style-type: none"> <li><u>Surrounding residential areas</u> - Residential areas east and west of St Kilda Road have been considered as part of the application of the New Residential Zones.</li> </ul>

SUMMARY OF ISSUES RAISED IN SUBMISSIONS	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p>As highlighted in Section 12. Application of the New Residential Zones, some of these areas 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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>• <u>Development opportunities on the western side of St Kilda Road</u> – Along St Kilda Road, the amendment generally focusses on properties directly fronting St Kilda Road. The Framework identifies 'left over sites' from the road widening scheme. It identifies that some of these sites could be used to help reinstate the building edge potentially through consolidation with other adjoining sites.</li> </ul> <p>During development of the Framework, analysis of the residential areas to the immediate west of St Kilda Road was undertaken. These areas are well-established, fine grain residential areas which, without significant intervention, have limited redevelopment potential.</p> <p>Notwithstanding that some site consolidation could occur, these areas are generally not considered suited to comprehensive urban renewal, particularly recognising that the propensity for change in nearby areas already zoned for mixed use at higher densities have been slow to transition / redevelop (as further discussed below). These areas are characterised by small, narrow allotments and a predominance of single (and some double) storey dwellings.</p> <p>The area west of St Kilda Road includes a 'mixed use' precinct; formerly an industrial area which now provides the opportunity for residential redevelopment /conversions. This transition has commenced however significant capacity for further renewal exists, as is the case within the 'Pakington Street' mixed use precinct on the eastern side of St Kilda Road. The remaining development capacity in these mixed use precincts, that were zoned to facilitate renewal over 10 years ago, suggest the propensity for broad scale renewal of established residential areas as suggested by some submitters would be insufficient to warrant this approach.</p> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to the Amendment.</li> </ul>

## PART 3 – RESPONSE TO INDIVIDUAL / SITE SPECIFIC SUBMISSIONS

SUBMISSION DETAILS	SUMMARY OF WRITTEN SUBMISSION	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<p><b>Submission in Support</b></p> <p>Submitters 3, 4, 5, 6, 7, 9, 12, 17, 19, 21, 22, 23, 25, 29, 42, 43</p>	<p><u>Supported the Amendment for some or all of the following reasons:</u></p> <ul style="list-style-type: none"> <li>• High rise buildings are not in character with the predominately 2-4 storey buildings in the neighbourhood and will add to congestion in the area.</li> <li>• The rezoning of St Kilda Road South will facilitate the transition to residential/mixed use.</li> <li>• Various caps on building heights will provide much less congestion and better integration with the existing adjoining residential area.</li> <li>• Limiting the building height will reduce overshadowing and allow for some privacy for residents of Charnwood Road.</li> <li>• Supports protection of the neighbourhood character of Charnwood Road.</li> <li>• Allowing high buildings (more than 6 storeys) around Charnwood and St Kilda Road intersection would further exacerbate the following issues: lack of car parking, increased traffic, loss of amenity, decrease in privacy, and loss of the suburban feel in the area, particularly Charnwood Road.</li> <li>• Existing development has filled the submitter’s view from their lounge room windows and further developments along St Kilda Road without planning controls may well exacerbate this issue. Further development may also place additional pressure on poor weekend trams services along St Kilda Road between the Junction and Carlisle Street.</li> </ul>	<p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>I</b> Resident – Nelson Street (in Area 3B)</p> <p><b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Very supportive of the Amendment.</li> </ul> <p><u>Mixed Use Zone:</u></p> <ul style="list-style-type: none"> <li>• Concerned that their property on Nelson Street (which is solely accessed from Nelson St) has not been included in the Mixed Use Zone.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Mixed Use Zone:</u></p> <ul style="list-style-type: none"> <li>• Land on the northern side of Wellington Street is proposed to be rezoned from Commercial I to the Mixed Use Zone. (The property is within this area.)</li> <li>• A key direction of the Framework was the desire to transition Wellington Street to a mixed use area, which better complements the residential nature of the south side of the street.</li> <li>• The Mixed Use Zone allows for the continuation of established retail / commercial uses, and encourages new such uses at ground level to activate the street – with retail uses focused around emerging clusters close to St Kilda Road and immediately east of Upton Road.</li> <li>• The proposed zoning has been clarified with the submitter.</li> </ul>

SUBMISSION DETAILS	SUMMARY OF WRITTEN SUBMISSION	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
		<p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>2</b> Resident – Charnwood Crescent (outside St Kilda Road South precinct)</p> <p><b>Submission with concerns</b></p>	<p><b>Issue raised in submission:</b></p> <p><u>Building height – Areas 2A and 2B – Eastern side of St Kilda Road near Charnwood Crescent:</u></p> <ul style="list-style-type: none"> <li>Objects to the new height limits in Area 2B (6 storey discretionary height limit). New apartments on the other side of St Kilda Road already overlook the submitter’s back garden.</li> <li>These heights reduce privacy and quietness in the area and detract from amenity. Buildings of four (4) storeys in Area 2B will increase the sense of crowding. <i>[Area 2B has a discretionary maximum building height of 20m (6 storeys)].</i></li> <li><i>[No alternate height was suggested in the submission].</i></li> </ul> <p><u>Traffic and transport:</u></p> <ul style="list-style-type: none"> <li>Charnwood Crescent already cannot cope with the present traffic and parking.</li> <li>Allowing further development will increase the problem, particularly for existing residents who do not have off-street car parking.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Building height – Areas 2A and 2B – Eastern side of St Kilda Road near Charnwood Crescent:</u></p> <ul style="list-style-type: none"> <li>A 6 storey discretionary maximum height is proposed for sites in Area 2B which fronts St Kilda Road.</li> <li>A 4 storey discretionary height is proposed for Area 2A for properties east of the rear laneway and fronting Alma Road and Charnwood Crescent.</li> <li>The 4 storey area provides a transition to the lower scale properties to the east and reflects the existing built form scale. This area is occupied by two three storey apartment buildings and the two storey Jewish Museum of Australia.</li> <li>The response in Section 2. Building Heights outlines the overall rationale for the 6 storey and 4 storey building heights.</li> <li>It is also noted that this area is within a Heritage Overlay which will continue to apply.</li> <li>The Framework and Amendment C122 place strong emphasis on the protection of residential interfaces and amenity, such as to the rear of properties in Area 2B.</li> <li>It is also noted that for a development proposal to achieve approval for the maximum heights specified, it must meet the design objectives and requirements. It is acknowledged that the maximum heights specified will not be able to be achieved on all sites (noting the significant variation in the size and dimensions of lots, even within specific areas within the neighbourhoods).</li> <li>Design objectives will ensure new development achieves a transition down in scale to established residential areas. This will be achieved through an appropriate scaling down in height of buildings in Area 2A (adjacent to the submitter’s property), which has a maximum discretionary building height of 4 storeys.</li> <li>Design objectives will also ensure buildings do not significantly overshadow or overlook private open space and that the amenity of these areas is not impacted. Application of ResCode standards support the implementation of these objectives. See response in Section 7. Residential Interface with New Development.</li> </ul>

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		<p><u>Traffic and transport:</u></p> <ul style="list-style-type: none"> <li>• See response to Section 9. Traffic, Parking and Access to Public Transport.</li> <li>• Council has reviewed on-street parking restrictions in St Kilda. Consultation was undertaken in June-July 2016 with final changes expected to be installed in early 2017.</li> <li>• The changes include modifying the existing parking restrictions along a portion of Charnwood Road and Charnwood Grove.</li> <li>• It is also noted that all new dwellings constructed after 2002 (except where a single dwelling replaces an existing single dwelling) are not eligible for resident or visitor parking permits.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>8</b> Resident/owner – Charnwood Road (outside St Kilda Road South precinct)</p> <p><b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Supportive of the Amendment, with comments.</li> </ul> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>• Very concerned that the heights of buildings proposed for St Kilda Road will shade homes to the east and the cumulative effect of big developments will have a large negative impact on this family friendly area.</li> <li>• <i>[No alternate height was suggested in the submission].</i></li> <li>• Building setbacks, sight lines and landscaping (as in St Kilda Road North) should be used to make buildings appear more friendly.</li> </ul> <p><u>Traffic and public transport:</u></p> <ul style="list-style-type: none"> <li>• Increased population near public transport increases crowding on already crowded transport and does not automatically reduce cars.</li> <li>• Adequate car parking spaces must be provided by developers for residents, service vehicles, customers and visitors.</li> <li>• Traffic and pedestrian safety will be highly compromised at corner sites and planning controls should address the increasing business of existing or new crossovers. Existing traffic calming measures in side streets may need to be altered to manage additional traffic.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>• See response to Section 2. Building Heights and Section 7. Residential Interface with New Development.</li> </ul> <p><u>Traffic and public transport:</u></p> <ul style="list-style-type: none"> <li>• See response to Section 9. Traffic, Parking and Access to Public Transport.</li> </ul> <p><u>Land use - Commercial:</u></p> <ul style="list-style-type: none"> <li>• The Framework recognises opportunities for business. It seeks to reinforce the established commercial role of St Kilda Road as a niche retail and business precinct, encourage a diverse range of specialty retailing, display based retailing along the eastern side of St Kilda Road and consolidate the cluster of specialty retailing at the intersection of Inkerman Street and St Kilda Road.</li> <li>• The Planning Scheme can only encourage or restrict uses within specific parameters. Commercial / retail activity is driven by the market.</li> <li>• The Framework recognises the importance of on-street parking along St Kilda Road to specialty retail and commercial businesses in the Precinct that rely on a broad customer catchment.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>

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	<p><u>Land use - Commercial:</u></p> <ul style="list-style-type: none"> <li>Concerned that commercial property development may become unviable due to lack of parking (due to population increase) or oversupply of services (cafes).</li> </ul>	
<p><b>I0</b> Residential property owner – St Kilda Road, between Alma Road and the Junction (in Area 1E)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submissions:</b></p> <p><u>Impacts on private views:</u></p> <ul style="list-style-type: none"> <li>The proposed 10 storey building height in Area 1E (north of Alma Road) will block views from existing apartments.</li> <li>Residents purchased these units in part because of sea and city views.</li> <li>Objects to the proposed building height limit controls ranging from 4 – 10 storeys along Alma Road, which will also block views from existing apartments, decrease value of existing properties and construction noise/pollution from future development will be unpleasant for existing residents.</li> <li>Building heights in this area should be lowered so that existing views are not blocked.</li> <li>[No alternate height/s were suggested in the submission].</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Impacts on private views:</u></p> <ul style="list-style-type: none"> <li>See response to Section 8. Loss of Views.</li> <li>It is also noted that currently there are no height controls along St Kilda Road.</li> <li>DDO27 proposes a discretionary maximum height of 10 storeys for new developments, north of Alma Road.</li> <li>It is also noted that there are already significant developments (existing or under construction) in this area ranging from 13 to 29 storeys. The proposed 10 storeys reflects a more moderate scale of development that is considered to respond better to the lower scale of development in the surrounding established areas, a number of heritage buildings, and the anticipated scale of development on the opposite side of St Kilda Road (also including significant heritage fabric).</li> <li>To ensure a reasonable level of amenity is maintained for existing residents, DDO27 includes amenity controls such as mandatory minimum separation distances to ensure spacing between buildings.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>I1</b> Residential property owner – Wellington Street (in area proposed for inclusion in NRZ)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>A planning proposal involving demolition of the existing dwelling and construction of a three-storey apartment building (plus basement) with 21 dwellings and associated car parking was recently refused by the City of Port Phillip. This decision was upheld by the Victorian Civil and Administrative Tribunal (VCAT) – <i>Montezuma Developments Pty Ltd v Port Phillip CC [2016]</i>.</li> <li>The decision did not preclude redevelopment of the land, subject to retention of (at least part of) the existing 'significant' graded heritage dwelling on the land.</li> <li>Wellington Street is traditionally a through road.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Zoning:</u></p> <ul style="list-style-type: none"> <li>See response in Section 12. Application of the New Residential Zones.</li> <li>Application of the Neighbourhood Residential Zone (NRZ) aligns directly with existing planning scheme policy and controls, which seek to protect the recognised, well-established heritage values of these areas.</li> <li>More specifically, the 'purpose' of the NRZ is to: <ul style="list-style-type: none"> <li>'Recognise areas of predominantly single and double storey residential development'.</li> <li>'Manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics'.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• Properties on the north-side which abut Dandenong Road are in the commercial zone. There is not a cohesive residential character.</li> <li>• The subject site is on the fringe of the existing HO. NRZ is not supported.</li> </ul> <p><u>Zoning:</u></p> <ul style="list-style-type: none"> <li>• Objects to the rezoning from GRZ to NRZ.</li> <li>• Dwelling density of four and maximum height of 8 metres (2 storeys) fails to recognise the built form context of Wellington Street. Street does not have a cohesive residential streetscape.</li> <li>• Site is within Heritage Overlay Schedule 6 (HO6). This is insufficient to justify NRZ9.</li> <li>• The site area and the siting of the existing heritage building would allow redevelopment which satisfactorily responds to the heritage building as well as land in HO6 to the east.</li> <li>• The potential to achieve a contextual design response would be stifled by the application of the NRZ9.</li> <li>• Site adjoins land proposed to be included in GRZ7 and directly abuts a five storey residential building (formerly used as a motel). Given the diverse streetscape, and adjoining a much taller building, there is no justification for an 8 metre (2 storey) height limit.</li> </ul>	<ul style="list-style-type: none"> <li>• The application of NRZ9 to the subject site, and along southern Wellington Street east of Upton Street, aligns with the 'principles' for applying the NRZ set out in Practice Note 78: <ul style="list-style-type: none"> <li>- 'Residential areas with Heritage Overlays (larger heritage precincts, rather than individually recognised heritage sites)'. </li> <li>- 'Areas where more than 80% of lots currently accommodate detached dwellings'. (Approximately 80% of dwellings in these areas are single dwellings – see details below).</li> </ul> </li> <li>• Further, the application of the NRZ to this area is supported by Housing Policy in the Port Phillip Planning Scheme. Clause 21.04-1 identifies areas within a Heritage Overlay as 'minimal change areas' where multi-unit development is not encouraged.</li> <li>• The proposed rezoning of this area through Amendment C122 will complement the existing Heritage Overlay controls, further recognising and protecting the identified heritage values of Wellington Street (including the subject site).</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>I3</b> Resident – Argyle Street (outside St Kilda Road South precinct)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>• Submitter lives in close proximity to Area 2B.</li> <li>• A maximum overall building height of 20 metres (6 storeys) is reasonable. Reflects the transitional interface between commercial properties fronting St Kilda Road and sensitive residential interfaces to the rear.</li> <li>• The wording in the Framework and DDO appears contradictory: uses a 'mandatory' expression (i.e. "maximum") and 'discretionary' expression (i.e. "should not"). Eg "<i>Development should not exceed the maximum building height of 20 metres</i>".</li> <li>• The proposed DDO27 control for Area 2B should be expressed as a mandatory height limit to address the sensitive residential interface to the east.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Building height – Area 2B (various locations including between Inkerman Street and Alma Road):</u></p> <ul style="list-style-type: none"> <li>• A 6 storey discretionary maximum height is proposed for sites in Area 2B.</li> <li>• The application of discretionary controls to Area 2B recognises that the existing built form conditions, site sizes and the propensity for redevelopment varies from one site to the next. Flexible controls enable a site specific design response to achieving the design objectives / outcomes sought.</li> <li>• Meeting of the '1.0 Design Objectives' outlined in DDO27 provides the 'test' for determining where a discretionary height can be appropriately varied.</li> <li>• This would include assessment against the following relevant design objectives: <ul style="list-style-type: none"> <li>- 'To ensure new development achieves a transition down in scale to established residential areas'; and</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>- To ensure the amenity of adjoining and nearby residential development is not unreasonably impacted (in terms of bulk, access to daylight, outlook and overshadowing)'. <ul style="list-style-type: none"> <li>• DDO27 complies with Ministerial Direction – The Form and Content of the Planning Scheme which sets out how provisions are written.</li> <li>• In DDOs, discretionary clauses are indicated by the use of word 'should'. Mandatory clauses use the word 'must'. In the case of DDO27, the word 'must' is followed by a clause which states that a permit cannot be granted to vary the requirement.</li> <li>• It is noted that other Design and Development Overlays such as DDO26 which applies to St Kilda Road North uses same language referring to 'maximum building height' in discretionary controls.</li> </ul> </li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>I4</b> Resident/owner – Alma Road, between Barkly St and St Kilda Road (within Area IE)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Impacts on amenity and liveability:</u></p> <ul style="list-style-type: none"> <li>• The submitter lives in ground floor flat (part of the only block of flats in the area facing onto St Kilda Road).</li> <li>• Concerned about the effect additional higher buildings in the area will have on the liveability of these flats.</li> <li>• Considers that “liveability” is already degraded on the corner of St Kilda Road and Alma Road.</li> <li>• Amendment does not include requirements / directions to enhance liveability for existing residents.</li> </ul> <p><u>Protection of views to the church:</u></p> <ul style="list-style-type: none"> <li>• Preservation of the views of the Presbyterian Church from the footpath from Alma Road will be compromised by heights of up to six storeys proposed between the site and the church [Areas IG &amp; IH]. Anything higher than the height of existing buildings next to the church will not preserve views.</li> </ul> <p><u>Private views:</u></p> <ul style="list-style-type: none"> <li>• Higher development would mean the submitter would lose their views of the church and sunsets, and lose sunlight.</li> <li>• [No alternate height/s were suggested in the submission].</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Impacts on amenity and liveability:</u></p> <ul style="list-style-type: none"> <li>• The Framework places strong emphasis on the protection of residential interfaces and amenity.</li> <li>• This will be implemented through DDO27 which contains design objectives to ensure new development does not significantly overshadow or overlook private open space and that the amenity of existing development is not impacted.</li> </ul> <p><u>Protection of views to the church:</u></p> <ul style="list-style-type: none"> <li>• Section 3.1 – Built Form of the Framework includes a clear and specific 'Design Objective' for the western side of St Kilda Road that seeks to: “Protect the established views to the St Kilda Presbyterian Church and Spire when viewed from Barkly Street, Alma Road and St Kilda Road”.</li> <li>• Specifically the ' Design Objective' for Barkly Street (St Kilda Hill) seeks to: “Ensure that the height and siting of new development maintains the visual prominence and respects the setting of the St Kilda Presbyterian Church and spire, when viewed from footpath: <ul style="list-style-type: none"> <li>- the eastern side footpath of Barkly Street looking south from the northern property boundary of 38 Barkly Street, or</li> <li>- at the southern property boundary of 44-46 Barkly Street looking north.”</li> </ul> </li> <li>• The key focus of DDO27 is to protect key views from public streets to the Church and its Spire.</li> </ul>

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		<ul style="list-style-type: none"> <li>The St Kilda Presbyterian Church and spire is a significant local landmark and a number of adjacent / nearby properties along Barkly Street are of heritage significance. Sites adjoining the Church must provide a transitional scale down to this landmark site, ensuring that the Church spire remains a focal point at this corner. Along Alma Road, the three sites east of the church will transition from 5 to 6 to 10 storeys</li> <li>Additionally, specific 'Design Requirements' at area level are proposed to be applied through DDO27 in requiring a landscaped front setback (which is to be consistent with adjoining properties) along Alma Road and Barkly Street. This will be important in protecting the established views of the Church.</li> <li>The existing setbacks of buildings in these locations contribute to a landscaped character, and maintain views of the Spire, front façade and front corner building elements of the Church from footpaths on the eastern side of Barkly Street and the northern side of Alma Road.</li> </ul> <p><u>Private views:</u></p> <ul style="list-style-type: none"> <li>See response to Section 8. Loss of Views.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>I5</b> JAAG (St Kilda Junction Area Action Group)</p> <p><b>Submission in support with comments</b></p>	<p><b>Issues raised in submission:</b></p> <ul style="list-style-type: none"> <li>Very supportive of the Amendment (subject to comments below).</li> </ul> <p><u>Interim controls:</u></p> <ul style="list-style-type: none"> <li>Requests interim planning controls are put in place to protect the position.</li> </ul> <p><u>Residential areas in Wellington Street:</u></p> <ul style="list-style-type: none"> <li><u>Decision guidelines in GRZ7 and NRZ9</u> Wellington Street, south and east of the proposed Mixed Use Zone: <ul style="list-style-type: none"> <li>Objects to the decision guideline in each schedule 'whether exceeding the maximum height would achieve consistency within a heritage streetscape' and other exceptions under which the height limits may be exceeded which go beyond the exceptions contemplated by Council's proposed Amendment C118 and could potentially downgrade the protection of the NRZ area.</li> <li>The references to a heritage streetscape should be deleted, as should the exceptions in Clause 32.09-8 relating to extensions to existing buildings up to the existing building</li> </ul> </li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Interim controls:</u></p> <ul style="list-style-type: none"> <li>On 13 December 2016, Council resolved to request the Minister for Planning apply interim controls to the precinct while the permanent controls are progressed. This request has been forwarded to the Minister for Planning.</li> </ul> <p><u>Residential areas in Wellington Street:</u></p> <ul style="list-style-type: none"> <li><u>Decision guidelines in GRZ7 and NRZ9</u> - Clause 22.04-2 outlines the following objective to be applied to all land with a Heritage Overlay: <p><i>'To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach'.</i></p> <p>The decision guideline is consistent with the above objective in allowing for infill buildings (particularly attached dwellings) in a heritage streetscape to exceed the maximum building height to match taller buildings in the street to ensure a consistent streetscape.</p> <p>This exemption was included in Amendment C118. Noting C118 has now been superseded by Amendment C123.</p> </li> </ul>

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	<p>height or which do not exceed the height of immediately adjacent buildings.</p> <ul style="list-style-type: none"> <li>• <u>Reference to Specialised Activity Centre in Local Policy</u> - Clause 21.06-6.62 to 64, p.24 which references the 'Specialised Activity Centre' should be deleted. It is inconsistent with revisions in 21.06-6. Strategy 50 and elsewhere encouraging residential over commercial in Wellington Street implemented through the proposed rezoning to Mixed Use.</li> </ul> <p><u>Street-walls in Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• DDO27, p. 6 and 18 <ul style="list-style-type: none"> <li>- Objects to the exception that allows a permit may be granted to modify the street-wall requirements for a corner site within Area 2F that has a frontage or abuttal to St. Kilda Road. This exception is not in the Framework and is contrary to the principles enshrined in it, and should be deleted.</li> <li>- Queries the statement on p.18 that development at 2 St Kilda Road and 3 Wellington Street 'should not express the street-wall requirement for Wellington Street on the St. Kilda Road frontage'. If the provision is designed to make it clear that there is no street-wall height limit on the St Kilda Road frontage it is quite unnecessary and confusing, because the only street-wall height limit applying to Area 2F relates to the Wellington Street frontage. If it is intended to mean anything else, it is contrary to the basic concept of street-wall height limits in Wellington Street. Either way it should be deleted.</li> </ul> </li> <li>• DDO27, p.13 – queries whether the reference to a 'street-wall' in the second paragraph should be to a 'street-wall height limit' and a similar addition made to 'designated street-wall' in the next paragraph.</li> </ul> <p><u>Building separation:</u></p> <ul style="list-style-type: none"> <li>• DDO27 contains a mandatory requirement that buildings of 5 storeys or more achieve a 4.5m/9m setback or as an alternative can be built to the boundary.</li> <li>• These requirements do not apply to lower buildings because ResCode automatically applies to these buildings.</li> <li>• It should be made clearer that ResCode setbacks also apply to lower buildings and are mandatory, particularly because of the</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Reference to Specialised Activity Centre in Local Policy</u> - Clause 21.06-6. Strategies 62 to 64 identify the following vision for the 'Wellington Street Specialised Activity Centre': <ul style="list-style-type: none"> <li>6.6.62 Encourage consolidation of this centre for commercial and office uses.</li> <li>6.6.63 Discourage retail and new residential uses.</li> <li>6.6.64 Ensure new development responds to the varied scale of 2 to 4 storeys along the north side of Wellington Street and 4 storeys to the south with varied setbacks.</li> </ul> </li> <li>• It is acknowledged that the above clauses are inconsistent with the Framework which identifies the following strategic directions for Wellington Street: <ul style="list-style-type: none"> <li>- Foster the 'village feel' of Wellington Street as a local mixed use neighbourhood and a leafy, pedestrian focussed street.</li> <li>- Consolidate residential land use on the south side of the street; whilst increasing residential uses on the north side, mixed with retail and commercial activities at street level.</li> <li>- Encourage a mix of dwelling types and styles to cater for a growing and diversifying community.</li> </ul> </li> <li>• It is recommended that Clause 21.06-6 Strategies 62 to 64 are deleted to remove the inconsistency.</li> </ul> <p><u>Street-walls in Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• The DDO27 design objective seeks "high quality development that enhances the prominent corner of Wellington Street (north-side) and St Kilda Road".</li> <li>• The purpose of the exemption is to provide flexibility for corner sites where the street-wall requirement differs on each street interface. Specifically, it addresses corner sites where different mandatory street-walls are recommended. The exemption makes the street-wall height and setback requirements discretionary to achieve an appropriate and high quality built form outcome.</li> <li>• The exemption means that a development on this corner is not required to meet the street-wall heights or setbacks. However, it is expected that the design should express the required street-wall form through the use of materials, building articulation and / or massing, to achieve an appropriate transition to existing / potential podiums on adjoining sites.</li> <li>• This transition in street-wall requirements at the corner should be achieved through careful composition of building form, massing and design detail. Importantly, the exemption ensures that a street-wall form is not expressed on St Kilda Road where podiums are not characteristic of the streetscape character.</li> <li>• The exemptions referred to in the submission are consistent with similar exemption in DDO26 – which applies to St Kilda Road North.</li> </ul>

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	<p>proposal that the 'residential' part of Wellington Street be rezoned Mixed Use.</p> <ul style="list-style-type: none"> <li>• DDO includes references to 'residential zones', however 'residential zone' is not defined. There should be a definition which includes specific reference to Mixed Use zone as well as residential zones in the strict sense, to ensure there is no doubt on the point.</li> <li>• DDO27, p.15 – unclear why there is a specific requirement for front, side and rear setbacks in relation to Area II and Area 3C (p.20) and not to other areas, noting the specific provisions about setbacks on p. 5 and 7. The document should be consistent in its application to all parts of the precinct.</li> </ul> <p><u>Traffic and parking:</u></p> <ul style="list-style-type: none"> <li>• <u>Visitor parking</u> - Clause 21.06-6.Strategy 42 (p. 22) - Visitor parking requirements of Clause 52.06 of the planning scheme should be added to the provision for parking for dwellings.</li> <li>• <u>Requirement for Traffic and Parking Assessments for residentially zoned land</u> - DDO27 (p.20) - Support the addition of a requirement for traffic and parking assessments, given the major traffic and parking issues in the precinct.</li> </ul> <p>However, the requirement will technically not apply to the south side of Wellington Street east of the proposed Mixed Use Zone because the Framework, and not the Schedule, applies to these areas and the requirement is not in the Framework.</p> <p>The relevant Schedules (GRZ7 and NRZ9) should be amended to require traffic and parking assessments.</p> <p><u>Public realm:</u></p> <ul style="list-style-type: none"> <li>• <u>Green pedestrian link</u> - Clause 21.06-6 Strategy 51 (p.23) - the language relating to Wellington Street as a green pedestrian link should be repeated in Clause 21.06-6.6.52 so as to apply to development on the south side of Wellington Street - the strategy should apply to both sides of the street.</li> <li>• <u>Strengthen provisions on boulevard character and step down to residential areas</u> - Clause 21.06-7 Strategies 31 and 38 (p.27 and 28) - there should be equivalent provisions dealing with the St Kilda Road South precinct i.e. referring to the boulevard character of St Kilda Road south of the Junction and a step down to the residential areas east of St Kilda Road.</li> </ul>	<p><u>Building separation:</u></p> <ul style="list-style-type: none"> <li>• DDO27, under 'Precinct-Wide Requirements' notes that the building separation / side and rear setback requirements do not apply to development in a Residential Zone of 4 storeys or less where the provisions of ResCode (Clause 54 and 55, as applicable) apply.</li> <li>• It is considered that the above requirement clearly sets out that ResCode applies to buildings of 4 storeys or less. Further clarification is not considered to be required.</li> <li>• Clause 32.04-06 requires all residential buildings within the Mixed Use Zone (MUZ) to “meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.”</li> </ul> <p>Further, Clause 32.04-9 requires that “Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.”</p> <ul style="list-style-type: none"> <li>• It is noted that the Mixed Use Zone is included in the suite of Residential Zones. Land within the MUZ would therefore be subject to the requirement for buildings of 5 storeys or over. However to clarify this, the Mixed Use Zone will be added to the clause.</li> </ul> <p><u>Traffic and parking:</u></p> <ul style="list-style-type: none"> <li>• <u>Visitor parking</u> - For both residential and office uses, the “sustainable” parking rates make no specific provision for visitors. It is assumed that all visitors to residential apartments and office buildings will park on street (managed through time limits), in public off-street parking stations, or use alternative sustainable travel modes (i.e. walk, cycle, taxi or public transport).</li> </ul> <p>Typically Council does not require specific visitor parking in basement car parks as they are generally not accessible other than to building occupants.</p> <p>On-street parking is not intended for all day resident car parking or employee parking, but for customers supporting the area or other short-term parking needs including visitors.</p> <ul style="list-style-type: none"> <li>• <u>Requirement for Traffic and Parking Assessments for residentially zoned land</u> – Schedules to the GRZ and NRZ do not include the ability to specify application requirements.</li> </ul> <p><u>Public realm:</u></p> <ul style="list-style-type: none"> <li>• <u>Green pedestrian link</u> - Agree that the reference to Wellington Street Green Link should be applied to the south side of the street.</li> <li>• This would be consistent with the 'Preferred Character Statement for Wellington Street, which makes reference to 'a pedestrian friendly 'green link' connecting Chapel Street, St Kilda Road and Albert Park'.</li> </ul>

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	<p><u>Social housing:</u></p> <ul style="list-style-type: none"> <li>Schedule 9 to Clause 32.09, Clause 4.0 – disagree strongly with the special provision related to social housing, and believe it should be deleted. The effect on residents of any development is the same, whatever the source of funding or the motives of the developer. It follows that all developments should be subject to the same regime.</li> </ul> <p><u>Minor corrections:</u></p> <ul style="list-style-type: none"> <li>Clause 21.04-3, p.11 – In Table 2, 'amenity considerations' should appear after 'Intensification of housing (subject to heritage and', which is obviously incomplete.</li> <li>Clause 21.06-6.6.61, p. 24 – This should also refer to safety to conform to the key planning challenges on p.18.</li> <li>DDO27: <ul style="list-style-type: none"> <li>p.3 - Under 'Neighbourhood Objectives' 'St. Kilda' should read 'St. Kilda Road'.</li> <li>p.7 – Under 'Building separation', etc., 'which' should be inserted after 'balconies' in line7.</li> <li>Under 'Streetwalls' 'must' should presumably replace 'is required to' (see also under ' Heritage' on p.10).</li> <li>p.11 – The language about the appearance and storage of rubbish bins on p.55 of the Framework should be inserted under 'waste management'.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><u>Strengthen provisions on boulevard character and step down to residential areas</u> - Clause 21.06-7 Strategy 31 applies to St Kilda Road South of Kings Way (DDO26-5) and contains the following strategies: <ul style="list-style-type: none"> <li>6.7.31 <i>Retain and strengthen the grand landscaped boulevard character of St Kilda Road.</i></li> <li>6.7.38 <i>Provide a step down in height from development along St Kilda Road to provide an appropriate lower scale interface to the residential areas east of Punt Road.</i></li> </ul> </li> </ul> <p>The proposed strategies for the St Kilda Road South Precinct include the following: 6.6.28 <i>Ensure new development:</i></p> <ul style="list-style-type: none"> <li><i>Strengthens the boulevard character of St Kilda Road.</i></li> <li><i>Achieves a transition down in scale to established residential areas.</i></li> </ul> <ul style="list-style-type: none"> <li>It is considered that the strategies proposed to apply to St Kilda Road South through DDO27 are consistent with those in DDO26 (St Kilda Road North) in both seeking to retain the boulevard character of St Kilda Road, and ensuring the development interface to adjacent residential areas is appropriate.</li> </ul> <p><u>Social housing:</u></p> <ul style="list-style-type: none"> <li>Council has proposed the density exemptions in the Schedule to Neighbourhood Residential Zone 9 (NRZ9) in line with its proposed translation of the Residential Zones (Amendment C123).</li> <li>The exemption would allow social housing sites in single ownership to have increased site density of up to 1:50m2. The proposed exemption recognises the need for renewal and increase of social housing within the City of Port Phillip and support's Council's long term policy to support and grow the supply of social housing.</li> <li>ResCode provisions and maximum building heights would still apply to ensure development proposal respect the neighbourhood character and amenity of adjoining properties.</li> <li>During the preparation of its translation of the New Residential Zones, Council recognised that the application of the NRZ would result in a lower dwelling density than currently achieved on most social housing sites (noting the typically smaller unit size results in increased site density).</li> <li>This would impact on both the renewal of existing social housing sites and limit scope/viability for the development of new sites.</li> <li>The renewal potential of existing public and community housing land (to increase yield and respond better to local needs), presents a key opportunity to grow the supply of social housing, recognising that high land values in Port Phillip present a significant constraint to the purchase of new sites for such housing.</li> </ul>

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		<p><b>Minor corrections:</b></p> <ul style="list-style-type: none"> <li>• Page 11 of Clause 21.04-3 -Agree with the suggested wording. Words have been omitted from the table header. This is a typographical error.</li> <li>• It is considered that Clause 21.06 - 6.6.61 should include 'safety' to address the key planning challenge outlined on page 18 which reads: <i>Improving the safety, function and form of St Kilda Junction</i>'.</li> <li>• On page 3 of DDO27 - Agree with suggested wording which corrects a typographical error which should read 'St Kilda Road' and not 'St Kilda'. This should be amended.</li> <li>• On page 7 of DDO27, under Building separation, modify text as follows: with no habitable room windows or balconies, <i>which....</i>"</li> <li>• On page 7 of DDO27 under Street-walls, modify first dot point text as follows: "Development <u>must</u> have a zero setback to the street frontage...". No change is supported as the zero setback is mandatory in some locations and discretionary in others.</li> <li>• On page 10 of DDO27, under Heritage, modify text as follows: "Any new development on land within a Heritage Overlay <u>must</u> comply with the..." No change is supported as the Heritage Policy must be considered along with other controls in the planning scheme.</li> <li>• DDO27 provides that "New development should provide on-site bin and waste material storage areas which should be located at the rear of the site, be screened from public view and not impede pedestrian access".</li> </ul> <p>The above requirement seeks to ensure that the appearance and storage of rubbish bins on-site should be properly located and maintained so as to not detract from the amenity of the occupants, staff or nearby occupants. This is consistent with the language under 'Waste Management and Building Services' in the Framework.</p> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• In Clause 21.04-3, p.11 in table 2, add the words 'amenity considerations' after 'Intensification of housing (subject to heritage and'.</li> <li>• In Clause 21.06-6, delete Strategies 62 to 64 relating to the Specialised Activity Centre to remove the inconsistency.</li> <li>• In Clause 21.06-6 of the Municipal Strategic Statement, under the heading St Kilda Junction, modify 6.6.61 to the following: "Encourage new development design which improves the function, safety, and built form of St Kilda Junction".</li> <li>• In DDO27, under Neighbourhood Objectives, amend St Kilda to St. Kilda Road.</li> </ul>

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		<ul style="list-style-type: none"> <li>In DDO27, Under Precinct Wide Requirements - Separation distances, clarify the separation distances apply to developments of five storeys or over in the Mixed Use Zone.</li> </ul>
<p><b>I6</b> Residential property owner – Wellington Street (in Area 3C)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Zoning:</u></p> <ul style="list-style-type: none"> <li>Supports rezoning from Commercial 1 Zone to Mixed Use Zone.</li> <li>Objects to rezoning of part of the southern side of Wellington Street east of Upton Road to Neighbourhood Residential Zone.</li> <li>General Residential Zone (GRZ) would be a more appropriate zone: <ul style="list-style-type: none"> <li>Reflects the density and form of existing buildings.</li> <li>The existing pattern of development does not match the description in the Framework.</li> <li>Some properties have the potential to redevelop above two storeys and still respect the overall character of the street.</li> </ul> </li> </ul> <p><u>Heritage Overlay:</u></p> <ul style="list-style-type: none"> <li>Objects to the proposed application of an individual heritage overlay for the site (129 Wellington Street) and the citation.</li> <li>Submitter’s expert has concluded “129 Wellington Street does not meet the threshold of local significance that is considered the basis for a site specific heritage overlay – it is not of sufficient historical or architectural significance to warrant an individual heritage overlay”.</li> <li>Existing building is simply a representative 1880s house. Its construction has no appreciable link to the subsequent construction of a tram line within the street.</li> </ul> <p><u>Mandatory controls – building height and street-wall height – Area 3C:</u></p> <ul style="list-style-type: none"> <li>Objects to the proposed mandatory controls for the site (Area 3C) including maximum 8m street-wall height and maximum building height of 13 metres (4 storeys) as well as the design objectives relevant to Wellington Street [NOTE the street-wall height requirement for Area 3C is discretionary, not mandatory]</li> <li>Not consistent with Planning Practice Note 59 - The role of mandatory provisions in planning schemes (DELWP, 2015).</li> <li>Justification of mandatory controls is inadequate. Wellington Street specifically is not an area of any special or exceptional character.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Zoning:</u></p> <ul style="list-style-type: none"> <li>See response in Section 12. Application of New Residential Zones and the response to Submission 11.</li> </ul> <p><u>Heritage Overlay:</u></p> <ul style="list-style-type: none"> <li>The proposed individual heritage overlay for the site 129 Wellington Street was identified as a recommendation in the Framework, following the completion of the <i>Heritage Review – Wellington, Crimea and Redan Streets, St Kilda (October, 2015)</i> prepared by Lovell Chen – Architects and Heritage Consultants.</li> <li>The study identifies the site as being of local historical (HERCON Criterion A) and architectural significance (HERCON criterion E), warranting formal protection under the Port Phillip Planning Scheme.</li> </ul> <p><u>Mandatory building heights and street-wall heights - Area 3C:</u></p> <ul style="list-style-type: none"> <li>See responses in Section 2. Buildings Heights, Section 4. Street-Walls and Section 3. Mandatory versus Discretionary Controls.</li> <li>The height limit on the northern side of Wellington Street, East of Upton Road, is proposed as a mandatory maximum of four (4) storey buildings, and reflects an average building scale. The existing buildings range from 1-5 storeys, with most buildings being 2-3 storeys. The four storey scale allows scope for an incremental increase in building height in this part of the street while avoiding the sense of visually overwhelming the low scale and heritage significant dwellings on the opposite side of the road.</li> <li>The Framework establishes the rationale for the four storey scale as based on building scale relationships with the south side of the street, in addition to maintaining solar access to the southern footpath.</li> <li>Protecting the southern footpath from overshadowing is justified based on Wellington Street forming an east-west ‘green’ link from Chapel Street through to St Kilda Road. The application of a mandatory equinox control is typical for such streets.</li> </ul> <p><u>Proposed character of Wellington Street:</u></p> <ul style="list-style-type: none"> <li>The Framework sets the preferred future character for Wellington Street as a predominantly residential and mixed use streetscape, with built form that enhances the human scale and ‘village feel’ of the street. This responds to the</li> </ul>

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	<ul style="list-style-type: none"> <li>No documented review or analysis to suggest mandatory provisions are appropriate.</li> <li>The proposed height control for Area 3C: <ul style="list-style-type: none"> <li>Has potential for a landmark building (greater than 4 storeys) on the subject land – a gateway site.</li> <li>Acknowledges development must respect the amenity of residential properties and consider the overall streetscape character.</li> <li>Constrains development potential in the Precinct.</li> <li>Does not allow a development to respond to its unique circumstances.</li> <li>Appears to have been determined based on overshadowing to the southern footpath of the road.</li> <li>Recognises need for limits but heights should be based on context and not existing lower scale building stock.</li> <li>Does not recognise underutilised sites with existing one and two storey buildings.</li> </ul> </li> </ul> <p><u>Proposed character of Wellington Street:</u></p> <ul style="list-style-type: none"> <li>Objects to the designation of the preferred building height and character to the eastern end of Wellington Street as a “village feel” in the <i>St Kilda Road Urban Design and Land Use Framework</i>.</li> <li>Area does not display special qualities and does not perform the function of a ‘village’, or have the potential to be one. It is a relatively wide street which provides an important vehicle link to St Kilda Road, has a mix of land uses and has potential for further development.</li> <li>[No alternate street-wall height or building height was suggested in the submission].</li> </ul>	<p>increasing residential focus of the street and its importance as a connection to public transport and various other activity destinations.</p> <ul style="list-style-type: none"> <li>The Wellington Street ‘Village’ Project identified in the Framework will implement streetscape improvements that will enhance its ‘village’ character and maintain its importance as a ‘green link’.</li> <li>It is acknowledged that currently Wellington Street has competing functions, however the ‘Wellington Street Village Project’ is considered an appropriate response in the context of these competing demands.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>I8</b> Resident/owner – Wellington Street (in Area 3B)</p> <p><b>Submission in support, with comments</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>Generally supports the Amendment and welcomes the proposal to improve Wellington Street, however there is considerable additional work that needs to be undertaken.</li> </ul> <p><u>Building height – St Kilda Junction:</u></p> <ul style="list-style-type: none"> <li>Strongly supports the mandatory height controls on Wellington Street and for the St Kilda Junction.</li> <li>Does not support the VCAT decision to approve a 26 storey tower at <i>8 Punt Road</i> - an overdevelopment.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Building height – St Kilda Junction:</u></p> <ul style="list-style-type: none"> <li>See response in Section 2. Building Heights.</li> </ul> <p><u>Apartment amenity:</u></p> <ul style="list-style-type: none"> <li>See response in Section 6. Apartment Amenity.</li> </ul> <p><u>Public realm:</u></p> <ul style="list-style-type: none"> <li>Council’s Local Law No 1 (Community Amenity) 2013 includes construction management measures which a builder must comply with. They address areas</li> </ul>

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	<ul style="list-style-type: none"> <li>Does not support the link made in the VCAT decision between high rise development on St Kilda Hill and the suitability of high rise development at the Junction end of Wellington Street.</li> <li>Should be considered as two separate precincts. Development at the Junction end of Wellington Street should be sympathetic to Wellington Street rather than in line with St Kilda Hill.</li> <li>The Junction Precinct is suitable for high rise buildings however the Icon building should have set an absolute height limit. Proposed limit of 10 storeys should set the maximum.</li> </ul> <p><u>Apartment amenity:</u></p> <ul style="list-style-type: none"> <li>Improved requirements are needed for the amenity of apartment buildings, in particular apartment sizes to encourage permanent residents – more interest in the area.</li> </ul> <p><u>Public realm:</u></p> <ul style="list-style-type: none"> <li>Include requirements on developers to ‘finish’ their buildings properly. Building sites and footpaths left unfinished.</li> <li>Higher buildings on the north side of Wellington Street overshadow the nature strip and stop growth of grass. Suggests a tolerant grass or other solution instead.</li> <li>Footpath on the north side of Wellington Street between Upton Street and St Kilda Junction is poorly designed. Footpath acts as the drain.</li> </ul> <p><u>Traffic:</u></p> <ul style="list-style-type: none"> <li>Wellington Street would benefit from some speed control (e.g. speed humps) in addition to the 40km/hr limit.</li> <li>Remove the spaces on the south side of Wellington Street outside the Icon building to open up the intersection to traffic. No standing is often ignored and traffic banks up as far as Crimea Street.</li> <li>Nelson Street (currently a one-way street) requires more thought. The street is very difficult to access and exit, particularly for local residents, given the large amount of traffic using it. Traffic has increased considerably from the new developments, and will further increase.</li> </ul> <p>Consider requiring new developments (including 8 Punt Rd) to have their entrance / car park on Wellington Street, or to purchase property on Wellington Street to create a laneway between Nelson and Wellington Streets.</p>	<p>such as site access, protection of the environment including grass and removal of soil, noise control and stormwater management.</p> <ul style="list-style-type: none"> <li>DDO27 includes a mandatory requirement that development does not overshadow the kerbline of the southern footpath in Wellington Street. Use of specific grass species is outside the scope of the Amendment but the suggestion has been passed on Council’s Assets Team.</li> <li>Design of the footpath on the north side of Wellington Street between Upton Street and St Kilda Junction is outside the scope of the amendment but the issue has been passed on to Council’s Assets Team.</li> </ul> <p><u>Traffic:</u></p> <ul style="list-style-type: none"> <li>The preliminary concept plan for ‘Wellington Street ‘Village’ Project’ (discussed in the point above), identifies reduced vehicle speeds (to 40 km/h) for the entire length of Wellington Street and surrounding streets to improve safety and liveability for all residents. Further traffic calming may be considered in the detailed design, to be prepared in consultation with the community.</li> <li>It should be noted that the implementation of traffic calming measures identified within the Framework, will be through Council’s Capital Works Program and subject to available budget.</li> <li>The traffic management issues identified for Nelson Street and Crimea Street have been noted, however are considered outside of the scope of Amendment C122. The comments have been forwarded to the City of Port Phillip Traffic Team to be considered as part of the preparation of any future local area traffic management plan.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>

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	<ul style="list-style-type: none"> <li>Right turns from Wellington Street into Crimea Street are prohibited between 4-6pm weekdays which make it even more difficult to enter/exit Wellington Street. This is understood to prevent non-local traffic using the area as a cut through but it functions to impede local traffic.</li> </ul>	
<p><b>20</b> Owner/resident – Charnwood Road (outside St Kilda Road South precinct)</p> <p><b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>Supports the Amendment: <ul style="list-style-type: none"> <li>The rezoning of St Kilda Road South will facilitate the transition to residential/mixed use.</li> <li>The cap on the building height to 6 storeys at 54-60 St Kilda Road [Area 2B – this is a discretionary building height] and 4 storeys at 76-104 St Kilda Road [Area 2D – this is a discretionary building height] will provide much less congestion and better integration with the existing adjoining residential area.</li> <li>Limiting the building height will reduce overshadowing and allow some privacy for residents of Charnwood Road.</li> <li>Supports protection of the neighbourhood character of Charnwood Road.</li> <li>Supports 4-6 storey height around the Charnwood and St Kilda Road intersection.</li> </ul> </li> </ul> <p><u>Population increase:</u></p> <ul style="list-style-type: none"> <li>General infrastructure to support the increase in population is nowhere near sufficient. Demonstrated in busy-ness and lack of parking at local supermarkets (on Carlisle St, Balaclava or Coles on Acland St).</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Population increase:</u></p> <ul style="list-style-type: none"> <li>See response in Section 1. The Role of St Kilda Road South Precinct, in terms of Growth.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>24</b> Commercial property owner - Wellington Street (in area proposed for inclusion in NRZ)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Zoning:</u></p> <ul style="list-style-type: none"> <li>Objects to the proposed rezoning of the site from the General Residential Zone (GRZ) to the Neighbourhood Residential Zone (NRZ).</li> <li>Site should be included in the Mixed Use Zone.</li> <li>The NRZ is inappropriate, having regard to both the context of the site and the purpose of the NRZ, and lacks strategic justification. <ul style="list-style-type: none"> <li>There is no identifiable neighbourhood character to be preserved – a key aim of the NRZ. The site and surrounds</li> </ul> </li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Zoning:</u></p> <ul style="list-style-type: none"> <li>See response in Section 12. Application of the New Residential Zones and in Submission 11.</li> <li>This area has an established residential role, low scale (1-2 storey) and fine grain heritage, east of Upton Road. The vision for this area, supported by the community through community consultation on the Framework, is that the established role and built form will be maintained and reinforced.</li> <li>Application of the NRZ along the southern side of Wellington Street (east of Upton Road) recognises and seeks to protect the identified heritage values of Wellington Street.</li> </ul>

SUBMISSION DETAILS	SUMMARY OF WRITTEN SUBMISSION	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p>are a mixed use area – surrounded by the Commercial I Zone and a mix of large detached, residential apartment buildings.</p> <ul style="list-style-type: none"> <li>- The exhibited material does not provide sufficient justification for the NRZ9.</li> <li>- The proposed rezoning is contrary to <i>Planning Practice Note 78</i> which specifies that the NRZ will be implemented “in areas where single dwellings prevail and change is not identified” and in “areas which may not have good supporting transport infrastructure”.</li> <li>- Large, multi-dwelling apartment complexes are located at Nos 106, 110 and 114 Wellington Street. The site is extremely well serviced by public transport.</li> </ul>	<ul style="list-style-type: none"> <li>• The residential nature of the south side of the street will be complemented by Amendment C122 through facilitating the north side to transition from a commercial to a mixed use area with increasing residential uses.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>26</b> Commercial property owner - St Kilda Road between Alma Road and Wellington Street (in Area 2D)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Does not object to DD027 being introduced, but does not support it in its current form.</li> </ul> <p><u>Mandatory vs discretionary controls:</u></p> <ul style="list-style-type: none"> <li>• Objects to mandatory built form controls.</li> <li>• Could significantly constrain future development potential and hinder opportunities for urban renewal.</li> <li>• Contrary to the strategic context of the area and State-wide objectives for urban consolidation on sites in close proximity to existing amenities, services and transport infrastructure.</li> <li>• Several recent developments nearby have provided for innovative design responses and flexibility. They provide an example of large land holdings which provide for significant development potential.</li> <li>• Supports performance based, rather than mandatory controls in DDO27. This would achieve architectural outcomes which are assessed on their merits and how they respond to the objectives in DDO27.</li> <li>• Conflicts with <i>Planning Practice Note 59 - The role of mandatory provisions in planning schemes (DELWP, 2015)</i>. Mandatory controls should only be used where discretionary provisions will not achieve the desired outcome and where there are exceptional circumstances at play.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Mandatory versus discretionary controls:</u></p> <ul style="list-style-type: none"> <li>• A mandatory maximum street-wall height of 10m (3 storeys) applies to Area 2D. A discretionary 13m (4 storey) maximum building height applies.</li> <li>• See response in Section 3. Mandatory versus Discretionary Controls and Section 3. Street-walls.</li> </ul> <p><u>Residential interface with new development:</u></p> <ul style="list-style-type: none"> <li>• See response in Section 7. Residential Interface with New Development.</li> </ul> <p><u>Building height – Area 2D (between Charnwood Crescent and Charnwood Road):</u></p> <ul style="list-style-type: none"> <li>• See response in Section 2. Building Heights.</li> <li>• DDO27 proposes to apply a 4 storey discretionary height in Area 2D. This recognises the significant heritage fabric which exists in the form of a traditional and generally intact row of Victorian two storey shops/dwellings featured along the eastern side of St Kilda Road.</li> <li>• In addition to the heritage values, the depth of sites in this location is limited, with a sensitive residential interface/heritage area to the rear.</li> <li>• The 4 storey limit is discretionary, providing some scope for additional height to be considered on a site by site basis subject to the design meeting objectives and requirements relating to heritage and residential amenity considerations.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>

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	<p><u>Residential interface with new development:</u></p> <ul style="list-style-type: none"> <li>Referencing and mandating the objectives of clause 55.04 (Amenity Impacts) is contrary to the intended purpose of DDO27.</li> <li>The built form controls and objectives which conflict with clause 55.04 (Amenity Impacts) should be removed, as they are confusing for applicants and decision makers.</li> </ul> <p><u>Building height – Area 2D (between Charnwood Crescent and Charnwood Road):</u></p> <ul style="list-style-type: none"> <li>Objects to the discretionary maximum building height of 13.5m (4 storeys).</li> <li>Six (6) storeys should be the starting point, consistent with proposal for the western side of St Kilda Road.</li> </ul>	
<p><b>27</b> National Trust <b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Heritage:</u></p> <ul style="list-style-type: none"> <li>Supports the Amendment, particularly the application of individual Heritage Overlay protection to properties in Wellington Street.</li> <li>Amendment C122 is consistent with the objectives of planning for Victoria, as identified by the <i>Planning and Environment Act 1987</i>, in particular 4 (1) a, c, d, f and g.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Heritage:</u></p> <ul style="list-style-type: none"> <li>See response in Section 13. Protection of Heritage Places.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>28</b> Submitter details unknown (TBC)  <b>Submission in support, with comments</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Open space:</u></p> <ul style="list-style-type: none"> <li>Supports St Kilda Road Neighbourhood Objectives which seeks to create a boulevard character along St Kilda Road.</li> </ul> <p><u>Setbacks and building heights:</u></p> <ul style="list-style-type: none"> <li>Setbacks should be properly considered with open space in mind. For example, if the building on the corner of Blanche Street and St Kilda Road were to be redeveloped into a medium density apartment block, the current setbacks on St Kilda Road and Blanche Street should remain. Should the building be built to the footpath at the proposed 4/6 storeys high, it would hugely compromise the properties on Blanche street and their access to sunlight.</li> <li>The maximum height for any buildings that are opposite free standing dwellings should be 4-6 storeys. Buildings over 4 storeys should be setback further than those less than 4 storeys (similar</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Setbacks and building heights:</u></p> <ul style="list-style-type: none"> <li>Along the western side of St Kilda Road, a zero frontage setback is preferred to better define its edges. To achieve a consistency of frontage treatments over time each site will be designed to provide a positive interface with the street environment. This seeks to implement the DDO27 objective to <i>‘enhance a cohesive boulevard streetscape, with a well-defined street edge’</i>.</li> <li>However the DDO does include a provision for this setback to be increased. This allows design flexibility to respond to the individual site context.</li> <li>Along Blanche Street, DDO27 requires that new development should provide a landscaped setback generally consistent with adjoining properties.</li> <li>The maximum discretionary building height for Area 1C (including the site on the corner of St Kilda Road and Blanche Street) is 6 storeys, however any proposal to construct to the 6 storey maximum will be required to address the requirements of DDO27 under ‘interfaces with residential zones’ seeking to minimise the impact on adjacent existing residential properties. For further</li> </ul>

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	<p>to the colourful building on the corner of Wellington and St Kilda Road).</p> <p><u>On-site car parking:</u></p> <ul style="list-style-type: none"> <li>• Car parking is becoming a huge problem in the precinct and onsite parking must be incorporated in the design of any new apartment complex.</li> </ul> <p><u>Land use – Retail uses:</u></p> <ul style="list-style-type: none"> <li>• Would like to see an increase of retail on the boulevard.</li> </ul>	<p>explanation of these requirements, see response in Section 7. Residential Interface with New Development.</p> <p><u>On-site car parking:</u></p> <ul style="list-style-type: none"> <li>• See response in Section 9. Traffic, Parking and Access to Public Transport.</li> </ul> <p><u>Land use – Retail uses:</u></p> <ul style="list-style-type: none"> <li>• The Framework recognises opportunities for business. It seeks to reinforce the established commercial role of St Kilda Road as a niche retail and business precinct, encourage a diverse range of specialty retailing, display based retailing along the eastern side of St Kilda Road and consolidate the cluster of specialty retailing at the intersection of Inkerman Street and St Kilda Road.</li> <li>• The Planning Scheme can only encourage or restrict uses within specific parameters and the Commercial 1 Zone now in operation allows for extensive retail activity. Notwithstanding this potential however, commercial activity (particularly larger scale office) is driven by the market.</li> <li>• The additional areas of Mixed Use Zone proposed in Wellington Street and around Alma Road allows for the continuation of established retail / commercial uses, and encourages new such uses at ground level to activate the street – with retail uses focused around emerging clusters close to St Kilda Road and immediately east of Upton Road. Residential uses are to be encouraged at upper levels, recognising the potential for this area to contribute to housing growth along with the balance of the St Kilda Road South Precinct.</li> <li>• The Framework recognises properties fronting St Kilda Road as being more suited to an on-going commercial role; encouraging retail / showroom activities at ground level, and offices as well as residential uses in upper levels of development.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>30</b> Resident – Crimea Street (outside St Kilda Road South precinct)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Submission relates to the Wellington Street Neighbourhood.</li> </ul> <p><u>Building heights:</u></p> <ul style="list-style-type: none"> <li>• A building envelope which follows the topography of the area and is defined by the height of existing buildings (to be the maximum height) should be established along the north and south sides of Wellington Street and continuing along Alma Road.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Building heights:</u></p> <ul style="list-style-type: none"> <li>• Currently there are no building height controls along Wellington Street (except the Shrine Vista Controls for part of the street). Amendment C122, through the introduction of DDO27, and the application of the General Residential Zone and Neighbourhood Residential Zone along Wellington Street, introduces maximum building heights that all future development proposals will be assessed against.</li> <li>• The Framework identifies the preferred character for Wellington Street, comprising of: <i>Built form that responds to the lower scale of heritage sites and</i></li> </ul>

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	<ul style="list-style-type: none"> <li>Any development application that exceeds this envelope should be automatically rejected, to save ratepayers and CoPP the legal costs associated with VCAT. View that CoPP is bullied by developers and has insufficient resources to respond. A different approach is required.</li> <li>Development at the western end of Wellington Street and St Kilda Road South do not comply with proposed heights.</li> <li>Wellington Street is already sufficiently developed and further 8-10 storey buildings are not supported. Conflicts with the intent of creating a village feel in this part of Wellington Street. Tall buildings create wind tunnels and significant shadow.</li> <li>In Area 2C, the maximum height should be reduced from 18 storeys to 8 storeys in keeping with Alma Road. <i>[The proposed height for Area 2C is discretionary maximum building height of 28m (8 storeys)].</i></li> <li>The 80m tall building across the road is excessively high and most (&gt;50%) apartments are unoccupied.</li> </ul> <p><u>Heritage:</u></p> <ul style="list-style-type: none"> <li>The north side of Wellington Street east of Upton Road should have a further heritage overlay and mandatory restriction to a modest height of 2 storeys.</li> <li>Maintain low scale and preserve heritage on the east side of St Kilda Road to preserve the eclectic feel of the broader neighbourhood. Progressive redevelopment of the streetscape will destroy the reason that people come to St Kilda.</li> </ul> <p><u>Signage:</u></p> <ul style="list-style-type: none"> <li>Not supportive of the installation of LED advertising platforms. Distracting, tacky and non-sustainable. Opportunity for commercial returns for developers without benefit to the community. Should encourage community art instead.</li> </ul> <p><u>Setbacks and street-walls:</u></p> <ul style="list-style-type: none"> <li>Areas 3C and 3D - discretionary landscaped setback should be mandatory.</li> <li>Area 3C – Requirement that levels above 2 storeys should be recessed and have regard to adjoining development should be made mandatory.</li> </ul>	<p><i>residential interfaces, while transitioning to a higher scale of development in the commercial area close to the St Kilda Junction.</i></p> <ul style="list-style-type: none"> <li>To implement the above, Amendment C122 and DDO27, proposes a transitioning scale of buildings on the northern side of Wellington Street, from 4 storeys east of Upton Road, 5 storeys west of Upton Road and 10 storeys at the western end near the Junction.</li> <li>On the southern side of Wellington Street, 2 and 3 storey heights are proposed, to reflect the existing pattern of residential development and heritage dwellings.</li> <li>The above height controls are considered appropriate as they reflect existing and emerging development patterns and respect the differences in character along the street.</li> <li>The 8-10 storey areas are confined to St Kilda Road and a small part of Wellington Street. Noting the properties in these areas on Wellington Street are largely developed or have development approved.</li> <li>It is not considered that the development of 8-10 storey buildings along the northern side of Wellington Street west of Upton Road and ‘creating a village feel’ are mutually exclusive. A mix of retail, commercial and residential frontages are proposed for new buildings which will ensure a mix of uses. The built form controls to be applied through DDO27 will ensure active frontages and appropriate design details help to create the settings for a ‘village feel’ at a street level whilst also ensuring the potential impacts of higher storey buildings on the existing streetscape are minimised.</li> <li>The ‘village feel’ is intended to be facilitated at the street level through a number of streetscape improvements that are proposed as part of the Wellington Street ‘Village’ Project.</li> <li>It is unclear which 80m building the submitter is referring to. It should be noted that currently there are no height controls along St Kilda Road, or Wellington Street (excepting through the Shrine Vista controls). The occupancy rate of and demand for apartment buildings is driven by the market and is not regulated by the planning system.</li> </ul> <p><u>Heritage:</u></p> <ul style="list-style-type: none"> <li>The north side of Wellington Street east of Upton Road is proposed to have a maximum overall building height of 13 metres (4 storeys), applied through the DDO27.</li> <li>A heritage assessment of Wellington Street was undertaken by Lovell Chen (heritage consultants). They identified eight additional heritage places. Additional heritage overlays are not justified.</li> </ul> <p>The proposed 4 storey height is considered appropriate as it reflects an average building scale. The existing buildings range from 1-5 storeys, with most buildings 2-3 storeys. The 4 storey scale allows scope for an incremental increase in building height in this part of the street while avoiding the sense of visually</p>

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	<p><u>Parking:</u></p> <ul style="list-style-type: none"> <li>All new development to provide full parking facilities for residents, commercial / retail employees and customers.</li> </ul> <p><u>Sustainability:</u></p> <ul style="list-style-type: none"> <li>Mandate that all new developments minimise energy usage by applying technologies and building design that deliver 6 star environmental ratings or better. Would reduce impacts of additional population on existing residents from emissions, air quality and noise.</li> <li>Require utilisation of PV-solar plus battery technology, double or triple glazing, highest factor insulation, charging ports for electric vehicles, rainwater catchment and grey water recycling.</li> </ul> <p><u>Public realm:</u></p> <ul style="list-style-type: none"> <li>The market will determine the need for the 'pause places' referred to in the Amendment, such as commercial outlets (cafes).</li> <li>Existing pause places in the area attract loiterers, graffiti and littering. Pause places in Wellington and Crimea Streets are currently used in the evenings and through the nights by revellers from St Kilda and Chapel Street pubs and bars. Frequently disturb residents in Crimea Street.</li> <li>Pause places which are working successfully such as the cafes on Wellington Street and St Kilda Road are commercial spaces. Any development cost and footpath trading fees should be borne by the beneficiary (retail business) and not the rate-payers.</li> <li>Kerb outstands with landscaping near St Michaels School done at significant cost and disruption. Crossing is now defunct and not used.</li> <li>Does not support further outstands in Wellington Street. Add no value and cause rate-payers additional cost associated with garden maintenance.</li> </ul> <p><u>Wellington Street 'Village' Project:</u></p> <ul style="list-style-type: none"> <li>Considers there is no local 'village' character in Wellington Street. Recent and proposed developments at the western end have (and will) turned it into a tunnel. A village feel would come from opening the area up to the sky and the view across towards Albert Park.</li> <li>The following aspects of the Wellington Street Streetscape Improvement Plan are not needed: <ul style="list-style-type: none"> <li>Kerb extensions and associated landscaping.</li> </ul> </li> </ul>	<p>overwhelming the low scale and heritage significant dwellings on the opposite side of the road.</p> <p><u>Signage:</u></p> <ul style="list-style-type: none"> <li>Planning controls for advertising signage are set out in the standard State-wide provisions of each land use zone (included within the Port Phillip Planning Scheme). One of four 'categories' of advertising signage is applied to each zone, and this defines the type and extent of signage permissible in the area.</li> <li>Category 1 – Commercial Areas currently applies to Wellington Street (reflecting the existing Commercial 1 zoning). Promotional signs are allowed without a permit (up to 8m2), with a permit required for larger promotion signs. No signage is prohibited in this category.</li> <li>The proposed Mixed Use Zone would place Wellington Street in Category 3 – High Amenity Areas which reflects the more residential nature of the zone. Category 3 also applies to parts of St Kilda Road and Alma Road proposed for rezoning to Mixed Use.</li> <li>Within Category 3, Business Signs are allowed, however 'Promotion Signs' are limited to very small displays of 2m2 or less.</li> </ul> <p><u>Urban Art:</u></p> <ul style="list-style-type: none"> <li>It is also noted that Clause 22.06 of the Planning Scheme - Urban Design Policy for Non Residential Development and Multi-Unit Residential Development requires all new developments where the Total Project Cost (as shown on the Planning Permit Application Form) exceeds two million dollars to provide an urban art contribution.</li> </ul> <p><u>Setbacks and street-walls (Areas 3C – Wellington Street east of Upton Road):</u></p> <ul style="list-style-type: none"> <li>See response in Section 3. Mandatory versus Discretionary Controls and in Section 5. Front Setbacks.</li> <li>The discretionary two storey street-wall which applies to Area 3C provides for some flexibility, noting a mandatory overall building height is proposed and buildings cannot exceed four storeys in this area. A mandatory overshadowing requirement applies to the southern footpath.</li> <li>A development should provide a landscaped front setback or street-wall of two storeys unless it can demonstrate that an alternative design results in a high quality development.</li> </ul> <p><u>Parking:</u></p> <ul style="list-style-type: none"> <li>See response in Section 9. Traffic, Parking and Access to Public Transport.</li> </ul>

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	<ul style="list-style-type: none"> <li>- A median in the centre of the street</li> <li>- Improvements to the intersection with Dandenong Road</li>   <li>- A wider footpath along Dandenong Road, between Wellington and Chapel Streets</li> <li>- Improvements to the public space areas at the intersection of Chapel Street and Dandenong Road.</li> </ul> <ul style="list-style-type: none"> <li>• Will encourage further rubbish dumping, vagrants, homeless, and will extend the activities currently occurring between Chapel Street and the footpath into Alma Park. Poses personal safety risks.</li> </ul> <p><u>Transport:</u></p> <ul style="list-style-type: none"> <li>• The increased demand on Wellington and Crimea Streets resulting from increased population argues against the introduction of bicycle lanes and further kerb outstands. Those already in place in Crimea Street are a nuisance causing uncertainty of driver behaviour and response. There is no signage to indicate who has right of way.</li> <li>• Wellington Street 'Village' Project – Existing street is pedestrian friendly. Additional enhancement or greening is not required. Adds to maintenance costs. Expenditure is unnecessary - better used in reducing rates.</li> <li>• St Kilda Road South footpath upgrade and tree planting – Not required or supported. Road will never be pleasant with 8 lanes of traffic and double tramlines. Desire for a “community feel” (raised in community consultation) is inconsistent with such a wide and busy road. “Desire for more visitors” is inconsistent with concerns for personal and property security. High rise buildings (recently built and currently proposed) are unfriendly to community. Approval of these developments during the consultation period for the Amendment is misguided.</li> <li>• Recent works at the Upton Road junction have not altered driver behaviour. A no-right turn camera would have been more effective. Further traffic calming measures are unnecessary. A 40km/hr speed limit would be the most effective approach.</li> <li>• St Kilda Junction is a death-trap. Discourages pedestrian activity during the day – a north-south underpass is required though the cost benefit is likely challenging. A second crossing point on the north side of Wellington Street to the tram junction is required.</li> </ul>	<p><u>Sustainability:</u></p> <ul style="list-style-type: none"> <li>• At the present time, Council is unable to mandate environmental ratings through the planning system.</li> <li>• However the Environmentally Sustainable Development Local Planning Policy at Clause 22.13 of the Planning Scheme requires that new development achieves best practice in environmentally sustainable development. The policy requires that development demonstrate how best practice is achieved.</li> <li>• Council promotes sustainable design and development through its implementation of Sustainable Design Assessment in the Planning Process (SDAPP) which is referenced in the planning policy. SDAPP promotes the inclusion of key environmental performance indicators in the planning permit approvals process.</li> <li>• SDAPP framework includes ten sustainable design categories which consider a broad range of design issues, beyond the single consideration of energy efficiency. Eg water efficiency, stormwater management, building materials, transport and waste management</li> </ul> <p><u>Public realm - Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• The Framework identifies the 'Wellington Street 'Village' Project' as a key strategic place making project that seeks to deliver on the key directions for the Public Realm (page vi of the Framework).</li> <li>• The Framework (Section 3.3 – Public realm, under 'Strategic place making projects') proposes to develop and implement a streetscape improvement plan for Wellington Street which seeks to achieve a number of objectives, including improve connections and safety for pedestrians and cyclists.</li> <li>• In October 2015, Council consulted with the local community regarding changes to Wellington Street. The key Wellington Street/Upton Road intersection site was identified as the top priority for improvement, with broad support shown for proposed improvements to intersection. Civil improvement works to the Wellington Street and Upton Road intersection were completed on schedule in April 2016.</li> <li>• Works included extending the central median, new kerb outstands, simplification of traffic movements and new trees in the central median.</li> <li>• The improvements help to: <ul style="list-style-type: none"> <li>- improve connections for pedestrian and bike riders</li> <li>- prevent illegal right-turns and U-turns</li> <li>- create potential for increased footpath trading</li> <li>- reduce the volume of traffic in Wellington Street</li> <li>- increase the number of trees and area of canopy cover as outlined in <i>Greening Port Phillip</i> – Council's Urban Forest Strategy.</li> </ul> </li> </ul>

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	<p>The existing underpasses are unpleasant and viewed as unsafe during the day and night.</p> <p><u>Land use:</u></p> <ul style="list-style-type: none"> <li>Figure 7 of the St Kilda Road South Urban Design and Land Use Framework designates the entire northern side of Wellington Street as mixed use. This is supported. Current intensity of commercial and retail use (particularly east of Upton Road) works well. No new business should be permitted, only residential. Believe this is the intent, but it should be specifically stated.</li> </ul>	<ul style="list-style-type: none"> <li>A post construction traffic and movement survey has been conducted to evaluate the effect of the upgrade on the speed and volume of vehicles, driver behaviour and number of pedestrians and bike riders using this intersection. The results show a significant reduction in illegal manoeuvres and an increase in pedestrian and cycle use.</li> </ul> <p><u>Transport:</u></p> <ul style="list-style-type: none"> <li>Bicycle lanes along Wellington Street - VicRoads SmartRoads network operating plans illustrate which transport modes have priority at different times of the day. The Port Phillip Network Operating Plan shows Wellington Street as being a "Priority Bicycle Route".</li> </ul> <p>The Framework is consistent with VicRoads plan in identifying Wellington Street as a priority bicycle route (Section 3.4, under Implementation – Bike riding) seeks to improve on-road bicycle conditions in Wellington Street.</p> <p>Noting some improvements for bicycles at the intersection of Upton Road and Wellington Street were undertaken as part of the April 2016 streetscape works. Further improvements such as on-street road markings are also identified for the next financial year.</p> <ul style="list-style-type: none"> <li>Note that Crimea Street is outside of the Precinct and is not the focus of the Framework.</li> <li>Wellington Street 'Village' Project - The Framework identifies the preferred future character of this Street as comprising 'a pedestrian friendly 'green link' connecting Chapel Street, St Kilda Road and Albert Park. It is considered appropriate that a streetscape improvement plan be prepared in consultation with community to enhance the Street in line with the identified preferred character.</li> <li>Upton Road junction – See response above in Public Realm – Wellington Street.</li> <li>St Kilda Junction - A key Access and Parking 'direction' in the Framework (under Creating 'streets and spaces for people) is to 'prioritise walking, bike riding and public transport as the primary transport modes to and within the Precinct'.</li> </ul> <p>Key actions to achieve this include:</p> <ul style="list-style-type: none"> <li>Working with VicRoads to improve pedestrian crossing times at St Kilda Junction and across St Kilda Road (Section 3.4 – Access and Parking under 'Walking – Improved pedestrian crossing points'), and</li> <li>Targeted footpath renewals particularly focussing on the eastern side of St Kilda Road (Section 3.3 – Public Realm, under 'St Kilda Road Boulevard Enhancement Project and reflected in Figure 11: Public realm framework plan).</li> </ul> <p>It is also noted that VicRoads and Public Transport Victoria are responsible for managing the St Kilda Junction. A plan for the comprehensive renewal of St Kilda Junction would need to be led by the State Government.</p>

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		<p><u>Land use:</u></p> <ul style="list-style-type: none"> <li>The direction outlined in the Framework for the northern side of Wellington Street is 'Facilitating the transition of Wellington Street (north side) from commercial to a mixed use area with a residential focus at upper levels.'</li> <li>Amendment C122 is considered appropriate in delivering the above direction as it proposes to apply the Mixed Use Zone to the area to assist in transitioning to a residential focus. However it is noted that the Mixed Use Zone allows for commercial, retail and residential uses. It does not prevent further retail / commercial uses.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>31</b> Commercial property owner – Inkerman Street (4 properties within Area 1C)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Building heights – St Kilda Hill and the Junction:</u></p> <ul style="list-style-type: none"> <li>Supports the concept of a discretionary street-wall and building heights, however the Framework does not acknowledge existing built form conditions within the study area, particularly around the St Kilda Hill/ St Kilda Junction precinct.</li> </ul> <p><u>Building heights – Key corner sites:</u></p> <ul style="list-style-type: none"> <li>Other than St Kilda Junction, there are a number of key intersections which could become significant strategic opportunity sites capable of accommodating prominent built form outcomes. The Framework while acknowledging that development should address prominent corners fails to reflect this.</li> <li>These intersections are prime candidates for higher built form which mark intersections and create more diverse and visually interesting visual experience.</li> <li>The larger the property, the more potential for greater building height. Larger sites are able to contain the impacts of building scale.</li> <li>It is unclear whether the Framework has considered the land ownership patterns within the study area. The amalgamated sites around Inkerman Street are capable of achieving taller built form outcomes.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Building heights – St Kilda Hill and the Junction:</u></p> <ul style="list-style-type: none"> <li>See response in Section 2. Building Heights.</li> </ul> <p><u>Building heights – Key corner sites:</u></p> <ul style="list-style-type: none"> <li>See response in Section 2. Building Heights.</li> </ul> <p><u>Building Heights - Area 1C (between Blanche Street and 285 St Kilda Road):</u></p> <ul style="list-style-type: none"> <li>See response in Section 2. Building Heights.</li> <li>DDO27 proposes a discretionary height control of 6 storeys for Area 1C.</li> <li>A proposed midrise scale of 4-6 storeys for most of St Kilda Road (generally south of Alma Road) provides for a change in height from low-midrise scale buildings at Carlisle Street to the higher scale cluster at St Kilda Hill and the Junction.</li> <li>This scale of development would see an increase in building heights which, together with a well-established street-wall height, would create greater visual cohesion on both sides of the road, strengthen the boulevard character of St Kilda Road South through greater definition of its built form edge, and would ultimately achieve a sense of 'repair' to the streetscape.</li> <li>The proposal for increased heights in this area would be contrary to the urban design vision for St Kilda Road which seeks to: <ul style="list-style-type: none"> <li>Reinforce the boulevard character of St Kilda Road through strengthening built form edges.</li> </ul> </li> </ul>

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	<p><u>Building heights – Area 1C (between Blanche Street and 285 St Kilda Road):</u></p> <ul style="list-style-type: none"> <li>The Framework identifies the significant difference in character between the eastern and western side of St Kilda Road, however imposes similar built form outcomes on both sides which ignore their varying circumstances.</li> <li>Unrealistic to achieve the same type of character on both sides of the street.</li> <li>A more appropriate vision would be for the western side to continue the emerging pattern at St Kilda Hill of well-spaced, taller forms on larger sites at key intersection locations, or on larger sites.</li> <li>Discretionary building height of 4-6 storeys should be increased. [Area 1C has a discretionary maximum building height of 20m (6 storeys)].</li> <li>[No alternate building height was suggested in the submission].</li> </ul> <p><u>Street-wall - Area 1C (between Blanche Street and 285 St Kilda Road) and Area 1A (Between Carlisle and Vale Streets):</u></p> <ul style="list-style-type: none"> <li>Street-wall heights on the western side of St Kilda Road should be increased to 5 storeys at key intersections, such as Inkerman Street and Carlisle Street. This would reflect the emerging street-wall scale in Inkerman Street, and mark these important intersections along St Kilda Road South.</li> </ul>	<ul style="list-style-type: none"> <li>Create visual cohesion within the streetscape, through achieving consistency in the street-wall, building heights and the regular spacing of buildings.</li> <li>Avoid building heights which create intrusions in the streetscape and detract from the higher scale clusters at St Kilda Hill and the Junction.</li> <li>In preparing the Framework, analysis of sites was undertaken to recognise the propensity for individual site and areas to undergo renewal. The Inkerman Panels and Habitat HQ sites were recognised as potential redevelopment sites and the proposed development controls do facilitate renewal through allowing for higher intensity development. The importance of future development reinforcing the Inkerman/St Kilda Road ‘corner’ is specifically highlighted as a design objective of the Framework.</li> </ul> <p><u>Street-walls - Area 1C (between Blanche Street and 285 St Kilda Road) and Area 1A (Between Carlisle and Vale Streets):</u></p> <ul style="list-style-type: none"> <li>See response in Section 4. Street-walls.</li> <li>A discretionary 3 storey street-wall is proposed along the western side of St Kilda Road.</li> <li>A 3 storey street-wall and five storey maximum building height is proposed in Area 1A – the corner of Carlisle Street and St Kilda Road.</li> <li>A 5 storey street-wall is proposed for the Inkerman Street frontage (Area 1C.)</li> <li>The continuation of the five storey street-wall in other locations along the western side is not supported. The five storey street-wall reflects the prevailing and emerging pattern of development in Inkerman Street.</li> <li>Noting however, that street-wall heights are discretionary on the western side of St Kilda Road to provide some flexibility on a site by site basis.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>32</b></p> <p>Commercial property owner – Charles Street (3 properties in Area 1B)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Building heights – Potential for additional height:</u></p> <ul style="list-style-type: none"> <li>Supports the concept of a discretionary street-wall and building height limit, however the Framework does not acknowledge existing built form conditions, particularly around the St Kilda Hill/ St Kilda Junction precinct.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Building heights – Potential for additional height:</u></p> <ul style="list-style-type: none"> <li>See response in Section 2. Building Heights.</li> </ul> <p><u>Street-wall – Area 1B (43-47 Charles Street):</u></p> <ul style="list-style-type: none"> <li>See response in Section 4. Street-walls.</li> </ul>

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	<p><u>Building Height – Area 1B (43-47 Charles Street):</u></p> <ul style="list-style-type: none"> <li>The discretionary maximum building height should be increased from 4 storeys to 5 storeys.</li> <li>5 storeys is appropriate given the strategic location of the land and the lack of sensitive interfaces to St Kilda Road. It is also consistent with the general objectives of DDO27 including an anticipated development scale on the western side of St Kilda Road between Carlisle Street and Waterloo Crescent.</li> </ul> <p><u>Street-wall – Area 1B (43-47 Charles Street):</u></p> <ul style="list-style-type: none"> <li>The discretionary street-wall height for Charles Street, particularly on the corner of St Kilda Road, should be increased from 3 storeys to 4 storeys.</li> </ul> <p><u>Alignment with Amendment C123 – 43-47 Charles Street:</u></p> <ul style="list-style-type: none"> <li>The proposed zones in C122 do not align with Amendment C123 – Proposed Residential Zones.</li> </ul>	<ul style="list-style-type: none"> <li>DDO27 proposes a discretionary street-wall height for Charles Street, that may be varied where it is deemed to contribute to a more coherent and consistent streetscape having regard to the scale and form of buildings on adjacent sites.</li> <li>This is proposed to protect the fine grain heritage sites along Charles Street.</li> </ul> <p><u>Building Height – Area 1B (43-47 Charles Street):</u></p> <ul style="list-style-type: none"> <li>See response in Section 2. Building Heights.</li> <li>DDO27 also proposes a maximum discretionary building height of 4 storeys.</li> <li>Four storeys is considered appropriate given the site's context. Charles Street is a narrow one way street mainly characterised by small lots and single dwellings.</li> <li>It is noted that the height is discretionary and allows a site specific design response to achieving the design objectives / outcomes sought. However a key consideration will be the site's interface with properties to the west and north.</li> </ul> <p><u>Alignment with Amendment C123 – 43-47 Charles Street:</u></p> <ul style="list-style-type: none"> <li>The three properties on the southern corner of Charles Street and St Kilda Road are proposed to be included in DDO27 with a four storey height proposed. However two different schedules to the Residential Zones are proposed to apply under Amendment C123 – which implements Council's translation of the New Residential Zones.</li> <li>The two properties at 43 and 45 Charles Street are within the 'review areas' and would remain in the GRZ1 until further strategic work is undertaken. The other at 47 Charles Street is within GRZ5. Noting there are only minor differences between the schedules.</li> <li>The <i>St Kilda Road South Framework</i> proposed to retain specific sites in the GRZ to enable consolidation and redevelopment that would reinstate a street-edge along the western side of St Kilda Road and lists the two subject parcels proposed to remain in GRZ1 (review area).</li> <li>Since the first stage of the residential zones was prepared in early 2014, the strategic vision for the Charles Street sites (as defined in Framework) has evolved.</li> <li>This has resulted in the current inconsistency between proposed Amendments C123 and C122: <ul style="list-style-type: none"> <li>February 2014: The first stage of the residential zones was developed which identified Nos. 43 and 45 Charles Street to be rezoned NRZ1 in recognition of the fine grain, low-density neighbourhood character of the wider area.</li> <li>June 2015: Council endorsed the draft <i>St Kilda Road South Framework</i> for consultation which identified Nos.43 and 45 Charles Street be maintained in the existing General Residential Zone.</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>- October 2015: Amendment C123 identifies the sites as Review Areas – where further investigation of the zone will be carried out.</li> <li>• The Framework recognises the inconsistency with the first stages of the Residential Zones on p.68 &amp; 71. The intention of the Framework is that the three sites are included in the General Residential Zone. It is also considered all three sites should be included in the same schedule to the Residential Zones.</li> <li>• Correction of this inconsistency is supported. Noting C122 does not propose changes to the residential zones in this location. The preferred timing is prior to the approval of Amendment C123 which implements the New Residential Zones.</li> <li>• See response in Section 12. Application of the New Residential Zones.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• To ensure the three lots in the same ownership (at 43-47 Charles Street) are in the same schedule to the General Residential Zone, support a correction to the Schedule which applies to 43 and 45 Charles Street from the General Residential 1 Zone to the General Residential 5 Zone (prior to the approval of Amendment C123 which implements the New Residential Zones.)</li> </ul>
<p><b>33</b> Community Alliance of Port Phillip (CAPP)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Flooding</u></p> <ul style="list-style-type: none"> <li>• The area designated for the Amendment fails to properly analyse the flood plain issues and general geography of the area and its impact on design and planning considerations.</li> </ul> <p><u>Amendment area</u></p> <ul style="list-style-type: none"> <li>• The area designated is insufficient in some areas for the built form being proposed especially on the western side.</li> <li>• The area designated is poorly justified including the failure to identify the area east of St Kilda Road between Inkerman Street and Carlisle Street and the failure to deal with any built form along most of the western side between Inkerman Street and Carlisle Street.</li> <li>• Important landmark areas such as the St Kilda Junction and the Carlisle Street Junction do not provide sufficient material to justify C122 being described as an urban design framework.</li> </ul> <p><u>Public open space:</u></p> <ul style="list-style-type: none"> <li>• Remnant land provides a first opportunity for use as landscaping - this is not envisaged in the Amendment.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Flooding</u></p> <ul style="list-style-type: none"> <li>• See response to Section 11. Flooding.</li> </ul> <p><u>Amendment Area</u></p> <ul style="list-style-type: none"> <li>• See response to Section 14. Extent of the Amendment.</li> </ul> <p><u>Public Open Space</u></p> <ul style="list-style-type: none"> <li>• See response to Section 10. Need for Improvements to the Public Realm and Open Space.</li> </ul> <p><u>Pedestrian Access</u></p> <ul style="list-style-type: none"> <li>• The Framework identifies Public Realm directions to assist in ‘Creating streets and spaces for people’ which includes to “<i>Ensure the design of streets and adjoining development promotes street-life and a safe, conducive environment for walking</i>” as well as to assist in ‘providing ‘easy access for all’” which includes to “<i>Improve the amenity and function of St Kilda Road as a key pedestrian spine</i>”.</li> <li>• The actions identified in the Framework to achieve improvements to the pedestrian network, include:</li> </ul>

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	<p><u>Pedestrian access:</u></p> <ul style="list-style-type: none"> <li>Problems such as the width of St Kilda Road and opportunities for pedestrian access have been identified but are not resolved. This applies especially to the Junction underpass and pedestrian access across this area.</li> </ul> <p><u>Land use – Commercial Uses:</u></p> <ul style="list-style-type: none"> <li>Identified problems include the decline in the commercial use of the land in this area - the Amendment does not provide any solutions on this matter.</li> </ul> <p><u>Traffic and car parking:</u></p> <ul style="list-style-type: none"> <li>Traffic, car parking and bicycle usage are all referred to as issues of concern including the apparent under-use of metered carparks on the eastern side of St Kilda Road – this is not the subject of any urban design solutions but could be having an impact on the businesses in that area which are notoriously difficult to lease.</li> </ul> <p><u>Built form:</u></p> <ul style="list-style-type: none"> <li>If Amendment C122 is a built form exercise then the proposals for the new built form (including how 3 metre wide sites can carry 4 storey buildings) need to be modelled and made publicly available.</li> </ul>	<ul style="list-style-type: none"> <li>Working with VicRoads to improve pedestrian crossing times at St Kilda Junction and across St Kilda Road (Section 3.4 – Access and Parking under ‘Walking – Improved pedestrian crossing points’).</li> <li>Targeted footpath renewals particularly focussing on the eastern side of St Kilda Road (Section 3.3 – Public Realm, under ‘St Kilda Road Boulevard Enhancement Project and reflected in Figure 11: Public Realm Framework Plan).</li> </ul> <ul style="list-style-type: none"> <li>The above actions are outside of the scope of Amendment C122, however are intended to be implemented through Council’s Capital Works Programme, subject to the normal budgeting process.</li> </ul> <p><u>Land Use – Commercial uses:</u></p> <ul style="list-style-type: none"> <li>The Framework recognises opportunities for business. It seeks to reinforce the established commercial role of St Kilda Road as a niche retail and business precinct, encourage a diverse range of specialty retailing, display based retailing along the eastern side of St Kilda Road and consolidate the cluster of specialty retailing at the intersection of Inkerman Street and St Kilda Road.</li> <li>The Commercial 1 Zone does allow for supermarket uses. However full-line supermarket facilities are already provided for in the three major activity centres close by to the precinct.</li> <li>With the growth in resident population, an increase in local access to convenience retail facilities (ie to meet daily rather than weekly shopping needs) has been recognised by the Framework. Such uses are specifically encouraged by the Framework within the retail clusters along Wellington Street. The opportunity for such uses, typically in the form of ‘convenience shops’, could also be explicitly sought as a form of retail use along the eastern side of St Kilda Road (noting ‘shop’ uses are already encouraged).</li> <li>The Planning Scheme can only encourage or restrict uses within specific parameters. Commercial activity (particularly larger scale office) is driven by the market.</li> <li>The Framework identifies a range of other actions, including business facilitation initiatives such as reusing vacant shops, promoting start-up businesses, activating and improving the public realm.</li> </ul> <p><u>Traffic and Car Parking:</u></p> <ul style="list-style-type: none"> <li>See response in Section 9. Traffic, Parking and Access to Public Transport.</li> <li>The Framework identifies proposed improvements to traffic and car parking, however a number of those components of the Framework will be implemented outside of the Amendment through Capital Works and advocacy with VicRoads and PTV.</li> </ul>

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		<p><b>Built form:</b></p> <ul style="list-style-type: none"> <li>• DDO27 applies to land generally between the Junction and Carlisle Street.</li> <li>• As such it applies to some lots which are narrow in size. Eg the embankment and strip of land between St Kilda Road and Waterloo Crescent.</li> <li>• It acknowledged that the DDO applies to some sites that are not developable. It is also noted that some individual small sites will not always have the ability to build up to height limits expressed for the wider area. Many are also in public ownership (see Section 10. Need for Improvements to the Public Realm and Open Space.)</li> <li>• A 'swiss cheese' approach which would remove some of these small sites from the DDO is not supported by current planning practice or by the <i>Ministerial Direction - Form and Content of the Planning Scheme</i>.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>34</b> Commercial property owner – St Kilda Road, between Inkerman Street and Carlisle St (in Area 1C)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Supports the key directions but seeks changes.</li> </ul> <p><u>Maximum building heights – Area 1C (between Blanche Street and 285 St Kilda Road):</u></p> <ul style="list-style-type: none"> <li>• Supports the use of discretionary rather than mandatory height provisions.</li> <li>• Does not support the 6 storey discretionary height.</li> <li>• Fails to recognise the strategic location of the site which could accommodate densification, character of the area and opportunities for corner sites.</li> </ul> <ul style="list-style-type: none"> <li>• Discretionary maximum height should be increased given: <ul style="list-style-type: none"> <li>- The site's proximity to the St Kilda and Balaclava Activity Centres, fixed public transport and open space.</li> <li>- The existing and emerging character of the broader precinct.</li> <li>- The area to the west of the site is in a Mixed Use Zone – an objective of the MUZ is to provide for housing at higher densities.</li> <li>- Clause 21.04-1 of the Port Phillip Planning Scheme identifies Substantial Residential Growth Areas. Strategy 1.1 promotes</li> </ul> </li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Building Heights – Area 1C (between Blanche Street and 285 St Kilda Road):</u></p> <ul style="list-style-type: none"> <li>• See response to Submission 31 regarding proposed building height controls for Area 1C.</li> </ul> <p><u>Street-wall - Area 1C (between Blanche Street and 285 St Kilda Road):</u></p> <ul style="list-style-type: none"> <li>• See response to Section 4. Street-walls.</li> </ul> <p><u>Building heights - Large development sites:</u></p> <ul style="list-style-type: none"> <li>• See response to Section 2. Building heights.</li> </ul> <p><u>Role of the Precinct in terms of housing growth:</u></p> <ul style="list-style-type: none"> <li>• The figure of 16,300 new dwellings in Clause 21.04-4 of the Municipal Strategic Statement is number of dwellings that Port Phillip has the capacity to accommodate by the year 2030. The figure was calculated as part of the Inner Regional Housing Statement (2005). More recent calculations demonstrate increased capacity with the capacity for over 50,000 new dwellings, with the inclusion of Fishermans Bend.</li> <li>• The Port Phillip Municipal Strategic Statement (MSS) articulates objectives and strategies for Housing and Accommodation (in Clause 21.04- 1), Office and Mixed Activity Areas (Clause 21.04-3) and further strategies for the St Kilda Road South Precinct (included in Clause 21.06- 6 - St Kilda).</li> </ul>

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	<p><i>'substantial residential growth within strategic sites and precincts located within or in close proximity to a Major Activity Centre'.</i> The clause also acknowledges 'strategically appropriate locations for higher density residential development... which provide new housing opportunities as part of the renewal of precincts and large sites'.</p> <ul style="list-style-type: none"> <li>- Lack of strategic justification for heights of only 4-6 storeys along the western side of St Kilda Road between Carlisle Street and Waterloo Crescent. Heights are not consistent with the existing built form and do not recognise the width or significance of St Kilda Road or the strategic location of the precinct.</li> <li>- The slope of the land in the Precinct.</li> <li>- DDO27 has inconsistencies. It promotes primacy of corner sites, providing a consistent streetscape but does not provide for different controls / flexibility for corner sites.</li> </ul> <p><u>Street-wall heights:</u></p> <ul style="list-style-type: none"> <li>• Discretionary maximum street-wall height of 3 storeys is too low given the strategic context of the area and should be increased.</li> </ul> <p><u>Large development sites:</u></p> <ul style="list-style-type: none"> <li>• The site is a strategic redevelopment opportunity.</li> <li>• Carlisle Street Structure Plan and DDO21 recognises strategic redevelopment sites. Should be considered for DDO27.</li> </ul> <p><u>Role of the Precinct in terms of growth:</u></p> <ul style="list-style-type: none"> <li>• Lack of strategic analysis which demonstrates that the anticipated increase in housing demand (an additional 32,345 people or 16,300 new dwellings) will be adequately supported by the preferred maximum heights within the DDO.</li> <li>• Consider increased densities and building heights along St Kilda Road South are appropriate because: <ul style="list-style-type: none"> <li>- Lack of heritage and character constraints along St Kilda Road West.</li> <li>- Proximity to excellent amenity, services and public transport services.</li> <li>- Opportunity for redevelopment and revitalization of St Kilda Road South through new development.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Currently, Local Policy seeks to 'Encourage moderate housing growth along St Kilda Road, generally in the form of housing above or to the rear of retail / commercial premises.'</li> <li>• Amendment C122 and DDO27 are considered consistent with the above in proposing moderate building heights to accommodate this level of housing growth.</li> <li>• See also the response to Section 1. The Role of St Kilda South Precinct, in terms of Growth.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>

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	<ul style="list-style-type: none"> <li>- In accordance with <i>Plan Melbourne</i>, providing height limits that will support long-term housing growth, choice and diversity is critical.</li> <li>• Based on the currently proposed maximum heights, the Amendment fails to ensure an adequate supply of redevelopment opportunities within the established urban area. This is not in accordance with Clause 16.01-2.</li> <li>• <i>[The submission does not suggest alternate street-wall heights or building heights]</i></li> </ul>	
<p><b>35</b> Public Transport Victoria</p> <p><b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Generally supports the Amendment.</li> </ul> <p><u>Active transport:</u></p> <ul style="list-style-type: none"> <li>• Notes the Framework recognises: <ul style="list-style-type: none"> <li>- The need to promote sustainable modes of transport and reduce dominance of the motor vehicle use to help alleviate congestion and improve amenity within the precinct.</li> <li>- Improving access to tram stops and improved pedestrian crossing points should be investigated to promote use of public transport and reduce the dependency on private motor vehicle use.</li> </ul> </li> <li>• The precinct-wide objectives in DDO27 should be amended to encourage new development to consider and contribute to improvements for pedestrian access and improvements to the public realm to promote the use of public transport services.</li> <li>• Additional text should be included to encourage new development to improve pedestrian accessibility and promote the use of sustainable modes of transport.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Active transport:</u></p> <ul style="list-style-type: none"> <li>• The objectives and requirements of the Framework and Planning Scheme sufficiently cover the objectives of improving pedestrian accessibility and promoting the use of sustainable modes of transport.</li> <li>• In line with the objectives of the Framework, the Revised Clause 21.06.6.40 identifies under the objective for the Precinct ‘<i>Creating ‘easy access for all’’</i> the need to: <p><i>‘Enhance pedestrian and cycling linkages to nearby activity centres and public transport, to maximise resident and worker access to a wide range of shopping and community facilities.’</i></p> </li> <li>• A number of public realm improvements are identified in the Framework to implement the above objective. Note that these improvements are intended to be delivered through Council’s Capital Works Programme, and are unable to be implemented through Amendment C122.</li> <li>• Further to the above, revised Clause 21.06.6.35 also identifies, under ‘<i>Creating ‘streets and spaces for people’’</i> the objective to: <p><i>‘Require active land use ‘edges’ at street level throughout commercial and mixed use areas, to contribute to a vibrant street-life and enhance the pedestrian experience.’</i></p> </li> <li>• DDO27 implements the above objective through design requirements for active frontages and design details.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>

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<p><b>36</b> Commercial property owner – Wellington Street (in Area 3B)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Heritage Overlay – 59 and 59A Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• Objects to the application of the Heritage Overlay on the sites at 59 and 59A Wellington Street and the grading of the building as “significant”.</li> <li>• Advice from Conservation Architect states that the building “is a relatively unremarkable double storey Victorian that is one of a very widely represented type. It is not a part of a cohesive streetscape with any prevailing heritage character, has no heritage context and is sited between modern buildings in a streetscape of mixed character. The neighbouring buildings on either side are both five storey minimum and come right up to the boundary of our properties limiting the sites visibility from the street.”</li> <li>• Does not reach the threshold to be considered a significant building with an individual Heritage Overlay.</li> <li>• The HO would restrict the ability to develop the land. The family who owns this land also owns the two sites immediately behind facing onto Nelson Street.</li> <li>• Suggests that if the house is individually significant this should be readily explained and the generic heritage policy qualified such that its application to this property addresses the building and context.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Heritage Overlay – 59 and 59A Wellington Street:</u></p> <ul style="list-style-type: none"> <li>• See response in Section 13. Protection of Heritage Places.</li> <li>• Amendment C122 proposes to apply a new individual Heritage Overlay to 59 and 59A Wellington Street and identifies the building as ‘significant’.</li> <li>• As part of the development of the Framework, an assessment of Wellington Street was undertaken.</li> <li>• The Report from Lovell Chen - <i>Heritage Review Wellington, Crimea and Redan Streets, St Kilda</i> (October 2015) recommended application of a new individual Heritage Overlay to 59-59a Wellington Street – two storey residential building.</li> <li>• The site is found to be of local historical and architectural significance with the citation outlining the following rationale for its significance: <i>‘The property at 59-59A Wellington Street, St Kilda, is of local historical significance. It was originally constructed in c.1885 as a single dwelling, one of a number of Victorian residential dwellings in Wellington Street at this time. It was subdivided into two dwellings in c.1909, with the western bay added between 1909 and c.1925-35 to accommodate this change.  Architecturally, the property presents as a generally symmetrical two-storey form distinguished by a two-storey verandah with decorative iron work, canted bay windows and a slate clad roof. While not the original form of the building, the presentation of the facade with the western bay addition, is demonstrative of the early subdivision of the building and represents a comparatively early change in the history of the property.’</i></li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>
<p><b>37</b> Submitter details unknown (TBC)</p> <p><b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>• Generally supports the Amendment</li> </ul> <p><u>Amendment scope:</u></p> <ul style="list-style-type: none"> <li>• Amendment C122 should be kept within the St Kilda Road South Urban Design and Land Use Framework Plan adopted by Council 24 November 2015.</li> </ul> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>• Support lower height buildings architecturally designed to suit the Heritage Overlay and surrounding property with green setbacks to break up the landscape.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Amendment scope:</u></p> <ul style="list-style-type: none"> <li>• Amendment C122 implements the land use and built form elements of the St Kilda Road South Framework through various planning scheme provisions.</li> </ul> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>• The submitter did not outline which area they are referring to.</li> </ul> <p><u>Parking:</u></p> <ul style="list-style-type: none"> <li>• See response to Section 9. Traffic, Parking and Access to Public Transport.</li> </ul>

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	<p><u>Parking:</u></p> <ul style="list-style-type: none"> <li>With increased housing, ensure sufficient parking availability in the future.</li> </ul>	<p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>
<p><b>38</b> Commercial property owner - St Kilda Road between Wellington Street and Alma Road (in Area 2B)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>Does not object to DDO27 being introduced, however does not support it in its current form.</li> <li>Has a current planning permit application with Council.</li> </ul> <p><u>Mandatory versus discretionary controls:</u></p> <ul style="list-style-type: none"> <li>Objects to mandatory 10 metre maximum street-wall height and the side and rear building setback requirements. Potential to significantly constrain the future development potential of the site and surrounding sites and hinder opportunities for urban renewal.</li> <li>Mandatory controls are contrary to the strategic context of the area and State-wide objectives for urban consolidation on sites which are in close proximity to existing amenities, services and transport infrastructure such as the St Kilda Road South Precinct.</li> <li>Several recent developments nearby have provided for innovative design responses and flexibility. They provide an example of large land holdings which provide for significant development potential.</li> <li>The DDO should be amended to a performance based planning ordinance, rather than mandatory controls, to achieve “resolved architectural outcomes with future planning permit applications appropriately assessed on their merits in responding to objectives contained within DDO27”.</li> <li>The implementation of mandatory controls in this area conflicts with the role of mandatory provisions in planning schemes as outlined in <i>Planning Practice Note 59 - The role of mandatory provisions in planning schemes (DELWP, 2015)</i> which says the use of a mandatory control to restrict building form should occur where discretionary provisions will not achieve the desired outcome and where there are exceptional circumstances at play.</li> </ul> <p><u>Residential Interface with new development:</u></p> <ul style="list-style-type: none"> <li>Referencing and mandating the objectives of Clause 55.04 (Amenity Impacts) is contrary to the intended purpose of DDO27. The built form controls and objectives proposed should be removed as there are conflicting setback controls which will be confusing for applicants and decision makers. Built form controls</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Mandatory controls – street-wall height and side and rear setbacks:</u></p> <ul style="list-style-type: none"> <li>See response in Section 1. The Role of St Kilda Road South Precinct, in terms of Growth.</li> <li>See response in Section 3. Mandatory versus Discretionary Controls.</li> </ul> <p><u>Residential Interface with new Development:</u></p> <ul style="list-style-type: none"> <li>See response in Section 7. Residential Interface with New Development.</li> </ul> <p><u>Building height – Area 2B (between Charnwood Road and Octavia Street and 2E (between Octavia Street and Phoenix Lane):</u></p> <ul style="list-style-type: none"> <li>A six storey discretionary height limit applies to Area 2B. A discretionary eight storey height limit applies to Area 2E.</li> <li>The intent of the 8 storey height is to provide a visual transition to the mid-scale buildings in adjoining areas.</li> <li>Notwithstanding this, applying discretionary height controls still allows a degree of design flexibility for large sites.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>

SUBMISSION DETAILS	SUMMARY OF WRITTEN SUBMISSION	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
	<p>and objectives which conflict with Clause 55.04 (Amenity Impacts) should be removed.</p> <p><u>Building height – Area 2B (between Charnwood Road and Octavia Street and 2E (between Octavia Street and Phoenix Lane):</u></p> <ul style="list-style-type: none"> <li>Does not support discretionary maximum building height of six (6) storeys. Height does not recognise the significant strategic redevelopment opportunity of the site.</li> <li>Should be included in Area 2E, instead of 2B. [Area 2E has a maximum discretionary building height of 28m (8 storeys)].</li> </ul> <p><u>Strategic redevelopment sites:</u></p> <ul style="list-style-type: none"> <li>Recognise strategic redevelopment sites in DDO27. Eg the position taken by Stonnington in Amendment C172 - Chapel Street Major Activity Centre.</li> </ul>	
<p><b>39</b> Commercial property owner - St Kilda Road between Alma Road and Inkerman Street (2 properties in Area 2B)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>Do not object to DDO27 being introduced, however is not supportive of it in its current form.</li> </ul> <p><u>Mandatory controls versus discretionary controls:</u></p> <ul style="list-style-type: none"> <li>Mandating 10 metre maximum street-wall height and the side and rear building setback requirements has the potential to significantly constrain the future development potential of the landowner's sites and surrounding sites and hinder opportunities for urban renewal.</li> <li>The mandatory built form controls are contrary to the strategic context of the area and State-wide objectives for urban consolidation on sites which are in close proximity to existing amenities, services and transport infrastructure such as the St Kilda Road South Precinct.</li> <li>The DDO should be amended to a performance based planning ordinance, rather than mandatory controls. This would ensure future planning permit applications are assessed on their merits in responding to objectives contained within DDO27.</li> <li>The implementation of mandatory controls in this area conflicts with <i>Planning Practice Note 59 - The role of mandatory provisions in planning schemes (DELWP, 2015)</i> which says the use of a mandatory control to restrict building form should occur where discretionary provisions will not achieve the desired outcome and where there are exceptional circumstances at play.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Mandatory controls versus discretionary controls:</u></p> <ul style="list-style-type: none"> <li>See response to Section 3 Mandatory versus Discretionary Controls</li> <li>See response to Section 4. Street-walls.</li> <li>See response to Section 1. The Role of St Kilda Road South Precinct, in terms of Growth.</li> </ul> <p><u>Building height proposed for Area 2B</u></p> <ul style="list-style-type: none"> <li>See response to Submission 38, under Building height proposed for Area 2B.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>

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	<p><u>Residential Interface with new development:</u></p> <ul style="list-style-type: none"> <li>Referencing and mandating the objectives of Clause 55.04 (Amenity Impacts) is contrary to the intended purpose of DDO27 and the built form controls and objectives proposed should be removed as they believe there are conflicting setback controls which will be confusing for applicants and decision makers. Built form controls and objectives which conflict with Clause 55.04 (Amenity Impacts) should be removed.</li> <li>[No alternate street-wall height was suggested in the submission].</li> </ul> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>Does not support the discretionary height of six (6) storeys.</li> <li>Does not recognise the significant strategic redevelopment opportunity of the sites and opportunity for site consolidation on the corner.</li> <li>Suggests DDO27 should recognise strategic redevelopment sites. Eg Amendment C172 to the Stonnington Planning Scheme - Chapel Street Major Activity Centre.</li> <li>[No alternate building height was suggested in the submission].</li> </ul>	
<p><b>40</b> Resident – Blanche Street (outside St Kilda Road South precinct)</p> <p><b>Submission in support</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>Generally supports design objectives in DDO27</li> <li>Amendment balances community amenity through design guidelines/requirements.</li> <li>Mix of dwelling sizes will increase the diversity of the local population which along with ground level commercial and retail will bring life to the streets.</li> <li>The overriding principle should be that changes to the precinct are on a human scale that supports residential and civic amenity for the community, not just a streetscape.</li> </ul> <p><u>Public Open Space:</u></p> <ul style="list-style-type: none"> <li>Increase in dwellings and population has not been adequately addressed the provision of public open space and recreation areas.</li> <li>Should include specific requirements for new developments and the reuse of existing buildings to provide rooftop gardens and terraces, vertical gardens and other green landscaping, including trees and similar.</li> </ul>	<p><b>Response / Rationale:</b></p> <p><u>Public Open Space:</u></p> <ul style="list-style-type: none"> <li>See response in Section 10. Need for improvements to the Public Realm and Open Space.</li> </ul> <p><u>Precinct-wide Design Objectives:</u></p> <ul style="list-style-type: none"> <li><i>Strengthening ‘identity and place’</i> <ul style="list-style-type: none"> <li>DDO27 includes the precinct-wide objective “to reinforce the established urban structure and built form elements of the Precinct and each neighbourhood”.</li> <li>The proposed consistency in street-wall and overall building heights proposed along St Kilda Road implements the design direction of the Framework, and precinct-wide design objective of DDO27 to “Create visual cohesion within streetscapes through consistency in street-wall heights and overall building heights, and the regular spacing of buildings”.</li> </ul> </li> <li><i>Creating ‘a great place to live’</i> <ul style="list-style-type: none"> <li>DDO27 includes the precinct-wide objectives “to ensure new development achieves best practice sustainable design outcomes” and “encourage the adaptive</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• Council should identify, obtain, develop and maintain suitable open spaces for community use.</li> </ul> <p><u>Precinct-wide Design Objectives:</u></p> <ul style="list-style-type: none"> <li>• <i>Strengthening ‘identity and place’</i> <ul style="list-style-type: none"> <li>- The established urban structure and built form elements of the Precinct and each neighbourhood should be reinforced. The differing size, styles and eras of St Kilda’s buildings and streetscapes provide an interesting and generally pleasing home to our diverse community.</li> <li>- Consistency in street-wall and overall building heights and regular spacing of buildings can lead to conformity rather than visual cohesion. There are other ways of achieving harmonious connections between buildings.</li> </ul> </li> <li>• <i>Creating ‘a great place to live’</i> <ul style="list-style-type: none"> <li>- The three points proposed are excellent.</li> <li>- Would be strengthened by the addition of a fourth: <i>Ensure the liveability of the area by incorporating Greening Port Phillip strategies in the design of new buildings, adaptive reuse of buildings and the public realm.</i></li> </ul> </li> <li>• <i>Creating ‘streets and spaces for people’</i> <ul style="list-style-type: none"> <li>- The points proposed are strongly supported, particularly maintaining solar access to pedestrian streets and spaces.</li> <li>- ‘Pause points’ and wide footpaths will be necessary to accommodate the increased population.</li> <li>- Well maintained landscaped setbacks enhance people’s relationships with and enjoyment of the pedestrian environment and are crucial to providing streets and spaces for people.</li> </ul> </li> <li>• <i>Fostering ‘beautiful buildings’</i> <ul style="list-style-type: none"> <li>- The points proposed are strongly supported.</li> <li>- New development must also have a relationship with the natural environment - ensure the design incorporates green elements such as vertical gardens, rooftop gardens and green roofs, and makes it easy for residents to have balcony gardens (size, drainage, plumbing etc).</li> </ul> </li> </ul> <p><u>St Kilda Road Neighbourhood Objectives:</u></p> <ul style="list-style-type: none"> <li>• <i>Preferred Character and General Objectives (Areas 1 and 2) and Objectives (Area 1)</i> are supported with these exceptions:</li> </ul>	<p><i>reuse of buildings which contribute to the heritage or built form character of the streetscape”.</i></p> <ul style="list-style-type: none"> <li>• <i>Creating ‘streets and spaces for people’</i> <ul style="list-style-type: none"> <li>- Noted. No changes recommended in submission.</li> </ul> </li> <li>• <i>Fostering ‘beautiful buildings’</i> <ul style="list-style-type: none"> <li>- DDO27 includes the precinct-wide requirement under ‘Residential Amenity’ that <i>“Roof and vertical gardens should be encouraged in new or refurbished buildings”.</i></li> </ul> </li> </ul> <p><u>St Kilda Road Neighbourhood Objectives:</u></p> <ul style="list-style-type: none"> <li>• See response in Section 2. Building Heights and below under Building height.</li> <li>• See response in Section 4. Street-walls and below under Street-walls.</li> </ul> <p><u>Building height (Areas 1A, 1B and 1C – Western side of St Kilda Road between Carlisle Street and 189 St Kilda Road):</u></p> <ul style="list-style-type: none"> <li>• <u>Interfaces with existing residential areas</u> - See response to Section 7. Residential Interface with New Development.</li> <li>• <u>Area 1B (various)</u> - A discretionary four storey maximum height applies to sites in Area 1B. Area 1B applies to a number of areas along the western side of St Kilda Road. The areas which it applies to are characterised by small and narrow lots. It is noted that while the maximum height is four storeys, some sites may not be developable to the maximum height. Development on these sites must also take account of requirements for residential interfaces which may result in setbacks from the established residential areas.</li> <li>• <u>Area 1C (between Blanche Street and 285 St Kilda Road) and Area 1A (Between Carlisle and Vale Streets)</u> -The Framework proposes a maximum building height in Area 1C of 6 storeys. However the frontage of properties fronting Blanche Street is identified as a sensitive residential interface. Any development on site at the corner of St Kilda Road and Blanche Street must ensure development is appropriately scaled and does overwhelm those properties. The amenity of those properties must also be protected.</li> </ul> <p><u>Street-walls:</u></p> <ul style="list-style-type: none"> <li>• <u>Area 1C (between Blanche Street and 285 St Kilda Road)</u> – A three storey (10m) discretionary street-wall applies along St Kilda Road in this area. The 10m street-wall is appropriate along the length of St Kilda Road and in Area 1C given that development up to 6 storeys is permitted.</li> </ul>

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	<ul style="list-style-type: none"> <li>- Reinstating the street edge on the western side with buildings that address the street is only supported when landscaped setbacks and variations of the street-wall height are included.</li> <li>- A zero setback street-wall is not the only method of creating a well-defined street edge.</li> <li>- Overall building scale should be 3-5 storeys on the western side of St Kilda Road between Waterloo Crescent and Carlisle Street and on the eastern side between Inkerman Street, etc. with the possibility of a sixth storey 'pop-up' in the middle of developments that could accommodate it (ie where there would be no impact on existing dwellings.)</li> </ul> <p><u>Building height:</u></p> <ul style="list-style-type: none"> <li>• <u>Interfaces with existing residential areas</u> - Multi-storey developments that interface with existing residential streets must have upper level setbacks and the height must not overwhelm existing dwellings.</li> <li>• <u>Area 1B (various areas)</u> - These are very small sites adjoining existing dwellings, mostly single storey. Development should be 2-3 storeys and not exceed 10m above street level. Other points supported.</li> <li>• <u>Area 1C (between Blanche Street and 285 St Kilda Road):</u> - The street-wall height fronting St Kilda Road should not exceed 8m above street level. While this could be 10m closer to Inkerman Street, there is a slope of approximately 1m at intersection of Blanche Street and St Kilda Road.</li> </ul> <p>Blanche Street is narrow and has single storey street frontages. A 10m street-wall would overpower. Development should be predominantly 3 to 4 storeys and not exceed 5 storeys. Upper level setbacks are essential.</p> <p><u>Setbacks:</u></p> <ul style="list-style-type: none"> <li>• <u>Western side of St Kilda Road - Zero setback to the street</u> - Other than a 'cohesive street edge', there is no rationale for a zero setback to the street. With the massive increase in built form possible, ground level planting is essential for human wellbeing. A landscaped setback is essential in residential streets.</li> <li>• Require setback from the street frontage. Street frontages should be well designed, safe, attractive and publicly accessible and enhance activation of the street and contribute to a coherent streetscape that has a human scale.</li> </ul>	<p>The street-wall requirement does not apply to the Blanche Street frontage. However any development with frontage to Blanche Street must respond to the residential interface.</p> <p><u>Setbacks:</u></p> <ul style="list-style-type: none"> <li>• <u>Zero setback to the street</u> - A zero setback from the street frontage along St Kilda Road is preferred. Noting a greater setback may be provided which would result in a well-designed, safe and accessible space at ground level to enhance the activation of the street.</li> </ul> <p>In DDO27, in most locations, development is encouraged to be built to the street frontage (ie a zero setback). The intent of zero setbacks is to create a hard edge to the street, consistent with the established pattern of a typical commercial strip.</p> <ul style="list-style-type: none"> <li>• <u>Area 1C ((between Blanche Street and 285 St Kilda Road) and Area 1A (Between Carlisle and Vale Streets)</u> - DDO27 proposes that 'new development should provide a landscaped setback to Blanche Street generally consistent with adjoining properties' and 'new development is required to protect and respect the fine grain heritage character of Market and Blanche Streets'.</li> </ul> <p>New development should provide a landscaped setback to Alma Road, Barkly, Blanche, Carlisle, Charles and Vale Streets and Waterloo Crescent that is generally consistent with adjoining properties. Noting mandatory setbacks are identified for specific properties in Areas 1E, 1G, 1H, and 1I along Alma Road and Barkly Street to protect views to the Church.</p> <p>DDO27 only applies to part of Market Street. Only properties located on the north/eastern side located within the Precinct are within DDO27.</p> <p>It is noted that the existing setbacks along Market Street are inconsistent, containing a mix of existing commercial and residential properties with various setbacks. Further, Market Street is considered to be in transition, with several underutilised lots that are likely to be redeveloped. The proposed requirement for a landscaped setback along Market Street is not considered to be required.</p> <p><u>Landscaping:</u></p> <ul style="list-style-type: none"> <li>• The 'Precinct-Wide Requirements' under 'Residential amenity' in DDO27 includes, a requirement that encourages roof and vertical gardens in new or refurbished buildings.</li> </ul> <p><u>Flooding:</u></p> <ul style="list-style-type: none"> <li>• See response to Section 11. Flooding.</li> <li>• Building heights are measured from ground level.</li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>Area 1C (between Blanche Street and 285 St Kilda Road)</u> - New development should provide a landscaped setback to Blanche and Market Streets generally consistent with adjoining properties. The interface with Blanche and Markets Streets requires consideration, both in relation to street frontages and the rear of existing dwellings.</li> </ul> <p><u>Landscaping:</u></p> <ul style="list-style-type: none"> <li>• Should include more explicit requirements for roof and vertical gardens and street planting and plantings in other levels. Eg In the design detail and residential amenity sections. This would support human health and well-being.</li> </ul> <p><u>Special Building Overlay and flooding:</u></p> <ul style="list-style-type: none"> <li>• The area south of Inkerman Street is in a flood zone.</li> <li>• The DDO does not recognise this. For example, points such as 'Ground floor entries to retail premises should be level with the footpath' are problematic.</li> <li>• Areas south of Inkerman Street in the Special Building Overlay (SBO) have not been considered in some of the proposed requirements. e.g. height limits must be from ground level, not start from the SBO required height above ground level.</li> </ul> <p><u>Traffic and car parking:</u></p> <ul style="list-style-type: none"> <li>• The potential impacts on existing residents of the proposed vehicular access, car parking and loading areas must be better addressed.</li> <li>• The proposed requirements may create a pleasant frontage and good amenity for those in the new/refurbished building but concerned that about the location of vehicle access on existing properties eg cars constantly driving past and towards bedroom/living room windows.</li> <li>• The effect of traffic on small side streets must also be considered.</li> </ul> <p><u>Waste management:</u></p> <ul style="list-style-type: none"> <li>• New developments create a similar situation for waste management and building services requirements.</li> <li>• Waste removal trucks are very noisy and smelly, especially when lifting bins and dumping waste.</li> </ul>	<p><u>Traffic and car parking:</u></p> <ul style="list-style-type: none"> <li>• See response in Section 9. Traffic, Parking and Access to Public Transport.</li> </ul> <p><u>Waste management:</u></p> <ul style="list-style-type: none"> <li>• The City of Port Phillip has <i>Waste Management Plan Guidelines for Developments</i> which are applied at the planning permit stage (and implemented through permit conditions) to ensure the design of buildings and management of waste on-site meets appropriate standards.</li> <li>• In addition, DDO27 within the 'Precinct-Wide Requirements' include a range of requirements related to 'waste management and building services' including 'noise attenuation measures' for developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>• No change to Amendment C122.</li> </ul>

SUBMISSION DETAILS	SUMMARY OF WRITTEN SUBMISSION	RECOMMENDED POSITION / CHANGES TO THE AMENDMENT
<p><b>41</b> Commercial property owner- St Kilda Road between Alma Road and Inkerman Street (in Area 2B)</p> <p><b>Submission with concerns</b></p>	<p><b>Issues raised in submission:</b></p> <p><u>Summary:</u></p> <ul style="list-style-type: none"> <li>Does not object to DDO27 being introduced, however is not supportive of it in its current form.</li> </ul> <p><u>Mandatory versus discretionary controls:</u></p> <ul style="list-style-type: none"> <li>Mandatory controls including the ten (10) metre maximum street-wall height and the side and rear building setback requirements has the potential to significantly constrain the future development potential of the site and surrounding sites and hinder opportunities for urban renewal.</li> <li>Contrary to the strategic context of the area and State-wide objectives for urban consolidation on sites which are in close proximity to existing amenities, services and transport.</li> <li>Several recent developments nearby have provided for innovative design responses and flexibility. They provide an example of large land holdings which provide for significant development potential.</li> <li>The DDO should be amended to a performance based planning ordinance, rather than mandatory controls. This would ensure future planning permit applications are assessed on their merits in responding to objectives contained within DDO27.</li> <li>Needs flexibility to deal with larger sites.</li> <li>Conflicts with the <i>Planning Practice Note 59 - The role of mandatory provisions in planning schemes (DELWP, 2015)</i>.</li> <li>PN59 which says the use of a mandatory control to restrict building form should occur where discretionary provisions will not achieve the desired outcome and where there are exceptional circumstances at play.</li> <li>[No alternate street-wall height was suggested in the submission].</li> </ul> <p><u>Residential interface with new development:</u></p> <ul style="list-style-type: none"> <li>Referencing and mandating the objectives of Clause 55.04 (Amenity Impacts) is contrary to the intended purpose of DDO27.</li> <li>Built form controls and objectives which conflict with Clause 55.04 (Amenity Impacts) should be removed.</li> </ul>	<p><b>Response / rationale:</b></p> <p><u>Mandatory versus discretionary controls:</u></p> <ul style="list-style-type: none"> <li>See response to Section 1. The Role of St Kilda Road South Precinct, in terms of Growth.</li> <li>See response to Section 2. Building Heights.</li> <li>See response to Section 3. Mandatory Versus Discretionary Controls.</li> </ul> <p><u>Residential interface with new development:</u></p> <ul style="list-style-type: none"> <li>See response to Section 7. Residential Interface with New Development.</li> </ul> <p><b>Recommended position / changes:</b></p> <ul style="list-style-type: none"> <li>No change to Amendment C122.</li> </ul>