

# STONNINGTON PLANNING SCHEME

## AMENDMENT C276

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by Stonnington City Council which is the planning authority for this amendment.

The Amendment has been made at the request of Stonnington City Council.

#### Land affected by the Amendment

The Amendment applies to the area known as the Chapel Street Activity Centre, including Prahran/South Yarra Activity Centre and the Toorak Road and Windsor Neighbourhood Activity Centres, as illustrated in Figure 1.

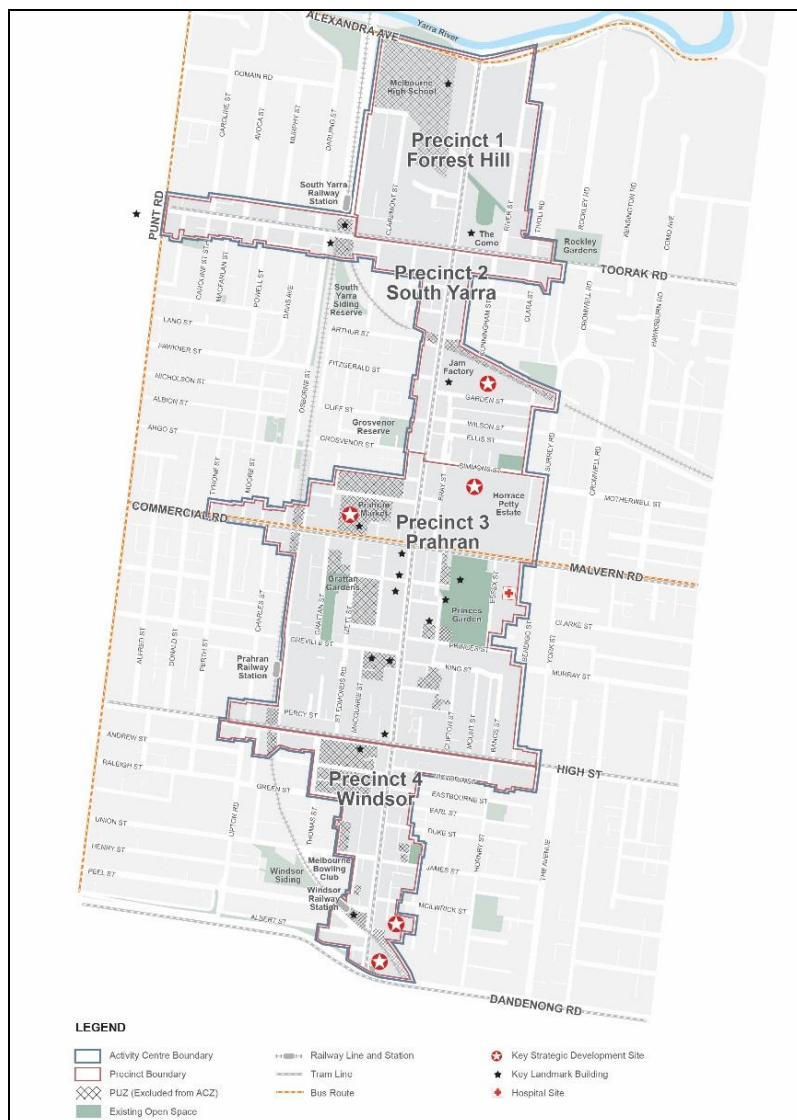


Figure 1: Chapel Street Activity Centre Boundary

## What the amendment does

The Amendment amends provisions of the Stonnington Planning Scheme affecting land in the Chapel Street Activity Centre to correct mapping anomalies, increase the area allocated for public open space and delete redundant controls.

The Amendment proposes to make the following changes to the Stonnington Planning Scheme:

- Rezone the following properties (currently included in two zones) to the Activity Centre Zone:
  - 87 High Street/8 Charles Street, Prahran
  - 72-76 High Street, Prahran
  - 122 Commercial Road, Prahran
  - 65-67 Commercial Road, Prahran.
- Rezone the following council owned properties to the Public Park and Recreation Zone:
  - 15 Izett Street, Prahran
  - 55 Porter Street, Prahran
  - 22 Grattan Street, Prahran
  - 18-20 Regent Street, Prahran
  - 22 Regent Street. Prahran.
- Make consequential changes to Planning Scheme Maps 1 and 4.
- Amend Clause 21.04 Economic Development to identify the Prahran/South Yarra activity centre.
- Amend Schedule 1 to Clause 37.08 Activity Centre Zone (ACZ1) to improve its operation including:
  - at 1.0 Chapel Street Activity Centre Land Use and Framework Plan – amend activity centre boundary and identify major and neighbourhood centres
  - at 3.0 Table of uses – amend condition about locations where use of land for Dwelling does not require a permit
  - at 4.0 Centre-wide provisions – amend buildings and works and design and development requirements
  - at 5.0 Precinct provisions – amend precinct maps to remove redundant pedestrian links and revise interface setbacks, streetwall and buildings heights
  - at 7.0 Notice and review – amend requirements to improve clarity and correct minor errors.

## Strategic assessment of the Amendment

### Why is the Amendment required?

This Amendment is required to ensure that provisions in the Stonnington Planning Scheme affecting land in the Chapel Street Activity Centre align with the intent of the Chapel Revision Structure Plan.

The following table outlines the strategic justification for each proposed revision:

Provision	Proposed revision	Strategic justification
Clause 21.04: Table to Clause 21.04-1	Under 'Principal Activity Centre', Rename 'Chapel Street Activity Centre' to 'Prahran/South Yarra'	Consistency with the activity centres identified in the metropolitan planning strategy <i>Plan Melbourne</i>
Planning Scheme Maps, Schedule 1 to the Activity Centre Zone (ACZ1)	Application of ACZ1 to entirety of subject properties where currently there are split zones  Reflect the changes to the activity centre boundary within the relevant maps of Schedule 1 to Clause 37.08 Activity Centre Zone	Ensure the alignment of zones with property boundaries

<b>Provision</b>	<b>Proposed revision</b>	<b>Strategic justification</b>
Planning Scheme Maps, Schedule 1 to the Activity Centre Zone (ACZ1)	Rezone subject properties to Public Park and Recreation Zone (PPRZ) Reflect changes within the relevant maps of Schedule 1 to Clause 37.08 Activity Centre Zone	Update required due to Council's recent property purchases for future use as public open space
Schedule 1 to the Activity Centre Zone (ACZ1):		
Clause 1.0 Chapel Street Activity Centre Land Use and Framework Plan	Revise map to differentiate the Prahran/South Yarra major activity centre and Windsor/Toorak Road neighbourhood centres.	This change ensures clarity for the statutory assessment of planning permit applications.  The current map does not show the boundaries for each activity centre, which is an important consideration for the assessment of certain classes of planning permit applications.
Clause 3.0 Table of uses	Revise condition for Dwelling within Section 1 – Permit not required.	Update to move the condition for the Greville Village Sub-Precinct 6 (GV-6) from 'Main Street Uses' to 'Side Street Uses'.  This change is necessary as GV-6 only includes 'Side Street Uses', so any reference to 'Main Street Uses' is incorrect.
Clause 4.3 Buildings and works	Revise wording to clarify that the permit exemption for the construction or extension of one dwelling applies if it is the only dwelling on the site.	Ensure clarity for statutory assessment of planning permit applications.  The current provision could technically allow for the addition of a dwelling to a multi-storey building, which was not the intent of the control.
Clause 4.4 Design and development	Relocate the 'preferred maximum building height' guideline provision from under 'Height and massing guidelines' to under 'Height and massing requirement'	Provides more weight for this provision within the statutory assessment of planning permit applications.  The current provision could be interpreted as discretionary, whereas the intent is for this to be a consideration for proposed height exceedances to council's satisfaction.
	Revise wording to state that the building separation section diagram also applies to rear boundaries	Provides additional guidance for the assessment of rear interfaces across the activity centre, follows strategic advice from urban design consultancy.  The current provision only applies to side boundaries, with minimal guidance for rear boundaries.

Provision	Proposed revision	Strategic justification
	Revise Type 6 Interface Setback within the Interface Setback Requirements Table to state that 'Only Standard B17 applies to Forrest Hill Sub-Precinct 9 (FH-9)'	Clarify that the application of the Type 6 Interface Setback to this location requires consideration of proposals against ResCode standard B17 (see Clause 55.04-1 Side and rear setbacks objective).  This is a new provision for sub-precinct FH-9 to provide guidance for built form along the eastern interface.
	Remove fence guidelines from 'Dwellings and residential buildings guidelines'.	Ensure clarity for statutory assessment of planning permit applications, as the current fence provision is not applicable.  Also updated to align with new particular provision Clause 58 Apartment developments.
	Remove 'note' notation on the third provision under 'Overshadowing guidelines'	Ensure clarity for statutory assessment of planning permit applications.  The current provision does not read as a note, and removing the reference will improve its operation,
Clause 5.0 Precinct provisions	Remove indicative pedestrian links from precinct maps at Clauses 5.1-1 (Forrest Hill), 5.2-1 (South Yarra) and 5.3-1 (Prahran).	These pedestrian links are no longer being pursued by Council as a result of further investigation
Clause 5.1-3 Forrest Hill Built Form Requirements map	Remove reference to a preferred maximum streetwall height of 11 metres and Type 1 Interface Setback for properties along the eastern side of River Street.  Apply Type 2 Interface Setback to properties along the eastern side of River Street, and a 2 metre setback to the properties located at 86 River Street – 2 Victoria Terrace.	Addresses conflicting streetwall provisions and provides more appropriate built form guidance for the western interface of these properties.  Both a preferred maximum streetwall height of 11 metres and Interface Type 1 apply in this location – it is proposed to replace these with a Type 2 Interface Setback.  This provides upper level setbacks along River Street, and responds to the more sensitive context and topography of the northern section of River Street.
	Revise the maximum streetwall height of 12 metres to specify that this is a maximum preferred streetwall height	Ensure clarity for statutory assessment of planning permit applications
	Remove reference to 'Preferred podium height for Forrest Hill Sub-precinct 2 (FH-2)' – both the 'preferred maximum streetwall height' and 'preferred setback above the streetwall height' will still apply	Addresses conflicting podium provisions.  The current 'preferred podium height for FH-2' is remaining from the previous planning controls which applied to the site, and should have been deleted with the introduction of ACZ1.

Provision	Proposed revision	Strategic justification
Clause 5.3-3 Prahran Built Form Requirements Map	Apply 'Preferred Maximum Streetwall Height on Main Streets' of 12 metres, and a 'preferred minimum setback above the streetwall on main streets' of 4 metres (outside HO) to the property located at 228 Malvern Road.	Provides setbacks for this property in line with the <i>Chapel reVision Structure Plan</i> .  There is currently minimal built form guidance for the northern interface of this property, which appears to have been a mapping error.
	Revise colouring to align	Addresses inconsistent colouring. The colour of the legend for 'Preferred Maximum Building Height' does not accord with the colours on the map.
Clause 7.0 Notice and review	Revise wording to improve clarity and ensure notice applies where variations are sought.	Ensures that planning permit applications which are not compliant with specified setback provisions are not exempt from notice and review.  The exemptions currently only relate to variations to 'street setbacks'

#### **How does the Amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria that are relevant to this amendment are as follows:

- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- (g) To balance the present and future interests of all Victorians.

This Amendment implements these objectives by ensuring the effective operation of Schedule 1 to the Activity Centre Zone.

#### **How does the Amendment address any environmental, social and economic effects?**

It is considered that the Amendment will result in a net community benefit by ensuring the efficient operation of the planning scheme and facilitating high quality urban design and architecture within the Chapel Street Activity Centre.

#### **Does the Amendment address relevant bushfire risk?**

The land affected by the Amendment is not located within an area of identified bushfire risk.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the following Ministerial Directions:

- The *Form and Content of Planning Schemes*
- Direction No.9 *Metropolitan Planning Strategy*
- Direction No.11 *Strategic Assessment of Amendments*

The Amendment is not affected by any other Ministerial Direction.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment supports and implements the State Planning Policy Framework and gives effect to the following objectives:

- The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through

appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

- To create a distinctive and liveable city with quality design and amenity.
- To strengthen the integrated metropolitan open space network.
- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the Local Planning Policy Framework and gives effect to the following objectives and strategies:

- Clause 21.04 Economic Development – strategies to enhance the economic viability and effectiveness of Stonnington's retail centres. Developing and implementing Structure Plans for principal, major and large neighbourhood activity centres and other selected centres to guide future use and development of these centres.
- Clause 21.05 Housing – strategies relating to housing needs and locations for housing diversity.
- Clause 21.06 Built Environment and Heritage – strategies relating to public open space, urban design, height and density and heritage.
- Clause 21.07 Open and Space and Environment – strategies relating to provision of open space.
- Clause 21.08 Infrastructure – strategies relating to transport, car parking and community services.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment is consistent with the Direction on Form and Content for Planning Schemes.

It has also been prepared in accordance with Practice Note 56 – Activity Centre Zone.

### **How does the Amendment address the views of any relevant agency?**

Stonnington City Council has undertaken consultation with a range of relevant agencies as part of the development of the *Chapel reVision Structure Plan*, which guided the preparation of the amendment.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment complies with the policy principles of the Transport Integration Act 2010 and is not expected to have a significant impact on the transport system.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment is not anticipated to have a significant impact on the resource and administrative costs of the responsible authority.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Stonnington City Council  
Planning Counter  
311 Glenferrie Road  
Malvern 3144

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 18 June 2018.

A submission must be sent to: City Strategy, Stonnington City Council, PO Box 58, Malvern 3144.

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: the week of 3 September 2018
- Panel hearing: the week of 8 October 2018