

**COUNCIL MINUTES**  
**MONDAY 6 AUGUST 2018**

- 
3. *call on TPG to abandon the proposed sites at 418 Wattletree Road, Malvern East, 1529 Malvern Road, Glen Iris and 104 Caroline Street, South Yarra and seek more appropriate alternative locations in non-residential areas, away from sensitive uses.*
  4. *advise submitting parties of Council's assessment and actions.*

**Carried**

With the leave of the meeting the Mayor Cr Stefanopoulos brought forward Item 12 – Victoria Terrace South Yarra – Section 223 Advertisement of Proposed Road Closure Trial.

Cr Hindle having declared an Indirect Conflict of Interest Close Association in Item 6 – Amendment C276 – Improvements to Chapel ReVision Planning Controls – Consideration of Submissions and Item 12 – Victoria Terrace South Yarra – Section 223 Advertisement of Proposed Road Closure Trial as her son lives within the area of the two items left the meeting at 7.34pm.

**12 VICTORIA TERRACE, SOUTH YARRA - SECTION 223 ADVERTISEMENT OF PROPOSED ROAD CLOSURE TRIAL**

**MOTION: MOVED CR MATTHEW KOCE SECONDED CR MARCIA GRIFFIN**

***That Council:***

1. *Trial a full closure of Victoria Terrace, South Yarra for a period of 9 months;*
2. *Undertake an independent evaluation of the traffic impact during the trial period;*
3. *After the 9 month trial, consult with the affected community directly abutting Victoria Terrace and the section of Tivoli Road north of Malcolm Street seeking their feedback on the trial, and their preference for either permanently closing Victoria Terrace or reopening the street;*
4. *Consider a further report to Council following the trial, including the result of the consultation to seek a decision regarding the future of Victoria Terrace;*
5. *Notify all property occupiers previously consulted, and those who submitted a written response to the S223 consultation, of this decision.*

**Carried**

Noting that Cr Hindle had a declared Conflict of Interest in Item 6 the Mayor Cr Stefanopoulos, with the leave of the meeting brought forward Item 6 - Amendment C276 – Improvements to Chapel ReVision Planning Controls – Consideration of Submissions forward while Cr Hindle was already out of the meeting for her other declared conflict of interest item.

**6 AMENDMENT C276 - IMPROVEMENTS TO CHAPEL REVISION PLANNING CONTROLS - CONSIDERATION OF SUBMISSIONS**

**MOTION: MOVED CR JOHN CHANDLER SECONDED CR MATTHEW KOCE**

***That Council:***

1. *Requests that the Minister for Planning appoint a Panel pursuant to Section 23 of the Planning and Environment Act 1987 to hear and consider submissions to proposed Amendment C276 to the Stonnington Planning Scheme.*
2. *In its submission to the Panel Hearing, adopts a position in support of*

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*Amendment C276, generally in accordance with the Officer's response to the submissions as contained in this report and Attachment 1.*

- 3. Refers the submissions and any late submissions received prior to the Directions Hearing to the Panel appointed to consider Amendment C276.*
- 4. Advises the submitters to proposed Amendment C276 of Council's decision.*

**Carried**

Cr Hindle returned to the Chamber at the completion of Items 12 and 6, at 7.41pm.

**5 AMENDMENT C270 - FEDERATION HOUSES HERITAGE STUDY - ADOPTION**

**MOTION:                MOVED CR JAMI KLISARIS    SECONDED CR JUDY HINDLE**

***That Council:***

- 1. Notes the public release of the Panel Report of Amendment C270.*
- 2. On considering the Panel report, adopts Amendment C270 to the Stonnington Planning Scheme, with changes since exhibition outlined in Attachment 2 pursuant to Section 29(1) of the Planning and Environment Act 1987.*
- 3. Submits the adopted Amendment C270 to the Minister for Planning for approval, in accordance with Section 31(1) of the Planning and Environment Act 1987.*
- 4. Advises the submitters to Amendment C270 of Council's Decision.*

**Carried**

**7 METRO TUNNEL PROJECT - PROPOSED EARLY WORKS FOR EASTERN PORTAL**

**MOTION:                MOVED CR MARCIA GRIFFIN    SECONDED CR JOHN CHANDLER**

***That Council:***

- 1. notes the proposed Rail Infrastructure Alliance Early Works proposed program and schedule affecting the Eastern Portal area of South Yarra, east of the Sandringham Rail Corridor; and*
- 2. notes that Council Officers are preparing and lodging a coordinated submission in relation to the Rail Infrastructure Alliance Early Works Plan, highlighting various concerns with the extent of road closures, parking loss, tree removal, and the need for proper construction management plans and mitigation which acknowledges the imposition on residents and traders.*
- 3. acknowledges that these works will affect residential and commercial uses in the area of the works and that Council expects that Rail Projects Victoria and any sub-contractors will choose the least disruptive options, and mitigate any effects as far as possible.*
- 4. encourages affected parties to engage directly with Rail Projects Victoria and its established project feedback and complaints handling process with issues that may arise.*

## **6. AMENDMENT C276 - IMPROVEMENTS TO CHAPEL REVISION PLANNING CONTROLS - CONSIDERATION OF SUBMISSIONS**

**Manager City Strategy: Susan Price**  
**General Manager Planning & Amenity: Stuart Draffin**

### **PURPOSE**

The purpose of this report is for Council to consider:

- The submissions received in response to Amendment C276;
- A response to the submissions for the purpose of Council's position at Panel; and
- Requesting the Minister for Planning to appoint an independent Panel to consider submissions on Amendment C276.

### **BACKGROUND**

#### **Chapel Revision**

The Chapel reVision Structure Plan was commissioned in 2012 to review Chapel Vision in order to inform permanent planning controls for the Chapel Street Activity Centre. The "Chapel Street Activity Centre" is a term used to capture the Prahran/South Yarra Major Activity Centre, Chapel Street, Windsor Neighbourhood Centre and Toorak Road, South Yarra Neighbourhood Centre.

The Chapel reVision Structure Plan provides a long term strategic plan which aims to guide a range of important aspects including development, land use movement, public realm, open space, strategic opportunities, economic and social planning and sustainability.

The Structure Plan and associated background documents were adopted by Council in July 2014 after extensive community consultation (three stage consultation process).

#### **Amendment C172**

Amendment C172 applied permanent planning controls to the Chapel Street Activity Centre to implement the Chapel reVision Structure Plan. The planning controls include the introduction of the Activity Centre Zone – Schedule 1 (ACZ1) to direct built form, height and preferred land use mix.

Council adopted the Amendment on 7 September 2015 and submitted the Amendment to the Minister for Planning for approval. Following approval by the Minister for Planning, Amendment C172 came into effect on 10 August 2017.

#### **Preparation of Amendment C276**

Changes were identified through the ongoing review of the planning controls by Council officers. Council engaged Hansen Partnership Pty Ltd to provide comment on these proposed changes as the lead urban design consultant for the preparation of Chapel reVision.

At its meeting on 9 April 2018, Council endorsed the preparation of Amendment C276 – Improvements to Chapel reVision Planning Controls. The Amendment seeks to implement a number of changes to Schedule 1 to the Activity Centre Zone, rezone a number of properties and make changes to local policy.

### **Exhibition**

Following authorisation from the Minister for Planning, Amendment C276 was placed on public exhibition from 17 May until 18 June 2018. Notification and exhibition of the Amendment was carried out via the following measures:

- Direct notification (via letter) to all owners within the area affected by the Amendment as well as prescribed authorities on 14 May 2018.
- Public viewing file of amendment documentation at Council's Planning Counter, Malvern.
- Full amendment documentation on the Department of Environment, Land, Water and Planning and City of Stonnington's websites.
- Notices placed in the Stonnington Leader on 15 May 2018 and the Government Gazette on 17 May 2018.
- Council Officers were available to meet and discuss specific questions with stakeholders.

### **DISCUSSION**

As a result of exhibition, Council received twenty six (26) submissions. Fifteen (15) of these support the Amendment as exhibited, seven (7) take an alternative position, and four (4) do not take a position on the amendment.

### **Summary of Submissions**

The submissions can be separated into 7 themes, with key themes outlined below (a full response to all submissions is included in Attachment 1).

#### Proposed Changes to River Street Built Form Controls

A number of submissions related to the proposed changes to the built form controls for properties along River Street, including:

- a reduction of the preferred maximum height for properties on the eastern side of River Street, north of Malcolm Street, from 18m (5 storeys) to 12m (3 storeys); and
- an increase in the front setback requirements for built form above 21 metres for properties south of Malcolm Street (from 4 metres to 6 metres).

Although a majority of these submissions are in support of the proposed changes, two (2) are objections. These objections are on the basis that the proposed revisions do not align with the strategic context of the area. Council undertook a further review of the built form controls within this location due to its unique locational characteristics, as highlighted through recent planning permit application assessments. Following this review, Council's urban design experts are of the view that it is appropriate to reduce the preferred maximum height and alter the rear setbacks to the northern end of River Street; and change the interface setback type for properties along River Street south of Malcolm Street. This is due to the following:

- fine grain residential allotments and contemporary lower rise residential development with a ground level setback are more prevalent north of Malcolm Street. The existing topography (3 storey form located at the northern end of River Street are likely to have a comparable effect to 5 storey form at the southern end of River Street)

- the greater level of sensitivity of the adjacent Neighbourhood Residential Zone within Heritage Overlay 149
- remnant light industrial warehouse/ non-residential forms and recent mid-rise development (up to 4 storey) are commonly found south of Malcolm Street
- existing contemporary 3-4 storey forms have demonstrated how upper level setbacks (2m or greater) with private open space opportunities can achieve a more desirable street-based response
- a discretionary 'Type 2' Interface Setback has been applied [12m street wall height, with a 3m setback above and a further 3m setback above 21m] in line with urban design expert advice and for consistency within the Activity Centre Zone

On this basis, no change is proposed to the exhibited amendment.

#### Proposed Change to Interface Setback North of Open Space

Submissions no. 11 and 24 raised objections to the application of this interface control on properties now adjacent to existing/proposed public open space.

The Amendment updates the setback requirements to maintain amenity to future open spaces if and/or when development is to occur to the north. It is a discretionary control applied to all interfaces north of open space and can be assessed in detail during a development application process. It is consistent with the Chapel reVision Structure Plan and is being applied to properties north of recently purchased sites for open space.

No change is proposed to the exhibited amendment.

#### Preferred Maximum Building Height Exceedance

Submission No. 21 objects to the proposed relocation of the 'preferred maximum building height may be exceeded in some circumstances' control from under 'Height and massing guidelines' to 'Height and massing requirements', stating that this change would make the provision a mandatory control.

The change from 'guideline' to 'requirement' is intended to provide more weight to this consideration within the statutory assessment of planning permit applications under the Activity Centre Zone. The original intent through the Chapel reVision Structure Plan and Amendment C172 was for these considerations to be relevant for all proposals seeking to exceed the preferred maximum height. This change clarifies this intention and enshrines it in the statutory process to ensure a fair and transparent assessment process for all proposals seeking to exceed preferred maximum heights. It is noted that this would still be a discretionary provision.

No change is proposed to the exhibited amendment.

#### Key Strategic Development Sites

Submission no. 23 raised concerns relating to the location of the 'Key Strategic Development Site' marker on the Windsor Village Precinct Map (it is not proposed to change as part of this amendment).

The current location of the subject marker on the precinct map due to graphic design reasons (so it doesn't overlap with other attributes on the map) and is intended to apply to the wider precinct (WV-7) between the rail alignment and Dandenong Road; which is reflected in the corresponding text. It is noted that Amendment C276 does not propose to change the location of this marker.

No change is proposed to the exhibited amendment.

#### **Changes to the Amendment**

Overall, no changes to the Amendment are proposed in response to the submissions received.

Separate to feedback received from submissions, a mapping anomaly was identified in the Forrest Hill Precinct Map, specifically in sub-precinct Forrest Hill 10. A line is missing on the map that is meant to show a 4 metre preferred setback above the street wall height. It is recommended that this mapping anomaly be corrected as part of the Amendment process.

### **Next Steps**

Council must forward submissions received on Amendment C276 to an independent Panel, if it is not prepared to vary the Amendment to address all the issues raised in submissions, and it intends to continue with the amendment process.

Council needs to make a formal request to the Minister for Planning to appoint a Panel, after which Planning Panels Victoria will advise of the hearing dates.

On receipt of the Panel report for Amendment C276, a report will be prepared for Council to consider the Panel's recommendations.

### **POLICY IMPLICATIONS**

The proposed changes to Schedule 1 to the Activity Centre Zone will better allow the vision for the Chapel Street Activity Centre to be realised. The proposed changes also support the ongoing delivery of Council's Strategies for Creating Open Spaces process, which includes the identification and acquisition of land for the purposes of public open space.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The financial cost of planning scheme amendments has been included in the budget of Council's City Strategy unit for both 2017/18 and 2018/19.

The indicative timeframe for Amendment C276 is identified in the table below:

| March 2018    | May-June 2018 | <b>August 2018</b>                  | September 2018     | October 2018  | February 2019    |
|---------------|---------------|-------------------------------------|--------------------|---------------|------------------|
| Authorisation | Exhibition    | <b>Consideration of Submissions</b> | Directions Hearing | Panel Hearing | Council Adoption |

### **LEGAL ADVICE & IMPLICATIONS**

All affected parties have been given the opportunity to make submissions on Amendment C276 and will have the opportunity to be heard by an independent Planning Panel as required.

### **CONCLUSION**

Following ongoing review and monitoring, Amendment C276 proposes to make changes to the Activity Centre Zone – Schedule 1 to ensure effective statutory assessments of planning application proposals.

Council received twenty six (26) submissions to Amendment C276. In response to the submissions received, it is recommended that Council request the Minister for Planning to appoint a Panel to hear submissions and consider Amendment C276. Council's proposed position at Panel is outlined in this report and Attachment 1.

#### **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

#### **ATTACHMENTS**

- |  |          |
|--|----------|
| 1. Attachment 1 - Summary of Submissions | Excluded |
|--|----------|

#### **RECOMMENDATION**

***That Council:***

- 1. Requests that the Minister for Planning appoint a Panel pursuant to Section 23 of the Planning and Environment Act 1987 to hear and consider submissions to proposed Amendment C276 to the Stonnington Planning Scheme.***
- 2. In its submission to the Panel Hearing, adopts a position in support of Amendment C276, generally in accordance with the Officer's response to the submissions as contained in this report and Attachment 1.***
- 3. Refers the submissions and any late submissions received prior to the Directions Hearing to the Panel appointed to consider Amendment C276.***
- 4. Advises the submitters to proposed Amendment C276 of Council's decision.***

Item 6  
Attachment 1 Attachment 1 - Summary of  
Submissions



## AMENDMENT C276 – CHAPEL REVISION PLANNING CONTROL IMPROVEMENTS

### RESPONSE TO SUBMISSIONS

#### Themes:

- Proposed reduction in preferred maximum height in River Street
- Proposed change to Interface Setback in River Street
- Proposed change to Interface Setback north of open space
- Preferred maximum building height exceedance
- Overshadowing, Key Strategic Development Site
- Not policy neutral, inequitable, Developer Contributions Plan
- General

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|---|--------------------|---------------------|----------------|
| <b>Submission 1: 67a and 67b Tivoli Road</b>                   |   |                    |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>Current preferred maximum height of 18 metres in northern end of River Street is not responsive to the sensitive context of the adjacent heritage overlay in Tivoli Road</li> <li>Current applications for 5 storeys in FH-9 will compromise amenity and overshadow existing photovoltaic solar panels at 67a Tivoli Road</li> </ul> | Support            | Noted.              | 1. No change.  |
| <b>Submission 2: 69 Tivoli Road</b>                            |   |                    |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>Current preferred maximum height in Forrest Hill-9 (FH-9) is not responsive to the sensitive context of the adjacent heritage overlay in Tivoli Road</li> <li>Believes that current requirements in River Street are contradictory to other sections of the planning scheme</li> </ul>   | Support            | Noted.              | 2. No change.  |

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|---|-----------------------|---------------------|----------------|
| <b>Submission 3: 69 Tivoli Road</b>                            |   |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>Current preferred maximum height and setbacks in northern end of River Street is not responsive to the sensitive context of the adjacent heritage overlay in Tivoli Road</li> <li>Believes that current requirements in River Street are contradictory to other sections of the planning scheme</li> <li>Current applications for 5 storeys in FH-9 will compromise amenity</li> </ul> | Support               | Noted.              | 3. No change.  |
| <b>Submission 4: 71 Tivoli Road</b>                            |   |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>Current preferred maximum height in northern end of River Street is not responsive to the sensitive context of the adjacent heritage overlay in Tivoli Road</li> <li>Loss of amenity due to insensitive transition in heights between 5 Storeys in River Street and 1-2 Storeys in Tivoli Road</li> </ul>  | Support               | Noted.              | 4. No change.  |
| <b>Submission 5: 71 Tivoli Road</b>                            |   |                       |                     |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED  | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|--|-----------------------|---------------------|----------------|
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>Current preferred maximum height in northern end of River Street is not responsive to the sensitive context of the adjacent heritage overlay in Tivoli Road</li> <li>Loss of amenity due to insensitive transition in heights between 5 Storeys in River Street and 1-2 Storeys in Tivoli Road</li> </ul> | Support               | Noted.              | 5. No change.  |
| <b>Submission 6: 94-96 River Street</b>                        |  |                       |                     |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION   | RECOMMENDATION |
|--|---|--------------------|---|----------------|
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>C172 was approved by Stonnington as a guiding document for development which has been relied upon by residents, including the subject site property owner</li> <li>C276 is in conflict with professional advice of urban design experts engaged by Council during the C172 process (and decision of Council pursuant to this advice) in relation to development outcomes</li> <li>It is too soon to revisit new controls and represents poor planning practice</li> <li>The proposed reduction in preferred maximum height in northern end of River Street is an inappropriately restrictive response to the interface sites between tall towers across the road [western side of River Street] and the heritage precinct in Tivoli Road and will result in an underdevelopment of land</li> </ul> | Objection          | <p>Advice was sought by the same urban design experts that developed the Chapel reVision Structure Plan and C172 to review the River Street heights. This advice was in response to concerns raised from the community that the current height and setback controls do not adequately reflect the context of River Street.</p> <p>It is considered appropriate to reduce the preferred maximum height and alter the rear setbacks to the northern end of River Street; noting:</p> <ul style="list-style-type: none"> <li>more fine grain residential allotments and contemporary lower rise residential development with a ground level setback are more prevalent north of Malcolm Street, particularly between 86 to 96 River Street and 2 Victoria Terrace</li> <li>the existing topography (3 storey form located at the northern end of River Street are likely to have comparable effect to 5 storey form at the southern end of River Street)</li> <li>the greater level of sensitivity of the adjacent Neighbourhood Residential Zone within Heritage Overlay 149</li> <li>where existing buildings are not built to boundaries, there is merit in retaining ground level setback (2m) from River Street frontage on 86-96 River Street and 2 Victoria Terrace in transition to residential setting further north</li> </ul> | 6. No change.  |
| <b>Submission 7: 2b Copelen Street</b>                         |   |                    |   |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|---|-----------------------|---------------------|----------------|
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>Limit the building height to a 3 storey maximum [northern end of River Street]</li> <li>Shadowing is an issue with high buildings</li> <li>Higher density living impacts on street parking and amenities</li> <li>Negatively impact on the restored older residences in Tivoli Road</li> <li>Multi-storey buildings lower property prices</li> </ul>   | Support               | Noted.              | 7. No change.  |
| <b>Submission 8: 68 Tivoli Road</b>                            |   |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>The amendment addresses issues of concern, namely the encroachment of Forrest Hill precinct into the heritage area of Tivoli Road north</li> <li>Proposed height changes to the northern end of River Street will reflect the height of their 1870s terrace house, reduce feeling of being enveloped by development, and follow the natural lie of the land, maintaining the amenity of this unique enclave</li> </ul> | Support               | Noted.              | 8. No change.  |
| <b>Submission 9: 2c Copelen Street</b>                         |   |                       |                     |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|---|-----------------------|---------------------|----------------|
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>The proposed 3 storey height limit in [northern end] of River Street:</li> <li>- Is more appropriate height limit given its proximity to Tivoli Road to which Heritage Overlay 149 applies</li> <li>- Will improve the general area and amenity for nearby residents</li> <li>- Will reduce overshadowing of existing homes</li> <li>- Will be a more suitable transition from 1-2 storey buildings on Tivoli Road to 3 storeys on eastern side of River Street, then 5 storeys on western side of River Street</li> <li>- Will reduce amount of traffic in the already congested surrounding streets</li> </ul> | Support               | Noted.              | 9. No change.  |
| <b>Submission 10: 8 River Street</b>                           |   |                       |                     |                |

| THEME   | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION   | RECOMMENDATION |
|---|---|--------------------|---|----------------|
| Proposed change to Interface Setback in River Street    | <ul style="list-style-type: none"> <li>It has become apparent that the required response to River Street sought by the current controls is not in fitting with the character of River Street nor does it create an efficient development approach</li> <li>The proposed controls under C276 have cleared up some ambiguities, they do not give rise to quality of streetscape</li> <li>Having multiple setbacks at the front [proposed 3m setback above 12m street wall with a further 3m setback above 21m] creates an unconventional and inefficient form and development of land</li> <li>Whilst the submitter appreciates that the street wall and setback are discretionary, the submitter is of a view that a street wall height of up to 12m, and then a 3m setback above would create a consistent and regular streetscape; a further 3m setback above 21m is not required</li> </ul> | Objection          | <p>Advice was sought by the same urban design experts that developed the Chapel reVision Structure Plan and C172 to review the River Street heights. This advice was in response to concerns raised from the community that the current height and setback controls do not adequately reflect the context of River Street.</p> <p>It is considered appropriate to alter the front setback to the southern end of River Street; noting:</p> <ul style="list-style-type: none"> <li>Remnant light industrial warehouse/ non-residential forms and recent mid-rise development (up to 4 storey) are commonly found south of Malcolm Street</li> <li>Introducing a 3 storey (12m) street wall definition along a narrow street (12.5m), in a 'transition' area between Forrest Hill and residential precinct (NRZ2) is an acceptable response to mitigate possible overwhelming sense of enclosure</li> <li>Existing contemporary 3-4 storey forms have demonstrated how upper level setbacks (2m or greater) with private open space opportunities can achieve a more desirable street-based response</li> <li>A discretionary 'Type 2' Interface Setback has been applied [12m street wall height, with a 3m setback above and a further 3m setback above 21m] in line with urban design expert advice and for consistency within the Activity Centre Zone</li> </ul> | 10. No change. |
| <b>Submission 11: 24,25a, 25b and 26 Grattan Street</b> |   |                    |   |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED  | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION   | RECOMMENDATION |
|--|--|--------------------|---|----------------|
| Proposed change to Interface Setback north of open space       | <ul style="list-style-type: none"> <li>Broadly, the submitter supports the location of more open space within the Prahran precinct</li> <li>Although 55 Porter Street is large enough to support a small park for recreation use, the land at 18-22 Grattan Street [to the south of the submitter's property] (by virtue of its small physical size, small depth and large length) is more akin to an enhanced greened pedestrian link between larger open space at 55 Porter Street and Grattan Gardens and Como Square</li> <li>Does not support the application of the Type 3 Interface setback control being applied to the southern boundary of the submitter's site on the basis that the open space to the south is not large enough to benefit from this type of restriction as it acts as a through block link</li> </ul> | Objection          | Sites to the north of future and current open space have Type 3 Interface setback control applied to their respective southern boundary. This is to ensure that solar access to open space is considered if and/or when development is to occur to the north. The Type 3 Interface setback has been applied consistently to all sites to the north of future and current open space, no matter the size. It is a discretionary control that can be assessed during a development application process. | 11. No change. |
| <b>Submission 12: 63 Tivoli Road</b>                           |  |                    |   |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>The proposed height and setback controls [at the northern end of River Street] will assist in the loss of amenity and are more appropriate and sensitive transition to the primarily single and double-storey Tivoli Road properties (subject to heritage overlay controls)</li> </ul>  | Support            | Noted.  | 12. No change. |
| <b>Submission 13: 76 Tivoli Road</b>                           |  |                    |   |                |



| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|---|-----------------------|---------------------|----------------|
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>It is vital to the continued residential amenity of Tivoli Road and Copelen Street that the buildings on the east side of River Street, north of Malcolm, be limited to 3 storeys</li> <li>A hard edge along River Street needs to be maintained as demarcation between encroaching residential and commercial development</li> <li>5 storey developments will cast shadows and cause a major loss of amenity to properties within heritage overlay 149</li> </ul> | Support               | Noted.              | 13. No change. |
| <b>Submission 14: 76 Tivoli Road</b>                           |   |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>It is vital to the continued residential amenity of Tivoli Road and Copelen Street that the buildings on the east side of River Street, north of Malcolm, be limited to 3 storeys</li> <li>A hard edge along River Street needs to be maintained as demarcation between encroaching residential and commercial development</li> <li>5 storey developments will cast shadows and cause a major loss of amenity to properties within heritage overlay 149</li> </ul> | Support               | Noted.              | 14. No change. |
| <b>Submission 15: 4B Copelen Street</b>                        |   |                       |                     |                |

| THEME   | SUMMARY OF MAIN ISSUES RAISED  | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|---|--|-----------------------|---------------------|----------------|
| Proposed reduction in preferred maximum height in River Street  | <ul style="list-style-type: none"> <li>Vehement opposition to this form of town planning on River Street [5 storey height limit] which destroys the neighbourhood feel of the area and adds to congestion; negatively impacts residents and benefits developers</li> </ul> | Support               | Noted.              | 15. No change. |
| <b>Submission 16: 2a Copelen Street</b>   |  |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street  | <ul style="list-style-type: none"> <li>Opposes loss of amenity due to insensitive transition in heights between 5 Storeys in River Street and 1-2 Storeys in Tivoli Road</li> <li>Do not destroy the neighbourhood feel and increase congestion</li> </ul>                 | Support               | Noted.              | 16. No change. |
| <b>Submission 17: 2a Copelen Street</b>   |  |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street  | <ul style="list-style-type: none"> <li>Allowing 5 storeys in River Street would be irresponsible and will destroy the unique character of South Yarra</li> </ul>   | Support               | Noted.              | 17. No change. |
| <b>Submission 18: 650, 644 and 620 Chapel Street and 299 Toorak Road and 7 River Street (Como Centre)</b> |  |                       |                     |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED  | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|--|--|-----------------------|---------------------|----------------|
| General  | <ul style="list-style-type: none"> <li>• Submitter notes that the exhibited version does not propose built form control changes that relate directly to their site</li> <li>• Any refinements made to the Amendment throughout the process, the submitter reserves the right to provide further comments</li> <li>• Submitter wishes to be kept informed of progress and of any Panel Hearing</li> </ul>   | Neutral               | Noted.              | 18. No change. |
| <b>Submission 19: 4a Copelen Street</b>                        |  |                       |                     |                |
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>• Opposes form of town planning on River Street that adds to congestion and works against the heritage overlay of Tivoli Road</li> <li>• River Street marks a boundary between high rise development and low rise</li> <li>• The development that the submitter lives in was proposed to be higher but was disallowed and built within height restrictions – support the Council in their endeavour to follow guidelines, rulings and precedents</li> </ul> | Support               | Noted.              | 19. No change. |
| <b>Submission 20: 80-82 River Street</b>                       |  |                       |                     |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION  | RECOMMENDATION |
|--|---|--------------------|--|----------------|
| Proposed reduction in preferred maximum height in River Street | <ul style="list-style-type: none"> <li>No sound basis for the preferred maximum height to be reduced from 18m/5 storeys to 12m/3 storeys; there has been no significant change to the strategic setting or characteristics of the area to warrant a reduction to the subject site's redevelopment potential</li> <li>The site at 65 Tivoli Road is developed for a 3 storey apartment building. The amendment seeks a preferred maximum height on subject site at same scale as 65 Tivoli Road; this is inconsistent with accepted strategic planning principles that land within an Activity Centre is shown to have equal or lesser development potential than land located outside the Activity Centre</li> <li>Designation of River Street having a residential interface of 9.5m does not regard the existing conditions or surrounding context, including the development of the opposite side of River Street to the west</li> <li>Preferred 4.5m setback from side boundaries above podium being applied to the subject site would render properties undevelopable without consolidation</li> </ul> | Objection          | <p>Advice was sought by the same urban design experts that developed the Chapel reVision Structure Plan and C172 to review the River Street heights. This advice was in response to concerns raised from the community that the current height and setback controls do not adequately reflect the context of River Street, including the topography.</p> <p>It is considered appropriate to reduce the preferred maximum height and alter the rear setbacks to the northern end of River Street; noting:</p> <ul style="list-style-type: none"> <li>more fine grain residential allotments and contemporary lower rise residential development with a ground level setback are more prevalent north of Malcolm Street</li> <li>the existing topography (3 storey form located at the northern end of River Street are likely to have comparable effect to 5 storey form at the southern end of River Street)</li> <li>the greater level of sensitivity of the adjacent Neighbourhood Residential Zone within Heritage Overlay 149</li> </ul> <p>The submitter states that 65 Tivoli Road is at the same scale as the proposed preferred maximum height in River Street (north of Malcolm Street). It is difficult to comment on the planning context at the time of this approval. The properties within Tivoli Road north of Malcolm Street are within a heritage overlay (HO149) and the majority are 1-2 storeys.</p> <p>The amendment proposes to apply ResCode B17 to the rear of the subject site. Advice from urban design experts is as follows:</p> <p><i>To the rear, along more sensitive residential interface, recent developments fronting River Street have typically adopted ResCode B17 envelope. We consider rear interface treatment akin to a ResCode B17 standard is an acceptable measure to manage the profile of new development to avoid adverse impact. Noting</i></p> | 20. No change. |

| THEME                               | SUMMARY OF MAIN ISSUES RAISED | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION | RECOMMENDATION |
|-------------------------------------|-------------------------------|-----------------------|---------------------|----------------|
| Submission 21: 17-22 Grattan Street |                               |                       |                     |                |

| THEME  | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION  | RECOMMENDATION |
|--|---|--------------------|--|----------------|
| Preferred maximum building height exceedance | <ul style="list-style-type: none"> <li>As it relates to the subject site, the amendment does not propose any changes to the preferred requirements relating to maximum building height, street wall height or upper level setbacks</li> <li>The amendment does however propose to change the designation of the criteria under which applications for development which exceeds the preferred maximum building height from a 'Height and massing <u>guideline</u>' to a 'Height and massing <u>requirement</u>'</li> <li>The relevant criteria reads:<br/><i>The preferred maximum building height may be exceeded in some circumstances if:</i> <ul style="list-style-type: none"> <li><i>It can be demonstrated that a significant community benefit can be achieved; and,</i></li> <li><i>It continues to meet the objectives, requirements and guidelines in relation to visual impact and overshadowing with increase upper level setbacks</i></li> </ul> </li> <li>This proposed change would have the effect of applying a pseudo mandatory control whereby it could be interpreted that the above criteria are the <b>only</b> circumstances where an application for development in excess of the preferred maximum building height could be approved</li> <li>Practice Note 59 sets out that mandatory provisions should only be used in 'exceptional circumstances' and it is submitted that they do not exist in this case</li> <li>ACZ1 was only recently introduced and the Panel for C172 supported</li> </ul> | Objection          | <p>The relocation of the 'preferred maximum building height' control from under 'Height and massing guidelines' to under 'Height and massing requirements' is to provide more consideration weight to this control within the statutory assessment of planning permit applications.</p> <p>The current provision could be interpreted as discretionary, whereas the original intent through Chapel Revision and Amendment C172 is for this to be a consideration for all proposed height exceedances. It is considered that this provision be a requirement in order to ensure a fair and transparent assessment process for all proponents seeking to exceed the preferred maximum building heights. Therefore all proponents would need to demonstrate that the development achieves a significant community benefit as well as continues to meet all other built form provisions of the scheme.</p> | 21. No change. |

| THEME                                     | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION  | RECOMMENDATION |
|---|---|-----------------------|--|----------------|
| <b>Submission 22: 2 Carlton Street</b>    |   |                       |  |                |
| General                                   | <ul style="list-style-type: none"> <li>Informing Council that submitter's clients are interested parties in this matter and intend to make a full and detailed submission at both Council level and when/if matter proceeds to panel</li> </ul> | Neutral               | <p>The submitter stated that they were appointed by their client later in the exhibition process and therefore will submit late (by 9 July).</p> <p>Council officers offered the submitter the opportunity for an extension to submit by 22 June (closing of exhibition was 18 June). No further information has been received by the submitter.</p> | 22. No change. |
| <b>Submission 23: 24-26 Chapel Street</b> |   |                       |  |                |

| THEME   | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION   | RECOMMENDATION                       |
|---|---|--------------------|---|--------------------------------------|
| Overshadowing, Key Strategic Development Site | <ul style="list-style-type: none"> <li>Substantive changes have been made to the 'Overshadowing guidelines' but not to the 'Overshadowing requirements'</li> <li>In Overshadowing requirements "...buildings and works are not to cast shadows over footpaths along Chapel Street..." is not possible to achieve with a preferred maximum height of 12 storeys for the submitter's site</li> <li>Overshadowing requirements are without sound basis and will not allow for development in a strategic redevelopment precinct</li> <li>The amendment allows for the overshadowing provisions to be more clearly and sensibly articulated</li> <li>The star designating the key strategic development site in WV-7, as shown on the Chapel Street Activity Centre Land Use and Land Use and Framework Plan, indicates the entire precinct is a key strategic development site, whereas the star shown on the Precinct Map appears to indicate a specific site within the precinct as the key strategic development site and therefore should be amended to show a star that applies to the entire WV-7 sub-precinct</li> <li>Submitter trusts that the detail provided in their submission will assist in the continued assessment of C276</li> </ul> | Neutral            | <p>The overshadowing controls are already in the Planning Scheme, having been approved by the Minister for Planning, and applied via Amendment C172. This amendment is not proposing to review the overshadowing controls further.</p> <p>The Overshadowing requirements are in place to protect the amenity for pedestrians on the Activity Centre's main streets. It should be noted that although the Overshadowing requirements are expected to be considered, they are not mandatory.</p> <p>The star on the Precinct Map is placed in that location for graphic design reasons (to avoid overlap with other attributes on the map). The Precinct Guidelines text clearly states that the key strategic development site applies to all of WV-7 as well as on the Land Use and Framework Plan. It is noted that this amendment does not propose to change the location of this marker.</p> | <p>23. No change.</p> <p>Page 90</p> |



| THEME  | SUMMARY OF MAIN ISSUES RAISED  | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION   | RECOMMENDATION |
|--|--|--------------------|---|----------------|
| <b>Submission 24: 27-29 Regent Street</b>                |  |                    |   |                |
| Proposed change to Interface Setback north of open space | <ul style="list-style-type: none"> <li>Does not support the application of the Type 3 Interface setback control being applied to the southern boundary of the submitter's site</li> <li>Oppose the amendment on the following grounds: <ul style="list-style-type: none"> <li>imposes unreasonable restrictions on any future development of the site;</li> <li>unreasonably limits growth and value of the site;</li> <li>will result in poor urban design outcomes;</li> <li>other properties are not affected by similar restrictions;</li> <li>exact location of proposed PPRZ in Precinct 3 Plan and interface setback requirement wording in the table is not clear</li> </ul> </li> </ul> | Objection          | <p>Sites to the north of future and current open space have Type 3 Interface setback control applied to their respective southern boundary. This is to ensure that solar access to open space is considered if and/or when development is to occur to the north. The Type 3 Interface setback has been applied consistently to all sites to the north of future and current open space, no matter the size. It is a discretionary control that can be assessed during a development application process.</p> <p>Regarding the clarity of the precinct map, it is challenging to show a PPRZ site at the scale the Precinct Plan needs to be in the ACZ1. The location of the proposed PPRZ site on the Precinct 3 Plan can be made clearer by zooming in on the Plan in electronic form. The wording is consistent with other Interface setback requirements wording in the table and is considered to be as clear and concise as possible.</p> | 24. No change. |
| <b>Submission 25: 329, 331 and 333 Toorak Road</b>       |  |                    |   |                |

| THEME   | SUMMARY OF MAIN ISSUES RAISED   | OBJECTION/<br>SUPPORT | COMMENT/ DISCUSSION  | RECOMMENDATION |
|---|---|-----------------------|--|----------------|
| General   | <ul style="list-style-type: none"> <li>Submitter provides commentary in terms of car parking support columns locations/design within a building to inform justification to eliminate Interface setback controls at upper levels, instead having setbacks at ground level</li> </ul> | Neutral               | <p>The Interface setback controls for the submitter's site are already in the Planning Scheme, having been approved by the Minister for Planning, via Amendment C172. Amendment C276 is not proposing changes to these Interface setback controls.</p> <p>Setbacks at upper levels are important to reduce the impact of built form dominating streets; it is equally important to maintain a consistent building line along the street for activation at ground level.</p> <p>It should be noted that on site car parking in the ACZ is to be provided in a basement format not above ground.</p> | 25. No change. |
| <b>Submission 26: 35 Claremont Street (South Yarra Claremont Pty Ltd)</b> |   |                       |  |                |

| THEME   | SUMMARY OF MAIN ISSUES RAISED  | OBJECTION/ SUPPORT | COMMENT/ DISCUSSION  | RECOMMENDATION |
|---|--|--------------------|--|----------------|
| Not policy neutral, inequitable, Developer Contributions Plan | <ul style="list-style-type: none"> <li>• Opposes the amendment as:</li> <li>- It is not policy neutral as it is intended to apply to Forrest Hill precinct</li> <li>- Substantive changes inequitable as other development has been permitted under less onerous provisions</li> <li>- Significant community benefit criterion should not be deleted</li> <li>- Developer Contributions Plan for Forrest Hill has not gone through a statutory process in an endeavour to circumvent the Developer Contributions Overlay and section 62(5) and (6) of the Act and is inequitable at this late stage in the development of the Forrest Hill precinct</li> </ul> | Objection          | <p>The amendment is not policy neutral and is therefore undergoing public exhibition.</p> <p>Design Development Overlay 8 (DDO8) which covered Forrest Hill were translated into the current Activity Centre Zone – Schedule 1.</p> <p>The significant community benefit criterion has not been deleted; it is proposed to be given more weight by moving it from a guideline to a requirement.</p> <p>The Developer Contributions Plan is not part of Amendment C276.</p> | 26. No change. |