

STONNINGTON PLANNING SCHEME REVIEW REPORT

October 2022



Acknowledgement of Country

The City of Stonnington acknowledges we are meeting on the Traditional Lands of the Wurundjeri Woi Wurrung and Bunurong peoples of the East Kulin Nations and pay our respect to their Elders past, present and emerging.

We extend that respect to all Aboriginal and Torres Strait Islander peoples. We acknowledge their living connection to Country, relationship with the land and all living things extending back tens of thousands of years.

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EXECUTIVE SUMMARY

Section 12B of the *Planning and Environment Act 1987* requires a planning authority to regularly review the provisions of its Planning Scheme. The purpose of the 2022 Stonnington Planning Scheme Review (the Review) is to enhance the effectiveness and efficiency of the Stonnington Planning Scheme (the Planning Scheme) in achieving¹:

- » the objectives of planning in Victoria; and
- » the objectives and strategies of the Planning Scheme including the state and local content.

The findings of the Review are outlined in this Report, the Stonnington Planning Scheme Review Report 2022 (the Report).

The City of Stonnington (Council) last carried out a review in 2018, and its findings were reported in the Stonnington Planning Scheme Review Report (May 2018) (the 2018 Review). Since carrying out the 2018 Review, there have been relevant policy changes at state and local level, including the approval of Future Stonnington, incorporating the Community Vision 2040 and Council Plan 2021-2025.

As part of the current Review, eight Key Issues facing Stonnington were identified around which themes were developed to generate community involvement during the consultation processes. The Key Issues are:

- » Appropriately managing residential growth
- » Planning for more and better open spaces
- » Protecting heritage places
- » Protecting and enhancing neighbourhood character
- » Enhancing our Activity Centres and growing jobs
- » Protecting and enhancing the local tree canopy
- » Protecting the natural environment and responding to the climate emergency
- » Improving movement networks.

These issues are discussed in light of the findings of the Review in Section 5.0, and in large part are similar to those identified in the 2018 Review. However, the current findings and recommendations take account of the present-day policy landscape, as well as feedback from stakeholders.

Council currently has a series of major strategic projects underway, which will improve the function of the Planning Scheme. This includes a Housing Strategy (including a review of neighbourhood character), an Affordable Housing Policy, a Neighbourhood Activity Centre Framework and an Open Space Strategy. Council is also progressing with the actions outlined in the adopted Heritage Strategy and Action Plan 2018-2029 and transport and sustainability projects. Separately, Council has prepared and submitted to the Minister for approval Amendment C312ston, which translates the Planning Scheme into a new format (prescribed by the State Government).

This pipeline of significant work will result in large scale improvements to the operation of the Planning Scheme and respond to many of the items which have arisen from this Review.

However, the Review also finds that there are other areas where policy could be either updated or enhanced, including the following:

- » Tree protection and urban forest strategy
- » Sustainable transport and car parking
- » Liquor licensing
- » Signage
- » Managing built form at interfaces between sensitive residential areas and areas identified for growth
- » Urban design, design quality and design excellence
- » Greater recognition and celebration of Aboriginal cultural heritage.

A detailed list of recommended actions is provided at Section 6.0.

¹Planning Practice Note 32 (Review of Planning Schemes) June 2015

1. INTRODUCTION

1.1 The Purpose of this Report

The Stonnington Planning Scheme Review Report 2022 (the Report) has been prepared by the City of Stonnington Council (Council) and sets out the findings of the Stonnington Planning Scheme Review 2022 (the Review).

The Review is required by Section 12B of the Planning and Environment Act 1987 (the Act), which states that Council is to review its Planning Scheme within a year of approving a Council Plan and report its findings to the Minister for Planning. The Council Plan 2021-2025 was adopted by Council on 18 October 2021. The Minister for Planning has granted an extension to this timeframe, giving Council until 31 December 2022 to report its findings.

The objective of the Review is to enhance the effectiveness and efficiency of the Stonnington Planning Scheme (the Planning Scheme) in achieving the objectives of planning in Victoria and the objectives of the planning framework established by the Act. The Review has evaluated the local content of the Planning Scheme to ensure that it:

- » Sets out effectively the policy objectives for use and development of land in Stonnington; and
- » Makes effective use of State provisions and local provisions to give effect to state and local planning policy objectives.

A review would typically also evaluate whether the Planning Scheme is consistent with the Ministerial Direction on the Form and Content of Planning Schemes. However, this work has occurred separately, as part of Amendment C312ston (refer to Section 1.2) and is not part of this Review. State and regional planning policy in the Planning Scheme was considered as part of Amendment C312ston.

The Report summarises the findings of the Review processes, which has included the following:

- » Engagement with the Stonnington community, internal Council departments, planning permit applicants, referral authorities and other relevant stakeholders.
- » The latest statistical data relevant to the municipality including the Australian Bureau of Statistics 2021 census data.
- » A consideration of the Key Issues raised in the last

Planning Scheme review carried out in 2018, as well as the Action items from the Stonnington Planning Scheme Review Report (May 2018) (the 2018 Review).

- » Major State, local and private projects approved and / or under construction in the municipality since the 2018 Review.
- » Policy changes since the 2018 Review.
- » Key Victorian Civil and Administrative Appeals Tribunal (VCAT) and Independent Planning Panel Victoria (PPV) findings.

The Report provides an analysis of the issues facing the municipality and provides a list of actions required to ensure the Planning Scheme best responds to these issues and achieves Council's objectives.

1.2 The Planning Scheme

The Planning Scheme is a statutory document that sets out policies and requirements relevant to the use and development of land within the municipality. The Planning Scheme is currently comprised of State, regional and local planning policy, along with zones, overlays and Particular, General and Operational Provisions.

Much of the content of the Planning Scheme is determined by the State and reflected in all Planning Schemes in Victoria. The State policy sets out the broad policy principles, of which regional and local policy must align. The local content of the Planning Scheme applies these broad principles to the local context and provides guidance for day-to-day decision making. The local content also helps the community understand the types of use and development anticipated, and in which locations.

In September 2021, the State Government introduced a new format for planning policy within all Planning Schemes. A key change is the replacement of the current Clause 21 (Municipal Strategic Statement) and Clause 22 (Local Planning Policies) with an integrated Planning Policy Framework (PPF) including a Municipal Planning Strategy (MPS).

Council has prepared and submitted to the Minister for Planning, Amendment C312ston to the Planning Scheme, which will replace the current Clauses 21 and 22 with a redrafted, policy neutral translation into the new format PPF. Amendment C312ston has not yet been approved, meaning the Planning Scheme still reflects the original format. The new PPF incorporates changes to ensure consistency with the Ministerial Direction on the Form and Content of Planning Schemes, issued under Section 7(5) of the Act.

This Review assesses the existing Planning Scheme with a primary focus on strategy, rather than form and content, much of which is being altered by Amendment C312ston. More specifically the Review considers the strategy outlined in the Local Planning Policy Framework, as well as in the schedules to Zones, Overlays and Provisions.

The Planning Scheme utilises zones and overlays from the suite of controls provided within the Victorian Planning Provisions (VPP). Most zones and overlays also have at least one locally drafted schedule. The following zones and overlays are currently in use in Stonnington:

Zones	Number of Schedules
Residential Zones	
Mixed Use Zone	1
Residential Growth Zone	3
General Residential Zone	16
Neighbourhood Residential Zone	5
Industrial Zones	
Industrial 3 Zone	1
Commercial Zones	
Commercial 1 Zone	1
Public Land Zones	
Public Use Zone	1
Public Parks and Recreation Zone	1
Transport Zone	-
Special Purpose Zones	
Special Use Zone	1
Activity Centre Zone	1

FIGURE 1: SCHEDULE OF ZONES

Overlays	Number of Schedules
Environmental and Landscape Overlays	
Significant Landscape Overlay	1
Heritage and Built Form Overlays	
HO	639 ²
Design and Development Overlay	18
Incorporated Plan Overlay	3
Development Plan Overlay	4
Neighbourhood Character Overlay	10
Land Management Overlays	
Land Subject to Inundation Overlay	1
Special Building Overlay	2
Other Overlays	
Public Acquisition Overlay	3
Environmental Audit Overlay	-
City Link Project Overlay	-
Specific Controls Overlays	10

FIGURE 2: SCHEDULE OF OVERLAYS

The Particular, General and Operational Provisions of the Planning Scheme are determined at the State level, although some Particular Provisions have local schedules attached with local content. In the Stonnington Planning Scheme this includes the following:

- » Clause 51.01 (Specific sites and exclusions), which identifies sites where specific controls apply that are designed to achieve a particular land use and development outcome.
- » Clause 52.02 (Easements, Restrictions and Reserves), which includes approvals of covenant variations.
- » Clause 52.28 (Gaming), which prevents the installation of gaming machines in most commercial areas of the municipality.
- » Clause 53.01 (Public Open Space Contribution and Subdivision), which identifies an 8% contribution for subdivision in Armadale, Prahran, Windsor and South Yarra³, and a 5% contribution elsewhere.

²As at 18 August 2022

³Except at 590 Orrong Road and 4 Osment Street, Armadale where a specified contribution was negotiated

1.3 Methodology

Council has carried out its Review in accordance with the processes outlined in Planning Practice Note 32 (Review of Planning Schemes) (June 2015) (PPN32) and the Continuous Improvement Review Kit (February 2006). A summary of methodology follows.

Step 1 – Scope the Review

The primary purposes of this Review are:

- » To ensure alignment between the Council Plan 2021-2025 and the Planning Scheme.
- » To review local planning policies in light of recent state and local planning policy changes and relevant VCAT / PPV findings.
- » To seek feedback from stakeholders and the community as to the performance of the Planning Scheme.

Step 2 – Collect Data

In carrying out this Review the following data has been collected and considered:

- » The Council Plan 2021-2025.
- » Demographic data from the 2021 Australian Census.
- » state and local government policy and other requirements which have been modified since the 2018 Review.
- » Feedback from other Council departments, including data on building and planning permit applications.
- » Community and other stakeholder feedback.
- » Key VCAT and PPV decisions.
- » The 2018 Review report, including its Action items.

Step 3 – Consultation

As part of this Review, Council carried out consultation with the local community and other stakeholders. Engagement activities ran for four weeks, between 22 July and 21 August 2022. Council designed the activities to give interested community members a range of opportunities to learn about the Planning Scheme Review and provide feedback.

Activities included:

- » Two 'intercept' engagement sessions in Prahran and East Malvern

- » A pop-up engagement session at Toorak/South Yarra library
- » A mailout to approximately 60,000 residents and businesses across the municipality
- » Displays within Council's libraries and customer service centres.
- » A bulk email to community group contacts, planning permit applicants and other known community stakeholders
- » A social media post shared via Council's Facebook and Twitter accounts
- » An online survey

A total of 214 responses were received, including 180 survey responses, 32 participants in intercept/pop-up session activities and 2 written submissions.

This feedback has informed the outcomes of the Review. See Section 4 and 5 for further information.

Step 4 – Doing the Review

The Review has considered:

- » The content of the Local Planning Policy Framework (LPPF).
- » The consistency of the Planning Scheme with the broader PPF.
- » The strategic performance of the Planning Scheme.
- » Any strategic gaps in the Planning Scheme.
- » Linkages between the Council Plan and the Planning Scheme.

Step 5 – Analysis


Section 5 includes an analysis of the findings and includes a summary of the Key Issues facing Stonnington today.

Step 6 – Council endorsement

This Review Report was presented to Council for endorsement on 28 November 2022.

Step 7 – Implementation

Section 6 includes a list of Action items, which have been designated as short, medium or long term priorities. These items will form the basis of the future strategic workload planning of Council's City Futures Department.



Known collectively as the clans of the Kulin Nation, the Bunurong and Wurundjeri People camped regularly along the banks of the Yarra River and Gardiners Creek, where they could access the rich resources of aquatic foods and a diverse range of flora and fauna.

2. KEY CONTEXTUAL DATA

2.1 Local Aboriginal History

Stonnington has a rich local Aboriginal history extending back over tens of thousands of years.

Before the colonial era, the area was richly resourced and varied, consisting of reed filled swamps, aquatic flora and fauna and large trees which provided bark for huts⁴.

Known collectively as the clans of the Kulin Nation, the Bunurong and Wurundjeri People camped regularly along the banks of the Yarra River and Gardiners Creek, where they could access the rich resources of aquatic foods and a diverse range of flora and fauna.

Prior to white settlement, Prahran's terrain existed as a combination of large trees, wattle scrub and many reed filled swamps. During the 1830s the Prahran area was a frequent camping place for Aboriginal People from the local clans and those visiting from the Gippsland area and a common Ngargee place. Gatherings for social, ceremonial and trading purposes occurred regularly between the Bunurong and Wurundjeri Peoples, while marriages were arranged between these groups and the Taungurong, Wathaurong and Djadjawurung Peoples.

Following colonial settlement, everything changed. The effects of colonial expansion including introduced disease and European objection to Aboriginal People

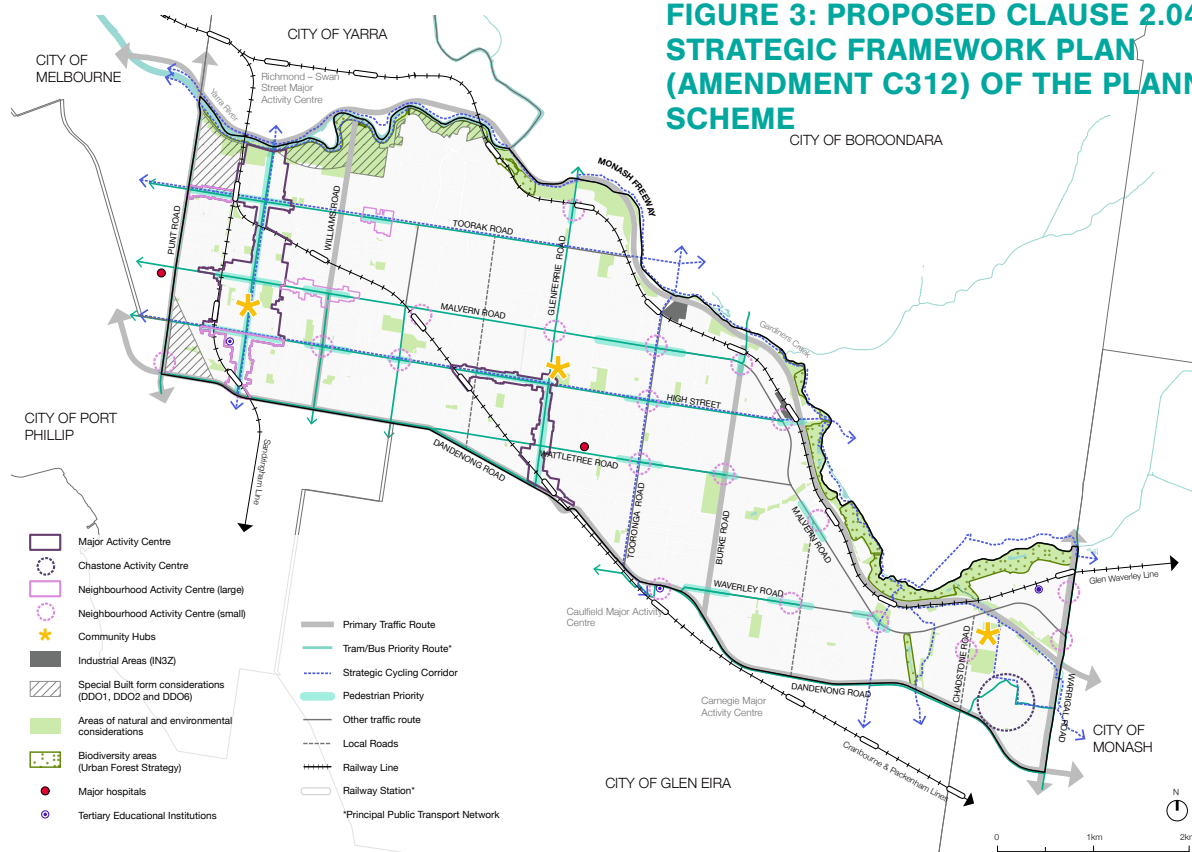
hunting in the area meant that life in the areas around Melbourne was not easy for Aboriginal People.

In 1837, the Governor of New South Wales, Richard Bourke, approved the use of an 895 acre site south of the Yarra River for an Aboriginal Mission. Towards the end of 1838, food shortages led to trouble between Aboriginal People and settlers and by the end of 1839 the mission was closed and sold. In 1852 William Thomas, Protector of Aborigines, secured a reserve at Mordialloc for the Bunurong and a reserve at Warrandyte for the Wurundjeri. The Bunurong, however, continued to visit Melbourne, camping in Fawkner Park and sites in the western end of Stonnington.

2.2 Current Physical Context

The City of Stonnington is located in Melbourne's inner south-east, approximately 3km from central Melbourne. It includes the suburbs of Armadale, Toorak, Kooyong, Malvern, Malvern East, Prahran, Windsor, and parts of South Yarra and Glen Iris. More specifically, the municipality is bounded by the Monash Freeway, the Yarra River, Gardiners Creek and Scotchmans Creek to the north, Dandenong Road to the south, Warrigal Road to the east and Punt Road to the west (Figure 1).

FIGURE 3: PROPOSED CLAUSE 2.04 STRATEGIC FRAMEWORK PLAN (AMENDMENT C312) OF THE PLANNING SCHEME



⁴City of Stonnington Reconciliation Action Plan (2018-2020)

The municipality covers a land area of 26 square kilometers, mostly comprised of residential areas interspersed with strip shopping centres, including the Chapel Street Activity Centre and the High Street/Glenferrie Road Activity Centre. The municipality also includes Chadstone Shopping Centre, numerous public and private Schools, Cabrini Hospital, the National Institute of Circus Arts and Melbourne Polytechnic and Holmesglen Tertiary Institutions.

Stonnington is well serviced by public transport, including three train lines – Sandringham, Frankston/Dandenong and Glen Waverley. It is also marked by a grid of State-managed roads servicing buses and trams.

The built fabric of the municipality is mixed and includes significant heritage buildings and streetscapes and areas of Aboriginal heritage, as well as medium and high-rise modern forms. Post-contact development dates to the 1830s, concurrent with the growth of post-contact Melbourne. The municipality is further defined by its garden characteristics, and high quality streetscapes with established tree canopy. Despite this, the municipality has one of the lowest open space ratios per person in the metropolitan area.

The municipality has seen some significant development and change since the 2018 Review, including the following:

Work on the **Metro Tunnel Project** in South Yarra continues on schedule with tunnelling complete and fit out underway. The Project includes parkland and other public realm works, which are nearing completion and are likely to be transferred to Council management in mid-2023. The tunnel is likely to be open to trains in 2025.

- » The **Toorak Road Level Crossing Removal Project** was completed in November 2020. The removal of the Glenferrie Road and Torong Road Level Crossings has been foreshadowed by State and Federal Governments. Council is also advocating for the inclusion of the High Street Level Crossing in the State's level crossing removal program.
- » As part of the **Big Housing Build**, Homes Victoria is upgrading parts of the Prahran Housing Estate, with development on the Bangs Street site commenced, and likely to be completed in 2024. Redevelopment at Essex Street (Prahran) and part of the Horace Petty Estate (South Yarra) is currently in planning stage, likely to be delivered in the short-medium term

- » The Victorian Government has announced that the **Swinburne University** site in Prahran will be an education and arts precinct. No further information on plans for this site has been provided to date.
- » There is continuing redevelopment of **Forrest Hill and Chapel Street**, including the potential Jam Factory Redevelopment. Amended Permit 1027/17 was granted on 12 April 2022 and allows a \$500M redevelopment of the site, including retail, office, a hotel, dwellings, cinema and a new public plaza.
- » A significant redevelopment of land at 641-669 and 675 Dandenong Road, and 1, 3 and 5 Station Place, Malvern has commenced, which includes a 17-storey building and an 11-storey building. This development also includes significant enhancements of the public realm near **Malvern Railway Station**.
- » **Chadstone Shopping Centre** continues to evolve, with most recent approvals including a new nine storey office building, an expansion to the Coles and David Jones carparks, upgrades to the fresh food precinct and an expansion of its entertainment and leisure precinct.
- » The redevelopment of the **'Tok H'** site at 459-505 Toorak Road, Toorak was approved by way of Amendment C306ston to the Planning Scheme in August 2020. The redevelopment provides for a new supermarket (and associated retail) and an eight-storey office building.
- » A planning permit application has been lodged with the Minister for Planning to upgrade and expand **Cabrini Hospital** in Malvern.

2.3 Current Demographic Context

Stonnington continues to experience a rising population density. The population density currently stands at 41.46 persons per hectare⁵ (down from 43.54 people per hectare in 2018⁶). The 2021 Australian Census provides updated and detailed information about the composition of the Stonnington municipality. Key data deriving from the 2021 Census includes⁷:

- » The municipality has a population of 104,703 people, with slightly more females than males (this is up from 103,832 in the 2016 Census).
- » The median age is 37 (the median age in the 2016 Census was 35). The largest age group is 25-29 years (comprising 13.3% of the population), followed by 30-34 years. There are more people aged 20-39 years and aged over 75 years than is average for Victoria. There are also fewer children (aged less than 19) than is average (15.9% v 23.6% of the population).
- » There are 363 people of Aboriginal and/or Torres Strait Islander descent, comprising 0.3% of the Victorian total. The median age of this group is 30.
- » 49.5% of the population has never married, which is notably higher than average in Victoria (37%), and reflective of the large local cohort of younger adults.
- » Residents of the municipality are well educated with 38.5% of people having tertiary education (compared to 24.5% of the Victorian population).
- » 63.9% of residents were born in Australia, followed by China, England, India, New Zealand and Greece. The primary language other than English used at home is Mandarin, followed by Greek, Cantonese, Spanish and Italian.
- » Incomes in Stonnington are higher than average, the median weekly household income is \$2,210 as compared to \$1,759 for Victoria as a whole.
- » The proportion of residents suffering from a long-term health condition is comparable to the Victorian average, although the rates of arthritis (5.7% v 8.0%) and diabetes (2.7% v 4.7%) are both markedly lower.
- » There is an average of 2.2 people per household, which is lower than the Victorian average of 3. This figure has not changed since the 2016 Census.
- » Households are primarily comprised of families (53.6%), with 36% of those families comprising a couple with children and 11.5% comprising a one parent family (in 82.2% of cases that parent is a female with children). The largest group of family households (49.9%) comprises a couple without children.
- » 39.2% of households comprise a lone person (which is higher than the Victorian average of 25.9%). There are also more group households than average (7.2% v 4.0%).
- » The majority of local housing is being rented (44.9%), which is notably more than the Victorian average of 28.5%.
- » The median rent is \$421 per week, which is higher than the Victorian average of \$330 per week.
- » The median mortgage repayment is \$2,500 per month, also higher than the Victorian average of \$1,859 per month. There are also slightly higher levels of mortgage stress than is average, with 17.5% of residents paying more than 30% of the household income on mortgage repayments (compared to 15.5%).
- » There are 59,509 dwellings within the municipality, which is an increase of 5,402 dwellings since the 2016 Census.
- » 17.3% of dwellings are unoccupied, which is more than the Victorian average of 11.1%.
- » Dwellings that were occupied on the night of the census were made up of the following:

Type	Stonnington		Victoria	
	No.	Per Cent	No.	Per Cent
Detached House	12,804	27.1	1,755,423	73.4
Semi-Detached House	8,964	19.0	332,251	13.9
Apartment	25,059	53.1	289,120	12.1
Other	344	0.7	10,455	0.4

FIGURE 4: DWELLINGS BY TYPE

⁵Home | City of Stonnington | Community profile (id.com.au)

⁶Planning Scheme Review Report 2018

⁷2021 Stonnington, Census All persons QuickStats | Australian Bureau of Statistics (abs.gov.au)

It is evident from this data that the proportion of apartments in Stonnington is substantially higher than in Victoria as a whole, and the proportion of detached housing far lower.

- » Most dwellings have two bedrooms (38.6%), while 24.8% have three bedrooms and 15.8% have four bedrooms or more. 18.9% of dwellings have one bedroom, and 1% are studio dwellings (with no bedrooms)⁸. Dwellings have fewer bedrooms on average than in Victoria as a whole (where most dwellings (41.5%) have three bedrooms).
- » Vehicular ownership pattern is summarised below. Notably Stonnington residents have fewer cars than is average for Victoria, and the number of households without a car is higher than average. There are 1.3 vehicles on average per dwelling in Stonnington.

Number	Stonnington		Victoria	
	No.	Per Cent	No.	Per Cent
None	7,796	16.5	179,348	7.5
One	22,649	48.0	856,243	35.8
Two	12,162	25.7	880,945	36.9
Three or more	4,065	8.6	44,086	18.4
No answer given	562	1.2	33,611	1.4

FIGURE 5: VEHICULAR OWNERSHIP

Additional statistical data is available from INFORMED DECISIONS, which identifies⁹:

- » Stonnington's Gross Regional Product is estimated at \$9.88 billion, which represents 2.1% of the State's Gross State Product.
- » There are 68,617 local jobs, with the largest industry being retail trade (19.8%), followed by healthcare and social assistance (12.9%) and professional, scientific and technical services (12.9%).
- » There are 18, 176 local businesses.

⁸No response was received in 0.9% of cases

⁹Economic profile | Stonnington | economy.id

¹⁰Planning Permit Activity Report System (PPARS)

¹¹<https://www.planning.vic.gov.au/land-use-and-population-research/urban-development-program/redevelopment-2021>

2.4 Planning and Building Permit Data

A summary of the numbers of planning permit applications and amendment applications received by Council is available in the table below:

Year	Permit Applications	Amendment Applications	Total Applications
2017	1164	586	1750
2018	1083	656	1739
2019	893	661	1554
2020	947	584	1531
2021	1020	652	1672

FIGURE 6: PLANNING PERMIT DATA

It is evident from this data that amendment numbers have remained steady over the past five years. Application numbers dropped in 2019 but have subsequently increased again.

The numbers of additional dwellings granted through planning permits, year by year, is provided in the table below:

Year	Stonnington	State-wide ¹⁰	% of State supply
2017	2380	12139	19.6%
2018	1098	10232	10.7%
2019	836	8555	9.7%
2020	787	7510	10.5%
2021	597	5903	10.1%
(to mid) 2022	223	6728	3.3%

FIGURE 7: ADDITIONAL DWELLING APPROVAL NUMBERS

This analysis shows that for the 2018-2021 period, dwelling approvals have been falling in Stonnington as well as Statewide. This decline is due to a combination of factors, including sites now more often being repurposed for commercial uses, such as offices and hotels¹¹. In 2017 there was a particularly large local supply of dwellings, which can partly be attributed to the development approved at 590 Orrong Road and 4 Osment Street, Armadale, which alone contributed almost 500 dwellings. It is clear from this comparison, that Stonnington makes an important contribution to the State's supply of new dwellings.

The table below summarises building permit data relating to works associated with Class 1A buildings. Class 1A buildings comprise detached and attached dwellings, but not apartments. This data indicates that building permit numbers have remained relatively steady over the past five years, with a dip in 2020, likely due to the COVID-19 pandemic. Numbers increased in 2021, with 2022 on track to produce similar numbers of permits.

Year	Total Permits	Alterations	Demolition	Extension	New Building	Other	Rebuild	Average cost of works
2018	941	380	187	125	207	36	6	\$564,454
2019	935	363	177	142	213	31	9	\$604,649
2020	865	327	131	125	220	5	57	\$646,581
2021	970	326	160	220	210	0	54	\$732,441
(to mid) 2022	445	154	74	97	100	1	19	\$695,906

FIGURE 8: CLASS 1A BUILDING PERMITS

Further information on dwelling approvals is available as part of the 2021 Metropolitan Urban Development Program Release prepared by the Department of Environment, Land, Water and Planning (DELWP)¹². This program provides an annual update on the pipeline of major residential redevelopment projects across established areas. Major residential developments are those with ten or more dwellings.

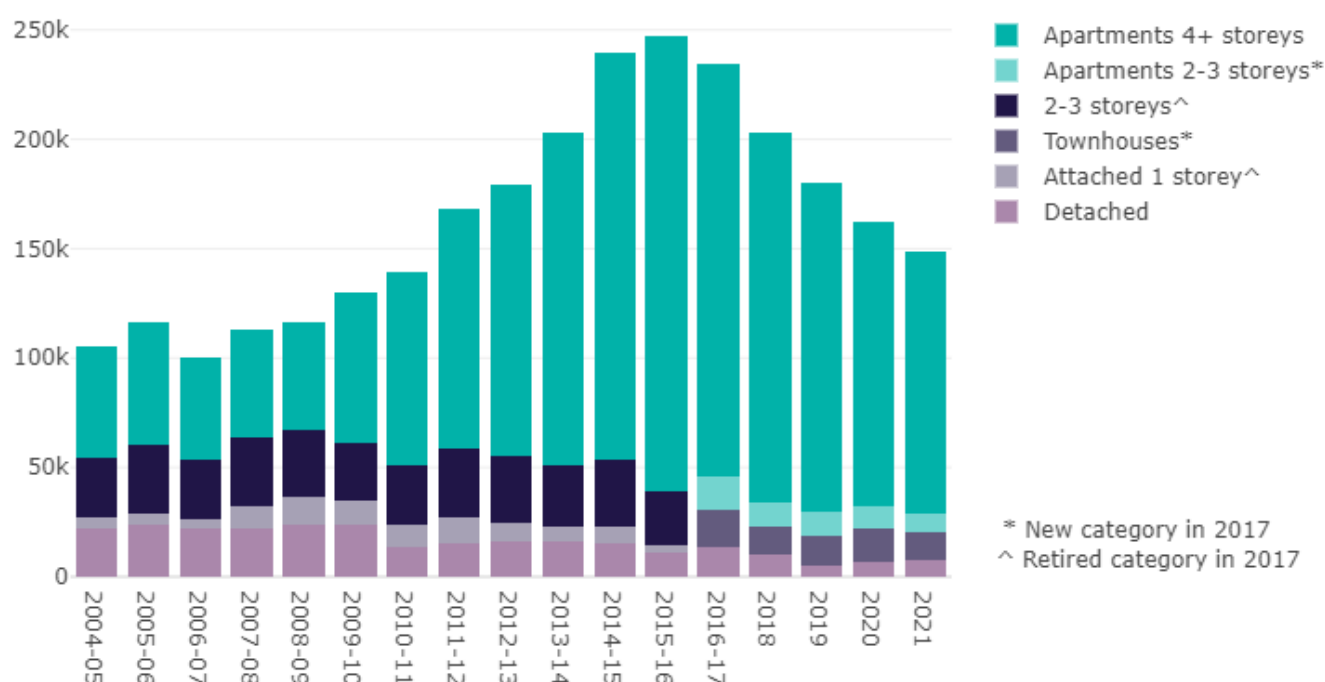


FIGURE 9: ANNUAL SUPPLY OF DWELLINGS IN MAJOR RESIDENTIAL DEVELOPMENTS ACROSS MELBOURNE

¹²Redevelopment land supply 2021 (planning.vic.gov.au)



Across the board, there has been a decline in major residential development since 2016. Some of this decline is due to projects proposed for major redevelopment sites being discontinued at various stages.

The 2021 Metropolitan Urban Development Program Release also shows that most (86%) residential growth is occurring in the inner and middle ring municipalities, including Stonnington. In inner municipalities, 98.3% of growth is in the form of apartments, with only 763 (or 1.3%) additional townhouses and 280 (or 0.5%) additional detached dwellings .

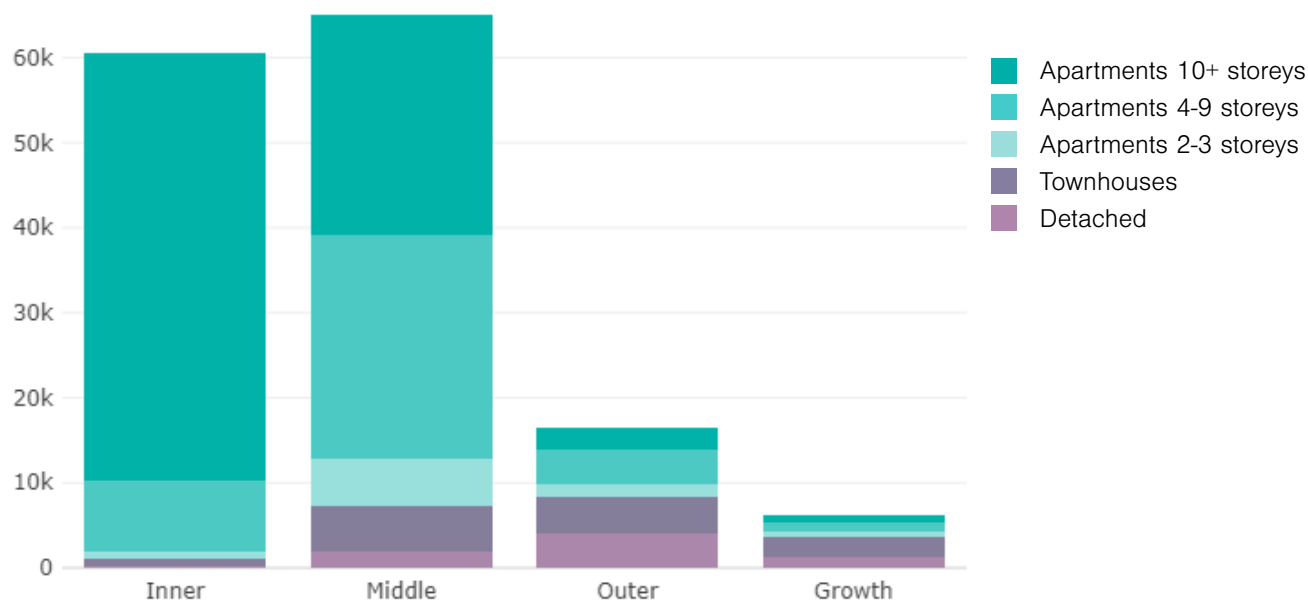


FIGURE 10: SUPPLY OF MAJOR RESIDENTIAL REDEVELOPMENT DWELLINGS BY REGION AND BUILT FORM

¹³These figures have been rounded by the Urban Development Program

Of metropolitan municipalities (excluding the City of Melbourne), Stonnington ranks tenth in the order of dwelling numbers in the pipeline and seventh in the order of dwellings completed in 2021.

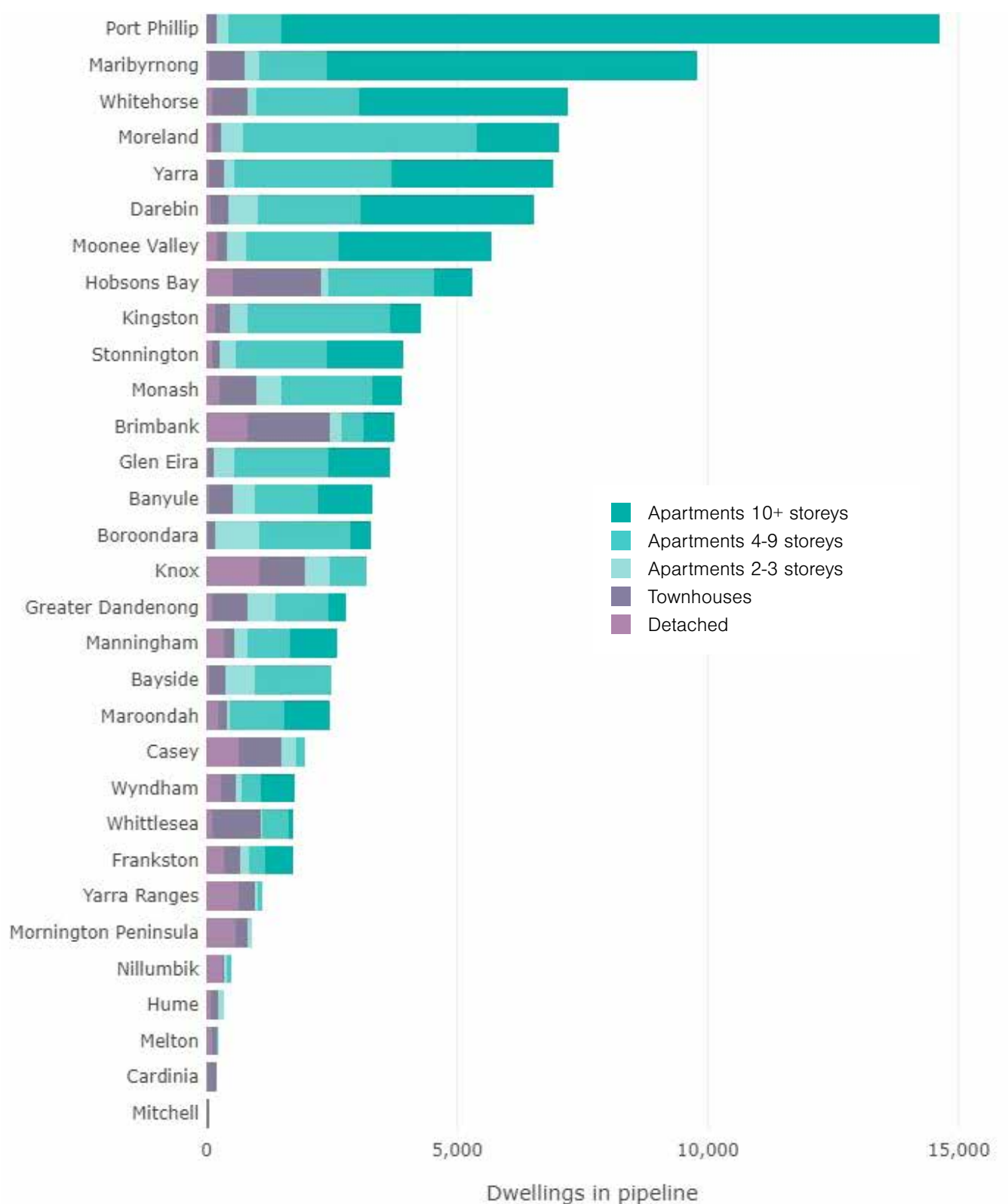


FIGURE 11: SUPPLY OF MAJOR RESIDENTIAL REDEVELOPMENT DWELLINGS BY LGA AND BUILT FORM AND STATUS (EXCLUDING MELBOURNE) IN PIPELINE

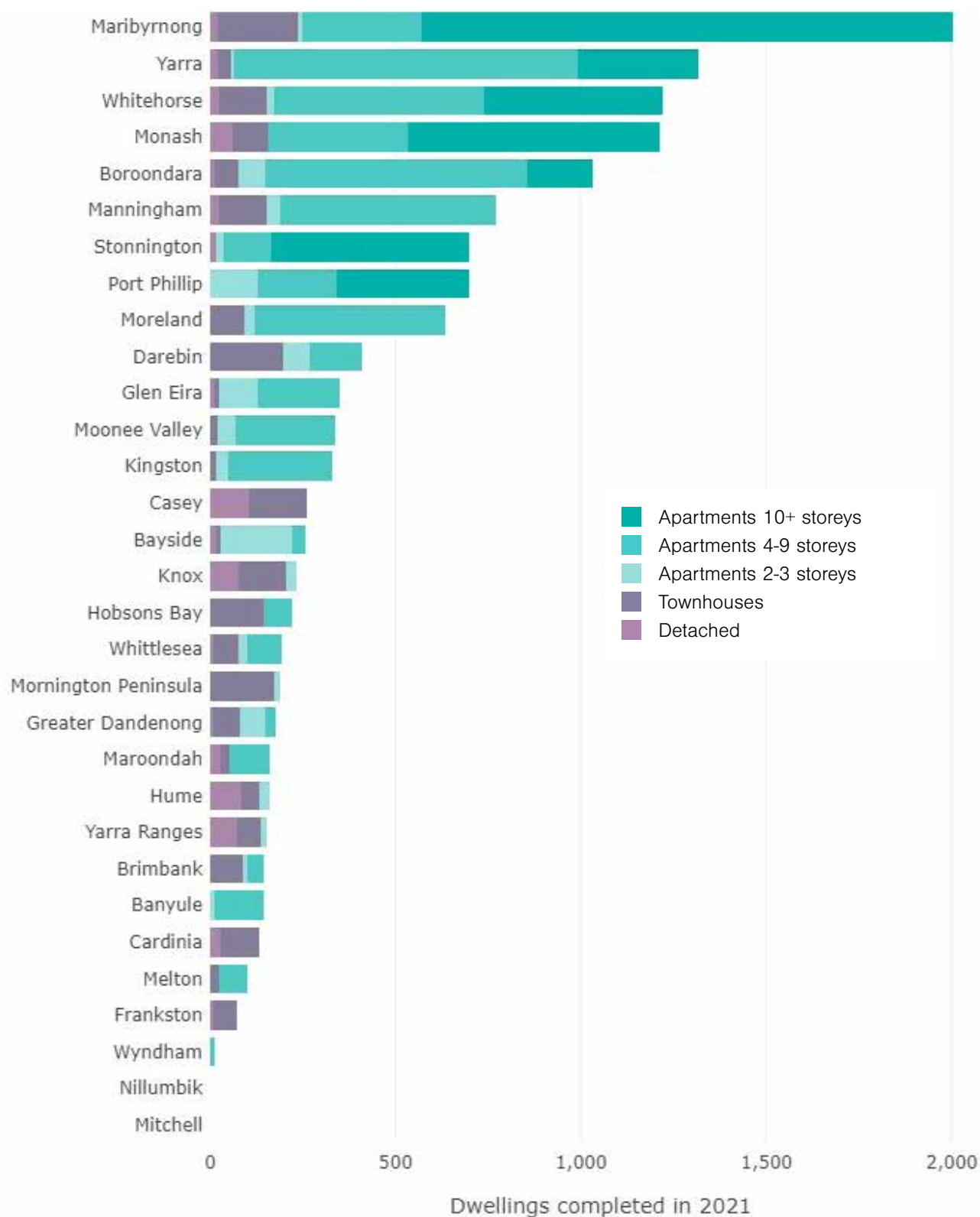


FIGURE 12: SUPPLY OF MAJOR RESIDENTIAL REDEVELOPMENT DWELLINGS BY LGA AND BUILT FORM AND STATUS (EXCLUDING CITY OF MELBOURNE) – DWELLINGS COMPLETED

The 'pipeline' includes possible development sites, as well as those within the planning process and with planning permits

2.5 Key issues and actions raised in the 2018 Review

The 2018 Review identified seven Key Issues, listed below¹⁵. It is evident that many of these issues remain relevant.

- » Residential development densities and housing capacity
- » Open space
- » Heritage and neighbourhood character

- » Activity Centres and growing jobs
- » Liquor licensing
- » Tree retention
- » The environment, the Yarra River and creek corridors
- » Transport

The 2018 Review Report included a ranked Inventory of Actions¹⁶. These Actions are listed below, along with an update on their status.

Reference Number	Action	Status
1	Adopt the review, required pursuant to section 12B(1) of the Planning and Environment Act.	Complete
2	Forward the report to the Minister for Planning as required by section 12B(5) of the Planning and Environment Act.	Complete
	Am.C221 (SBO and LSIO) to review flooding at Lomond Terrace, the Malvern East golf course and the Boulevard.	Part Complete Amendment C221 was gazetted on 13 June 2019.
	Consider the boundaries of the LSIO, SLO, and DDO in the Scotchman's Creek area and how they relate to the area.	Council has adopted a Biodiversity Inventory and Corridor Study (May 2021), which includes a review of the municipality's key environmental assets (including in and around Scotchmans Creek). Further work is required to manage vegetation across the municipality, as discussed further in Section 5.
4	Correct anomalies relating to Public Use Zone – Schedule 4 (PUZ4) land (VicTrack) in the Planning Scheme maps.	Underway Amendment C314ston has received conditional authorisation from the Minister for Planning. The amendment rezones ten pieces of land currently used for residential purposes, but zoned Transport Zone – Schedule 1 (formerly PUZ4).
5	Complete the review of the research paper and planning provisions to manage liquor licensing. Monitor issue of liquor licences in the ACZ.	Underway Council has been monitoring the performance of planning policy pertaining to liquor licensing, as well as the impact of licensed premises upon the local areas (particularly in Chapel Street). More work is recommended in this area, as discussed in Section 5.

Reference Number	Action	Status
6	Review the Licensed Premises Policy and the planning tools to implement the research paper. Update the research paper.	Underway It is recommended that this work continue, as discussed further in Section 3.3.1 and 5.1.
	<p>Implement the findings of the Urban Forest Strategy into the Planning Scheme.</p> <ul style="list-style-type: none"> » Identify further development control tools that will ensure deep-soil plantings and larger tree canopies including those that meet the biodiversity standards. More detail is needed for setbacks and preferred canopy tree types for all multi-level developments, regardless of height. » Update the Significant Tree Register. Investigate monitoring tree canopy coverage with GIS. » Develop a preferred planting list of trees for developers. Consider adequate offsets for mature/senescent trees proposed for removal. » Investigate ways to increase biodiversity. 	<p>Ongoing</p> <p>The five-year life of the Urban Forest Strategy 2017-2022 expires this year; thus, this document needs to now be renewed and this work is underway.</p> <p>Council is also progressing with a Housing Strategy, which will likely include identified landscape variations and vegetation character objectives in zone schedules. This work will supplement the objectives and standards of Clauses 54, 55 and 58.</p> <p>In addition, in 2019, Council introduced a consistent program of requiring tree bonds in association with development permits, as well as tightening its enforcement protocols around retained trees. The intention of this work is to protect Stonnington's declining tree canopy.</p> <p>The Significant Tree Register has not been updated, although Council's Environment and Infrastructure Department are progressing work on a Climate Vulnerability Report for areas experiencing the most significant development pressure. This will investigate the impact of development on urban heat and flood propensity, and it aims to provide further guidance around tree coverage and preferred planting. This work, together with the adopted Biodiversity Inventory (2022) will support an exploration into strengthened planning controls around vegetation.</p> <p>Separately, the new and updated heritage controls underway are considering tree controls in some areas.</p>

¹⁵Refer Executive Summary Stonnington Planning Scheme Review Report (May 2018)

¹⁶Refer Section 8.1 Stonnington Planning Scheme Review Report (May 2018)

Reference Number	Action	Status
8	<p>Update Clause 21 of the MSS to:</p> <ul style="list-style-type: none"> i. ensure all references are up to date ii. update demographic data iii. update the future strategic work sections for each land-use activity iv. ensure all headings align with the Form and Content of Planning Schemes. 	<p>Awaiting Ministerial Approval</p> <p>Amendment C312ston will translate the current Planning Scheme into the new format PPF. As part of this work, Council has made the changes required by this action item. Amendment C312ston is with the Minister for Planning awaiting approval.</p>
	<p>Update the Strategic Framework Plan.</p> <ul style="list-style-type: none"> » Ensure the extent of the Chapel Street MAC and Glenferrie/High Streets activity centres align, and they are ranked according to Council's local policy position and zones. » Refine and define community hubs and special built form considerations (Yarra River controls). » Clarify the extent of NACs and ensure they align with zones. » Ensure Chadstone is marked as a MAC. » In the legend, highlight the land-use typologies that are substantial change areas (clause 21.05-2). » Update the Strategic Framework Plan in the context of the PPTN. Note transport hubs on the plan at Caulfield, Malvern, South Yarra and Chadstone. 	<p>Underway</p> <p>The Strategic Framework Plan has been updated as part of Amendment C312ston (which is with the Minister for Planning awaiting approval).</p> <p>This modified Plan addresses most of the recommendations in Item 9. Work associated with the Neighbourhood Activity Centre Framework and the Housing Strategy will further refine community hubs, the boundary of activity centres and the extent of substantial change areas.</p>
10	<p>Update references in Clause 21.09 (Reference Documents).</p>	<p>Awaiting Approval</p> <p>The list of Background Documents (formerly Reference Documents) has been updated as part of Amendment C312ston.</p>
11	<p>Implement the findings of the Economic Development Strategy into the Planning Scheme. Update it as a reference document in the Planning Scheme.</p>	<p>Ongoing</p> <p>Council is working on a new Place-Led Economic Development Strategy 2022-2026 which will include seven Place Plans for Stonnington's largest commercial precincts.</p>

Reference Number	Action	Status
12	<p>Complete a housing strategy including a housing needs assessment. Ensure consistency with coming directions on Section 173 agreements (affordable housing) and Homes for Victorians.</p> <p>Monitor the overall supply of public housing in the municipality to ensure no reduction in total numbers.</p>	<p>Underway</p> <p>Council has commenced work on a Housing Strategy and the development of an Affordable Housing policy. Initial community consultation for these projects took place in 2019/ 2020 respectively.</p> <p>Following the Housing Strategy consultation, the State government released Planning Practice Note 90 – Planning for Housing (PPN90). PPN90 identifies that housing strategy must be founded on detailed neighbourhood character strategy, to inform Zone schedules. It also released Planning Practice Note 91 – Using the Residential Zones (PPN91). Consequently, the Housing Strategy project was reworked to ensure that Council's work aligns with these two PPNs.</p> <p>The draft Housing Strategy will likely be released for further community feedback in 2023.</p> <p>In terms of Affordable Housing / social housing, since the 2018 Review, the State government has commenced its Big Housing Build project, and Homes Victoria is in the process of preparing a 10 Year Strategy for Social and Affordable Housing. The next step in this project is to establish Social and Affordable Housing Compacts, to allow collaboration between Homes Victorian and local Councils in the planning, delivery and management of social and Affordable Housing and homelessness and housing service systems.</p> <p>The State's work in this area has implications for Council's work, however it is still considered necessary that Council establishes its own Affordable Housing policy which articulates its position on the issue, as well as identifies specific and appropriate locations for supply (refer further in Section 5).</p> <p>Separately, the State government is upgrading the Prahran Housing Estate with a view to achieving a ten per cent increase in public housing.</p>

Reference Number	Action	Status
13	Update the Cycling Strategy for Stonnington with reference to the Victorian Cycling Strategy 2018-2020.	<p>Complete</p> <p>Council's updated Cycling Strategy 2020-2025 was adopted by Council in 2020. The Strategy investigates how cycling around the municipality can be safer and more accessible. The Strategy does not specifically call for modifications to planning policy.</p>
14	Seek further information from VicRoads on the main road corridor plans for Warrigal Road, Dandenong Road, Punt Road and proposed tram stop upgrades.	<p>Ongoing</p> <p>Council continues to engage extensively with the Department of Transport and Yarra Trams on main road corridor planning.</p> <p>Council's Public Transport Advocacy Plan is currently being reviewed and updated.</p>
	Update the Sustainable Transport Strategy Plan for a significant mode shift to active transport.	<p>Ongoing</p> <p>The new Integrated Transport Plan (January 2020) has been adopted by Council, along with a new Walking Action Plan (July 2022-2030).</p> <p>These policies, along with the Cycling Strategy 2020-2025, seek to support a modal shift towards sustainable transport use.</p> <p>Officers are also developing a behavioral change program for Council staff and the community.</p>
	Review the Public Realm Strategy.	<p>Underway</p> <p>Council is progressing a new Open Space Strategy (to replace the Public Realm Strategy), a draft is anticipated in late 2023.</p>
	<p>Participate in the review of the Metropolitan Open Space Strategy.</p> <p>Participate in the Caulfield Station precinct planning and take advantage of the opportunities presented for active open space at Caulfield Racecourse.</p>	<p>Part complete</p> <p>Council has provided input to both the Metropolitan Open Space Strategy (now complete, with a final title of Open Space for Everyone) and the Caulfield Structure Plan (adopted by Glen Eira Council September 2022). Involvement will continue with future and more detailed considerations for the Racecourse Reserve.</p>

Reference Number	Action	Status
18	Update all clauses according to the Form and Content of Planning Schemes.	<p>Complete</p> <p>Amendment C312ston is proposed to translate the current Planning Scheme into the new format Planning Policy Framework, which is in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.</p>
	<p>Review the residential zones as informed by the revised Housing Strategy.</p> <ul style="list-style-type: none"> » Review the extent of the change areas: substantial, incremental and minimal to ensure they align with the underlying zones and overlays, and the revised Principal Public Transport Network (PPTN). » More detail is needed for setbacks and preferred canopy tree types for all multi-level developments regardless of height. » Review and monitor success of the Apartment Design Guidelines for Victoria. » Review the Neighbourhood Character Policy. » Consider the neighbourhood character of the Neighbourhood Residential Zone (NRZ). » Cross-check the underlying zones in significant heritage areas such as the Gascoigne estate. » Consider height provisions on main roads to ensure alignment with interfacing lower rise residential development. 	<p>Underway</p> <p>As discussed under Item 12 above, as part of Council's Housing Strategy, neighbourhood character is being reviewed, as well as residential zones and their schedules. This includes the application of zones and schedules, and the schedule inclusions to be more relevant and to achieve more appropriate, location-specific outcomes.</p>
20	Review Clause 22.08, Student housing, in line with the revision of the Housing Strategy.	<p>Complete</p> <p>Feedback received from the Statutory Planning Department indicates that Clause 22.08 of the Planning Scheme is operating in an effective manner.</p>

Reference Number	Action	Status
21	<p>Heritage controls: address existing gaps in heritage protection and, if significant, include in the HO.</p> <p>A review of the 2006 Heritage Strategy and Action Plan. This should outline a framework for identification of further gaps in the HO.</p> <p>Cross-check the underlying zones in significant heritage areas to ensure heritage objectives can be met.</p>	<p>Underway</p> <p>On 3 December 2018, Council adopted the Heritage Strategy and Action Plan 2018-2029.</p> <p>The key actions agreed to be undertaken are:</p> <ul style="list-style-type: none"> » Updating individual and precinct citations to address the established HERCON criteria and include or update the Statement of Significance to be incorporated into the Planning Scheme. <p>Identify and protect places of significance not currently within a HO.</p> <p>On 2 December 2019, Council endorsed a municipal-wide Heritage Review, including a street-by-street gap study and a review of existing citations.</p>
22	<p>Investigate a city-wide development contributions plan.</p> <p>Progress this to determine possible development contributions plans or infrastructure contributions plans to implement into the Planning Scheme as appropriate.</p>	<p>Complete</p> <p>Amendment C296ston proposes to introduce a Development Contributions Plan Overlay (DCPO) into the Planning Scheme. The amendment was adopted by Council in February 2022 and is currently lodged with the Minister for Planning for approval.</p>
23	<p>Review and monitor the Waverley Road Urban Design Framework.</p>	<p>Ongoing</p> <p>Since the 2018 Review, development pressure has reduced upon the Waverley Road Activity Centre, with most larger properties already developed.</p> <p>The future of this Activity Centre may also be influenced by the Caulfield Major Activity Centre Structure Plan. While the Structure Plan boundary is outside the Stonnington municipality, Stonnington has and will continue to be an active participant in the planning for this area.</p> <p>On 20 September 2022, Glen Eira City Council adopted the Caulfield Major Activity Centre Structure Plan.</p>

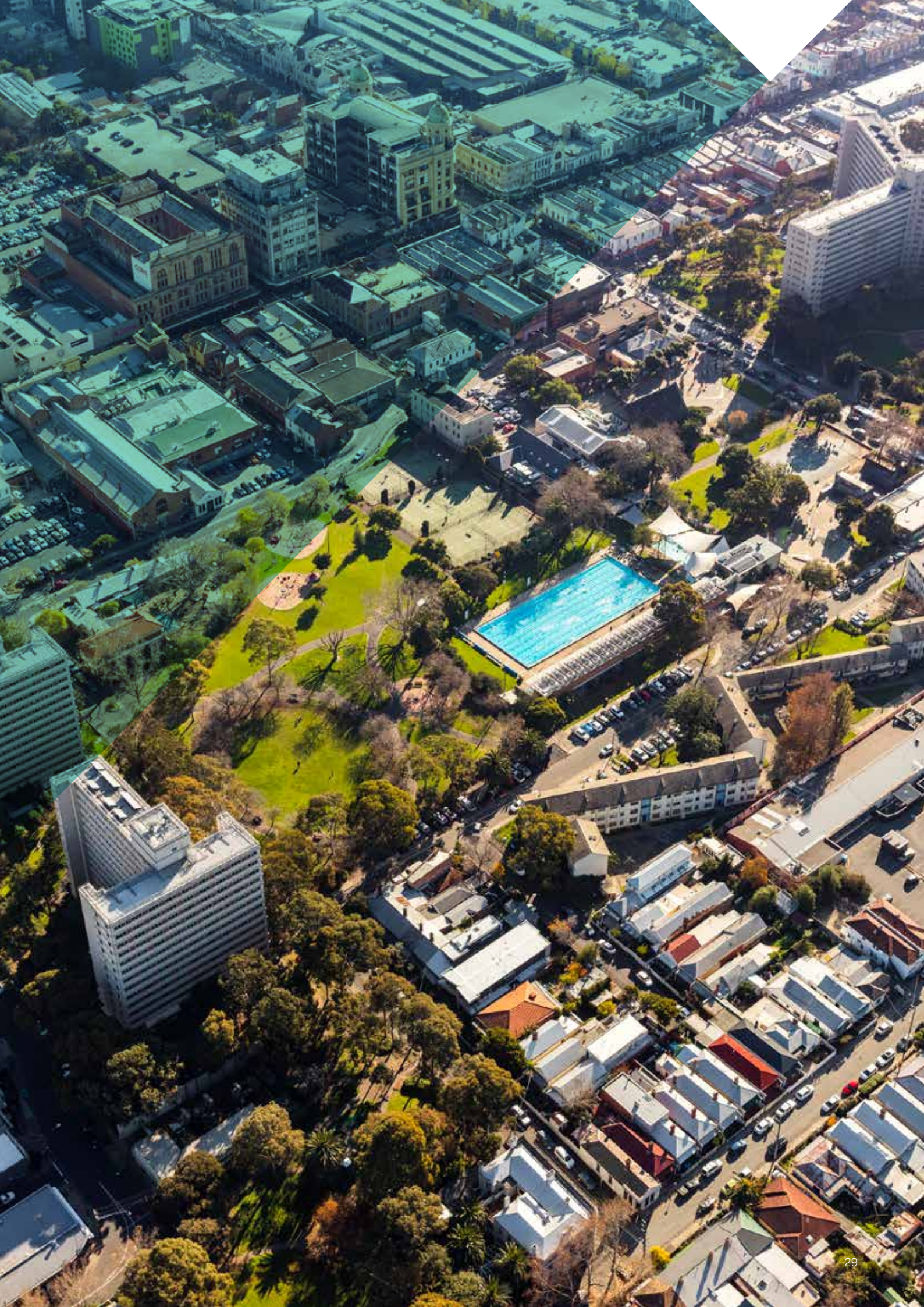
Reference Number	Action	Status
24	Undertake urban design framework plans in areas of pressure for growth	<p>Underway</p> <p>Council is progressing with a Neighbourhood Activity Centre Framework, which will provide built form and land use guidance for most of the municipality's smaller Activity Centres, not already subject to either a Design and Development Overlay (DDO) or the Activity Centre Zone (ACZ).</p>
25	<p>Continue to advocate for a state-wide Environmentally Sustainable Development (ESD) Policy.</p> <p>In the absence of a state-wide policy, ensure that clause 22.05, Environmentally Sustainable Development, is extended.</p>	<p>Ongoing</p> <p>Amendment C325ston has been lodged with the Minister for Planning for authorisation. The amendment, which has been prepared in conjunction with 24 other councils, proposes to introduce elevated ESD guidelines into the Planning Scheme.</p> <p>Clause 22.05 updated to expire if superseded by a comparable provision in the Victorian Planning Provisions.</p>
26	Prepare the Activity Centres Strategy and review it against Plan Melbourne 2017–2050.	<p>Underway</p> <p>Council is progressing with a Neighbourhood Activity Centre Framework, which will provide built form and land use guidance for more of the municipality's Neighbourhood Activity Centres, not already subject to either a DDO or ACZ.</p>
27	<p>Institutional uses:</p> <p>» Encourage institutional uses to develop masterplans for key sites such as Cabrini Hospital.</p>	<p>Ongoing</p> <p>Most larger institutional uses within Stonnington are contained within the Incorporated Plan Overlay – Schedule 1 (IPO1); although, only Loreto Mandeville Hall has a plan incorporated into the Planning Scheme. Council continues to welcome engagement with institutional uses around the preparation of masterplans although has had limited success, particularly in light of Planning Scheme Amendments C165/VC180 whereby the Minister for Planning became the Responsible Authority for larger applications pertaining to non-government schools. This matter is discussed further in Sections 3 and 5.</p>

Reference Number	Action	Status
28	<p>Identify, negotiate and purchase sites for open space and community facilities such as Maternal and Child Healthcare.</p> <p>Review the importance of streets, and methods to encourage private space for use as public open space.</p> <p>Review the interface between the private and public domains to ensure new developments do not rob the amenity of public land.</p>	<p>Ongoing</p> <p>Council continues to acquire land for open space where possible, by implementing its Strategies for Creating Open Space 2013.</p> <p>In the past four years, around 2,221sqm of public space has been acquired by Council. This includes the acquisition of properties to support the delivery of the Mount Street Masterplan which, when complete, will deliver a connected network of parks through the Mount Street locality in Prahran.</p> <p>Pedestrian prioritisation of streets has also been rolled out, including in parts of Greville Street and King Street, Prahran.</p> <p>Council is working on a new Open Space Strategy (to replace the 2010 Public Realm Strategy), a part of which considers how existing open spaces can be enhanced including by controlling development arounds its perimeter. It will also consider a potential review of the public open space contributions set out at Clause 53.01 of the Planning Scheme.</p> <p>In terms of community infrastructure, Council is currently preparing a 10-year Community Infrastructure Plan. The Plan aims to:</p> <ul style="list-style-type: none"> » Identify and assess existing community infrastructure to ensure Council services and facilities are functional, suitably located and have the capacity to respond effectively to future growth and demand. » Identify opportunities and priorities for progressive development projects such as service colocation or community hubs. » Develop a clear evidence-base framework to ensure an equitable and consistent approach to future planning, delivery, and negotiation for all community infrastructure. <p>The importance of these projects is magnified by the increasing residential density experienced locally, particularly on the western side of the municipality.</p>

Reference Number	Action	Status
29	Undertake a comprehensive review of the Municipal Strategic Statement (MSS).	<p>Part complete</p> <p>The MSS was reviewed as part of Amendment C312ston and translated into a new Municipal Planning Strategy.</p> <p>Once translation is finalised a comprehensive review of the new Municipal Planning Strategy and local policies is anticipated. This will include necessary updates to demographic information and reference to the Council Plan.</p>
30	<p>Continue to add well-located sites to the open space network and rezone these as PPRZ.</p> <p>Continue to ensure connectivity in open space</p>	<p>Underway</p> <p>Council continues to acquire land for open space where possible, by implementing its Strategies for Creating Open Space.</p> <p>Amendment C314ston has received conditional authorisation from the Minister for Planning. The amendment (among other things) rezones ten pieces of land used or intended to be used for open space from residential zoning to the PPRZ.</p> <p>Also refer Item 28 above.</p>
31	Review the maximum 75 per cent site coverage in the zone schedules. Investigate if sites can achieve increased permeability or if water can be captured and treated on site. Consider as part of a residential zones review.	<p>Underway</p> <p>As part of the Housing Strategy, all zone schedules are being reviewed, including those which include the variation to Standard B6 (Site Coverage), which has not been shown to be achieving the desired outcome of additional landscaping.</p>
32	Review the Gardiners Creek and Scotchman's Creek provisions. Consider placing a DDO and/or a SLO on these corridors. Implement the Urban Forest Strategy in these corridors.	<p>Potential future work</p> <p>This project should be captured as part of the improvements to vegetation policy (as discussed above and at Section 5).</p>
33	Minor policy-neutral adjustments to the MSS as recommended in clause 21.06.	<p>Complete</p> <p>This recommendation sought to ensure alignment between Clause 21.06 and the approved ESD Policy at Clause 22.04.</p>

Reference Number	Action	Status
34	<p>Monitor the changing rates of commercial floor space in ACZs.</p> <p>Investigate the importance of urban manufacturing in Stonnington.</p>	<p>Ongoing</p> <p>HillPDA Consulting carried out a Stonnington Major Activity Centres Supply and Demand Study in April 2021. The Study includes a floor space analysis for Chapel Street.</p> <p>In terms of urban manufacturing, in 2018 the University of Melbourne produced a research paper in conjunction with the Inner Melbourne Action Plan (IMAP) Councils, aimed at guiding strategic decisions regarding the rezoning of employment land. The study identified the impact of development on small innovative manufacturers in the inner city.</p> <p>This ongoing work will feed into the work Council is currently carrying out for the new Place Led Economic Development Strategy.</p>
35	<p>Review the Neighbourhood Character Strategy including potential</p> <p>Neighbourhood Character areas in the context of the Residential zones review</p>	<p>Underway</p> <p>Neighbourhood character is being reviewed as part of the Housing Strategy, as described above.</p>





3. REVIEW OF RECENT POLICY CHANGES

This section of the report provides a summary of key state and local policy changes since the 2018 Review, as well as key findings by VCAT and PPV to understand whether any consequential modifications are required to the local content of the Planning Scheme.

3.1 State Policy Changes

A summary of the relevant changes in planning policy at State level that have been introduced subsequent to the 2018 Review is provided in the table below (amendments updating procedures are summarised in Section 3.1.2).

3.1.1 Planning Scheme Amendments - Policy

The following Planning Scheme Amendments have been initiated and implemented by the State Government since the last review of the Stonnington Planning Scheme.

Amendment Number	Status	Subject	Summary
VC221	Approved 4 August 2022	Reticulated gas	The amendment facilitates all-electric developments to support implementation of Victoria's Climate Change Strategy 2021 and Gas Substitution Roadmap 2022. The amendment changes clauses that require developments to be connected to reticulated gas and the associated referral requirements.
VC217	Approved 23 June 2022 (effective December 2023)	Decriminalisation of sex work	The amendment changes the VPPs to implement the decriminalisation of sex work. Although approved and gazette in June 2023, the changes do not come into effect until 1 December 2023.
VC216	Approved 10 June 2022	ESD	Modified Clauses 11, 12, 13, 15 and 19 to embed ESD more comprehensively in the Planning Policy Framework.
VC205	Approved 6 April 2022	Transport Zone	The amendment introduced a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4 and made other consequential changes.
VC174	Approved 20 Dec 2021	Updated Better Apartment Design Standards	Implemented the revised Better Apartment Design Standards, in particular new and revised requirements relating to open space, access, external building design, building entries and site services.
VC204	Approved 9 Dec 2021	Implementation of the Transport Integration Act 2010	Amendment of Clause 18 (Transport) to align with the Transport Integration Act 2010 and adopted state transport policy. The amendments allowed for more integrated land use and transport planning decision making, a greater understanding of interaction between land use planning and transport planning, and better transport and land use outcomes.
VC203	Approved 16 Sept 2021	Environmental Protection	Implemented the new environment protection framework by updating Clauses 11, 12, 13, 14, 17 and 19, as well as zones and overlays to enable the consideration of matters such as land contamination, noise, water and air and better integrate the planning and environmental protection systems.

Amendment Number	Status	Subject	Summary
VC197/VC48	Approved 23 Nov 2018 20 April 2021	Yarra River Corridor	Introduced amendments to the Significant Landscape Overlay Schedule 1 and DDO3 to enhance the protection of the Yarra River Corridor with consequential changes to policy, including Clause 12.03-1R (Yarra River Protection).
VC169	Approved 3 Feb 2021	Housing	Simplified and clarified State housing policy at Clause 16, to help provide certainty around housing growth and built form outcomes.
VC183	Approved 5 Jan 2021	Live Music	Introduced a new State planning policy (Clause 13.07-3S) and amended Clause 53.06 (Live Music Entertainment Venues) to encourage, create and protect live music venues.
VC175	Approved 26 May 2020	Buffers	Amended Clause 53.10 (Uses with Adverse Amenity Potential) and other clauses to strengthen policy pertaining to buffers and enhance amenity, health and safety.
VC154	Approved 21 April 2020	Water Management	Implemented initiatives from Plan Melbourne 2017-2050 and Water for Victoria – Water Plan to enable the planning system to better manage water, stormwater and drainage in urban development.
VC168	Approved 11 Feb 2020	Suburban Rail Loop	Updated Clause 11 and included references to Plan Melbourne 2017-2050, Melbourne 2050 Spatial Framework and Plan Melbourne 2014-2050 Addendum 2019 (all which moot the Suburban Rail Loop).
VC155	Approved 26 Oct 2018	Heritage	Amended Clause 15.03 to include a new strategy which considers restoration or reconstruction of a heritage building unlawfully or unintentionally demolished.
VC143	Approved 15 May 2018	Modified Residential Zones	Included a provision allowing land within the GRZ to be exempt from the Garden Area requirement and clarified exemptions from the Garden Area requirement. Changed Food and Drink Premise and Shop to Section 2 in the Residential Growth Zone.

One key Council action deriving from these amendments relates to ESD. Amendment VC216 introduced strengthened policy objectives around environmentally sustainable design, which has been followed by the preparation of Amendment C325ston. Twenty-four councils have collaborated on Amendment C325ston to ensure sustainable development for our communities. On 21 July 2022 a Planning Scheme Amendment was submitted to the Minister for authorisation. The Amendment seeks to change the planning requirements and ensure new developments are designed to be climate resilient and sustainable. One of the main objectives is to support zero carbon emissions for operational energy. If approved, the Amendment will replace Council's ESD Policy at Clause 22.05.

A second area of work evolving from State Government changes, relates to Amendment VC143, which allows a schedule of the General Residential Zone (GRZ) to exempt an area from the need to provide a mandatory garden area. As part of the Housing Strategy, Council is investigating new schedules to the GRZ although given the valued garden characteristics of most areas of Stonnington it is not anticipated that there will be areas which should be exempt from this requirement¹⁷.

The other amendments contained in the table above refine State policy and relate to a broad range of policy areas, with varying implications for local policy and decision-making. 3.1.2

¹⁷Noting that there is already an exemption for lots less than 400sqm in size.

3.1.2 Planning Scheme Amendments - Procedures

The following Amendments have been facilitated by the State government and generally seek to streamline operation of the planning system.

A summary of approved procedural amendments follows.

Amendment Number	Subject	Summary
VC222	Kindergartens and the 2026 Commonwealth Games	The amendment changed Clause 19.02-2S (Education Facilities) to implement the State government's commitment to ensure every new government primary school has a kindergarten nearby. The amendment also extended the powers of the Minister for Planning to make decisions on matters deemed to support the 2026 Commonwealth Games.
VC220	Neighbourhood batteries	Supports the efficient delivery of neighbourhood batteries into the electricity distribution network by amending Clause 73.03 Land use terms of the Victoria Planning Provisions (VPP) and all planning schemes to make a battery up to 66K volts a minor utility installation.
VC200	Exemptions for Head, Transport for Victoria	Removed the requirement for a planning permit for projects carried out by the Head, Transport for Victoria within areas of environmental sensitivity, as well as areas within the Heritage Overlay.
VC194	Exemptions for state/local projects	This amendment introduced Clause 52.30 and 52.31 of the Planning Scheme, which create permit exemptions for state and local government projects respectively.
VC190	Victoria's Big House Build	This amendment introduced Clause 52.20 / 53.20, which removed the requirement for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing.
Amendment VC165/ VC180	Non-government schools	Fast tracks planning permit applications for development in non-government school development and makes the Minister for Planning responsible for assessing applications.
VC187	Housing	Introduced streamlined planning for the construction or extension of a dwelling, and / or front fence if the application is made by or on behalf of the Director of Housing.
VC191/ VC158	Combustible cladding	Allows planning exemptions for rectification of combustible cladding.
GC96	Metro Rail Network Upgrade	This amendment made the Minister for Planning the Responsible Authority for applications pertaining to the rail upgrade corridor.
VC170	Level Crossing Removal Projects	Inserted a new Clause 52.03 into the Planning Scheme to exempt uses and development for declared projects from the need for a planning permit subject to the supply specified documentation.
VC165/ VC180	Non-Government Schools	Inserted (and then modified) a new Clause 53.19 (Non-Government Schools), providing exemptions from notice and review for specified applications and made the Minister for Planning the responsible authority for larger projects.
VC198	Major Road and Rail Projects	Introduced a new clause into the Planning Scheme relating to the delivery of projects on or behalf of Major Road Projects Victoria and Rail Projects Victoria.

Amendment Number	Subject	Summary
VC193 / VC181	State of Emergency Exemptions	Introduced (and then modified) temporary permit exemptions to support Victoria's social and economic recovery from the COVID-19 pandemic.
VC148	Smart Planning	Replaced the SPPF with a new integrated Planning Policy Framework; revised the structure of the VPP to integrate VicSmart; and made other changes to simplify and streamline planning schemes.

3.1.3 Other State Government Projects

Since the 2018 Review, there has been other strategic work completed by the State government, which is relevant. State government projects and policy changes since 2018 include:

General Policy

- » Plan Melbourne 2017-2050: Addendum 2019 (Department of Environment, Land, Water and Planning, 2019)
- » Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2021)

Housing Policy

- » Victorian's Big Housing Build (November 2020), Homes Victoria
- » 10 Year Social and Affordable Housing Strategy – Discussion Paper (February 2021), Homes Victoria

Open Space and Environmental Planning

- » Open Space for Everyone: Open Space Strategy for Metropolitan Melbourne 2021 (Department of Environment, Land, Water and Planning, 2021)
- » Yarra Strategic Plan (Burndap Birrarung burndap umarkoo) 2022–32 (Melbourne Water, State Government of Victoria, February 2022)

Environmentally Sustainable Design

- » Climate Change Act 2017
- » Victoria's Climate Change Strategy (Department of Environment, Land, Water and Planning, May 2021)
- » Victorian guideline for water recycling (Publication 1910, Environment Protection Authority, March 2021)
- » Managing Environmental Impacts

- » Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021)
- » Environment Reference Standard (Gazette No. S 245, 26 May 2021)
- » Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)
- » Technical information for the Victorian guideline for water recycling (Publication 1911, Environment Protection Authority, March 2021)
- » Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2018)
- » Management and storage of combustible recyclable and waste materials - guideline (Publication 1667, Environment Protection Authority, October 2018)
- » Waste Management and Recycling in Multi-unit Developments. Better Practice Guide (Sustainability Victoria, 2019)

Integrated Transport Planning

- » Movement and Place in Victoria (Department of Transport, February 2019)
- » Victorian Road Safety Strategy 2021-2030 (Department of Transport, 2021)
- » Strategic Cycling Corridors (Department of Transport, 2021)
- » Victorian Cycling Strategy 2018-28 (Transport for Victoria)
- » VicTrack Rail Development Interface Guidelines (VicTrack, 2019)
- » Principal Freight Network (Department of Transport, 2021)

In addition to the list provided above, DEWLP has

released draft Land Use Framework Plans for the six different regions of metropolitan Melbourne, of which, Stonnington falls within the Inner South East Metro Region. Council has reviewed and provided comments to DEWLP on draft versions of the Inner South East Framework Plan.

In the period since the last Review, the Minister for Planning has also entered new provisions into the Act which will prevent developers from benefiting from the unlawful demolition or neglect of heritage buildings. The legislation will allow the Government to prohibit development on such sites for up to ten years if the owners are charged with unlawful demolition, thus removing any financial incentive to illegally damage heritage buildings.

The ongoing work Council is carrying out on housing, open space (and biodiversity / climate change), transport and heritage will have regard to the State government's work in the areas above. No specific further actions are therefore recommended.

3.2 Local Policy Changes

Since the 2018 Review, Council has adopted a new Council Plan and completed a range of strategies, as well as introduced various amendments to the Planning Scheme. These local changes are summarised below.

3.2.1 Planning Scheme Amendments

A summary of the relevant changes to the Planning Scheme initiated by Council and introduced after the 2018 Review is provided in the table below. There have been a diverse range of Amendments undertaken within the municipality, including implementation of heritage controls, structure plans, built form guidelines and development contributions.

Amendment Number	Status	Subject	Summary
C322ston	Approved	Malvern (Part 1) Interim Heritage Controls	The Amendment extends the interim heritage controls for places being progressed through Amendment C316ston (permanent controls).
C321ston	Approved	HO 771	Applied a new HO to 39 Lansell Road, Toorak on an interim basis.
C317ston	Approved	HO 697	Applied a new HO to 13-15 Avalon Road, Armadale on an interim basis.
C318ston	Approved	HO 698	Applied a new HO to 1 Lansell Court, Toorak on an interim basis.
C316ston	Approval Under Consideration	Malvern (Part 1) Heritage Review 2021	Seeks to introduce the HO to nineteen individual places, four precincts and extending the boundary of three existing precincts.
C304ston	Approval Under Consideration	New HOs	Applies the HO to one new precinct, (Brocklesby Precinct), three individual places, (151 Finch Street, Glen Iris, 546 Orrong Road, Armadale and 35 Larnook Street, Prahran) and makes revisions and extensions to four existing precincts (Toorak Road Precinct, Cunningham and Oxford Street Precinct, Airlie Avenue Precinct and Chomley Street Precinct).

Amendment Number	Status	Subject	Summary
C296ston	Awaiting Ministerial Approval	Development Contributions Plan Overlay	Implements the municipal-wide Stonnington DCPO to all land within the municipality. The DCPO imposes a development infrastructure levy and community infrastructure levy on new development to fund a range of social and physical infrastructure throughout the municipality.
C295ston	Approved	Public Transport Upgrades	The amendment facilitated the Toorak Road South Yarra Tramwork and Train Station Infrastructure Upgrade.
C285ston	Approved	Neighborhood Character Overlays	Applied the NCO and DDO to several Early Modern/Post-war, Interwar/Post-war and Post-war precincts.
C282ston	Approved	New HOs	Applied the HO to the properties at 1026 Malvern Road, Armadale (HO636), 44 Murphy Street, South Yarra (HO639), 46 Kyarra Road, Glen Iris (HO638) and extended an existing heritage precinct (HO148 The Avenue Precinct, Windsor) to include the properties at 31-53 The Avenue (odd numbers), Windsor.
C278ston	Approved	Expanded HO	Applied a permanent HO over properties within the Hawksburn Railway Station Precinct (HO137).
C272ston	Approved	Hawksburn Village	Implements land use and built form direction as articulated in the Hawksburn Village Structure Plan.
C276ston	Approved with Changes	Chapel Street Activity Centre	Modified the application of the ACZ and changed policy to improve operation, including Design and Development Requirements / Guidelines.
C270ston	Approved with Changes	New HOs	Implemented recommendations of the Federation Houses Study, September 2017 by applying the HO on a permanent basis to 36 places and two precincts of local heritage significance.
C223ston	Approved with Changes	Glenferrie Road and High Street Activity Centre	Implemented the objectives of the Glenferrie Road and High Street Structure Plan, 2015 including introducing a new DDO.

3.2.2 Future Stonnington (Community Vision 2040 and Council Plan 2021-2025)

Council adopted Future Stonnington (Community Vision 2040 and Council Plan 2021-2025) in October 2021. The Council Plan 2021-2025 will guide how Council responds to current challenges as it recovers from the COVID-19 pandemic, and how it prepares for future challenges and opportunities.

Future Stonnington evolved from several rounds of community consultation, including a 'wider engagement

phase' between November 2020 and February 2021, which culminated in a Stonnington 2040 Community Vision Wider Engagement Report (February 2021).

Community feedback highlighted that the local parks and gardens were the item most loved about the local community, followed by the community and vibrancy, then the '20-minute neighbourhood and the local aesthetic/heritage and well maintained character.

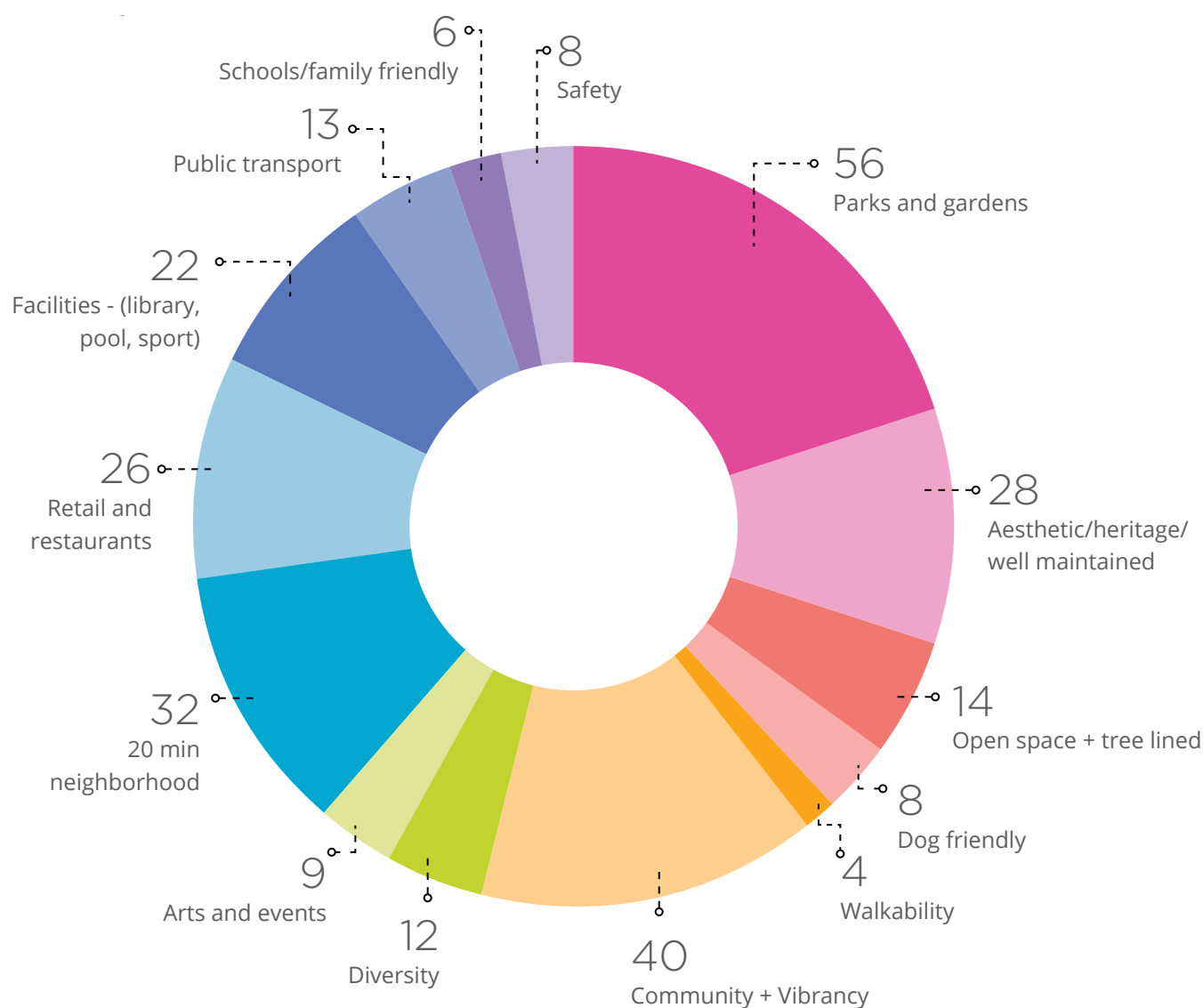


FIGURE 13: ITEMS MOST LOVED BY THE COMMUNITY - EXCERPT FROM STONNINGTON 2040 COMMUNITY VISION – WIDER ENGAGEMENT REPORT FEB 2021

In terms of the community's aspirations or their bold vision for the future, appropriate development and environmental initiatives rated most highly.

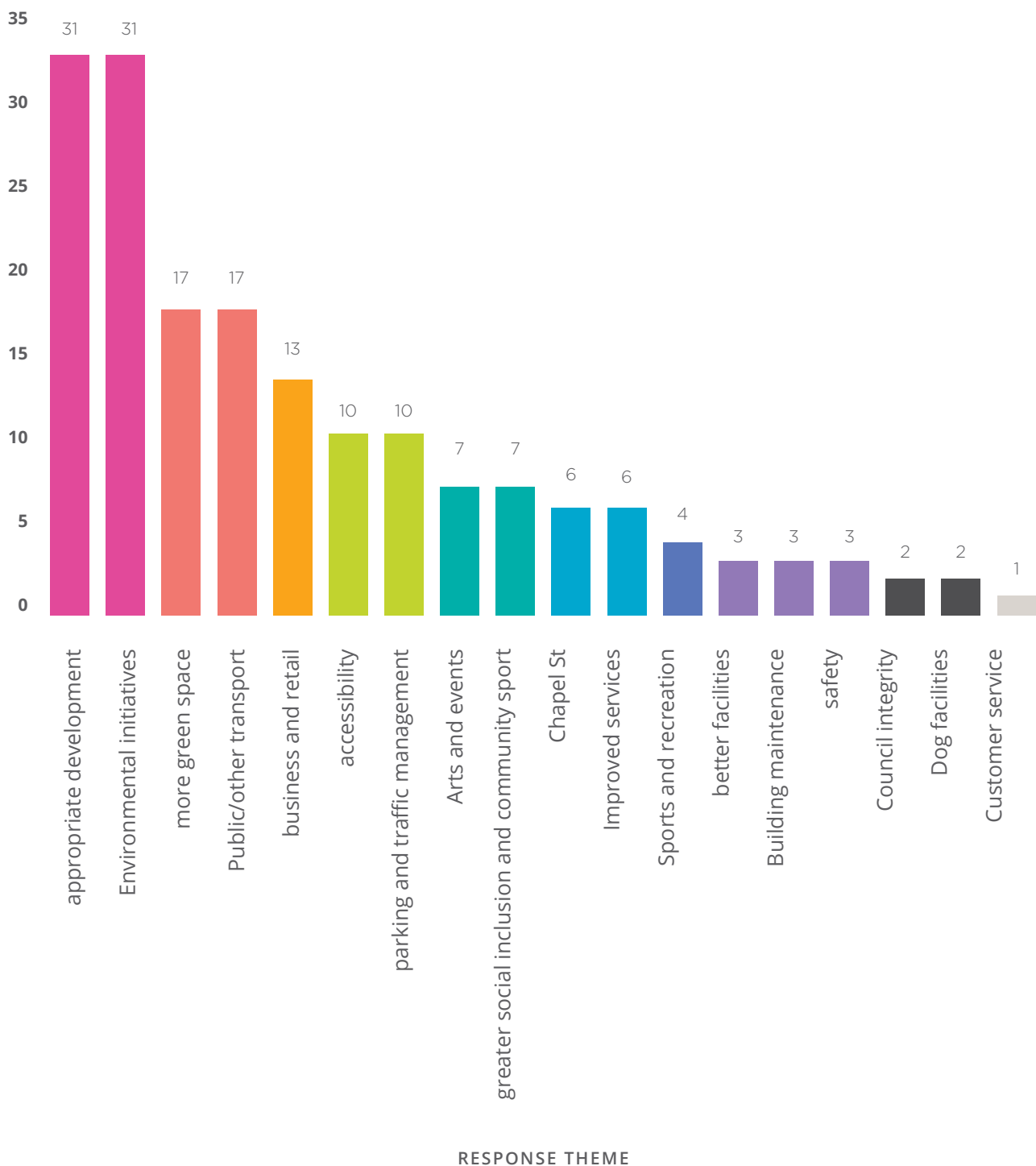


FIGURE 14: ASPIRATIONS OR BOLD VISION FOR THE FUTURE

Excerpt From Stonnington 2040 Community Vision – Wider Engagement Report Feb 2021

Following the wider engagement process, thirty-five community members were randomly selected to comprise a People's Panel. The goal of the People's Panel was to shape the Vision of Stonnington, as well as to prepare a series of supportive principles.

The Vision Statement ultimately adopted in the Council Plan is as follows:

Our community is a safe, inclusive and creative city that celebrates and embraces its vibrancy of cultures.

Walking the tree lined streets, we pay respect to the influence of the Nation's First Peoples past and living on a modern, sustainable and interconnected way of life that supports the good health and wellbeing of all.

Welcome to Stonnington 2040.

The draft Council Plan 2021-2025 was exhibited in August 2021. The main themes of feedback were active transport, environment and climate, design, and inclusion. The Council Plan was subsequently adopted by Council on 18 October 2021.

The final Supporting Principles found in Future Stonnington are as follows:

- » Stonnington is a modern city that maintains heritage sites and its cultural identity whilst embracing progressive development, which supports its local businesses and encourages creative initiatives
- » Protect biodiversity, take climate action and pursue eco-friendly ways of living, guided by the United Nations Sustainable Development Goals
- » Stonnington's ambition is to be a caring, compassionate and supportive city for all members of the community
- » Stonnington will have strong governance and diverse representative leadership, which enhances open two-way communication
- » Stonnington's public spaces will provide the ability for all members of the community to experience and enjoy the natural environment
- » We provide access to a variety of quality services and amenities for everyone within twenty minutes.

The Council Plan, generally addresses similar themes and issues to state and local policy already contained in the Planning Scheme. This includes an emphasis on '20-minute' neighbourhoods and the protection and management of heritage places.

It is recommended however, that the recognition of local Aboriginal heritage within the Planning Scheme could be strengthened. This was also one of the messages received during the community consultation for the 2022 Review. It is noted that as part of Amendment C312ston, the following statement is being added under Context:

Stonnington stands on the Traditional Lands of the Bunurong, Boonwurrung and Wurundjeri Woi Wurrung Peoples of the East Kulin Nations.

It is considered though that additional work is required to recognise and celebrate the importance and potential of archaeological and Aboriginal heritage in our community. This matter is discussed further in Section 5.

The Council Plan also emphasises the value of the natural environment and open space. Work currently underway within Council (such as the Open Space Strategy) will improve how the Planning Scheme manages these assets. The Neighbourhood Activity Centre Framework will also act to enhance public spaces within the municipality.

3.2.3 Other Local Policy Changes

Stonnington has progressed various strategies and plans since the 2018 Review, including:

- » Health and Wellbeing Plan 2021-2025
- » Community Vision 2040
- » Positive Aging Strategy 2018-2021
- » Reconciliation Action Plan 2020-2024
- » Climate Emergency Action Plan (2021)
- » Urban Forest Strategy 2017-2022
- » Biodiversity Inventory (2022)
- » Sustainable Environment Strategy 2018-2023
- » Heritage Strategy 2018-2029
- » Economic Development Strategy 2017-2021
- » Access and Inclusion Plan 2019-2022
- » Integrated Transport Plan (January 2020)
- » Cycling Strategy 2020-2025

- » Walking Action Plan 2022-2030 (July 2022)
- » Public Transport Advocacy Document (2018)
- » Car Share Policy (13 July 2021)
- » Road Safety Strategy 2018-2022
- » Road Management Plan (2021)
- » Mount Street Masterplan (November 2010)
- » Gardiners Creek (Kooyongkoot) Masterplan (August 2020)
- » Princes Gardens Masterplan 2018
- » Toorak Park and Victory Square Masterplan 2018

Council has also commenced work, in collaboration with Melbourne Water, to renew the local flood mapping information, to align with contemporary best practice and in order to comply with the new National Guidelines – Australian Rainfall and Runoff 2019. This project is anticipated to commence immediately and run for two years and will require a Planning Scheme Amendment to update mapping of flood related overlays in the Planning Scheme. This matter should form an action item of the Review.

A series of other projects are also underway, as discussed elsewhere in this Report. Where relevant these plans are feeding into further work, which will ultimately amend the Planning Scheme to enhance its performance, particularly in respect to environmental management, housing, urban design, heritage and transport.

3.3 Victorian Civil and Administrative Tribunal and Planning Panels Victoria

Sometimes findings from VCAT and PPV identify policy weaknesses or inconsistencies in the Planning Scheme and background work, and provide recommendations to Council. Council monitors the rate of appeals to VCAT, and to identify whether policy is being interpreted in a way which is in keeping with Council's objectives. A review of VCAT decisions and key Planning Panel reports is provided below.

3.3.1 Victorian Civil and Administrative Tribunal

The rate of applications to VCAT over the last five years is summarised in the table below.

	Cases	Ps.77 (Against Refusals)	s.79 (Failure to Determine)	s.80 (Conditions)	s.82 (Objector Appeals)	Other	Wins ¹⁸
2017	137	60	24	19	30	4	70
2018	121	47	22	8	34	10	72
2019	84	47	11	3	20	3	55
2020	81	40	10	7	18	6	47
2021	85	34	9	10	24	8	54
2022 (till 30 June)	24	12	1	3	7	1	18

FIGURE 15: VCAT APPLICATIONS BY TYPE

It is evident that cases have reduced overall since 2017, which corresponds with the reduction in applications being received. The low number of Section 79 (Failure to Determine) is positive, indicating that the Statutory Planning Department is meeting the statutory timeframes. The majority of cases to VCAT continue to be Section 77 (Against Refusals) appeals, and there has been a steady rate of success by Council.

A summary of the main issues identified in VCAT decisions received since the 2018 Review is provided below under the following headings:

- » Activity Centre Zone -Schedule 1 (Chapel Street Activity Centre)
- » High Street / Glenferrie Road Activity Centre
- » Hawksburn Village Activity Centre
- » Liquor Licences
- » Heritage
- » Other

The cases themselves, and a summary, is provided in Appendix 1.

¹⁸'Wins' include outright win where the Tribunal has affirmed the Council's position and where a matter settles at a compulsory conference, it excludes cases where the Tribunal varies the Council's position.

Activity Centre Zone – Schedule 1 (Chapel Street Activity Centre)

There have been a number of VCAT decisions pertaining to land within the ACZ over the past four years, some of which are summarised in Appendix 1. Almost all cases contained in the Appendix relate to building above the specified building height requirement of ACZ1, and in particular, whether a significant community benefit is required, and if so, what amounts to a significant community benefit. ACZ1 states:

- » Building height requirements are specified at Clause 5.
- » The preferred maximum building height may be exceeded in some circumstances if:
 - » It can be demonstrated that a significant community benefit can be achieved; and
 - » It continues to meet the objectives, requirements and guidelines in relation to visual impact and overshadowing with increased upper-level setbacks.

With the gazettal of Amendment C276 on 20 September 2019, this policy was moved from a Guideline to a Requirement although it still remains discretionary. The Tribunal has been critical of Council's lack of clarity around a definition for significant community benefit. Further work is required to bring certainty and clarity to the exercise of discretion in terms of building heights in the ACZ.

Another regular issue within ACZ1 is car parking, and in particular the desire of applicants to supply more car parking that Council wishes for new dwellings (this issue has also been experienced at Council level). At present, there is no ability for Council to require a permit applicant to reduce the car parking supply, unless it can be tied to a tangible and demonstrable traffic issue. Consistent with the feedback provided from other departments of Council (refer Section 4.3), it is recommended that Parking Overlays be investigated for the ACZ1 area.

Another area of potential further work for land within the ACZ relates to the Windsor 1 area of the Chapel Street Activity Centre, which constitutes land on the northeast corner of the intersection of Dandenong Road and Chapel Street. The ACZ1 suggest that a masterplan is required for this area, and this became pertinent during the hearing for the development proposal at 24-22, 24, 26 and 28 Chapel Street, Windsor. It is recommended

that this work commence, to ensure a high-quality outcome for development at this important entrance to the municipality.

High Street / Glenferrie Road Activity Centre

Since the introduction of DDO19 for the High Street / Glenferrie Road Activity Centre, a number of matters have proceeded to VCAT, mostly testing the preferred height controls.

The results of these appeals have been mixed, with decisions suggesting that the management of the interface between land in the Residential Growth Zone (RGZ) and land outside the Activity Centre in the Neighbourhood Residential Zone (NRZ) could be improved. This matter became evident in consideration of a five-storey building at 79 Wattletree Road, Armadale. In this case, both Council and VCAT found that the setback specified in DDO19 was not adequate to achieve an acceptable amenity outcome for adjacent properties; although VCAT required a lesser setback (2.7m-3.32m) than what Council was seeking (4.0-5.0m). The decision suggests that the setback parameters of DDO19 could be reviewed.

Hawksburn Village

DDO21 which relates to Hawksburn Village is still a relatively new provision, although there have been several matters that have proceeded to VCAT. So far, the control appears to be providing well for the future vision of the Activity Centre. In the case of 531 and 537-541 Malvern Road, Toorak while the Tribunal granted a permit, it required a series of significant changes, which aligned more closely with Council's objectives.

Liquor Licencing

Applications for new or expanded liquor licences in and around Chapel Street are regularly received by Council. Often applications for small to medium size venues, which close by 12pm are supported. There are however, known behavioral, noise and other problems locally, particularly around the Prahran area, which see Council often refuse permission for larger venues.

The Incorporated Plan Overlay – Schedule 3 (IPO3) provides a liquor licence freeze on defined venues of potential harm, which is working effectively to prevent

the most problematic applications. However, there are still larger venues being sought which do not fall within the prohibition set down in IPO3. Where Council refuses an application, in most cases, VCAT will go on to issue a planning permit. The pattern indicates that the existing policy may require review.

One evident issue is around Strategy 1.6 of Clause 22.10 (Licensed Premises Policy), which states:

Encourage licensed premises which trade after 11.00pm to locate at appropriate locations in principal and major activity centres and away from locations close to residential zones.

This policy is being interpreted to mean a 12am closure in the Activity Centre is the starting point. A whole of Council position could be resolved relating to liquor licensing with policy to be updated accordingly, and this is discussed further in Section 5.

Heritage

In terms of land within the Heritage Overlay, a VCAT decision to prevent the demolition of two contributory dwellings on Dandenong Road, Armadale represented an important win for Council in terms of heritage protection. This case affirms the value of contributory heritage buildings and reinforces the need to protect all places with heritage value. As the Stonnington Heritage Review progresses, the Heritage Design Guidelines and Council's local heritage policy will be further strengthened. This is in line with a recent PPV Report which recommended a comprehensive review to ensure Council's local heritage policy (including demolition policies) and current classification of heritage places is coherent and robust.

Another notable heritage case relates to heritage and tree controls at Lauriston Girls School, where a tree listed with the National Trust was not subject to tree controls under the Planning Scheme. It is noted that as part of the current program of work undertaken as part of the Stonnington Heritage Review, Council is investigating tree controls and has already proposed tree controls for a number of places and precincts.

Other

There are several other VCAT cases worth noting and which are included in Appendix 1. One case, relating to a non-government school, highlights challenges Council faces, in compelling institutions to prepare masterplans. The need for a masterplan for the school was first mooted by VCAT, yet in this case, VCAT allowed a further expansion of the school in the absence of a masterplan. Council should continue to encourage institutions to prepare masterplans however, it must be noted the challenges faced particularly in light of Planning Scheme Amendment VC165/180 (refer Section 3.1.2).

A separate case summarised in Appendix 1 relates to an electronic billboard at 697-699 High Street, Prahran. In this case, Council was successful in opposing the sign, however, the proposal and decision highlights that Clause 22.03 (Advertising Policy) is outdated, and future decision making would be assisted by policy guidance in Clause 22.03 for electronic billboards. Broadly, it is thought that this clause could be both updated and improved.

3.3.2 Planning Panels Victoria

The key messages from Reports published by PPV since May 2018 are identified below.

C272ston Hawksburn Village Neighbourhood Activity Centre

Council successfully implemented Design and Development Overlay – 21 (Hawksburn Village Neighbourhood Activity Centre) (DDO21) on 11 February 2021.

DDO21 sets out built form controls for Hawksburn Village, including a mix of discretionary and mandatory height and setback controls.

In the case of Hawksburn, Council submitted that the heritage fabric together with the highly valued and consistent ‘village’ character and the sensitive residential abutments constituted the type of exceptional circumstances which warranted mandatory controls. The Panel adopted this position only in part, finding:

The Panel does not support mandatory controls in the non-heritage areas in the Eastern Precinct. It is not appropriate in a large NAC – an area in which substantial change is encouraged – to seek to curtail the possibility of taller forms or lesser upper-level setbacks in order to preserve the existing low scale of unprotected fabric without strong justification, demonstrated through comprehensive built form analysis.

Neither the Structure Plan nor the modelling constitute a sufficiently robust and comprehensive built form analysis to justify mandatory controls east of the Woolworths site. The Panel considers that the controls should allow the consideration of proposals that exceed the mandatory height and setback requirements. Any such proposal will be assessed on its merits, against the policy, the outcomes sought by the Structure Plan and the design objectives in the DDO21.

On balance (and with some reservations) the Panel supports mandatory controls in the heritage areas in Area 6, where the character is stronger and more consistent, and could be said to be exceptional. Mandatory controls in this part of the precinct were not heavily contested. That said, the Panel would have preferred to have seen a more comprehensive built form analysis that demonstrated that development exceeding the mandatory parameters would be unacceptable.

The report provides guidance as to the type and level of justification required for Council in preparing future controls in activity centre contexts.

C296ston Development Contributions Plan Overlay

Amendment C296ston proposes to introduce a municipal wide Development Contributions Plan Overlay (DCPO). The DCPO will collect around \$45M of funds, to be directed towards 195 specified projects, including new community facilities, public realm upgrades, drainage improvements and new open space.

Much of the discussion at the Panel related to what, if any, exclusions and / or transitional provisions should be included in the DCPO. Cabrini Hospital sought a blanket exclusion from the DCPO on the basis of its not-for-profit status and the community benefit deriving from the hospital use. The Panel disagreed with Cabrini, finding that the wording of the DCPO still allowed an exemption to be negotiated as part of a development proposal and that a blanket exclusion was unwarranted without the certainty of what future development may comprise.

The Panel further declined to recommend the inclusion of transitional provisions for existing permit holders finding these were not warranted for reasons of financial burden, accrued rights or consistency with common practice. Rather it found that existing permit holders will generate demand for DCP funded infrastructure and fairness would demand they make a contributions to this infrastructure. Overall, the outcomes from the Panel were positive for Council.

C223ston High Street / Glenferrie Road Activity Centre

Amendment C223ston implemented the Glenferrie Road and High Street Activity Centre Structure Plan 2015, by

introducing a Design and Development Overlay across the centre, as well as a Development Plan Overlay for Malvern Central, and making changes to residential zones around the commercial area.

Key issues raised at the Panel included the street wall setbacks in heritage areas, rear interfaces and setbacks, other built form provisions and their suitability for certain land and the impact of additional development on amenity, traffic, parking and infrastructure.

The Panel almost entirely supported the range of building heights proposed by Council across the Activity Centre, as well as the discretionary nature of these heights in the commercial areas. Some specific key findings of the Panel are summarised below:

- » The building heights in Wattletree Road, west of Glenferrie Road (where the Residential Growth Zone was applied) were increased from 16m to 18m, to accommodate a five-storey building¹⁹ more comfortably.
- » Some reductions in development volume were recommended within the Malvern Central site, to better transition to adjoining forms and streetscapes.
- » There was significant debate around building setbacks in heritage areas. Council sought an 8-10m upper-level building setback to preserve the heritage values of the streetscapes, however this was strongly opposed by local commercial land owners. The Panel ultimately recommended a 5m setback, which it found better balanced the competing objectives of heritage and urban consolidation.

- » The proposed 1.5m rear setback adjoining laneways was much debated although the Panel ultimately supported it, despite contentions that it was a de facto Public Acquisition Overlay. The fact the setback was discretionary and intended to mitigate the impacts of new development (rather than intended for public use and access) was key to the Panel's support.
- » The Panel recommended that Cabrini Hospital at 183 Wattletree Road be excluded from the DDO, since it would unreasonably fetter the hospital use. It further recommended that Cabrini Hospital work collaboratively with Council to prepare a master plan with building envelopes for this site²⁰.
- » The Panel recommended that Council consider further the application of the GRZ to residential land west of Glenferrie Road (i.e. Precinct D), and in particular, consider whether this area should be exempt from the mandatory requirement to provide a Garden Area. In this respect, it is noted that most of the subject area is covered by a HO, which is the reason the GRZ was applied (rather than the RGZ). Nonetheless, this matter could be reviewed further and is a recommended action from this Review.
- » In respect to transport matters, the Panel recommended that Council better inform itself about the degree to which the existing road network can accommodate the anticipated additional vehicle generation. Council has not commenced this work, and it is included as a future action item in Section 6.



¹⁹This change has contributed to an issue in terms of the transition to the NRZ, as described in Section 3.3.1 under High Street / Glenferrie Road Activity Centre (specifically regarding the application at 79 Wattletree Road)

²⁰183 Wattletree Road is already covered by IPO3

3.4 Further strategic work already identified by Council

The following list of further strategic work is identified in the Planning Scheme (and is being retained post Amendment C312ston):

Project	Comment
Prepare an Activities Centres Strategy that identifies the: Hierarchy, role and preferred land use and zoning of retail and activity centres. Local centres that have the potential for upgrading to large local centres.	Underway This work is being carried out as part of the Neighbourhood Activity Centres Framework, as discussed above.
Develop and implement structure plans and urban design frameworks for major activity centres, large neighbourhood activity centres and other selected centres to guide future use and development of these centres.	Underway Most activity centres not already subject to controls will be captured by the Neighbourhood Activity Centres Framework, as discussed above.
As part of structure plan work, identify opportunities at the residential interface with a commercial or activity centre zone.	Underway The residential zones and their schedules are being reviewed as part of the Housing Strategy.
Identify appropriate locations for creative industries.	Underway Council has prepared a draft <i>Creative Stonnington 2022-26</i> , which aims to shape the Council's creative future and commitment to being a creative city that recognises the community and economic impact of arts and culture. Greater understanding of the local creative community is a priority action of the strategy. Actions listed as part of the Place Led Economic Development Strategy also supports the arts and cultural sector, including in Prahran.

Project	Comment
<p>Review and prepare guidelines for the Industrial 3 zoned land in Paran Place, Glen Iris.</p>	<p>Underway</p> <p>The Paran Place IN3Z comprises approximately twelve lots at the rear of the Glen Iris Village commercial area. Since the 2018 Review there has been three applications received for the Paran Place industrial land, demonstrating that guidelines would be useful in assessing future development.</p> <p>The work being completed as part of the Neighbourhood Activity Centre Framework is likely to capture the industrial area, as part of guiding future development of the Glen Iris Village commercial area. A further piece of work is also likely to be required, which provides an analysis of the future economic role and priorities for industrial land generally in the municipality.</p>
<p>Prepare comprehensive design guidelines for higher density development, including</p> <p>measures to:</p> <p>Manage the interfaces between higher density development and neighbouring lower density development.</p> <p>Preserve or improve existing levels of amenity and liveability.</p>	<p>Underway</p> <p>Consideration of design guidelines for higher density development should occur in light of updates to the Better Apartments Design Guide.</p> <p>There is also a policy statement in the Planning Scheme (which is retained following the transition) seeking development <i>‘that provides a sensitive transition to adjoining lower density development in terms of built form, scale and setbacks’</i>. The method of achieving this objective varies from site to site making it difficult to formulate wide ranging tools for managing such interfaces.</p> <p>There are some known specific areas where this work is warranted though, being the residential interface of ACZ1 (refer Section 4.3) and between the RGZ and NRZ at the edge of DDO19 (refer Section 3.3.1).</p>
<p>Identify opportunities for well-located affordable housing in the preparation of structure plans.</p>	<p>Underway</p> <p>In July 2020 Council prepared and advertised an Affordable Housing Discussion Paper. Work on an Affordable Housing policy continues.</p>
<p>Update Council's Housing Strategy taking into account current capacity and demographic projections</p>	<p>Underway</p> <p>Council is working on a Housing Strategy, as described in Section 2.4.8.</p>

Project	Comment
Identify appropriate heights and densities for different locations set to accommodate higher density (residential and non-residential) development.	<p>Underway</p> <p>This work will be captured as part of the Housing Strategy and Neighbourhood Activity Centre Framework, as described in Section 2.4.8.</p>
Identify areas of special character for inclusion in the Neighbourhood Character Overlay.	<p>Ongoing</p> <p>As part of the neighbourhood character work being completed under Council's Housing Strategy, additional NCOs may be considered. New NCOs have also been introduced since the 2018 Review (refer Section 3.2.1).</p>
Identify additional places that meet a minimum threshold of local significance, to ensure representation of all the historic themes in the city.	<p>Ongoing</p> <p>The city's heritage is being reviewed as part of Council's municipal-wide Heritage Review as described in Section 2.4.8. A number of new HOs have been introduced since the 2018 Review (refer Section 3.2.1). Aboriginal heritage and post war heritage remains under represented in the areas protected to date.</p>
Identify sites in a residential zone that are known to have a prior contaminating use and are not yet included in the Environmental Audit Overlay (EAO).	<p>Not commenced</p> <p>There is a need to identify contaminated land prior to development. Until this work is undertaken, there is an ability to require an Environmental Audit in the absence of an EAO.</p>
Prepare landscape character guidelines.	<p>Underway</p> <p>Council is no longer pursuing an independent set of Landscape Character Guidelines, although landscape is a key component of the neighbourhood character review currently underway and will be better protected under future schedules to residential zones. Separately, it is recommended that the need for environmental protection overlays such as Environmental Significance Overlay Significant Landscape Overlay or Vegetation Protection Overlay be investigated.</p>
Identify properties for the purpose of public open space	<p>Ongoing</p> <p>Refer comments in Section 2.5.</p>
Review and add to the register of significant trees and gardens.	<p>Commenced</p> <p>As part of the Heritage Strategy and Action Plan, Council is investigating the inclusion of controls for trees and gardens with heritage significance.</p>

Project	Comment
Prepare a responsible gambling policy for inclusion in the Planning Scheme.	<p>Not commenced</p> <p>Most locations in Stonnington are prohibited from establishing gaming or gambling premises. In the past four years, Council's Statutory Planning Department has not received any applications for gaming or gambling premises, suggesting this is a low priority task.</p>
<p>In conjunction with the relevant agencies:</p> <ul style="list-style-type: none"> » Undertake an infrastructure capacity audit of the utility (drainage, water and sewerage), transport (roads, paths and public transport) and community (open space and social) infrastructure in the city and surrounding region. » Identify areas with capacity for growth and areas for infrastructure improvement. » Explore integrated water management opportunities with relevant stakeholders and agencies. 	<p>Partially complete</p> <p>Council has commenced work on an Integrated Water Management Program.</p> <p>Council has recently adopted a municipal wide Development Contribution Plan Overlay (awaiting approval from the Minister for Planning), which identifies necessary infrastructure works and allocates contributions from new development.</p> <p>Council adopted an Asset Plan in May 2022.</p>
Prepare an infrastructure improvement plan and a sustainable transport plan for the city.	<p>Partially Complete</p> <p>Council is currently preparing a 10-year Community Infrastructure Plan.</p> <p>An updated Transport Policy and Cycling Strategy has been adopted by Council, along with a new Walking Action Plan and Cycling Action Plan.</p>
Prepare development contributions plans and / or local policy to address the need for contributions to improve infrastructure.	<p>Complete</p> <p>Council has recently adopted a municipal wide Development Contributions Plan Overlay (awaiting approval from the Minister for Planning), which identifies necessary infrastructural works and allocates contributions for new development.</p>
Undertake movement capacity assessments of specific precincts identified for growth to assist in the fair and appropriate management of future parking provision, traffic management and accessibility by walking, cycling and public transport.	<p>Not commenced</p> <p>This work has not progressed, including in the High Street / Glenferrie Road precinct and is an action item of this Review.</p>
Investigate opportunities for parking overlays to specific areas.	<p>Not commenced</p> <p>As discussed elsewhere this work is a priority for the immediate future.</p>

Project	Comment
<p>Investigate innovative waste collection methods for the western end of the city, particularly for multi-unit developments.</p>	<p>Underway</p> <p>Council is currently working on a new waste strategy <i>Towards a Circular Economy: Our Future Waste Strategy 2022-2025</i>, which is a three-year plan to guide the municipality towards a more sustainable framework for managing waste, that reduces harm to the environment, enhances public places and improves the health and wellbeing of the community. Through the Strategy, Council is committed to the recovery of all recyclable material and sending only residual waste to landfill by 2029.</p> <p>In conjunction to this initiative, the Council is currently undertaking an update of the Waste Management Guidelines.</p>





4. CONSULTATION

4.1 Consultation Overview

Council conducted community engagement in July and August 2022 to inform the community that it was undertaking a review of the Planning Scheme and to seek feedback on the performance of the Planning Scheme. Consultation included the following:

- » A mail out to approximately 60,000 residents and businesses across the municipality.
- » Displays within Council's libraries and customer service centres.
- » A bulk email to community group contacts, planning permit applicants and other known parties with a specific interest.
- » A page on Council's Connect Stonnington website www.connectstonnington.vic.gov.au/planning.
- » A pop up engagement session at the Toorak South Yarra Library on 5 August 2022.
- » Two intercept engagement sessions at Prahran Market on 4 August 2022 and in Central Park, East Malvern on 10 August 2022.
- » Focus groups within relevant internal departments and targeted stakeholders.
- » Councillor briefings.

Feedback was specifically sought in respect to the following eight themes:

1. Residential development and housing capacity

2. Open Space

3. Heritage

4. Neighbourhood Character

5. Activity centre planning and growing jobs

6. Trees

7. Environment, sustainability and climate emergency

8. Transport

A total of 214 responses were received across the engagement activities. These responses are summarised in the Planning Scheme Review Community Engagement Report (October 2022) prepared by Capire Consulting Group.

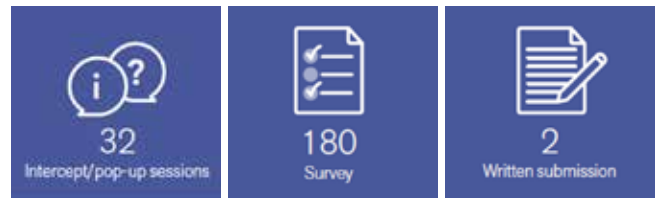


FIGURE 16: HOW PEOPLE PARTICIPATED IN THE ENGAGEMENT

The Planning Scheme Review Community Engagement Report provides in-depth analysis of community feedback. A summary is outlined below.

The following key findings emerged from the feedback:

- » The rate and scale of development occurring in the city is a significant concern, and respondents see it impacting Council's planning efforts in each of the eight themes.
- » Respondents want Council to ensure new developments benefit the local area, are located appropriately and seek to minimise impacts on the community.
- » Respondents want greater recognition of what is considered heritage in Stonnington and strengthened planning controls to protect it.
- » The design of new developments needs to better reflect the neighbourhood character and local context.
- » Respondents want Council to use every opportunity to increase and protect greenery. They want a greater focus on using native vegetation, promoting biodiversity and improving the maintenance and safety of trees.
- » Respondents want more innovative programs and initiatives to boost the city's environmental sustainability and response to the climate emergency, such as the increased use of renewables, increased tree canopies, support for electric vehicle use and improved waste management.
- » Respondents want fewer cars and traffic on local streets. Increasing access to public transport options and improving cycling and pedestrian networks are key opportunities to reduce car dependency.

Findings from community feedback have been considered in relation to the Planning Scheme Review, explored in section 5 of this review.

4.2 Community Feedback

A summary of feedback is provided below, organised by relevant theme. The issues raised and their relation to the Review is considered further in Section 5.

4.2.1 Residential development and housing capacity

The survey asked respondents the following question:

Thinking about planning for residential development and housing within Stonnington, what is Council doing well, and where can Council improve planning in this area?

A total of 149 people responded to this question, with 62 (42%) of these participants wanting to reduce building heights and densities and 50 (34%) seeking improved design for new developments, which better respected neighbourhood character, including heritage character.

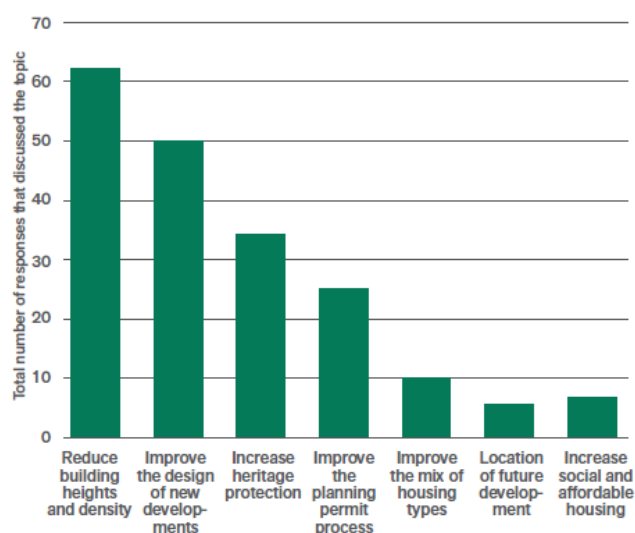


FIGURE 17: NUMBER OF RESPONSES PER KEY ISSUE

When respondents raised an objection to density, this was primarily mentioned in relation to a building's size and associated impact on neighbourhood character,

although some concerns were also raised in terms of noise, traffic congestion and parking.

Some respondents (10) also sought to improve the mix of housing, and some (6) expressed support for higher density development in specific locations (including main roads). There were also 7 respondents who wanted to see an improved supply of social and affordable housing.

In terms of the quality of development outcomes, concerns were raised that some multi-storey buildings were poorly designed, have a negative impact upon streetscapes, were not respecting the local character and were unreasonably impacting upon neighbours. Often these concerns identified the need for greater setbacks and lower site coverage. A lack of consideration seen by some to the local heritage qualities was also identified. Heritage is separately discussed in Section 4.2.3.

4.2.2 Open space

The survey asked respondents the following question:

Thinking about planning for open space within Stonnington, what is Council doing well, and where can Council improve planning in this area?

The theme of open space received 138 responses, with a relatively even mix between those that were generally supportive of the current provision and maintenance of open spaces in Stonnington (34%) and those that felt the maintenance of open spaces and the provision of facilities need improvement (33%).

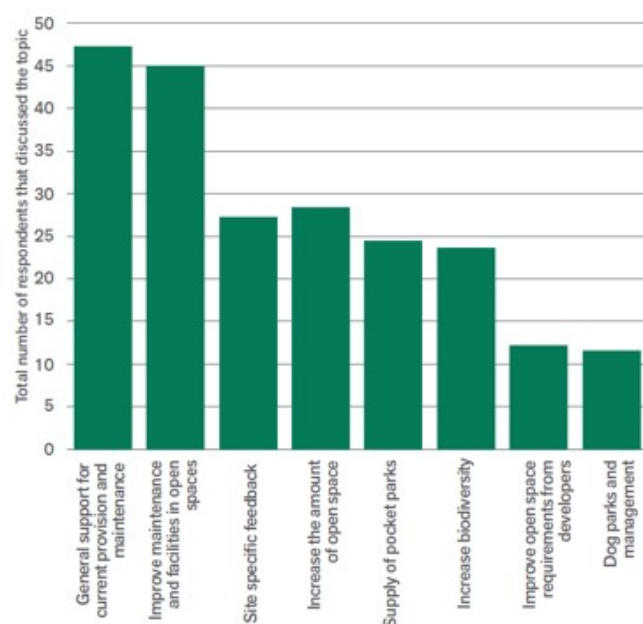


FIGURE 18: OPEN SPACE ENGAGEMENT TOPICS

Of those suggesting that more open space was required, a range of specific needs were discussed including for recreation, health and wellbeing and to lessen the effects of the urban heat island and climate change.

Respondents also want to see an increase in open space commensurate with increasing development and to ensure that development does not negatively impact open spaces, such as by creating shadows. A total of twelve comments suggested that developers should be required to provide more open space within their development, rather than just providing contributions to fund open space improvements elsewhere.

Specific and mixed feedback was received on Prahran Square, with some citing it as an example of how

Council can increase open space provision, whilst others critiqued the design and expense. Council's continual program of rolling out of pocket parks in and around Chapel Street received more favourable feedback (17 of 24 comments in favour) although some respondents were also critical as to whether this was the best use of money.

A range of items for improvements to existing open spaces were suggested, including more modern play equipment, better maintenance of large trees, more and better maintained public toilets and rubbish management, improved lighting and more active recreation facilities.

I believe that Stonnington is one of the worst councils for provision of open space, so we need to improve in that area. I like the pocket parks and think it would be good to do more of this. However this lack of open space is why we need to ensure property developments provide adequate open space on private property.

I'm enjoying the growing amount of pocket parks

I'm enjoying the growing amount of pocket parks throughout the neighbourhood. It's fantastic to see open air spaces being created so that residents who otherwise may not have easy access to the outdoors from their homes, can now have more choices.

New and better open space areas within Stonnington are desperately needed. Existing open space areas such as Central Park and Gardiners Creek Trail could be upgraded to higher standards including greater emphasis on native tree planting and re-vegetation as well as more inviting open green spaces for picnics etc. With such limited open green space around Central Park, it is disappointing that it gets taken over by dog owners who don't always clean up after their dogs leaving less space for families and older kids to play soccer, have picnics etc.



4.2.3 Heritage

The survey asked respondents the following question:

Thinking about heritage within Stonnington, what is council doing well, and where can council improve planning?

Thinking about heritage within Stonnington, what is council doing well, and where can council improve planning?

This theme received the most responses with 180 parties providing comments. A total of 56 respondents felt that Council should strengthen heritage controls, although this still amounts to only around a third of the total number of responses to this survey question. A total of ten comments were received expressing support for Council's current approach to protecting heritage.

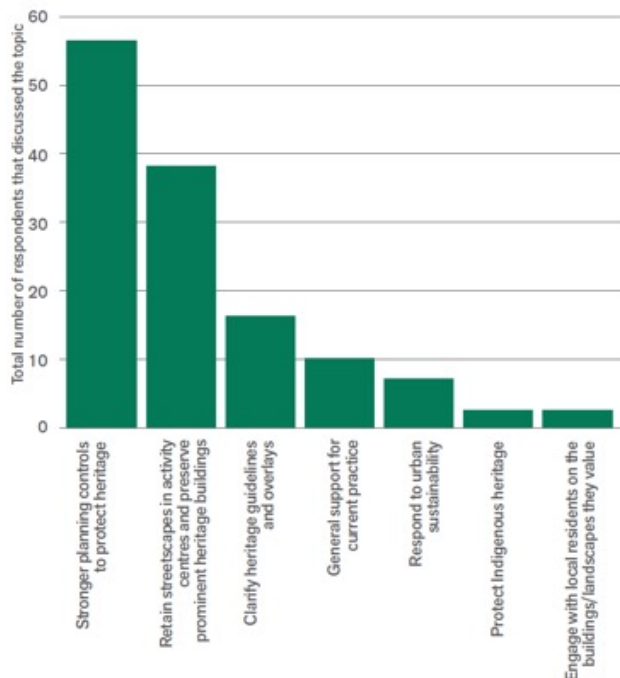


FIGURE 19: HERITAGE ENGAGEMENT TOPICS

There were 38 respondents who expressed a desire to maintain the heritage streetscapes in Stonnington and some respondents were concerned that older buildings with heritage value were being demolished and replaced with new buildings.

In reviewing these responses, it is evident that the word heritage is often melded with character and rather than a clear distinction between heritage value and character value. It is also evident that personal preferences come into play when considering architectural style, and some people simply prefer older style buildings. The key message from this feedback though is that the character of local streetscapes (whether it be a heritage or neighbourhood character) in both commercial and residential settings, is sought to be strongly protected.

One respondent raised the challenge of solar panels on heritage buildings, suggesting that ESD ought to trump heritage in this respect. While two respondents identified that the Planning Scheme should provide equal acknowledgment and protection for landscapes and sites with Aboriginal cultural significance.



4.2.4 Neighbourhood Character

The survey asked respondents the following questions:

Thinking about neighbourhood character within Stonnington, what is Council doing well, and where can Council improve planning in this area?

A total of 133 responses were received to this question. The items raised often overlapped with those raised under residential development and housing capacity particularly, but also heritage and trees. The main response received (44 people) expressed concern about the impact of development on neighbourhood character. There were also 25 people (19%) who called for strengthened planning controls.

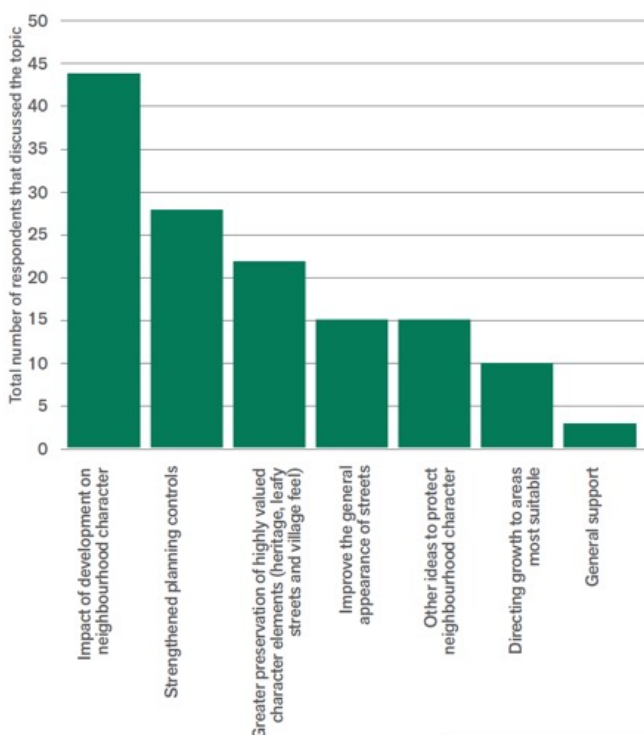


FIGURE 20: NEIGHBOURHOOD CHARACTER ENGAGEMENT TOPICS

Of those who were concerned about neighbourhood character impacts, the specific issues identified as contributing factors were the design of multi-storey development (materials, scale, detailing) and inadequate open space and vegetation. It was also noted by one party that the adequate preservation of one area, can lead to greater pressure, and impacts, in other areas.

As noted above, respondents appear to intrinsically link heritage with neighbourhood character. Taking a holistic views of the commentary though, it would appear that the primary concern is in ensuring that the size, design and quality of replacement buildings appropriately relate to the existing building stock. A common theme was site coverage and building setbacks, and in turn, the availability of open space for gardens and canopy trees.

Some comments were also received regarding advertising in commercial areas, which was seen to at times negatively impact upon the appearance of streets.



4.2.5 Activity Centre Planning and Growing Jobs

The survey asked respondents the following question:

Thinking about activity centre planning within Stonnington, what is council doing well, and where can council improve planning in this area?

with the highest number of respondents seeking more activities and services in centres (24%), followed by enhanced public spaces and landscaping (20%).

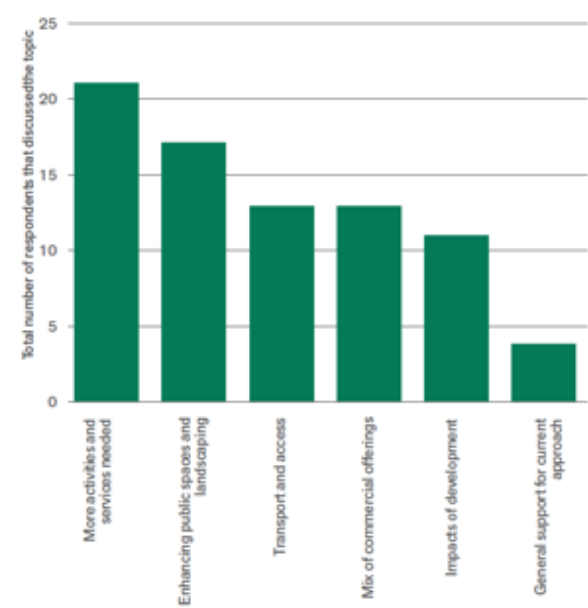


FIGURE 21: ACTIVITY CENTRE PLANNING AND GROWING JOBS ENGAGEMENT TOPICS

In terms of the services and activities being sought, some respondents commented that there is a need for more, and a better distribution of, community centres and programs for older adults. Other suggestions included more basketball facilities, ice skating rinks, shop local campaigns and nighttime events. Relatedly, some respondents identified that Chapel Street was an area particularly in need to renewal, with issues raised in terms of its safety. There were thirteen comments specifically identifying the high number of vacant shops in Chapel Street as an issue.

A range of suggestions were received as to how to enhance the public spaces in activity centres, with some respondents suggesting that building design needed to be improved to better reflect the local character, and others suggesting more day and nighttime use. Other suggestions included:

More shop local campaigns and activations in the activity centres.

I would like more art events like the successful Prahran Square installations.

Support community organisations and hubs. Phoenix Park Hub is a good example, however there are always ways to improve the amenities focusing on sustainability and the environment rather than just having policies with little implementation.

I've often wondered whether Stonnington should implement some sort of Renew Newcastle program to encourage business back to Chapel Street... If artists, small businesses, galleries, pop-up shops, etc. were given heavily subsidised rent, it would bring more people to the area and improve neighbourhood character.

I think more focus could be on smaller retail strips to bring more new and fresh shops to activate older and abandoned looking shop strips.

Ensure good walkability from the surrounding area, and public improvements such as uneven footpaths.

4.2.6 Trees

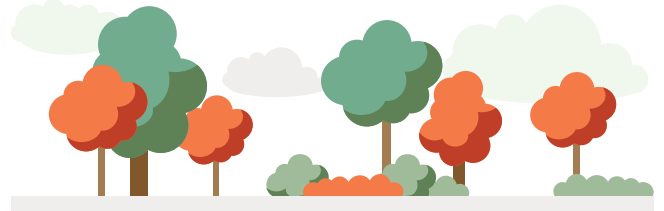
The value of the local established trees and gardens, and the desire to protect the leafy, local character was a topic which came through in the results of multiple themes, and 129 respondents answered the tree theme in the survey. The survey asked respondents the following question:

Thinking about trees within Stonnington, what is council doing well, and where can council improve planning in this area?

There were a number of respondents (34%) who identified that protecting and enhancing the local tree-lined streets as something Council could improve, and a further 21% provided comments supporting the planting of more trees generally within the municipality.

Some respondents also discussed the need to improve tree maintenance, with respondents expressing concern around street safety, damage to property, drainage problems, cleaning up Autumn leaves and respiratory issues.

There were twenty-three comments calling for strengthened controls to reduce tree removal, while seventeen respondents supported Council's current approach to tree protection.



4.2.7 Environment, Sustainability and Climate

The survey asked respondents the following question:

Thinking about the environment, sustainability and the climate emergency within Stonnington, what is council doing well, and where can council improve planning in this area?

A total of 124 respondents answered this question in the survey with many respondents (28%) discussing the need for improved waste management and increased tree canopy (25%) ways to enhance planning for the environment, sustainability and the climate.

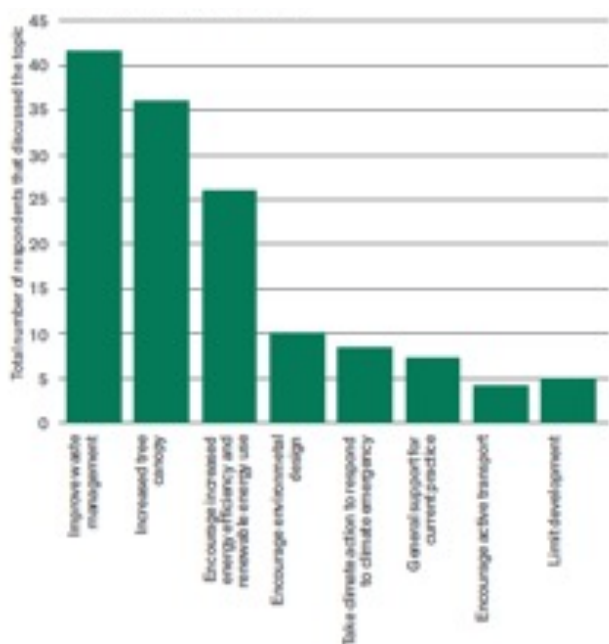


FIGURE 23: ENVIRONMENT, SUSTAINABILITY AND CLIMATE ENGAGEMENT TOPICS

In terms of improving waste management, suggestions included better education on recycling and handling domestic waste and more public recycling bins (including for electronic waste). Specific comments included:

We all need better education regarding recycling - what you can and can't. The recycle bins attract all sorts of rubbish which should be sent directly to the landfill.

More drop-off points for unusual recycling products, e.g., batteries, printing cartridges etc.

With all the renovations that seem to go on continually, why don't we put in a recycle station where people can take recycled good condition building supplies that can be dropped off for no charge, inspected by a person working there so as to avoid unsalable items being dumped then sold for minimal prices.

The importance of the local tree canopy was also raised under this theme, where many respondents noted that increasing tree canopies was crucial to help protect urban ecology and regulate the health in the urban environment.

In considering energy efficiency, respondents broadly supported the initiatives of Council however stated that Council could be more proactive in educating and encouraging renewable energy use. Respondents also wanted to see more charging stations for electric vehicles in public spaces as well as in a requirement for new developments. Other suggestions included more green walls, temperature regulating building materials, better ventilation design, energy efficient street lighting and better active transport.

There were five respondents who expressed their view that large-scale urban development in Stonnington contradicts its sustainability goals. Some respondents also sought more consideration for liveability and population density, before approving new development projects.



4.2.8 Transport

The survey asked respondents the following question:

Thinking about transport within Stonnington, what is council doing well, and where can council improve planning in this area?

A total of 100 respondents answered this question in the survey with the greatest number of respondents seeking improved public transport and services, followed by tackling traffic congestion.

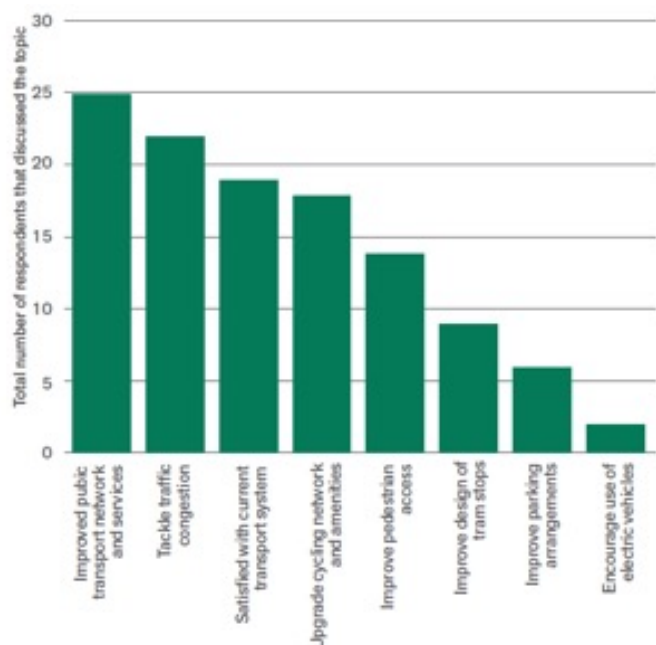


FIGURE 24: TRANSPORT ENGAGEMENT TOPICS

Some respondents (25) felt that improvements in public transport and reducing reliance on private vehicles will be necessary to maintain and enhance the liveability of Stonnington with its growing and aging population.

There were a range of suggestions raised by respondents. These included having more punctual and regular bus services, introducing booking systems for bus services, and increasing public transport network coverage. Comments also included a desire to see train stations upgraded and better maintained. Interestingly though there were nearly as many people (19) who indicated that they were satisfied with the current transport system. Some respondents also expressed support for level crossing removals.

In terms of traffic congestion, there were 22 respondents who identified this as an issue, and a range of suggestions were offered including more no-right-turn restrictions, reduced free parking in residential streets and additional on-way streets and clearway zones.

There were 18 respondents who sought an upgrade and expansion of cycling infrastructure (example of comment below).

Better bike paths – on and off roads, more of them, paved better, well maintained, better signage. Far more bike parking in public locations, e.g., Chapel Street has hardly any places to lock bikes other than poles. Should be removing on-street parking for bike parking etc., to make it easy and attractive to cycle..

There were 14 respondents who sought improvements to pedestrian accessibility. This included suggestions that Chapel Street should have more pedestrian only areas, and that generally better footpaths and lighting were required. Interestingly only 6 respondents called for improved parking.

I would like to see more car-free streets, areas where pedestrians have priority. Make it more pedestrian friendly, it can be dangerous to cross Chapel Street, so more zebra or light crossings. They are currently too far apart so people just cross whenever they want.

Would love trams to be disability accessible, particularly no. 3 and no.5 tram. No. 5 tram needs raised access, no. 3 everything. Think speed of trams could be improved by limiting car access on tram routes, which would make them better time wise.



4.2.9 General comments on the planning system

Some respondents identified issues with the planning process as part of their responses to various theme, as well as in response to a specific invitation at the end of the survey.

Responses included comments identifying that the planning process was lengthy, time consuming, complicated and that too often matters were determined by VCAT. Some respondents also raised concern that developers use poor past planning decisions as an inappropriate precedent, and that more certainty was sought in planning controls. There were also eight respondents who were skeptical as to whether the engagement process would inform change.

In response to these comments, it is acknowledged that the town planning process can be complicated to navigate, although there is a limited amount which Council can do to ease this burden since the system is universal across Victoria, including the VCAT processes.

It should be noted though that Council never defers applications to VCAT, rather a permit applicant will sometimes take up the rights which exist within the Victorian planning system to pursue an application to VCAT if they elect to do so. There appears to be a confusion in the community around Section 79 (Failure to Determine) Applications for Review particularly. Council receives a very low number of such appeals (refer Section 3.3.1), which can occur (if a permit applicant elects) once an application has reached sixty statutory days without a decision. However, in such cases, Council still formulates a position on the subject application and goes on to advocate its position before VCAT.

In terms of inappropriate precedents, this concept is somewhat vexed, since what one may see as inappropriate is sometimes subjective, and most likely the particular project accorded with the policy context which existed at the time of its construction. It should be noted that all individual applications are determined on their own merit, against the policy and neighbourhood context which exists at that time.

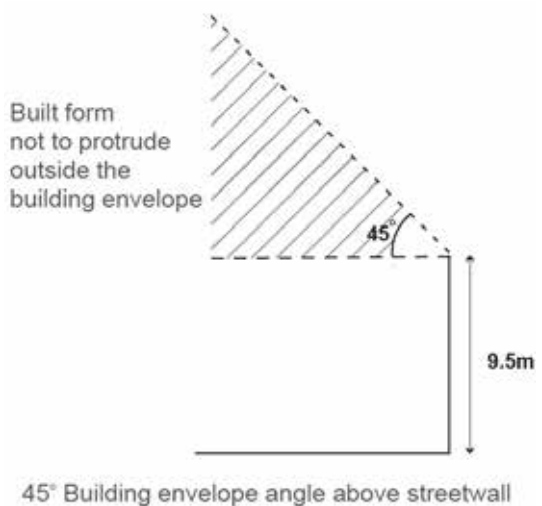


4.3 Internal Engagement

As part of this project, officers from across the organisation were consulted, including Statutory Planning, Economic and Place Development, Transport, Community Development and Environment and Infrastructure. A summary of the feedback received is provided below.

Project	Comment
Consider the introduction of vegetation protection controls to achieve urban forest canopy targets.	It is agreed that as Council continues to carry out work on an updated Urban Forest Strategy, the need for Vegetation Protection Overlays (or similar) should be investigated.
Review schedules to the residential zones to: <ul style="list-style-type: none">» Remove variation to site coverage» Improve landscaping requirements» Reconsider other variations	This work is underway as part of Council's Housing Strategy.
Develop and introduce controls around development immediately adjacent to areas of open spaces (existing and proposed)	It is agreed that this matter is a regular tension experienced both inside and outside the Activity Centre Zone. The need for a new policy should be investigated and will likely be initiated through the development of a new Open Space Strategy
Update Clause 22.23 Neighbourhood Character Policy, to improve its usefulness to decision making (currently too general).	This work is being investigated as part of Council's Housing Strategy



Project	Comment
<p>Review ACZ1 to include built form provisions relating to the interface with adjoining zones and lower scale built form.</p>	<p>ACZ1 currently specifies the following interface treatment where there is an immediate abuttal to the residential zone.</p>  <p>The requirement is discretionary, although allows a 9.5m wall on a common boundary at the edge of the ACZ1. The requirement is assisted by interface setback guidelines, addressing matter such as daylight, solar access and ventilation. Achieving the guidelines mean that a 9.5m high wall on a boundary may not always be a suitable response. Nonetheless, the treatment set out in the requirement is a very robust one for many residential interfaces, and there may be value in carrying out an assessment of what outcomes are being presented, and whether these are appropriate.</p>
<p>Review IPO3 (Chapel Street liquor license saturation control) and Clause 22.10 Licensed Premises Policy to strengthen and clarify.</p>	<p>It is agreed that this is necessary work – this is discussed further in Section 5 (as well as in foregoing sections of this Report).</p>
<p>Consider introduction of a discretionary uses policy to provide policy on the appropriate location and design of uses such as child care centres and medical centre.</p>	<p>Clause 21.04-4 Commercial and Community Uses in Residential Zones provides guidance as to appropriate locations for non-residential uses in residential zones. This clause is being retained in the PPF translation at Clause 13.07-1L.</p> <p>This clause is believed to be providing adequate guidance in this respect.</p>
<p>The advertising signage policy needs reviewing generally, but specifically to provide policy for electronic billboards and hoarding signs.</p>	<p>Clause 22.0 (Advertising Policy) is out of date in and in need of review, as discussed elsewhere in this Report.</p>

Project	Comment
Review of Paran Place Industrial Zone and identify built form requirements.	As discussed in Section 3.4, this work is underway as part of the Neighbourhood Activity Centre Framework.\
Encourage institutional entities e.g. schools, to develop masterplans.	Ongoing As discussed elsewhere.
Consider Gaming/Gambling policy	As discussed in Section 3.4, Council has not received a planning permit application for a gaming or gambling premises in the last four years, meaning this is not an immediate priority.
Consider Parking Overlays, as well as more specific policy for electric vehicles and bicycle parking	As discussed elsewhere this is a priority. Concurrent work is also taking place on sustainable transport.
Building services design and weather protection and awnings	As part of Amendment C312ston, various built form policy is being consolidated into a new Clause 15.01-1L Urban Design, which will complement the existing Clause 15.01-2S. The new Clause 15.01-1L is considered to need a robust review of its content, as general urban design matters could be better addressed at the local level. This includes to improve the presentation of building services and to ensure weather protection where this is part of the character of an area. Other items which may need to be addressed include the treatment of loading areas, crossovers, building entries and managing grade changes in flood areas. It may also be appropriate to incorporate the existing Awnings Policy into this section of the Planning Scheme rather than have this is a standalone clause.



5. KEY ISSUES

The key issues facing Stonnington are reflected in the themes which formed the basis of the community consultation process.

These are:

- » Appropriately managing residential growth
- » Planning for more and better open spaces
- » Protecting heritage places
- » Protecting and enhancing neighbourhood character
- » Enhancing our Activity Centres and growing jobs
- » Protecting and enhancing the local tree canopy
- » Protecting the natural environment and responding to the climate emergency
- » Improving movement networks

An objective of this Review is to ensure these key issues are appropriately reflected in the Planning Scheme to meet community needs and to ensure the Planning Scheme is achieving the outcomes which are intended.

It is evident from the information presented in Sections 2-4 of this Report, that there is a series of significant projects underway already to update and improve the Planning Scheme, as well as some key pieces of work that still needed to be undertaken. This required work derives from a combination of the evolving state and local policy context (including the latest Council Plan), as well as issues identified by stakeholders (including VCAT) with existing provisions of the Planning Scheme.

A discussion of each theme follows.

5.1 Appropriately managing residential growth

According to Plan Melbourne 2017-2050, the metropolitan population will grow by 3.4 million people to 7.9 million people by 2051, requiring an additional 1.6 million dwellings (and 1.5 million jobs). Metropolitan Councils are required to contribute towards sustainably accommodating this demand.

There are many local attributes which make Stonnington desirable and suitable for residential growth, such as its proximity to the CBD, excellent public transport and established services. There are also parts of Stonnington with highly valued heritage and neighbourhood character elements which are sensitive to change. Council plays an important role in guiding and managing residential growth in appropriate locations, and in a manner that protects and enhances the local heritage and neighbourhood character valued by residents.

In response to the community engagement processes, several respondents identified building heights and density as a concern. Mostly this concern related to impacts on neighbourhood character and additional noise, traffic and parking, particularly in residential settings.

Related to this issue, is the type of housing that is being constructed, with some survey respondents expressing a desire to improve the mix of housing types, including the supply of social and affordable housing.

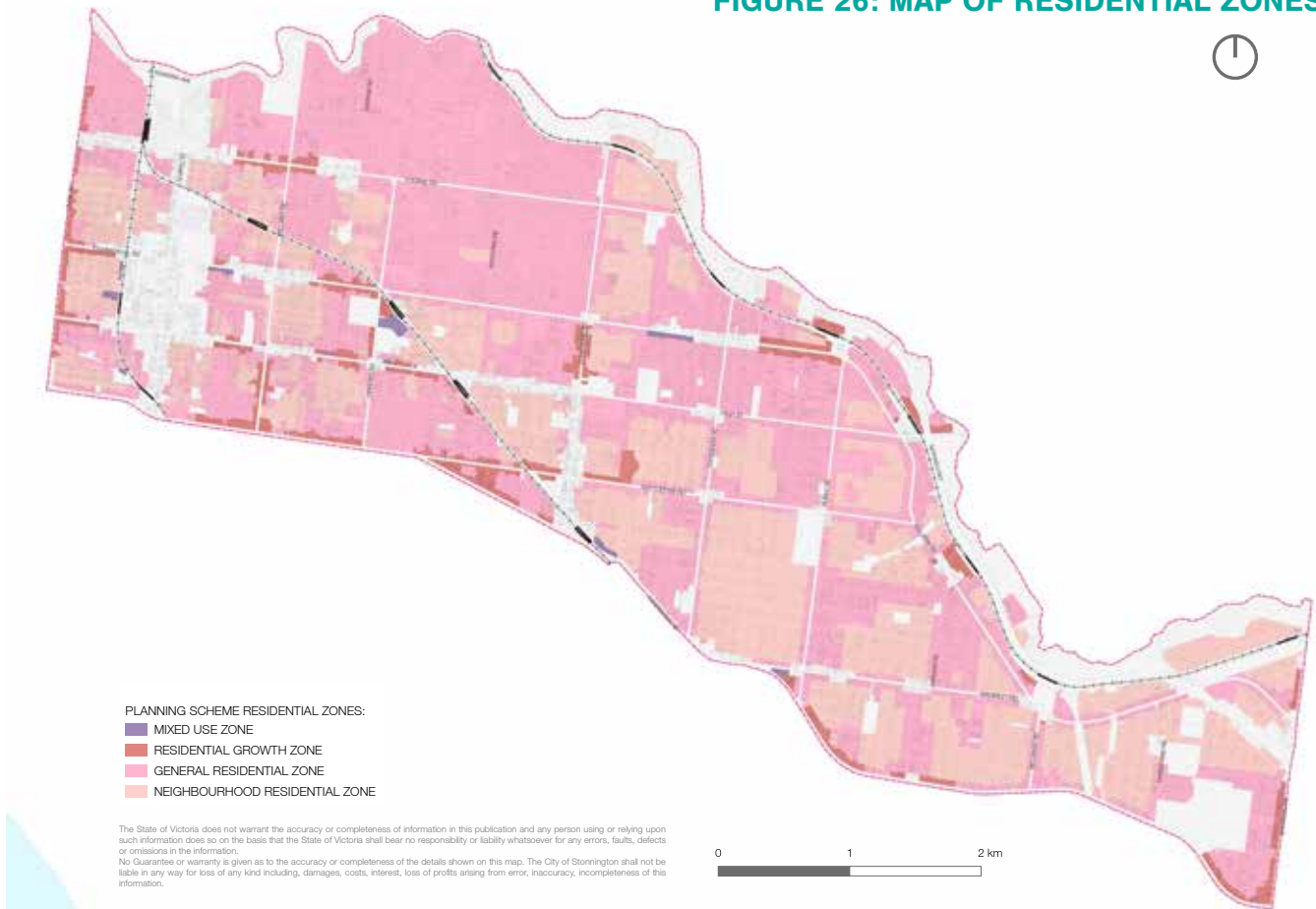
The primary tool in the Planning Scheme for managing residential growth is in the application of zones. In Stonnington all residential areas are subject to one of four zones²¹:

Residential zone	Role and application
Clause 32.07 Residential Growth Zone (RGZ)	Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres, and other residential areas.
Clause 32.08 General Residential Zone (GRZ)	Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.
Clause 32.09 Neighbourhood Residential Zone (NRZ)	Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.
Clause 32.04 Mixed Use Zone (MUZ)	Applied to areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. Suitable for areas identified for residential development at higher densities including urban renewal and strategic redevelopment sites.

FIGURE 25: RESIDENTIAL ZONES USED IN STONNINGTON

²¹Excerpt from Planning Practice Note 93 Using the residential zones

FIGURE 26: MAP OF RESIDENTIAL ZONES



The four tiers of residential zones direct varying levels of growth to appropriate locations with differing attributes. Generally, higher levels of growth are permitted along main roads and around activity centres, with lower allowances in areas with poorer access to services and transport and / or with more sensitive characteristics.

Areas deemed to be particularly sensitive to new development are then further protected by overlays, including the HO and Neighbourhood Character Overlay. There are also (generally greater) opportunities for residential growth in commercial zones (i.e., activity centres), in order of their location in the local activity centre hierarchy.

The question, therefore, is whether the Planning Scheme is operating in a manner which appropriately balances the need to accommodate residential growth with the desire to protect the local character? And is the right type of housing being constructed, in the right areas, to suit the existing and future markets?

As is evident from Section 2, Council is making an important contribution to new housing supply and this is likely to continue. However emphasis on providing housing diversity to meet the needs of current and future residents, including social and affordable Housing, needs to be considered. As shown in the summary of the 2021 Metropolitan Urban Development Program Release provided in Section 2.3, the main type of new housing currently being provided is apartments, while new townhouses and detached dwelling numbers are low. Although the latter is expected, there may be a greater demand for townhouses than is currently being supplied.

The Housing Strategy, which is currently being developed, will determine how much, and what type of new housing is needed and where it should be located across the municipality. It is an ongoing challenge for planning to continue to provide a mix of housing, including those which support families, first home buyers and downsizers, as well as social and affordable Housing. The shortcoming with zones, is that while they can limit a building's size, they have less ability to

determine the density or the type of dwelling within the allowed envelope. The current market conditions appear to be dictating a prevalence of apartments, but the same envelope might be better servicing the community by providing townhouses and larger-sized apartments. The new zone schedules, which will be investigated as part of the Housing Strategy, may explore this issue further through more targeted built-form objectives.

The review of the municipality's neighbourhood character, which is underway as part of the Housing Strategy work, aims to ensure new housing in all areas respect the existing or the preferred neighbourhood character (refer Section 5.4).

Council is also working on an Affordable Housing policy. This work has been affected by the announcement of Homes Victoria's Big Housing Build project, as this larger project will impact municipal level agreements around the provision of new social and affordable Housing. Nonetheless, a Council policy could articulate Council's position on the issue, as well as identify any additional opportunities for affordable housing, and identify specific and appropriate locations for this type of housing within the municipality. There is broader alignment across several Melbourne councils (the M9 group of councils) and beyond to enhance the provision of social and affordable housing and advocate to State and Federal governments to deliver more social and affordable housing. It is recommended therefore that work on the Affordable Housing policy continue.

In terms of concerns raised by some survey respondents to the increasing population, population is anticipated to continue to grow across greater Melbourne in line with Government forecasts and outlined in State Government planning documents such as Plan Melbourne 2017-2050. Managing residential growth whilst protecting what residents value about Stonnington can be managed through responsible planning that manages density effectively.

The continual increases in housing and population places increased pressure on existing infrastructure. This includes open space (discussed in Section 5.2 below), transport networks (refer Section 5.8) as well as community services such as child and maternal health facilities, sports facilities, libraries and community centres. Consequently, work has commenced on a 10 Year Community Infrastructure Plan, which aims to:

- » Identify and assess existing community infrastructure to ensure Council services and facilities are functional, suitably located and have the capacity to respond effectively to future growth and demand.
- » Identify opportunities and priorities for progressive development projects such as service co-location or community hubs.
- » Develop a clear evidence-base framework to ensure an equitable and consistent approach to future planning, delivery, and negotiation for all community infrastructure.

This work is critical in understanding where we are in servicing the community, and where we need to get as our population increases. Work on this project should continue.

In terms of the more specific issues identified in earlier sections of this Report (and not addressed elsewhere), the following is noted:

- » For mid-to high-rise development, wind tunnel assessment reports are routinely required of permit applicants to ensure the pedestrian wind environment is suitable. For low scale development (up to four storeys) the building scale is not sufficient to notably alter the local wind movement.
- » Overlooking and overshadowing are primarily managed through implementation of Clauses 54, 55 and 58 of the Planning Scheme. These are State sections of the Planning Scheme, which Council cannot modify.
- » Local utility infrastructure (especially drainage) is known to be susceptible to increased development. Council, in conjunction with Melbourne Water, is currently reviewing the local flood mapping across the municipality and separately is undertaking a Climate Vulnerability Study for the Chapel Street area, which is particularly at risk of climate impacts given the intensity of recent development in this area.

5.2 Planning for more and better open spaces

The City of Stonnington has the second lowest amount of open space per capita in Victoria. This is likely to be further compounded as the population continues to increase.

Whilst the municipality has no regional scale open space, there are several significant metropolitan open space assets nearby, including Albert Park Lake, Fawkner Park and the Royal Botanic Gardens to the west and many

open space assets along the Yarra River and Gardiners Creek to the north (some of which are inside the City of Stonnington).

The future development of Caulfield Racecourse Reserve will also deliver open space opportunities to Stonnington residents.

Council's ongoing acquisition and open space conversion work together with upgrading existing open spaces within Stonnington remains a critical issue.

FIGURE 27: MAP OF EXISTING OPEN SPACES



There were several survey respondents who sought to increase the amount of open space locally. Existing subdivision patterns, land values, land ownership and availability all contribute to the difficult task of increasing the amount of open space in Stonnington.

Council continues to move through these factors in the implementation of its land acquisition approach articulated in its Strategies for Creating Open Space (2013) document). To date this implementation work has created several successful new green links, pocket parks

and extensions to existing open spaces.

Existing open spaces in Stonnington are highly valued. With an increasing population and increased visitation, it is acknowledged that Council's open spaces need to be improved, and in some cases, diversified to better support current and future populations.

Council has commenced work on an Open Space Strategy (OSS), which will review, update and replace the existing Public Realm Strategy. This project looks at

open space in a holistic way and seeks ways to create new open spaces, as well as improve the function and appearance of existing open spaces. This is an important project, which should progress in the short to medium term.

It is also important that new residential development makes a contribution to supplying high quality, outdoor areas. There are already provisions in the Planning Scheme which address this matter. Firstly, Clauses 55 and 58 of the Planning Scheme require new dwellings in multi-dwelling developments to provide a minimum sized, outdoor area per dwelling (8sqm under Clause 55²² per dwelling and 8-12sqm under Clause 58²³). Council has the ability to vary (increase or decrease) the open space standard of Clause 55, and this may be further investigated as part of the Housing Strategy work.

Secondly, under Clause 58 (which applies to developments of five or more storeys), there is a requirement to provide communal open space within developments of ten or more dwellings at a rate of 30sqm, plus 2.5sqm per dwelling in a development with at least thirteen dwellings, up to a maximum of 220sqm.

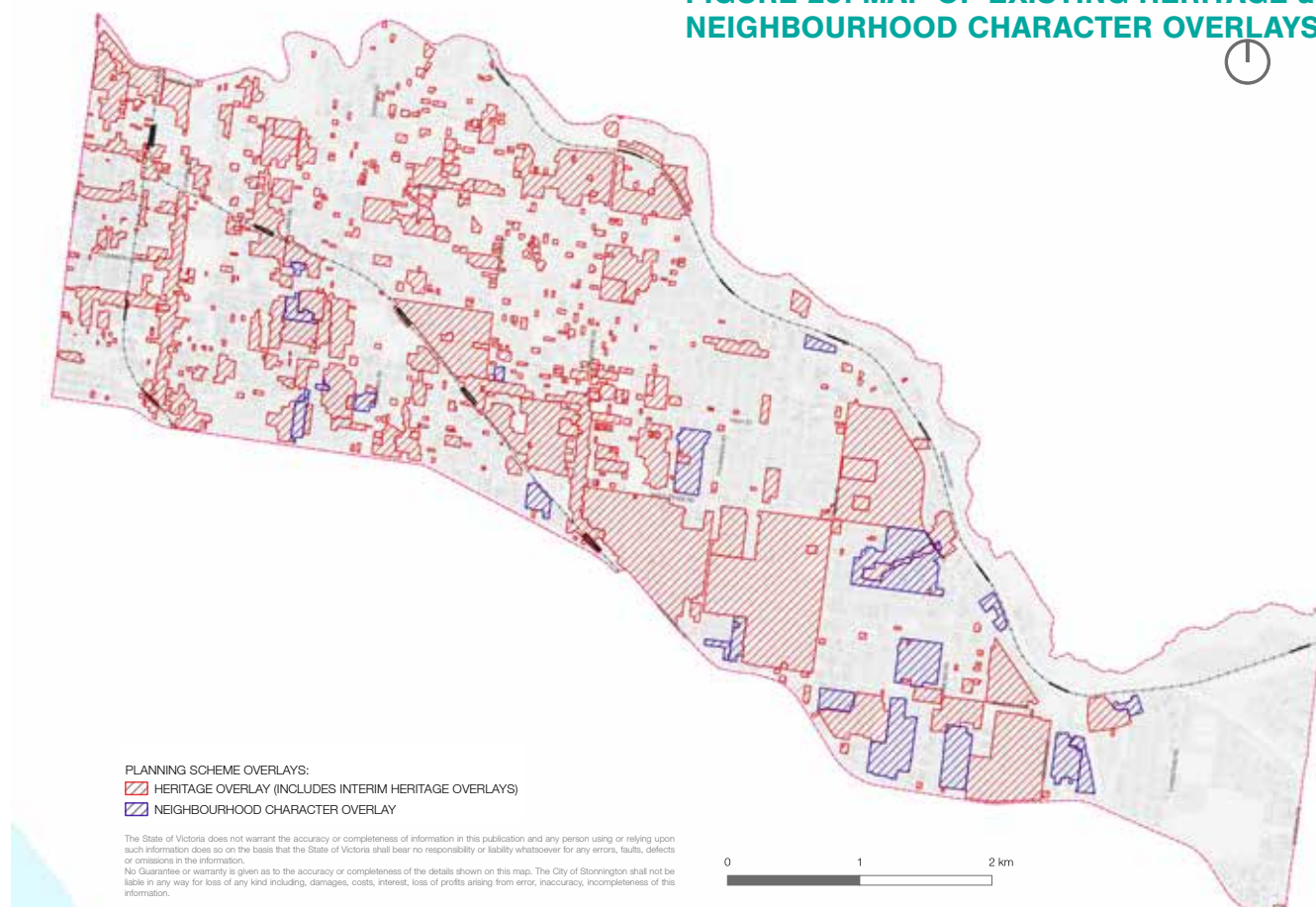
Thirdly, residential subdivision is subject to payment of a Public Open Space Contribution as set out at Clause 53.01 of the Planning Scheme. Funds collected under this provision are used to fund the acquisition and development of new open spaces locally. Council will review the existing contribution levels as part of the considerations of a new Open Space Strategy.

5.3 Protecting heritage places

The municipality includes areas (or precincts) of heritage significance, as well as individual heritage sites which are included in the Heritage Overlay at a local level (refer Figure 22). Stonnington also has 56 individual places that are recognised as having significance to Victoria (managed under the Heritage Act 2017). There are over 9,000 buildings, gardens or other heritage places protected, which represents approximately 25 per cent of the land area.

The protection and management of heritage is an important objective for Council and the local community, and this theme received the highest number of responses to the Review survey.

FIGURE 28: MAP OF EXISTING HERITAGE and NEIGHBOURHOOD CHARACTER OVERLAYS



²²For buildings up to four storeys

²³For buildings five or more storeys

As noted in Section 4.2.3, many submitters to the Review survey discussed heritage and character interchangeably. In pursuing heritage controls, Council must provide strategic justification that a building or place meets the threshold for local heritage significance (using recognised heritage criteria). This goes beyond the age of the building. A challenge for Council, is to balance the protection of heritage places while also allowing the regeneration of, and investment in, the City's streetscapes with new development that respects the neighbourhood character. The latter part of this question is largely one of appropriate and respectful design, which is discussed in Section 5.4.

Since the past Review, Council has progressed a number of Planning Scheme Amendments that seek to protect additional heritage places.

On 3 December 2018, adopted the Heritage Strategy and Action Plan 2018-2029. To implement the Plan, the following key actions were agreed to be undertaken:

- » Updating individual and precinct citations to address the established HERCON criteria and to include a Statement of Significance.
- » Identify and protect places of significance not currently within a Heritage Overlay.

In addition to the work being undertaken through the Stonnington Heritage Review, there is an opportunity to review Clause 22.04 (Heritage Policy) and the Stonnington Heritage Design Guidelines in light of broader changes to heritage policy and practice across Victoria. The update of guidance material regarding heritage was also identified by some respondents to the Review survey.

Work in respect to heritage is progressing as scheduled, and therefore, no additional actions are recommended for post-contact heritage above the current work program.

Recognising and celebrating Aboriginal heritage was identified by some respondents as an important issue and it is agreed that further work is required in this area. In terms of the translation project into the new format Planning Scheme, the following sentence is to be included in the MPS, which recognises our traditional landowners:

Stonnington stands on the Traditional Lands of the Bunurong, Boonwurrung and Wurundjeri Woi Wurrung Peoples of the East Kulin Nations.

The Heritage Strategy and Action Plan 2018-2029 also includes additional actions to be carried out in conjunction with Traditional Owners, heritage partners, Government stakeholders and the community to better recognise and celebrate Aboriginal heritage. This important work should be progressed in the short term.

5.4 Protecting and enhancing neighbourhood character

Stonnington has a distinctive residential neighbourhood character, which is highly valued by the community. A current challenge is to preserve and enhance this character for existing and future residents. A common issue identified by respondents to the Review survey is what is seen as an undermining of character as a result of newer developments.

The question of neighbourhood character is often one which people view subjectively, and this is evident in the survey results (for instance a preference for particular architectural styles). However, an analysis of neighbourhood character identifies specific valued characteristics and criteria in order to achieve development which respects neighbourhood character. This inherently allows for fluidity. Planning Practice Note 43 (Understanding Neighbourhood Character) states:

Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change.

Respecting character requires a detailed review of the pattern of development within the immediate context of a development site. It should provide an objective analysis of the prevailing siting pattern, setbacks, site coverage, height and design detailing. In many Stonnington streets outside of the Heritage Overlay, the prevailing character is a consequence of the pattern of building siting, meaning height and setbacks, and in turn the amount of garden space. In many streets there is often a range of building styles that sit comfortably beside one another. Replica buildings of older styles can be inferior in appearance to innovative, modern forms, even in heritage contexts. It is the quality of new designs (regardless of their style), that is one critical factor in ensuring the continual enhancement of local streetscapes.

Some submitters expressed concern about the design quality of new development, and this highlights a potential opportunity for further work. Often concern over design quality appeared to relate to a building's footprint (thus leaving too little open space for landscaping).

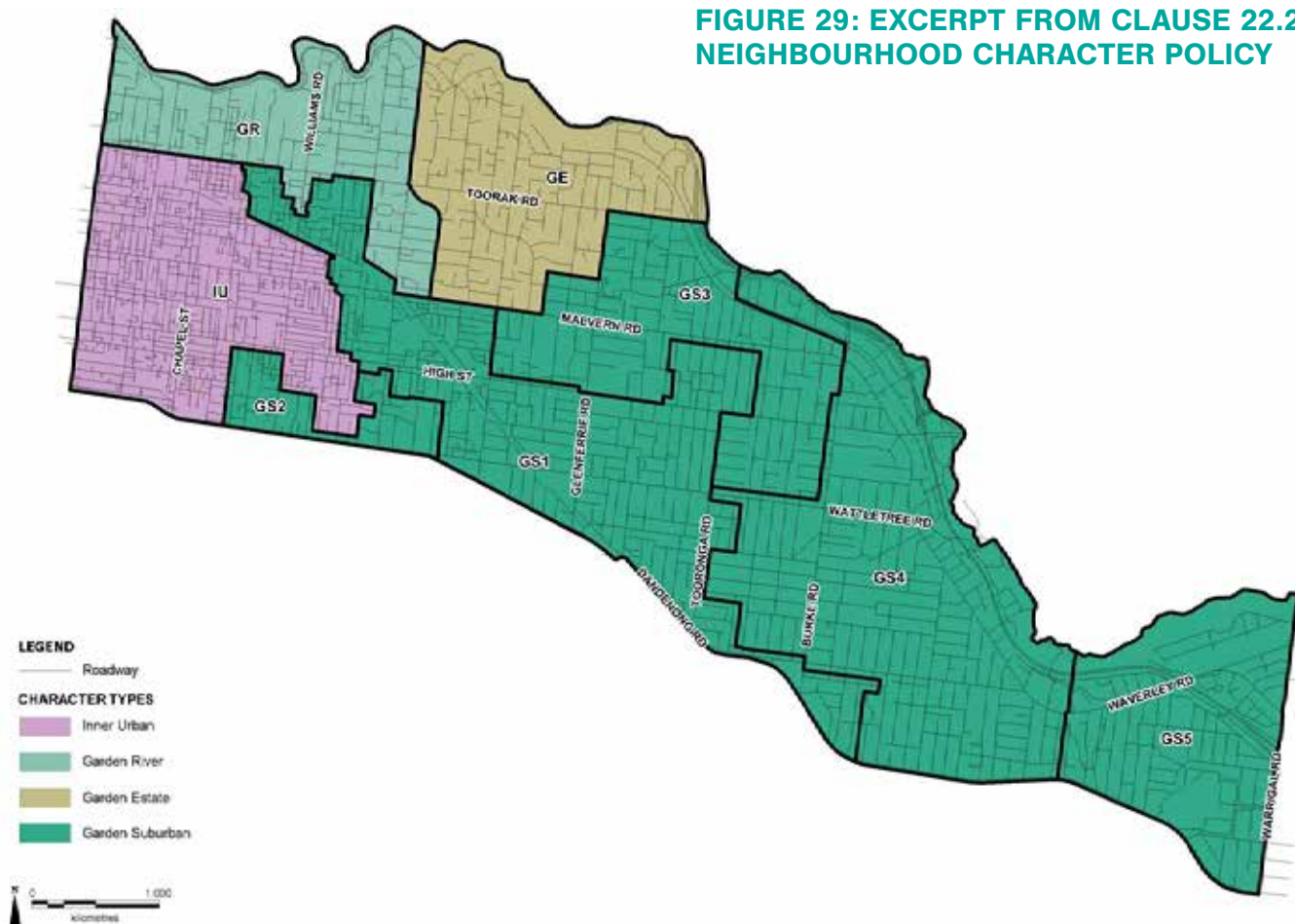
Without adequate space to soften and screen (with landscaping) new buildings, they will always appear as a greater threat to local character (regardless of their quality or style), than they would if they were simply less prominent. This factor is a consequence of the relationship between the size of the site and the footprint of the building. To manage this issue, the schedules to residential zones could be used to clearly articulate the planning outcomes sought (in the form of objectives and variations to Clause 54/55 standards, where permitted).

As noted in previous sections of this report, Council is in the process of reviewing all residential areas as a part of its Housing Strategy. This work aims to identify

built-form elements that are valued by the community and contribute towards enhancing neighbourhood character. This will ultimately feed into more specific controls in zone schedules around heights, setbacks, site coverages, landscaping and open spaces. It may also result in recommending more Neighbourhood Character Overlays, for areas where the character is particularly consistent.

Stonnington's local Neighbourhood Character Policy currently divides the municipality into four categories, with five sub-categories provided under the Garden Suburban character type.

FIGURE 29: EXCERPT FROM CLAUSE 22.23 NEIGHBOURHOOD CHARACTER POLICY



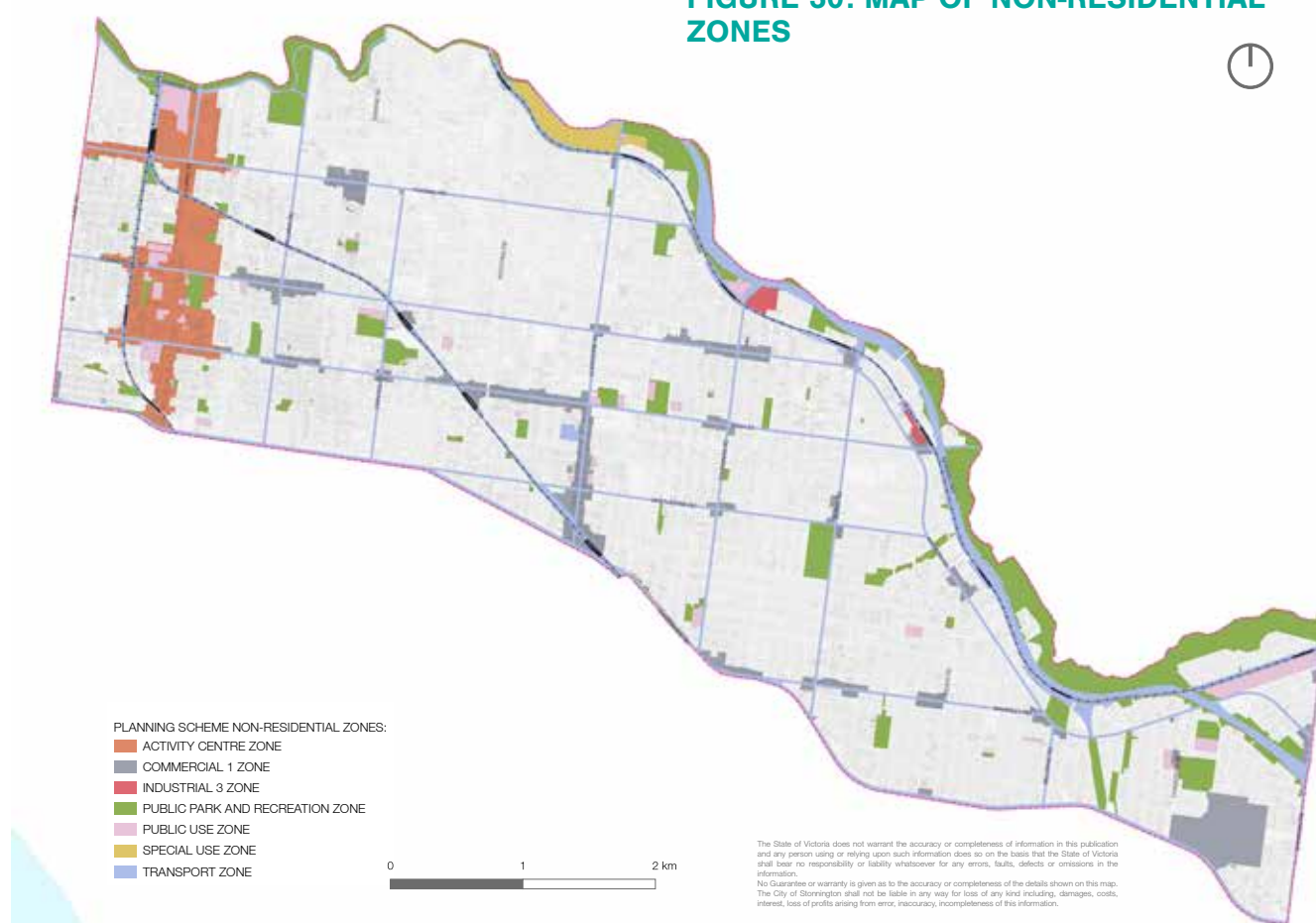
The work underway as part of the Housing Strategy aims to improve neighbourhood character outcomes through the planning scheme framework. On the basis that this project is already underway no additional actions are recommended under this issue, as part of this Review.

5.5 Enhancing our Activity Centres and growing jobs

The City of Stonnington is serviced by a network of activity centres, which fulfill various functions. At the top of the local hierarchy is the Chapel Street Activity Centre and Chadstone Shopping Centre, which along with Toorak Village and High Street / Glenferrie Road are

listed as Major Activity Centres under Plan Melbourne 2017-2050. Sitting below these four centres in the hierarchy are numerous small and large neighbourhood centres, which provide a hub for everyday needs (i.e. 20-minute neighbourhoods). The municipality also has two industrial areas (Paran Place, Glen Iris and Weir Street, Glen Iris), which provide employment and services.

FIGURE 30: MAP OF NON-RESIDENTIAL ZONES



One of the emphasises of the latest Council Plan is enhancing the concept of 20-minute neighbourhoods and Council is well underway in progressing this work. The City's largest activity centres (except Chadstone Shopping Centre) are already subject to controls which guide future growth and development. Specifically:

- » The **Chapel Street Activity Centre** is governed by the Activity Centre Zone – Schedule 1 and the Incorporated Plan Overlay – Schedule 3
- » **Hawksburn Village Activity Centre** is controlled by the Design and Development Overlay – Schedule 21

- » **High Street / Glenferrie Road Activity Centre** is controlled by the Design and Development Overlay – Schedule 19
- » **Toorak Village Activity Centre** is controlled by the Design and Development Overlay – Schedule 9

It is evident from the information provided in Sections 3 and 4 of this report, that while broadly these controls are catering well for use and development, there are some areas where further review would be beneficial, specifically:

» **In Chapel Street Activity Centre:**

- » Work is needed to define and quantify the term 'significant community benefit'.
- » A Masterplan should commence for the Windsor Village 7 Sub-Precinct.
- » Interface Treatment Requirement 5 ought to be reviewed.

» **In the High Street / Glenferrie Road Activity Centre:**

- » Precinct D should be investigated to ensure the zoning (and schedule) is achieving Council's objectives.
- » The interface requirements for buildings in the Residential Growth Zone where there is an interface to dwellings in a Neighbourhood Residential Zone needs to be reviewed.

The Chapel Street Activity Centre is an area which has faced some challenges in recent years due to changes in the economic context and the COVID-19 pandemic. Shop vacancy rates have fluctuated and community feedback

noted that the experience within the streetscape requires improvement. To counteract this decline, Council has commenced work on the Chapel Street Transformation Project. Some of the goals of this project include:

- » Future proof for a growing population
- » Reflect a Connection to Country / First Nations approach
- » Create a safer environment, in particular for cyclists
- » Enhance environmental quality and positive climate impacts
- » Support communal health and wellbeing by promoting active transport
- » Support a diverse and inclusive community
- » Support local businesses
- » Celebrate Chapel Street as a vibrant destination.

This is an important project, since the revival of Chapel Street is a critical local issue by the community and Council.



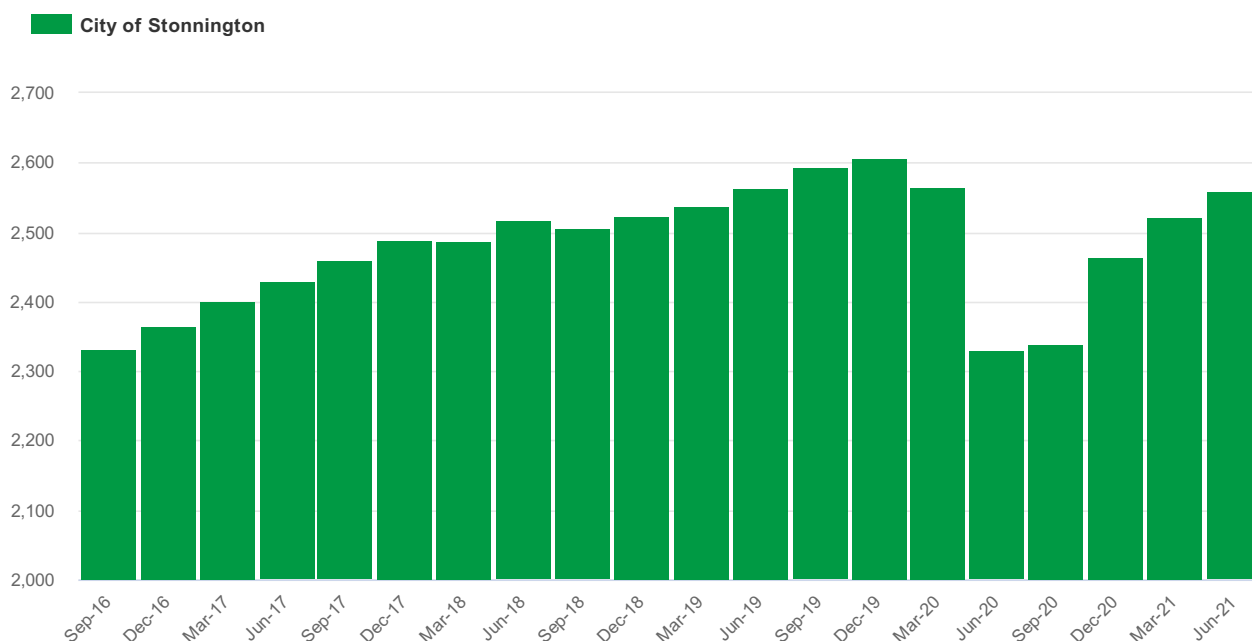
The planning for most of the municipality's remaining Activity Centres will be captured by work carried out as part of the Neighbourhood Activity Centre Framework. This project aims to provide a framework to accommodate potential growth, while also ensuring Centres service the surrounding residential areas and remain successful and commercially viable. Chadstone Shopping Centre could also be encouraged to prepare a masterplan, detailing the long-term aspirations for the Centre.

It is critical in planning for Activity Centres, that businesses are supported. The primary purpose of

commercial areas is for business and while a mix of uses is encouraged (particularly housing), such growth should not come at the expense of the commercial viability of business uses.

The COVID-19 pandemic had a considerable impact on businesses, particularly in Chapel Street, with higher shop vacancy rates than pre-pandemic levels. It is evident that the quarterly gross regional product for Stonnington as a whole significantly declined during 2020, with rates still below what they were prior to the pandemic in December 2019²⁴.

Quarterly Gross Regional Product (\$m)



Source: National Institute of Economic and Industry Research (NIEIR). ©2021 Compiled and presented in economy.id by .id (informed decisions).

.id informed decisions

Council is in the process of updating its Economic Strategy. The current Economic Development Strategy 2017-2021 has expired and will be replaced with a new Place-Led Economic Development Strategy.

The Place Led Economic Development strategy seeks to engage with the specific issues experienced by individual business owners within the major commercial areas of Stonnington and develop Place Plans for these centres. Separately, a municipal wide Economic Opportunities

project is being progressed, to capture all economic drivers in the municipality. Ultimately this work may feed into more specific Economic Development policy in the Planning Scheme.

One current tension in this space concerns the licensed, hospitality sector in Chapel Street, which provides a significant contribution to the gross regional product and to the supply of local jobs. However, it is noted that some licensed premises are creating issues with safety and

²⁴Headlines quarterly changes | Stonnington | economy.id

amenity in the area, and when premises trade only at night, this impacts the daytime activity levels in the street. There are also cumulative impacts associated with co-locating a high concentration of licensed premises in too small an area. It is noted that some survey respondents specifically identified that safety in Chapel Street was an issue, although this cannot wholly be attributed to licensed premises.

At present there are approximately 442 licensed venues in the Chapel Street Activity Centre, and 69 of those have either General or Late Night Liquor Licences. There are also 20 bottle shops and around 182 licensed restaurants / cafes.

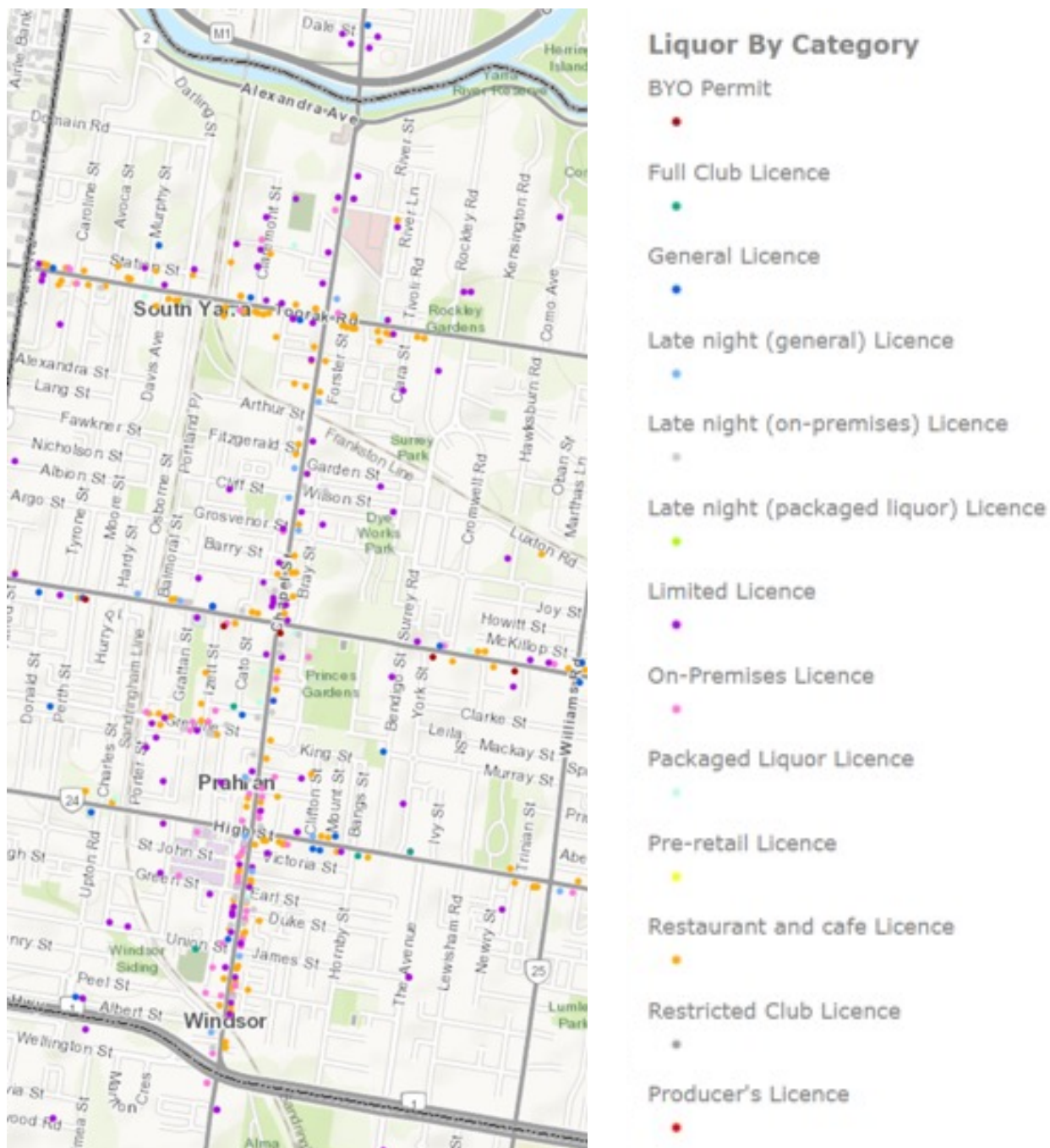


FIGURE 32: MAP SHOWING CURRENT LIQUOR LICENCES OPERATING IN STONNINGTON

IPO3 currently acts to prohibit new hotels, bars and nightclubs in the Chapel Street Activity Centre that have more than 200 patrons or trade beyond 1am. The overlay has been an important tool in preventing new sources of potential harm from being established in Chapel Street and should be retained. As discussed in Section 3 though, Council's refusal or conditioning of permits is regularly overturned by VCAT for licensed premises that are not prohibited, but which are still considered to be problematic. This occurrence suggests that the existing policy framework is not achieving the outcomes Council is seeking. It is recommended therefore that policy regarding licensed premises be retained and strengthened to reflect Council's position on hour of operation. This work should be undertaken alongside other initiatives such as the current joint operation between council and police that seeks to address some of the antisocial behaviours seen outside hotels, bars and nightclubs.

Also relevant to this theme, concern was raised in community feedback around the impact of advertising signage, particularly in commercial settings. The difficulty with managing advertising signs is that in many cases, signs have been in place for decades and moreover, all businesses have a right to adequately identify their premises. Nonetheless, Council's Advertising Policy is thought to be somewhat lacking and in need to review. This issue was raised during internal engagement and forms an action item for this Review.

5.6 Protecting and enhancing the local tree canopy

Large canopy trees play an important role in managing the urban heat island effect, improving air quality and softening the built-up urban fabric. The low supply of open space in Stonnington underscores the importance of having canopy trees across all of Stonnington, as this will affect the future health and liveability of the municipality.

The value of established trees and gardens, and the desire to protect the leafy, local character was a topic which came through in the results of multiple themes during the Review survey. Trees are seen by the community as a critical component of neighbourhood character, and as discussed in Section 5.4, providing

space for trees around development is a crucial factor in achieving high quality and respectful new development. Equally important is vegetation's contribution to the mitigation of several climate change and urban heat island impacts.

Since 2019, Council has been consistently applying monetary tree bonds for vegetation to be retained on development sites, as well as tightened up the enforcement protocols around unlawful tree removal. The Council also has a Local Law in place, which creates a permit requirement to remove a significant tree, defined as a tree or palm:

- » with a trunk circumference of 140 cm or greater measured at 1.4 m above its base
- » with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base
- » with a trunk circumference of 180 cm or greater measured at its base
- » with a total circumference of all its trunks of 180 cm or greater measured at its base.

However, these controls currently sit outside the Planning Scheme and in the case of Tree Bonds, can be challenged at VCAT. To strengthen Council's policy around vegetation it is recommended that Vegetation Protection Overlays be investigated, which may also assist to provide the outcomes Council is seeking in terms of residential character.

There are four different overlays in the VPPs which may be suitable for different areas of the municipality:

- » Environmental Significance Overlay

Where there are environmental constraints on development or other important ecological values are identified, such as in coastal or riparian habitat, the use of an ESO may be appropriate.

- » Vegetation Protection Overlay

The VPO is specifically designed to protect significant native and exotic vegetation in an urban or rural environment. It can be applied to individual trees, stands of trees or areas of significant vegetation.

- » Significant Landscape Overlay

The SLO also has broader applicability than the VPO. Its function is to identify and conserve the character of a significant landscape. The SLO is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area.

» Heritage Overlay²⁵

The purpose of the Heritage Overlay include conserving and enhancing places of natural and cultural significance and ensuring that development does not adversely affect the significance of heritage places. As well as buildings and structures, a heritage place can include a tree, garden, park, reserve or significant landscape. The tree controls could apply to the whole of a heritage place (for example, a park, reserve or garden) or a tree or group of trees could be specifically nominated as a heritage place (such as a landmark or specimen tree or an Avenue of Honour).

Tree protection, and more broadly vegetation management, is also critical in reducing temperatures. As the number of developments in the municipality increases, vegetation cover is reduced and land surface temperature increase. This was investigated and mapped as part of Council's Urban Forest Strategy 2017-2022

(refer Figure 27), and identified the lowest vegetation cover and the highest land temperatures in the larger, local activity centres (Chapel Street, Chadstone Shopping Centre and the High Street / Glenferrie Road Activity Centre).

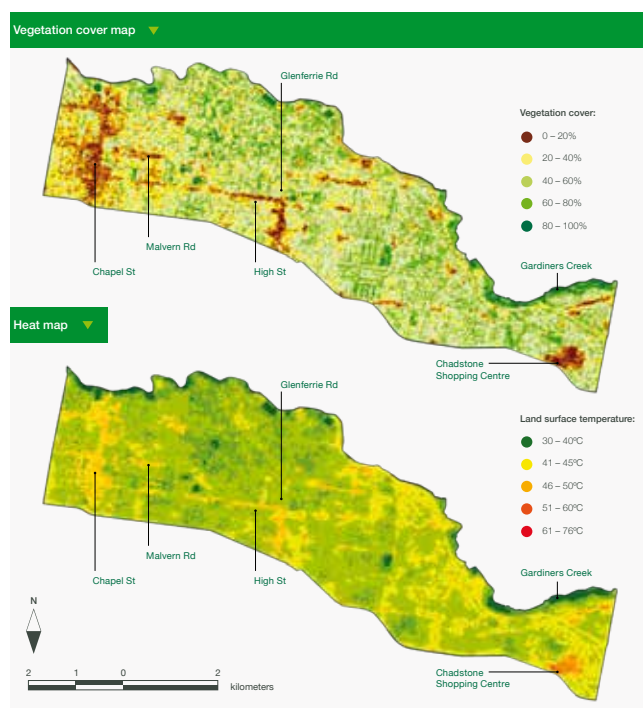


FIGURE 33: EXCERPT FROM URBAN FORREST STRATEGY 2017-2022



²⁵As part of the existing Heritage Review Council is investigating tree controls

5.7 Protecting the natural environment and responding to the climate emergency

Mitigating the impacts of climate change is an important consideration for the local community and Council. Under the theme of environment, sustainability and climate, the most common comment made by respondents to the Review survey concerned waste management with respondents seeking improved information and services. In this respect, work is underway on an updated waste strategy (Towards a Circular Economy: Our Future Waste Strategy), a three-year plan to guide Council towards more eco-friendly ways of waste disposal, which reduce impacts on the environment. This project may result in different waste management processes

in new developments. Larger projects (including multi-dwellings in residential areas) are required to supply a Waste Management Plan in association with a proposal, meaning Council currently influences the type of waste streams which need to be provided for, as well as the means of collection with a view to minimising the impacts on the surrounding area.

In February 2020 Council declared a climate emergency and adopted Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024 (the Action Plan). Council's goal is to reduce emissions to zero by 2030 and ensure the city thrives in a changing climate, by improving the local environment, economy and the health and wellbeing of the community. The Action Plan included the following three priorities:

Priority 1 – Zero carbon Stonnington

- » Transition Council facilities from gas to renewable energy
- » Accelerate the transition of Council's fleet to electric
- » Develop a Zero Waste and Circular Economy Strategy
- » Avoid single use plastics
- » Expand food waste recycling
- » Facilitate a local circular economy
- » Support Stonnington households and businesses to reduce energy use and transition to renewable energy
- » Develop a walkable city
- » Develop a cycle-smart city
- » Support the community to reduce private car use
- » Support zero carbon developments

Priority 2 – Thriving in a changing climate

- » Increase canopy cover and grow the urban forest
- » Ensure water sensitive urban design
- » Develop an integrated water management plan
- » Reduce reliance on drinking water supplies for irrigation and increase alternative water use
- » Protect and enhance biodiversity
- » Ensure Council's facilities and infrastructure are futureproofed.
- » Update emergency management procedures
- » Educate and prepare the community on climate risks
- » Facilitate and support local climate action
- » Support local food production

FIGURE 34: EXCERPT FROM TOWARDS ZERO CARBON 2030: OUR CLIMATE EMERGENCY ACTION PLAN 2021-2024

Following on from this work, Council has commenced a Climate Vulnerability Report, which will seek to moderate the impacts of development (including on flooding and vegetation) within the area's most vulnerable areas (also refer discussion in Section 5.6).

Separately, Stonnington is seeking to enhance how the Planning Scheme addresses sustainable development. It has partnered with 24 other councils and CASBE (Council Alliance for a Sustainable Built Environment) to prepare a Planning Scheme Amendment, which is now with the Minister for Planning awaiting authorisation.

The amendment seeks to:

- » elevate the current ESD targets in the Planning Scheme applying to new development
- » require developments have zero net emissions
- » require new buildings to meet more stringent sustainability requirements

If approved, this policy will help to ensure new development reduces impacts on the environment and contributes to reducing emissions across the municipality.

Consideration of climate change, biodiversity and sustainability is to be embedded in all future work.

5.8 Improving movement networks

Transport and land use planning are intrinsically connected, and over the past four years, the State government has implemented Amendment VC204, which

has provided greater clarity on the interaction between the transport system, land uses and development.

The municipality has good access to public transport, with almost all areas being within 400m of the Principal Public Transport Network (PPTN).

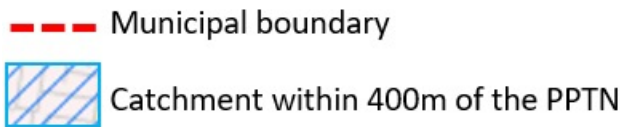
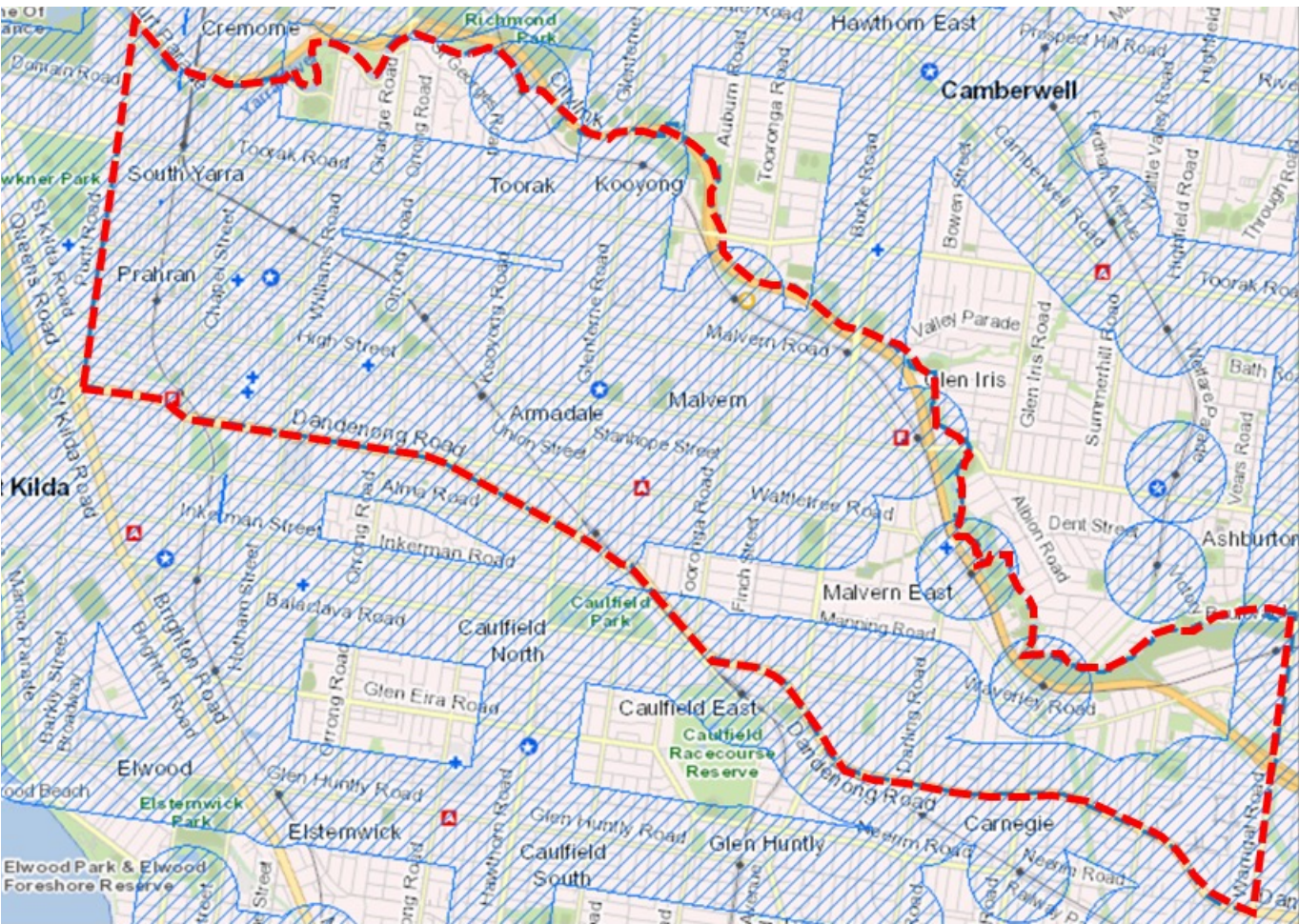
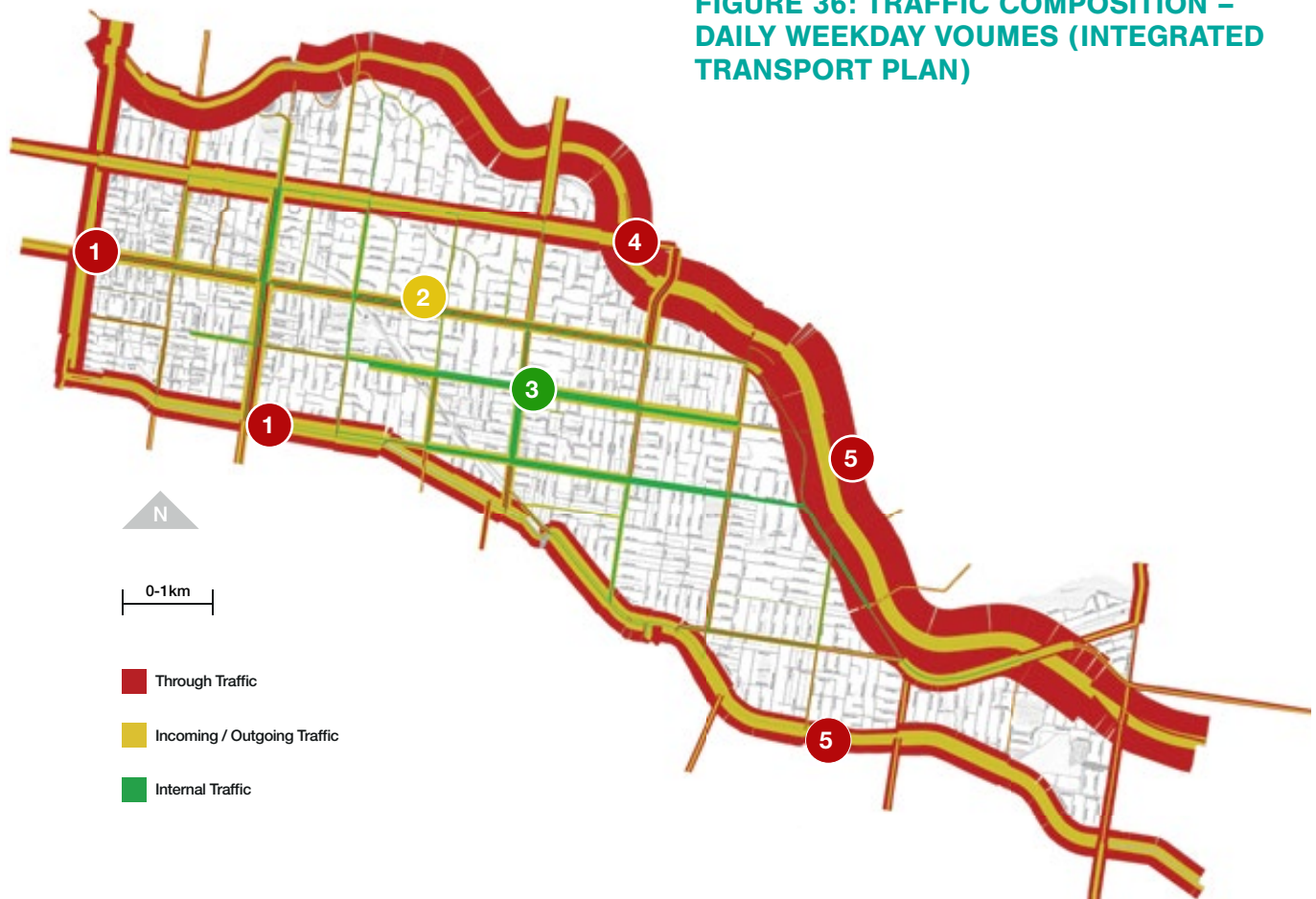


FIGURE 35: MAP OF AREAS WITHIN 400M OF PPTN

The municipality also features an arterial road network in a regular grid pattern, which is subject to heavy traffic flows, including from through traffic.

FIGURE 36: TRAFFIC COMPOSITION – DAILY WEEKDAY VOLUMES (INTEGRATED TRANSPORT PLAN)



Since the 2018 Planning Scheme Review, Stonnington has completed a series of work on the local transport network, most pertinently, the Integrated Transport Plan (January 2020). The Key Transport Challenges identified in the Plan are:

- » Managing growth
- » Creating space for people walking
- » Getting more people riding bikes
- » Improving accessibility and attractiveness of public transport
- » Network capacity and congestion
- » Technological change.

Land use planning has an important role to play in achieving an efficient and sustainable transport network, by locating areas intended for growth close to services and in reducing car dependence, resulting in a range of benefits for the environment, health and well-being, the public realm and network capacity. There are several ways Council can respond to these objectives.

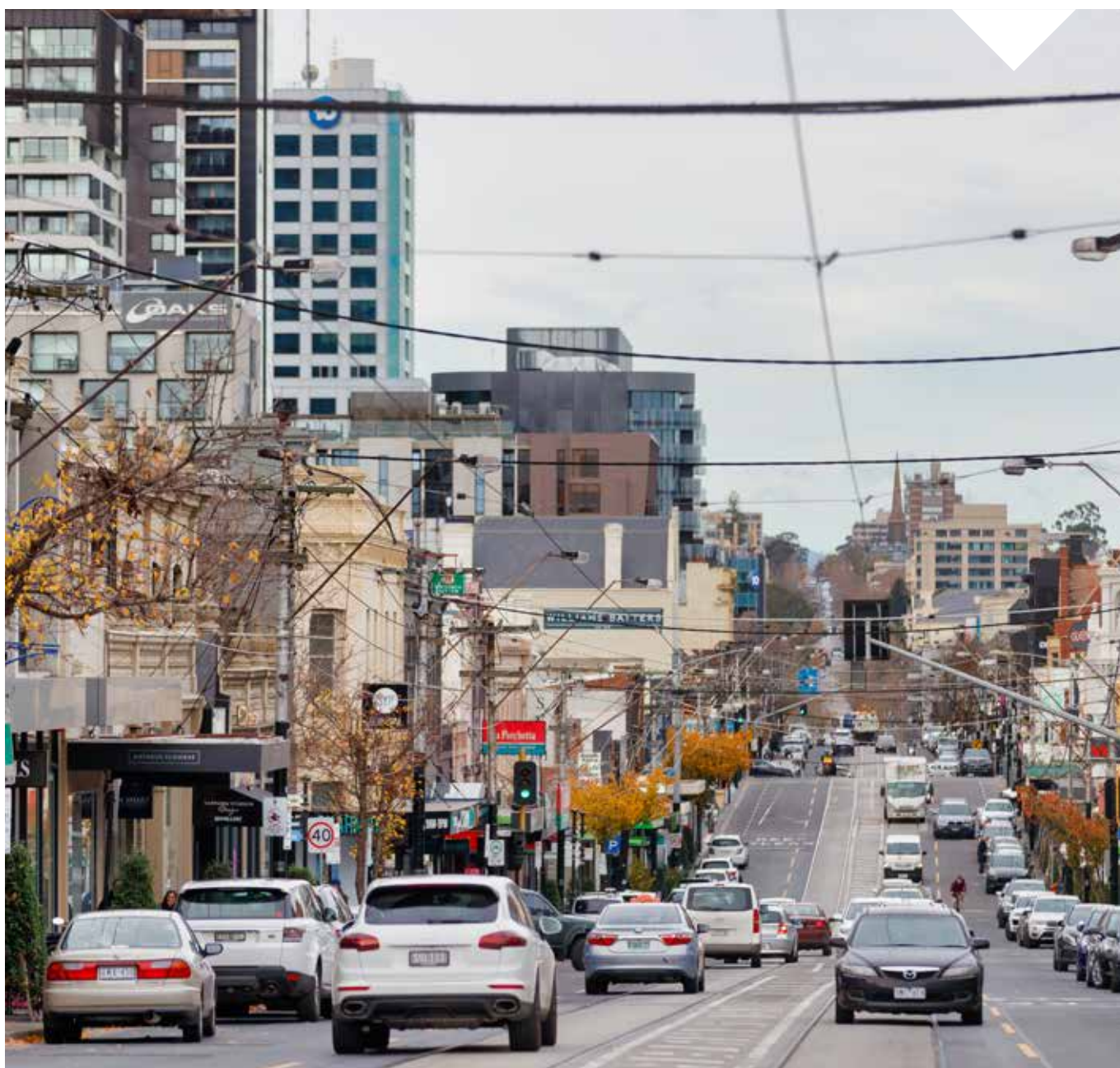
Policy can influence transport patterns by identifying appropriate locations for development through the application of zones and overlays, principally allowing higher densities in and around activity centres and along main roads.

There are benefits from shifting trips from private vehicle to other modes particularly in areas well serviced by alternative means of transport. The design of new buildings is also often improved where there is no need to provide vehicular access and storage, or where this is minimised. In and around many activity centres particularly, many sites are constrained in width, meaning a driveway takes up considerable frontage and negatively impacts the public realm. The current policy framework does not allow Council to refuse permission for private vehicular accommodation, or to obligate a parking supply at lower rates than those set out at Clause 52.06 (Car Parking).

A recommended action from this Review is to investigate the impact of projected development on the road network, (particularly in activity centre locations where the most intensive development will take place). Council

could further investigate the degree to which the existing road network can accommodate the anticipated additional vehicle generation in the High Street / Glenferrie Road Activity Centre. The same exercise is required in Chapel Street and potentially other activity centres. An important factor in reducing car dependence is in ensuring high quality, accessible public transport is available. The State Government is responsible for this rather than Council, however as a member of the Metropolitan Transport Forum, Council should continue to advocate for improved public transport services and facilities. Council also engages regularly with the Department of Transport in respect to transport planning.

In addition to public transport upgrades, a high quality network of connections for people walking and riding bikes is also crucial to reducing private car dependency. Council will continue to consider this as part of future network and public realm planning. Related planning policy plays a key role in supporting the reduction of private car dependency by facilitating the provision of safe and convenient bicycle parking (including for electric bicycles), end of trip facilities and car-share, and by investigating opportunities to reduce off-street car parking rates in development. It is noted that support for sustainable transport was noted in community feedback as a priority.



6. CONCLUSION

This review has found that the Stonnington Planning Scheme generally reflects Council's objectives regarding future planning of the municipality and projects that are currently underway will further improve the operation of the Stonnington Planning Scheme so that it better meets the objectives of Council and the community and achieves greater alignment with State planning policy.

This Review has focused on policy provisions which are outside the scope of existing projects and identified a series of Actions (in Section 7) which would benefit the municipality as it continues to evolve and grow, as well as continue to recover from the COVID-19 pandemic. These Actions have been designated as short, medium or long term priorities and should be considered in resource and project planning across Council.





7. RECOMMENDED ACTIONS

A number of actions are recommended by this Review, some of which are already underway. A short-term timeframe refers to actions expected to commence in 2023; medium term 2024-2025; and long term 2026.

Rec. No.	Recommendation	Timeframe	Link to current Plan/Strategy/Project
Housing / built environment			
A1	<p>Continue to progress the Housing Strategy and associated review of neighbourhood character to deliver a more targeted approach to housing growth and change and to help protect the valued characteristic of Stonnington's residential neighbourhoods.</p> <p>This will include an investigation of the interface requirements for buildings in the Residential Growth Zone where there is an interface to dwellings in a Neighbourhood Residential Zone.</p>	Ongoing	State Planning Practice Notes 90 and 91; Council Plan Direction 1, Priorities 1.3.2, 1.3.4 and 1.3.5
A2	Progress work on the Affordable Housing policy to articulate Council's position, identify opportunities for provision of affordable housing, as well as identify specific and appropriate locations for this type of housing supply.	Short to Medium Term	Council Plan Direction 2, Priority 2.1.4
A3	Review and update of the local urban design policy (Clause 15.01-1L following the PPF translation).	Short to Medium Term	Council Plan Direction 1, Priority 1.3.4
A4	Investigate ways to promote design quality in all development and encourage design excellence.	Short to Medium Term	Council Plan Direction 1, Priority 1.3.4
Heritage			
B1	<p>Progress the Stonnington Heritage Review:</p> <p>Finalise Part 3 (Prahran and Windsor) and undertake Part 4 and Part 5.</p> <p>Progress associated planning scheme amendments to implement the findings of the Reviews.</p>	Ongoing	Council Plan Direction 1, Priority 1.3.2; Heritage Strategy and Action Plan 2018-2029
B2	Partner with local Indigenous organisations to better recognise and celebrate local Indigenous heritage.	Medium	Council Plan Directions 1 and 2, Priorities 1.3.2 and 2.2.2; Heritage Strategy and Action Plan 2018-2029
B3	Review Clause 22.04 (Heritage Policy) and the Heritage Design Guidelines.	Short / Medium Term	Council Plan Direction 1, Priority 1.3.2; Heritage Strategy and Action Plan 2018-2029

Activity Centres/Economy

C1	Continue work on the Chapel Street Transformation Project	Medium Term	Council Plan Directions 1, 2 and 3 (multiple priorities)
C2	Progress the Neighbourhood Activity Centres Framework and implement built form controls through appropriate mechanisms in the Planning Scheme.	Medium Term	Council Plan Directions 1, 2 and 3 (multiple priorities)
C3	Provide guidance on specifying and measuring significant community benefit.	Short to Medium Term	Council Plan Direction 1 and 2
C4	Investigate master planning for the Windsor Village 7 area of the Chapel Street Activity Centre, as included in ACZ1.	Medium Term	Council Plan Direction 1, Priority 1.1.3
C5	Review Interface Treatment Requirement 5 and consider whether appropriate outcomes are being achieved at the interface of the ACZ1 and residential zones.	Medium Term	Council Plan Direction 1, Priority 1.1.3
C6	Investigate built form outcomes within Precinct D of DDO19 to determine whether the zoning and schedule are achieving Council's objectives.	Medium Term	Council Plan Direction 1, Priority 1.3.1
C7	Review controls and guidance for the Paran Place Industrial area.	Short to Medium Term	Council Plan Direction 1, Priority 1.3.1

Open Space

D1	Commence the Open Space Strategy, including community consultation. Consider the need for a new local policy (or similar) to manage the interface between new development and existing and proposed Public Open Space; and Consider if the open space contribution rates need to be reviewed to support the implementation of the Open Space Strategy.	Short to Medium Term	Council Plan Direction 2, Priorities 2.3.1 and 2.3.3; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024
D2	Continue to implement <i>Strategies for Creating Open Space (2013)</i> including the acquisition of strategic sites.	Ongoing	Council Plan Direction 2, Priority 2.3.2; <i>Strategies for Creating Open Space (2013)</i> ; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024

Environment and amenity

E1	<p>Continue to advocate to the State Government:</p> <p>to mandate zero emissions buildings through the Planning Scheme</p> <p>that the Council's joint ESD Amendments should be adopted as part of Victorian Government ESD planning reforms</p>	Ongoing	Council Plan Direction 2, Priority 2.4.1; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024
E2	<p>Until Amendment C325 is gazetted, consider imbedding elevated ESD targets when undertaking strategic work such as drafting DDO controls.</p>	Short to Medium Term	Council Plan Direction 2, Priority 2.4.1; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024
E3	<p>Investigate planning controls, which may provide an additional layer of control upon the removal and replacement of vegetation, with a view to protecting habitat, biodiversity and canopy tree coverage.</p>	Medium term	Council Plan Direction 2, Priority 2.4.3; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024
E4	<p>Continue work on an updated Climate Vulnerability /Urban Forest Strategy, including:</p> <p>Updating Vegetation Coverage and Heat Maps to understand the impact of development over the past five years</p> <p>Preparing a preferred planting list for areas under most development pressure.</p>	Medium Term	Council Plan Direction 2, Priorities 2.4.2 2.4.3; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024
E5	<p>Continue to progress updated flood mapping in collaboration with Melbourne Water.</p>	Short Term	Council Plan Direction 2, Priority 2.4.5
E6	<p>Review Council's Advertising Signs local policy, including consideration of additional guidance for electronic billboard signs.</p>	Long Term	Council Plan Direction 1, Priority 1.3.1
E7	<p>Review the performance of existing policy within the Chapel Street Activity Centre with a view to modifying and/or strengthening policy (for example in relation to liquor licensing) to ensure Council's intended outcomes are being achieved.</p>	Short to Medium Term	Council Plan Directions 1 and 2, Priorities 1.3.1, 2.2.1, and 2.2.4

Community infrastructure /institutional uses

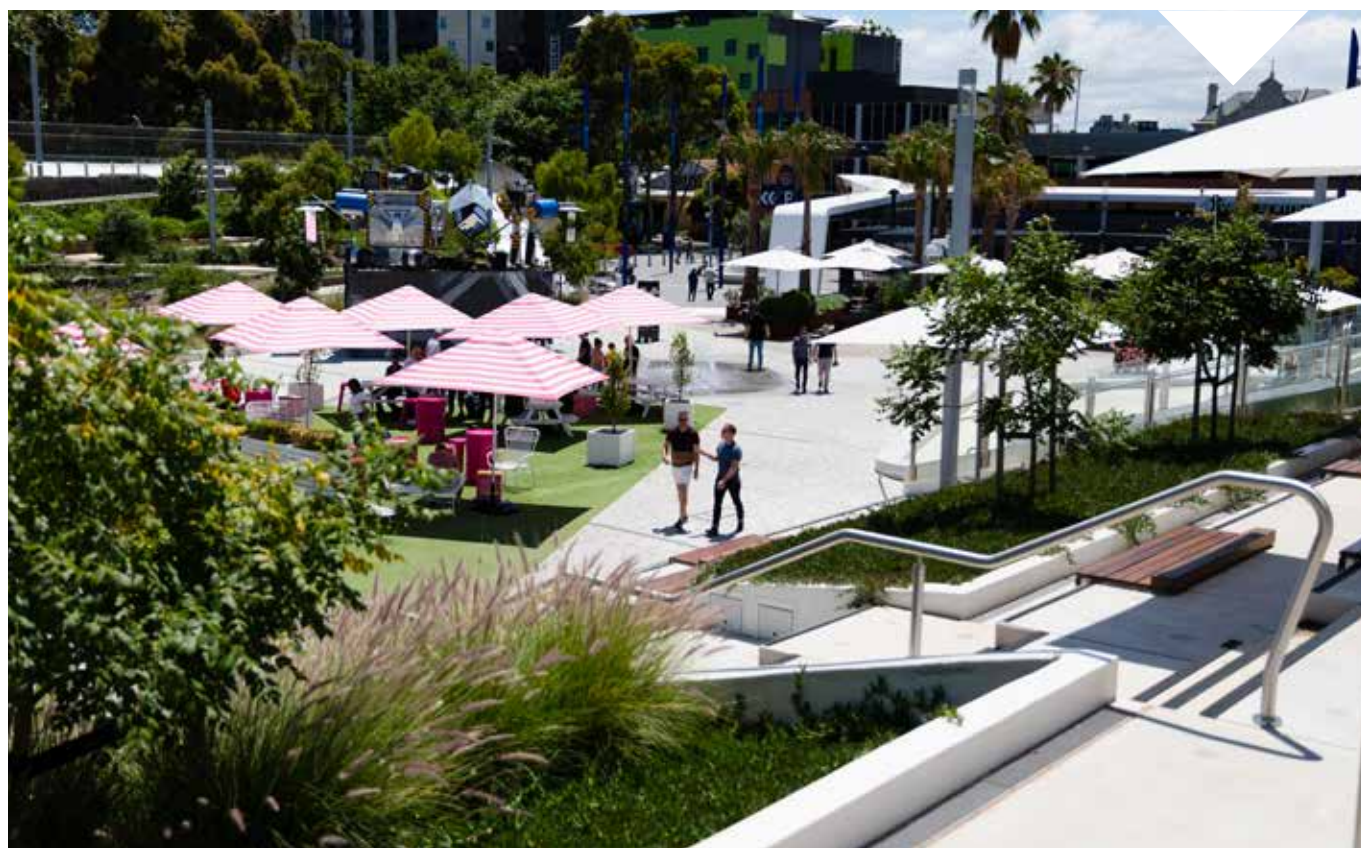
F1	Continue to progress the Community Infrastructure Plan to ensure community facilities keep pace with rising population.	Medium Term	Council Plan Direction 2, Priorities 2.1.2, 2.1.6, 2.2.4 and 2.2.5
F2	Investigate the performance of the Incorporated Plan Overlay Schedule 1 and consider whether an alternative tool can be used for institutional uses.	Medium Term	Council Plan Direction 1, Priorities 1.3.4 and 1.3.5

Transport and movement

G1	Investigate the impact of projected development on the road network, particularly in and around Activity Centres and consider the option of Parking Overlays (particularly for the Chapel Street Activity Centre and the High Street/Glenferrie Road Activity Centre).	Medium Term	Council Plan Direction 1, Priorities 1.3.4 and 1.3.5; 1.4.4 and 1.4.5 Transport Strategy 2020 Actions W12; C9; E14
G2	Continue to work with the Department of Transport on main road corridor plans to address issues related to traffic congestion, inclusion and improvement of safer corridors for people riding bikes, pedestrian crossings, improved tram priority, and level-crossing removal projects. –	Ongoing	Council Plan Direction 1, Priorities 1.4.2, 1.4.3, 1.4.4 and 1.4.5; Transport Strategy 2020 Actions W10; C1; C2; C3; C4; C5; C6; E1; E2; E10; E11; A1; A2; A8; A9; A10; E12; Walking Action Plan; Cycling Action Plan
G3	Advocate for and facilitate improved public transport network coverage and service frequency and reliability, and enhanced accessibility particularly at tram stops and train stations	<u>Ongoing</u>	Council Plan Direction 1, Priorities 1.4.1, 1.4.3 and 1.4.4; Transport Strategy 2020 Actions W10; C1; C2; C3; E1; E2; E10; A1; A7; A8; A9; A10
G4	Improve access for people walking and riding bikes in private development.	<u>Ongoing</u>	Council Plan Direction 1, Priorities 1.4.1, 1.4.3 and 1.4.4; Transport Strategy 2020 Actions W1, W3, W4, W5; C1; C2; C3; C4; C5; C6; E1; E2; E10; E11; A1; A2; A8; A9; A10; E12; Walking Action Plan; Cycling Action Plan

Planning Scheme Admin and Performance

H1	Adopt the Review, required pursuant to section 12B(1) of the <i>Planning and Environment Act 1987</i> .	Short Term	Council Plan Direction 3, Priority 3.4.5
H2	Forward the report to the Minister for Planning as required by section 12B(5) of the <i>Planning and Environment Act 1987</i> .	Short Term	Council Plan Direction 3, Priority 3.4.5
H3	<p>Following approval of Amendment C312ston, review and update the Municipal Planning Strategy as a whole. Consider:</p> <p>Updating demographic information</p> <p>Updating references to Future Stonnington and the Council Plan 2021-2025</p> <p>Referencing a local Aboriginal Strategic Statement</p> <p>Strengthening the commitment to mitigate Council's contribution to climate change in line with <i>Towards Carbon 2030: Our Climate Emergency Action Plan 2021-2024</i></p>	Medium Term	Council Plan Direction 3, Priority 3.4.2; Towards Zero Carbon 2030: Our Climate Emergency Action Plan 2021-2024
H4	Review the list of Background Documents and consider if they are still relevant.	Medium Term	Council Plan Direction 3, Priority 3.4.2



Glossary

Term	Abbreviation
2022 Planning Scheme Review	The Review
2022 Planning Scheme Review Report	The Report
Activity Centre Zone	ACZ
Department of Environment, Land, Water and Planning	DELWP
Design and Development Overlay	DDO
Development Contributions Plan Overlay	DCPO
Environmental Audit Overlay	EAO
Environmentally Sustainable Development	ESD
General Residential Zone	GRZ
Heritage Overlay	HO
Incorporated Plan Overlay – Schedule	IPO1
Incorporated Plan Overlay – Schedule 3	IPO3
Independent Planning Panel Victoria	PPV
Inner Melbourne Action Plan	IMAP
Local Planning Policy Framework	LPPF
Neighbourhood Character Overlay	NCO
Neighbourhood Residential Zone	NRZ
Planning and Environment Act 1987	The Act
Planning Panels Victoria	PPV
Planning Policy Framework	PPF
Planning Practice Note 32 – Review of Planning Schemes	PPN32
Planning Practice Note 90 – Planning for Housing	PPN90
Planning Practice Note 91 – Using the Residential Zones	PPN91
Principal Public Transport Network	PPTN
Residential Growth Zone	RGZ
City of Stonnington	Council
Stonnington Planning Scheme	The Planning Scheme
Stonnington Planning Scheme Review Report (May 2018)	The 2018 Review
Victoria Planning Provisions	VPP
Victorian Civil and Administrative Appeals Tribunal	VCAT

Appendix 1.1

VCAT Decisions ACZ1 (Chapel Street Activity Centre)

1042/16	10-16 Cecil Place Prahran ²⁶	Permit
Proposal:	Demolish the existing buildings and construct a 12-storey mixed use development, comprising a mix of retail (food and drink, retail and shop at ground floor level), office at first floor level and dwellings from Level 1 to 11.	

The Tribunal found that it is not necessary to provide 'significant community benefit' in order to exceed the discretionary height control. It also found that the benefit must be more than what is reasonably required to be provided under the Planning Scheme to be significant.

In relation to height, the Tribunal stated: 'What is proposed must ultimately be site responsive with preferred maximum heights identified in the planning scheme in order to provide guidance and an expectation of the built form outcome sought'. It determined that two levels be removed (allowing a 10-storey building).

The difference in shadowing of the proposed, adjoining open space between an 8 storey and 10 storey building was found to be minor and acceptable.

The VCAT Amended Plans resolved matters of internal amenity to the Tribunal's satisfaction.

Traffic flows would fall within the maximum capacities specified by Clause 56.06-8 and on this basis were found to be acceptable.

The Tribunal found that Council's concerns regarding flooding and wind could be resolved by permit conditions.

1013/16	121-123 Commercial Road, South Yarra	Permit
Proposal:	An eight-storey mixed use building incorporating a structural deck over the railway corridor and with basement car parking in the privately owned land.	

The Tribunal relied upon the decision in Bensen (10-16 Cecil Street – see above) that 'significant community benefit' was not a precursor to allowing an increase in height. Nonetheless, it also determined that the proposal achieves significant community benefit by way of: creation of a continuous streetscape across the rail corridor, provision of a shared user path and by making effective use of under utilised public land within an Activity Centre.

Despite this, the Tribunal required deletion of two storeys in order for the building to satisfactorily fit the physical and policy context of the site. The Tribunal comments about the distinction between requirements and guidelines, stating: '... failing to apply a guideline is not, of itself, a ground to refuse permission'.

The Tribunal did not agree that the purpose of the 5-storey preferred height in this location was a response to the residential neighbourhood to the north, given ACZ1 has an eight-storey preferred height directly opposite (with a relationship to residential). The Tribunal also accepted the bike path's location adjoining Balmoral Street - rather than on the west of the rail as per ACZ1.

There was a discussion regarding traffic impacts on Osborne Street, where access was provided. The Tribunal found some on street queuing is acceptable.

Regarding equitable development, the Tribunal found that preserving equitable development to a height above the discretionary height limit at the adjacent site is speculative and warrants less weight.

²⁶ This decision was issued in 2017, but is included here since it is relevant to the question of 'significant community benefit'

1308/18	1-7 Eastbourne Street, Windsor VIC 3181	Refusal
Proposal:	Construction of a mixed-use development within an Activity Centre Zone, use of the site for offices and retail, and a reduction in the standard car parking requirements	

The key issues identified by the Tribunal were the street wall height and the overall building height, both which exceed provisions within the ACZ1. In relation to the street wall height, the Tribunal found there was an unacceptable and overwhelming relationship to the low scale character of dwellings to the east. The Tribunal issued an Interim Decision calling for 'further information plans' showing a reduced street wall height. These plans were found to emphasise the upper-level bulk. The scale of the building was also found to be excessive, specifically a combination of the height, length and materiality of the upper levels.

In terms of significant community benefit, the Tribunal found that there are benefits to commercial land uses in activity centers, and that in principle, there may be a need for incentives to encourage office development. The benefit was not sufficient on its own however, to justify the additional height in this case, since the ACZ1 also requires that a building achieve the objectives, requirements and guidelines in relation to visual impact and overshadowing, which the proposal did not.

1244/18	196-206 High Street, Windsor VIC 3181²⁷	Refusal
Proposal:	Construction of a mixed-use development comprising food and drink premises (other than Hotel, Convenience restaurant and Bar) and a shop (other than adult sex product shop, Bottle shop and Restricted retail premises) and offices (permit required) in an Activity Centre Zone with associated reduction in the car parking requirements and alteration of access to a road in a Road Zone Category 1	

Council refused an application for an eight-storey office building under delegation on grounds relating to: excessive scale and height, impacts on High Street, ESD issues and traffic impacts on Victoria Street.

At VCAT, plans were amended to delete a storey from the building. However, Council officers continued to oppose the proposal. VCAT agreed with Council that the proposal was trying to achieve too much for the site and was not appropriate in its policy and built form context. Based on this, VCAT affirmed Council's refusal.

²⁷ Subsequent to this Refusal, the permit applicant sought intervention from the Minister for Planning and gained approval of a six-storey office building at the site.

0578/15	671 Chapel Street, South Yarra VIC 3141	Refusal
Proposal:	Use and development of the land for dwellings, offices (including maternal and child health centre), shops (as of right use) and food and drink premises (as of right use), building and works in an Activity Centre Zone, with associated reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1	

The key issue at the hearing was the impact of the building upon the significant Melbourne High School building. Notably ACZ1 includes a key view line from where this significant building is best appreciated. The Tribunal found that from this view line, the building 'looms over, and indeed overwhelms the MHS building' and may blend into Vogue and Royal Como to 'form a mass of built form at the southern end of the MHS building, distracting from it'. Essentially the failing of the building was that it was 'too tall, too broad and too close to the building with MHS'.

The presentation of the building to Chapel Street was found to be acceptable.

The Tribunal made a legal determination about whether discretion to allow a building above the height requirement obligates the achievement of each precondition set out in the Height and Massing Guidelines (including providing significant community benefit). NOTE: these pre-conditions are now Requirements. It concurs with Benson that it was not essential to achieve the pre-conditions to exceed the height limit (i.e. there was no constraint upon the exercise of discretion). It notes however that it is relevant to have regard to the Guidelines in coming to a view about the appropriateness of any height exceedance. It further noted that even in the case the pre-conditions were met, this did not mean that the additional height must be allowed. In relocating these Guidelines to Requirements, the Tribunal inferred from the AmC276 Panel Report that this would still not introduce mandatory considerations in the discretion to exceed a building height control.

The proposal included a maternal and child health centre. To determine the meaning of significant community benefit, the Tribunal referred to the Macquarie Dictionary. From this definition, the Tribunal found that 'significant' need not be 'large' or substantial', rather just 'important or of consequence'. The Tribunal agreed that the MCHC did provide a significant community benefit in this case, given the context and demonstrated need for this service locally.



0468/17	24-26 and 28 Chapel Street, Windsor VIC 3181	Refusal
Proposal:	Use and development of the land for a mixed-use building (20 storeys) comprising dwellings, an office, a food and drink premises in an Activity Centre Zone, Public Use Zone and HO; demolition in a HO; vary the design and development requirements in Schedule 1 of the Activity Centre Zone; reduction in the statutory car parking requirement; and a waiver of the loading bay requirements.	

The Tribunal found that the reference in the ACZ to a masterplan for WV7, is discretionary and a permit could be granted prior to a masterplan being prepared. It also suggested that Council is best placed to advance the masterplan process.

Despite the site being located in the ACZ and PUZ, it was agreed that the ACZ was a significant planning consideration in relation to an assessment of the whole of the project, not just the development within the ACZ.

The proposal was represented as 'exemplar' by the permit applicant, and while the Tribunal noted its design quality it found: *...we find that we can give some weight to the design quality of the proposal in weighing up the net community benefit, but we do not find that this is so great as to outweigh other aspects that we find we must consider.*

The decision finds that the proposed shadowing of the Chapel Street footpath was a significant negative impact which needed to be weighed up in the benefits and dis-benefits of the proposal - although on its own, was not so significant to lead to a refusal.

In relation to significant community benefits, the Tribunal found that the creation of the air rights lot and purchase of lot from VicTrack for \$4.5M allowed significant investment in public transport and in turn significant community benefit.

Ultimately the height was found to be excessive, with the Tribunal finding that: *....some additional height could be acceptable if set back clearly behind the Chapel Street streetscape.* It also found that the building required a feature which related to the primary height of the heritage streetscape, if not a podium.

0361/20	24-26 and 28 Chapel Street and the air space above railway, Windsor VIC 3181	Permit
Proposal:	Demolition and construction of a mixed-use building in an Activity Centre Zone, Public Use Zone and HO; use of the land for a residential hotel and retail premises, a reduction in the car parking and bicycle facilities requirements; and advertising signage associated with the residential hotel	

This was an appeal against Council's refusal of a 10-storey hotel. Council officers refused the application on grounds relating to: the lack of transition to the heritage precinct to the north, the excessive height of the building and concerns about the lack of any off street pick up / drop off area for hotel guests.

VCAT did not share Council's overarching concerns, however the Tribunal did see it as necessary to delete a level from the building. Subject to the conditional requirement to reduce the building to nine levels, VCAT ordered that a permit should issue.

0505/18	2-10 River Street, South Yarra VIC 3141	Permit
Proposal:	The use and development of the land for a residential hotel in an Activity Centre Zone, Land Subject to Inundation Overlay and Environmental Audit Overlay, variations to the design requirements of Schedule 1 to the Activity Centre Zone, reduction of visitor bicycle facilities.	

Melbourne Water opposed the application on the basis of the development's propensity to flood and concerns regarding access to and from the hotel in the event of a flood (and consequently, the impacts on human life). There is significant discussion in the Order about this issue, although ultimately, the Tribunal found flood risk could be managed including through the implementation of a Flood Risk Management Plan.

In terms of building height, the Tribunal found that at 10 storeys there was an appropriate transition from the 20-storey building opposite and the lower forms in Tivoli Road. The private amenity consequences were also deemed to be reasonable, given the proposed building envelope mostly fell within the setback required by ACZ1, except for the lift core which was found to be adequately setback (18m).

The Tribunal found that the commercial proposal was of significant community benefit by stimulating economic activity in an area where (evidence showed) that there was low local job provision. In relation to car parking, while Council accepted that an off-site lease arrangement could be satisfactory, it sought evidence of a lease, while the permit applicant sought to lease spaces on a demand basis. The Tribunal agreed with Council and upheld Council's draft condition to this effect.

134/18	17 Yarra Street, South Yarra	Permit
Proposal:	Construction of a 24-level building with three levels of basement and a rooftop terrace. The building comprises retail space, residential and office entry and residential carparking at ground level, three levels of office and carparking above ground and twenty levels of residential above this. The rooftop has communal open space for residents.	

Council mostly supported the proposed building; however, argued that excessive car parking was provided to residents, particularly considering the site's access to public transport and the existing, congested local traffic conditions. The Tribunal found that in the absence of a Parking Overlay, the requirements of clause 52.06 only require an applicant to demonstrate why a parking provision, less than the statutory provision should be accepted. It does not direct that a responsible authority can then impose another lower rate. The Tribunal thereby allowed parking at the rate proposed by the applicant.

Appendix 1.2

VCAT Decisions High Street/Glenferrie Road Activity Centre

App. No.	Address	Short description	Decision	Comments
1102/20	935 and 941-951 High Street, Armadale VIC 3143	Partial and full demolition of existing buildings; construction of buildings and works associated with a mixed-use building on land within a Commercial 1 Zone, Design and Development Overlay and HO; use of part of the land as a restricted recreational facility; alteration of access to a Road Zone, Category 1; and a reduction in the car parking requirements.	Refused	This was an appeal against Council's refusal of a six-storey commercial building. Council officers refused the application on grounds relating to height and scale, heritage issues, and concerns about off-site amenity impacts to adjoining land. VCAT agreed with Council that the building was not appropriate and affirmed Council's refusal.
0267/19	1087-1095 High Street, Armadale VIC 3143	Partial demolition and the construction of a mixed-use development in a Commercial 1 Zone, HO, Design and Development Overlay; use of the land for dwellings; and a reduction in the car parking requirements associated with shops	Permit	This was an appeal against Council's refusal of a six-storey mixed use building on the corner of High Street and Hightower Road. Council officers refused the application based on the proposal's non-compliance with the DDO19 building envelope requirements and also on grounds relating to heritage. The Tribunal overturned Council's refusal as it found the proposed building was acceptable. The Tribunal found the proposed building did not overwhelm the heritage façade, and did not detract from the wider heritage significance of the precinct. The Tribunal also found that the variations to the DDO19 requirements were acceptable.
1001/19	79 and 81-83 Wattletree Road, Armadale VIC 3143	Construction of a multi-dwelling development in a Residential Growth Zone and a Design and Development Overlay, creation and alteration of access to a road in a Road Zone, Category 1, and removal of an easement.	Permit	This appeal concerned a five-storey building, across a large, consolidated lot in the Residential Growth Zone, and the High Street / Glenferrie Road Activity Centre (thus subject to DDO19). One of Council's concerns related to the rear interface, where the site immediately abutted land in the Neighbourhood Residential Zone and a HO. While the interface complied with DDO19, it was considered by Council to present too robust an interface to dwellings in a minimal change area. DDO19 specifies a 1.5m rear setback to a laneway for a two-storey building, with a 4.5m setback required at Levels 3-5. Where there is no laneway, the interface is to be 3m greater in both locations. While the Tribunal did determine that more than the minimum required by DDO19 was required, it did not adopt the setbacks sought by Council which would have allowed canopy tree planting along the rear. The decision suggests that the setback parameters of DDO19 may warrant review.

Appendix 1.3

VCAT Decisions - DDO21 (Hawksburn Village Activity Centre)

App. No.	Address	Short description	Decision	Comments
0957/20	387-403 Malvern Road, South Yarra VIC 3141	Use and development of the Land for an office in an Activity Centre Zone and Land Subject to Inundation Overlay, with a reduction in car parking associated with office, food and drinks premises (café) and shop	Permit	<p>This was an objector appeal against Council's decision to issue a permit for a six-storey commercial building. The objector was concerned with the height and scale of the building and its impact on the character of the Hawksburn Village.</p> <p>The objector was also concerned with perceived negative impacts on adjoining land and insufficient car parking. VCAT found that the proposal was an acceptable response to the strategic context of the Hawksburn Village and affirmed Council's decision to issue a permit with some varied conditions.</p>
578/21	531 and 537-541 Malvern Road, Toorak Vic 3142	Partial demolition and construction of buildings and works associated with a commercial development (retail, food and drink premises, and office - as of right use) in a Commercial 1 Zone, Design and Development Overlay and HO; and a reduction in the car parking requirements.	Permit	<p>This application concerned a six-storey office building in Hawksburn Village. The site was designated by DDO21 with a preferred maximum height of 18m (i.e. generally five storeys).</p> <p>Council determined that the building's size was excessive and should be reduced by removing one building level, and that the upper-level volumes ought to be reduced.</p> <p>The Tribunal generally agreed with Council and required changes as a condition of approval.</p>

Appendix 1.4

VCAT Decisions – Liquor Licensing in Chapel Street

App. No.	Address	Short description	Decision	Comments
0565/18	627 Chapel Street, South Yarra VIC 3141	Construction of a mixed-use building for use as office, retail and bar; sale and consumption of liquor (on-premises); variation to the design requirements of the Activity Centre Zone; variation to an easement; reduction of the car parking requirements; and advertising signage	Permit	This was a s87A Application to amend a permit at VCAT. The application proposed to amend the existing permit to accommodate a 190-patron bar on the top level. Council officers advised they would have refused the amendment application due to concerns relating to noise and the proposed hours of operation (until midnight Sunday-Monday; until 1am Thursday-Saturday). The Tribunal concluded that the proposal was acceptable, subject to a rigorous permit condition regime to contain amenity impacts to an acceptable level and limiting the hours until 11pm Sunday-Monday and until midnight Thursday-Saturday. Council advocated for a close of 11pm each night.
1261/18	6/321-323 Chapel Street, Prahran VIC 3181	Use for Restaurant; Construction of buildings and works; Sale and consumption of liquor; Part demolition: Reduction in car and bicycle parking requirements.	Permit	This was an appeal against Council's refusal of a restaurant liquor licence. Council officers refused the application on grounds relating to the intensity of the proposed use in terms of patron numbers (366 patrons) and hours (trading to midnight). Council saw the intensity of use as excessive, which would have unacceptable impacts on the amenity of the surrounding area. The Tribunal found that the number of proposed patrons was unacceptable and restricted the number to no more than 200. However, the Tribunal found that the proposed hours were acceptable, subject to the requirement for a detailed Venue Management Plan. Based on this, the Tribunal overturned Council's refusal and directed a permit be issued.
0547/18	1/321-323 Chapel Street, Prahran VIC 3181	Use of the land for a bar, sale or consumption of liquor (on-premises licence), partial demolition, and construction of associated buildings and works in an Activity Centre Zone, HO, Special Building Overlay and Incorporated Plan Overlay	Permit	This was an appeal against Council's refusal of an application for a Bar (trading until 1am). Council refused the application on grounds relating to; the impact of the use on nearby residential properties and the negative cumulative impacts from the clustering of licenced premises. The site was nearby the cluster identified in IPO3. The Tribunal found that the site's location in an Activity Centre Zone was most relevant to the assessment of its impacts. The Tribunal determined that these impacts were acceptable, subject to management conditions.

App. No.	Address	Short description	Decision	Comments
438/19	138 Chapel Street, Windsor	Use of the land for a bottle shop in the Activity Centre Zone – Schedule 1 and use of land to sell liquor in accordance with Clause 52.27.	Permit	<p>In this case, the Tribunal supported the bottle shop, finding that there was already a concentration of licensed premises throughout the Chapel Street Activity Centre, but that the amenity effects considered throughout Clause 21.10 are those arising from entertainment and late-night uses, rather than bottle shops.</p> <p>It further found that whether there is a need for a bottle shop in this location or whether there are too many licensed premises in the immediate area is an economic decision to be made by the applicant rather than a planning matter for the responsible authority, unless this bottle shop in this location will create unacceptable amenity impacts on the surrounding area. In terms of these potential amenity, the Tribunal found that impacts could be managed by permit conditions.</p>



Appendix 1.5

VCAT Decisions – HO

App. No.	Address	Short description	Decision	Comments
0069/17	271 and 273 Dandenong Road, Prahran VIC 3181	Full demolition, construction of a multi-dwelling development in a General Residential Zone and HO, reduction in the car parking requirements and alteration of access to a road in a Road Zone, Category 1	Refused	This was an appeal against Council's decision to refuse an application that seeks to demolish two heritage buildings and subsequently construct a three-storey townhouse development. Council's key concerns relate to the loss of heritage buildings and its impact on the significance of the heritage area. The Tribunal agreed with Council and determined that the demolition will adversely affect the significance of the heritage precinct. VCAT also had concerns with the proposal in terms of dwelling diversity, energy efficiency, provision of private open space and solar access to open space. Consequently, VCAT upheld Council's decision and directed no permit to be granted. Of note, the Tribunal rejected the proposition that objectives seeking increased residential development and the need to accommodate higher populations within metropolitan Melbourne (and in Stonnington in particular), outweigh planning scheme objectives seeking to ensure the conservation of places of heritage significance.
1308/16 and 1309/16	1034-1076 Malvern Road, 35 Mercer Rd and 16 Murray Street Armadale VIC 3143 (Lauriston Girls School)	Collectively these applications proposed an extension of the Education Centre, part use for a Child Care Centre, demolition and works in the HO and General Residential Zone, display of signage and variation to an easement	Permit	Council opposed the proposed works, on the basis of heritage impacts and tree removal, including a Himalayan Cedar, which was included on the National Heritage Register. The Schedule to the HO does not include tree controls, and the site is not included in an Overlay, which would provide additional protection for vegetation. Ultimately the removal of 125 trees from the site was approved including the Cedar. The loss was found by the Tribunal to be acceptable when balanced against the benefit gleaned by the new works. Heritage impacts were also deemed to be acceptable.

Appendix 1.6

VCAT Decisions – Other

App. No.	Address	Short description	Decision	Comments
0278/21	173 Burke Road, Glen Iris VIC 3146	Use and development of mixed use (retail and accommodation) development in a Commercial 1 Zone, construction and display of signage, the sale and consumption of liquor (packaged liquor licence) associated with part use of the site as a bottle shop (as of right use) and alteration of access to a road in a Road Zone, Category 1	Refused	This was an appeal against Council's refusal of a six-storey mixed use building. The application proposed a supermarket and bottle shop at ground floor and 85 apartments above. Council officers refused the application on grounds relating to: excessive height and scale, unreasonable amenity impacts on surrounding land, traffic impacts and concerns with waste management. VCAT found in favour of Council and objectors, sharing concerns about the significant visual impact the building would have on residential areas and serious concerns about traffic issues. On this basis VCAT affirmed Council's refusal.
176/19	20 Harold Avenue, Glen Iris VIC 3146 (Caulfield Grammar School)	Part demolition; Works; and Use of land for an Education Centre in a General Residential Zone and HO.	Permit	<p>This application concerned a retrospective request to use and develop the land as part of the Caulfield Grammar School.</p> <p>Council had refused the application, partly on the basis that it was premature in the absence of an approved masterplan. In earlier applications for works at the School, the Tribunal has urged the School to prepare a masterplan and the School had committed to doing so as part of an earlier Consent Order.</p> <p>Council submitted to the Tribunal that the current application undermines the master plan process and is contrary to orderly and proper planning. The Tribunal disagreed, finding in this case, that the works were of little consequence to the master plan process and that there was nothing in policy or elsewhere which prevented the grant of a permit.</p>

App. No.	Address	Short description	Decision	Comments
0109/19	697-699 High Street, Prahran VIC 3181	Erect and display an Electronic Promotion Sign in a Commercial 1 Zone	Refused	<p>This was an appeal against Council's refusal of a Major Electronic Promotion Sign on the corner of High Street and Orrong Road.</p> <p>Council officers refused the application on grounds relating to the size, location and electronic nature of the proposal being at odds with the lower scale character of the activity centre, and on grounds relating to traffic safety.</p> <p>The Tribunal agreed with Council that the proposed sign was inconsistent with the character of the area; but rejected Council's arguments based on road safety. Due to the issues with character, the Tribunal upheld Council's refusal of the application.</p>



Appendix 2:0

Community Engagement Documentation

HAVE
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on planning challenges and opportunities in Stonnington.

» Residential development and housing capacity

» Open space

» Heritage

» Neighbourhood character

» Activity centre planning and growing jobs

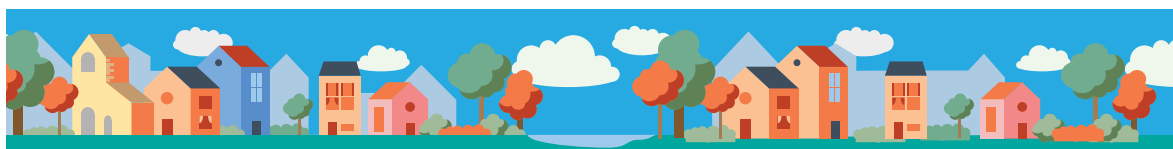
» Environment, sustainability and climate emergency

» Trees

» Transport



City of
STONNINGTON



We're reviewing our Planning Scheme and want your feedback.

Help us ensure our scheme is relevant and meets the needs of our community by

- completing our online survey
- attending our drop-in information session at Toorak South Yarra Library on **Friday 5 August anytime between 2 - 4pm**
- chatting to us at our pop-up engagements – visit our website for dates, locations and times



More information and online survey:
connectstonnington.vic.gov.au/planning

Feedback closes 21 August 2022



City of
STONNINGTON