

IN PLANNING PANELS VICTORIA

**‘PART A’ SUBMISSION
ON BEHALF OF THE PLANING AUTHORITY**

**AMENDMENT C285ston TO THE STONNINGTON
PLANNING SCHEME**

25 February 2020

INTRODUCTION

1. Stonnington City Council (**Council**) is the Planning Authority for Amendment C285ston (**Amendment**) to the Stonnington Planning Scheme (**Scheme**). Council has prepared and is the proponent of the Amendment.
2. This 'Part A' submission is made in accordance with the Panel's Directions dated 12 February 2020 (**Directions**).
3. This submission addresses the following matters in accordance with direction 2 of the Directions:
 - 3.1 background, including a chronology of events for the Amendment;
 - 3.2 the authorisation conditions and how Council addressed these;
 - 3.3 the strategic assessment, including clause 21.05 (Housing) and PPN91;
 - 3.4 identifying the issues raised in submissions; and
 - 3.5 any changes to the Amendment documentation proposed in response to submissions.
4. Council has prepared tables forming **Appendix A** to this submission:
 - 4.1 comparing the key provisions (garden area, dwelling, clause 54 and 55 variations, height) of existing NRZ2 and NRZ3 with proposed NRZ5;¹ and
 - 4.2 comparing clause 54 and 55 standard modifications for the proposed Schedules to the Neighbourhood Character Overlay.
5. In addition to this submission, at the hearing on 3 March 2020 Council will:
 - 5.1 present its 'Part B' submission; and
 - 5.2 call and rely on expert planning evidence from Ms Lisa Riddle of Ethos Urban Pty Ltd.
6. The Amendment seeks to implement the findings of the *Stonnington Neighbourhood Character Review 2013* and the *Stonnington Neighbourhood Character Review Addendum 2019* by applying neighbourhood character controls (in the form of a Neighbourhood Character Overlay (**NCO**) and the Design and Development Overlay (**DDO**)) to the following four precincts of distinctive Interwar, Early Modern and Post-war neighbourhood character:
 - 6.1 Lalbert Crescent Precinct, Prahran: 535-541 (odd numbers) Orrong Road, all properties in Lalbert Crescent & 21-27 Kelvin Grove
 - 6.2 Cairnes Crescent Precinct, Malvern East: all properties in Cairnes Crescent except 12 and 47-55.
 - 6.3 Bruce Street Precinct, Malvern East: all properties in Bruce Street, 29-33 (odd numbers) and 48-62 (even numbers) in Sutherland Street, 1 and 3 Paul Street, 1-8 Thomas Street
 - 6.4 Camino Terrace Precinct, Malvern East: 1-7 (odd numbers) and 2-18 (even numbers) in Ramona Avenue, 2-16 Camino Terrace.
7. Specifically, the Amendment:
 - 7.1 inserts a new Schedule to clause 32.09 (Neighbourhood Residential Zone), being Schedule 5 – Significant Character Area (NCO5);

¹ The Directions refer to GRZ1 and GRZ7. In response to the Department's conditional authorisation, Council removed all land zoned GRZ1 or GRZ7 from the subject precincts. This is expanded on below in Council's submissions.

- 7.2 inserts new Schedules to clause 43.05 (Neighbourhood Character Overlay) being:
- 7.2.1 Schedule 8 (NCO8) – Early Modern and Interwar - Lalbert Crescent Precinct;
 - 7.2.2 Schedule 9 (NCO9) – Interwar and Post-war – Bruce Street and Cairnes Crescent Precincts; and
 - 7.2.3 Schedule 10 (NCO10) – Post-war – Camino Terrace Precinct;
- 7.3 inserts a new Schedule to clause 43.02 (Design and Development Overlay) being Schedule 22 (DDO22) Fences – Lalbert Crescent, Cairnes Crescent, Bruce Street and Camino Terrace Neighbourhood Character Precincts; and
- 7.4 amends Planning Scheme Map No. 5, 7, 9 and 10 and the Schedules to clause 72.03 (What does this Planning Scheme consist of?) to reflect the above changes.
8. Council pursues the Amendment as altered in response to submissions, specifically by updating Schedules 8, 9 and 10 to the NCO to delete the permit trigger to demolish outbuildings.
9. Council is also open to the recommendation made by Ms Riddle at paragraph 97 of her evidence statement to amend one of the objectives of the NCO so it will read:
- To encourage retention of the key characteristics of intact, original dwellings that contribute to the preferred neighbourhood character of the area.

BACKGROUND TO AMENDMENT

10. A chronology of key events relevant to the Amendment forms **Appendix B** to Council's submission.

Stonnington Neighbourhood Character Study

11. In 2006, Planisphere (now known as Ethos Urban) prepared the *Stonnington Neighbourhood Character Study* (**Character Study**). The Character Study:
- 11.1 identifies and documents the valued neighbourhood character of the municipality's residential areas in the form of 32 neighbourhood character precincts; and
 - 11.2 made recommendations relating to the preferred future neighbourhood character within the municipality and appropriate controls to insert into the Scheme.
12. In April 2012, Planisphere undertook the *Stonnington Neighbourhood Character Review 2013* (**Character Review**). The Character Review sought to:
- 12.1 review and update the findings of the Character Study, with the aim of reducing the total number of precincts;
 - 12.2 update the recommendations to implement into the Scheme reflecting changes since the Character Study;
 - 12.3 investigate areas warranting applying the NCO; and
 - 12.4 implement the Character Study's recommendations, in the form of neighbourhood character policy and Schedules to the NCO.
13. The Character Review was completed in August 2013 and (among other things):
- 13.1 set out a detailed survey of the 32 neighbourhood character precincts identified in the Character Study; and

- 13.2 identified 23 precincts of potential significant character warranting inclusion in the NCO (with a front fence control in some instances to be applied in a DDO control). These precincts are identified as being rare or exemplary, particularly intact, having a distinctive neighbourhood character or potentially under threat from unsympathetic development.
14. The Character Review was introduced as a reference document in the Scheme via planning scheme amendment C175 (gazetted in September 2015).
15. To-date, Council has applied the NCO to 17 precincts through planning scheme amendments C138, C185 and C217. A summary of these amendments forms **Appendix C** to this submission.
16. Four of the remaining six precincts (of the 23 identified in the Character Review) form the subject of this subject Amendment.

Ministerial authorisation

17. At Council's ordinary meeting on 17 December 2018, Council considered the findings of the Character Review in respect of the four subject precincts, resolving to authorise Council's officers to prepare the Amendment. Specifically, Council resolved to:
- 17.1 note the progress of the continued implementation of the Character Review;
- 17.2 authorise Council Officers to prepare the amendment documents and planning controls;
- 17.3 apply to the Minister for Planning (**Minister**) seeking authorisation to prepare the Amendment under s (9)(3) of the *Planning and Environment Act 1987 (Act)*; and
- 17.4 after authorisation, exhibit the Amendment under ss 17-19 of the Act.
18. Following Council's resolution, Council's officers requested authorisation to prepare the Amendment.
19. On 4 March 2019, The Department authorised Council to prepare the Amendment subject to seven conditions. The conditions, together with Council's response is set out below:

Condition (extracted from letter)	Council's response
<p>1. Remove the land at 1997-2005 Malvern Road, Malvern East from the amendment. The land has been substantially developed and does not contribute to the character of the Cairnes Crescent precinct.</p>	<p>1997-2005 Malvern Road, Malvern East removed from Amendment.</p>
<p>2. A new schedule to the Neighbourhood Residential Zone must be prepared, specifying objectives for land included in the neighbourhood character areas, in accordance with the changes introduced by VC110 on 27 March 2017.</p> <p>Schedule 4 to the Neighbourhood Residential Zone in the Stonnington Planning Scheme does not meet the requirements of the zone as amended by VC110 on 27 March 2017.</p>	<p>Controls amended to reflect condition.</p>

<p>3. Provide further information to justify applying the neighbourhood character controls to the land at 12 Cairnes Crescent, Malvern East. The building on the site displays characteristics differing from the distinctive Interwar and Post-war character of built form found within the remainder of the Cairnes Crescent Precinct.</p>	<p>12 Cairnes Crescent, Malvern East removed from Amendment.</p>
<p>4. Review the local policy regarding the location of residential development and consider whether the General Residential Zone land proposed to be included in the Bruce Street and Camino Terrace precincts warrant inclusion in the amendment and either:</p> <p>(a) Retain the zoning and remove the land from the amendment; or</p> <p>(b) Rezone the land to the Neighbourhood Residential Zone and apply the proposed built form overlay controls.</p>	<p>All GRZ1 and GRZ7 zoned land in the Bruce Street and Camino Terrace precincts removed from the Amendment. In doing so, Council acknowledges the inconsistencies between the outcomes sought in the NCO preferred character statements versus the height (up to 3 storeys) permitted in the GRZ.</p>
<p>5. Revise the explanatory report to address the impact of the amendment in accordance with Planning Practice Note 28.</p>	<p>Explanatory report amended to reflect condition.</p>
<p>6. Revised all documentation to reflect correct amendment number, including suffix (C285ston).</p>	<p>Documentation amended to reflect condition.</p>
<p>7. Amend the Schedule to clause 72.03 to include new PS Maps 10DDO and 10NCO.</p>	<p>Schedule amended to reflect condition.</p>

Character Review Addendum

20. Following conditional authorisation, Council engaged Ethos Urban to review the 4 subject precincts and to:
- 20.1 assess and confirm the extent of the proposed precincts;
 - 20.2 ascertain how much change (i.e. demolition, redevelopment) has occurred since the character Review; and
 - 20.3 determine whether changes to the proposed precinct boundaries were necessary or appropriate in light of the conditional authorisation.
21. On 6 August 2019, Ethos Urban published the *Stonnington Neighbourhood Character Review Addendum 2019 – Four precincts (Character Review Addendum)*.

22. The Character Review Addendum addresses:
- 22.1 the policy and legislative changes since the Character Review was published (including among other things introducing the new residential zones (Amendments VC104 and C187), changes to the residential zones (Amendment VC110) and changes to the PPF (Amendment VC148);
 - 22.2 developments and other physical changes in the subject precincts since the Character Review; and
 - 22.3 the authorisation conditions the Department required.
23. The Character Review Addendum recommends:
- 23.1 removing the following properties from the Amendment in response to the Department's conditional authorisation:
 - 23.1.1 1997-2005 Malvern Road, Malvern East;
 - 23.1.2 12 Cairnes Crescent, Malvern East;
 - 23.1.3 1281 Dandenong Road, Malvern East and 18, 20 and 22 Camino Terrace, Malvern East (being those properties zoned GRZ); and
 - 23.2 applying Schedule 5 (Significant Character Areas) to the NRZ land in the Amendment (previously Schedules 2 and 3 had applied across the four precincts).
24. At Council's ordinary meeting on 16 September 2019, Council considered the proposed changes, resolving to authorise Council's officers to update the Amendment documentation and exhibit the Amendment.

Exhibition

25. Council exhibited the Amendment between 10 October and 11 November 2019 in the form of:
- 25.1 letters sent to owners and occupiers of all affected properties, prescribed authorities and stakeholders;
 - 25.2 notice in the Stonnington Leader newspaper on 8 October 2019;
 - 25.3 notice of the Amendment in the Government Gazette on 10 October 2019;
 - 25.4 uploading the Amendment documentation of Council's and the Department's websites.
26. In response to exhibition, Council received 11 submissions – nine submissions objecting to the Amendment while two support it.

STRATEGIC ASSESSMENT

27. This section provides an overview of the Amendment's strategic basis, supplementing the detail set out in the exhibited explanatory report.

Act and Plan Melbourne

28. The Amendment broadly accords with the following objective set out under s 4(1)(d) of the Act by ensuring the existing neighbourhood character of the four subject precincts is respected and considered in the context of future development applications:

to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value[.]

29. The Amendment is also supported by the outcomes and directions sought by Plan Melbourne 2017-2050. Specifically, outcome 4, recognising 'Melbourne is a distinctive and liveable city with quality design and amenity' and direction 4.2 seeking to 'achieve and promote design excellence'.

State and local policy

30. The Amendment implements the objective of clause 15.01-5S (Neighbourhood Character) being to 'recognise, support and protect neighbourhood character, cultural identity, and sense of place'.

31. It does so by establishing a clear preferred and future neighbourhood character in each of the four precincts, in turn ensuring future development in these precincts responds appropriately to this identified character and ensuring the following strategies under clause 15.01-5S are better advanced:

Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.

32. The Amendment is also consistent with the objective of clause 15.01-2S seeking to 'achieve building design outcomes that contribute positively to the local context and enhance the public realm Local Planning Policy Framework'.

33. At the local level, the Amendment seeks to implement the objectives and strategies of the City's Municipal Strategic Statement and Local Planning Policy Framework by identifying areas of distinguishable character and ensuring their protection and enhancement through neighbourhood character and fencing controls.

34. Council's 'vision' relevantly recognises:

The City has high quality built form that reflects an appreciation of its context and the underlying character and topography of the City[.]

35. The policy under clause 21.03 also seeks to ensure 'new built form is well-designed and respects the valued, traditional built form character elements of its host precinct'.

36. Clause 21.05-2 addresses the location of housing development as part of Council's housing policy. It acknowledges the potential impact of increased residential density on the heritage and neighbourhood character and amenity of established residential areas as a 'key issue'.

37. Policy 1.3 states relevantly states (under the heading 'Minimal change areas'):

In residential zones where the Heritage Overlay and / or the Neighbourhood Character Overlay apply, limited residential development may be appropriate (including internal conversion of existing buildings), provided development is in accordance with the requirements of the Overlay, the Heritage Policy (as applicable) and other local policy in this Planning Scheme.

38. Council submits the Amendment is consistent with Policy 1.3 as the NCO is proposed only in respect of land in the Neighbourhood Residential Zone where limited or minimal change is expected and appropriate.

39. Additionally, Council submits the Amendment is broadly consistent with:
- 39.1 Objectives 1 and 2 of clause 21.06-10 (Built Environment and Heritage) respectively seeking to 'ensure that the qualities and attributes that define the City's valued urban character are recognised and inform the design of new developments' and 'protect and enhance the varied, distinctive and valued character elements of residential neighbourhoods across the City of Stonnington';
- 39.2 'Future strategic work' identified in clause 21.06 to 'identify areas of special character for inclusion in the Neighbourhood Character Overlay'; and
- 39.3 the objectives under clause 22.23 (Council's neighbourhood character policy):
- To ensure that development (including subdivision) and works contribute to the preferred character of the area
- To ensure that development (including subdivision) and works reflect the intention of the statement of preferred neighbourhood character and design guidelines for each precinct

PPN90 and PPN91

40. On 19 December 2019, former PPN28 was replaced with PPN90 and PPN91.
41. PPN90: *Planning for Housing* provides guidance about planning for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.
42. PPN91: *Using the residential zones* provides guidance about how to use the residential zones to implement strategic work and use local policies and overlays with the residential zones.
43. Council submits the Amendment is broadly consistent with both practice notes, in particular, satisfying the following criteria in PPN91 where the NCO may be used:
- the proposed area exhibits existing characteristics that need to be protected, or need to be changed to achieve a preferred character
- the area, relative to the rest of the municipality, can be demonstrated to require a specific approach to neighbourhood character
- the application of local planning policy, the objectives and standards of clause 54 and clause 55 or variations to clause 54 and clause 55 in the schedule to the residential zone will not meet the neighbourhood character objectives for that area.
44. PPN91 goes on to say:
- The NCO should not be used as a 'blanket' control across the municipality. It should be applied strategically to areas where variations to clause 54 and clause 55 standards fail to meet the specific objectives for neighbourhood character, and locally tailored and rewritten standards are required and can be justified.
45. Council submits the Amendment is consistent with PPN91 and in support of that relies on the expert evidence of Ms Riddle.

Council Plan 2017-2021

46. Council adopted the Council Plan on 5 June 2017. The plan is a key strategic document guiding Council's vision, direction and provision of services over a four-year period.
47. The proposed neighbourhood character controls are consistent with the following strategy in the plan:
- Preserve Stonnington's heritage architecture and balance its existing character with complementary and sustainable development.

Ministerial directions

48. The Amendment is consistent with the requirements of the following Ministerial directions:
- 48.1 Ministerial Direction on the Form and Content of Planning Schemes;
- 48.2 Ministerial Direction No. 11 – Strategic Assessment of Amendments; and
- 48.3 Ministerial Direction No. 15 – Planning Scheme Amendments.

KEY ISSUES RAISED IN SUBMISSIONS AND CHANGES TO AMENDMENT

49. A detailed summary of, and response to, the submissions received in response to exhibition forms Attachment 1 to Council's meeting agenda dated 16 December 2019.
50. The key issues raised in the objecting submissions are summarised as:
- 50.1 restricting development opportunities;²
- 50.2 recent development eroding the character of the precincts;³ and
- 50.3 lack of strategic justification (particularly in light of the need for increasing housing density, choice and affordability in inner-urban areas serviced by existing infrastructure).⁴
51. Council will respond to these issues in its 'Part B' submission.
52. At its ordinary meeting on 16 December 2019, Council considered the submissions together with the Council officers' response to submissions, resolving to:
- 52.1 request the Minister to appoint a panel under s 23 of the Act to hear and consider unresolved submissions;
- 52.2 adopt a position of support in its submission to the panel generally in accordance Council's officers' response to submissions;
- 52.3 refer the submissions and any late submissions received prior to the directions hearing to the panel;
- 52.4 advise submitters of Council's decision; and
- 52.5 authorise Council's officers to make minor changes to Amendment documents in accordance with Council's officers' response to submissions.

² See submission nos. 1, 2, 4, 8 and 11.

³ See submission nos. 2, 5, 6, 8, 9 and 10.

⁴ See submission nos. 1, 5, 6 and 10.

Changes to Amendment documentation proposed in response to submissions

53. Council advances the Amendment as exhibited subject to updating Schedules 8, 9 and 10 to the NCO to delete the permit trigger to demolish outbuildings.
54. Council is also open to the recommendation made by Ms Riddle at paragraph 97 of her evidence statement to amend one of the objectives of the NCO so it will read:
- To encourage retention of the key characteristics of intact, original dwellings that contribute to the preferred neighbourhood character of the area.
55. This concludes Council's 'Part A' submission.



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Lawyers for the Planning Authority
Marcus Lane Group
25 February 2020

APPENDIX A – COMPARATIVE TABLES

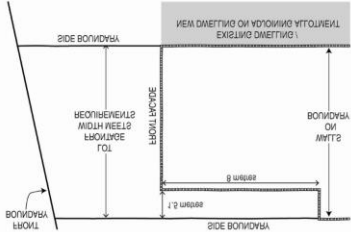
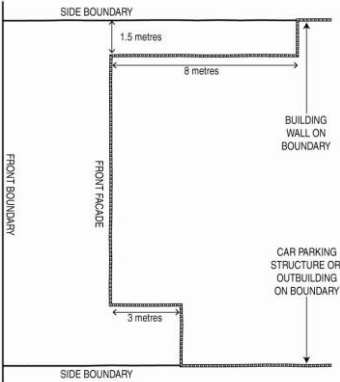
Table 1: Key provisions of existing NRZ and NRZ3 with proposed NRZ5

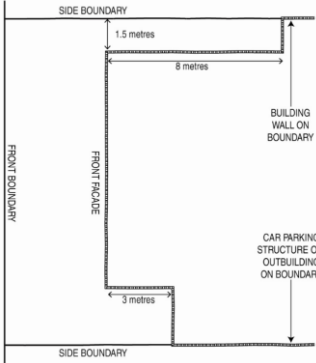
	Existing Zone & Schedules		Proposed Zone & Schedule
	Neighbourhood Residential Zone Schedule 2 (NRZ2)	Neighbourhood Residential Zone Schedule 3 (NRZ3)	Neighbourhood Residential Zone Schedule 5 (NRZ5)
Side and Rear setbacks	For a distance of at least 5 metres behind the front facade of the building fronting the street, setback new buildings (including basements) a minimum of 2 metres from at least one side boundary and at least 1 metre from the other side boundary up to 3.6 metres in height. Where no setback is specified, standard A10 or B17 applies.	None specified	None specified
Walls on Boundaries	Walls should not be located on side boundaries for a distance of 5 metres behind the front façade of the building fronting the street.	None specified	None specified
Front fence height	None specified	Maximum height of 2 metres in streets in a Road Zone, Category 1. Other streets 1.2 metres maximum height	None specified
Maximum building height	None specified	None specified	None specified
Landscaping	In addition to the requirements of B13, at least one canopy tree should be planted on the site.	None Specified	None specified

Table 2: Clause 54 and 55 standard modifications against the proposed schedules to the NCO

	Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)
A3 & B6 – Street Setback	<p>Walls of buildings should be set back from streets:</p> <p>At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table A1 or Table B1 (reproduced under this table).</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard</p>	<p>Minimum setback from front street – 6 Metres</p> <p>Minimum setback from a side street on corner sites – 2 metres</p>	<p>Minimum setback from front street – 6 Metres</p> <p>Minimum setback from a side street on corner sites – 2 metres</p>	<p>Minimum setback from front street – 8 Metres</p> <p>Minimum setback from a side street on corner sites – 2 metres</p>
A10 & B17 – Side and rear setbacks	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <p>At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys,</p>	<p>New walls constructed within 8 metres from the front facade of the building should have a minimum side setback of 2 metres.</p>	<p>Properties with pairs of attached dwellings:</p> <p>The following requirements apply for pairs of lots in the Bruce Street precinct where each lot frontage width is less than 10 metres:</p> <ul style="list-style-type: none"> New walls constructed within 8 metres from the front facade of the building should have a minimum side setback of 1.5 metres 	<p>New walls constructed within 8 metres from the front facade of the building should have a minimum side setback of 1.5 metres.</p> <p>All other requirements and exemptions of standard A10 and B17 continue to apply.</p>

	Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)
	<p>flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>		<p>Other properties:</p> <ul style="list-style-type: none"> New walls constructed within 8 metres from the front facade of the building should have a minimum side setback of 1.5 metres. 	
<p>A11 & B18 – Walls on boundaries</p>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not about the boundary:</p> <ul style="list-style-type: none"> For a length more than the distance specified in a schedule to the zone; or If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or Where there are existing or 	<p>A wall may be constructed on or within 200mm of a boundary where:</p> <ul style="list-style-type: none"> It is any other part of the building 8 metres or more behind the front façade of the building; or It is a car parking structure that is at least 3 metres behind the most recessed part of the front façade of the building and located on one side boundary only. 	<p>Properties with pairs of attached dwellings:</p> <p>The following requirements apply for pairs of lots in the Bruce Street precinct where each lot frontage width is less than 10 metres.</p> <ul style="list-style-type: none"> Where a pair of adjoining lots is developed simultaneously, walls may be constructed on the boundary to form a common party wall. Where one lot is redeveloped, a wall should be constructed on the boundary to conjoin with an existing wall on the boundary of an adjoining allotment. On the other side 	<p>A wall may be constructed on or within 200mm of a boundary where:</p> <ul style="list-style-type: none"> It is any other part of the building 8 metres or more behind the front façade of the building (see diagram below); or It is a car parking structure that is at least 3 metres behind the most recessed part of the front façade of the building and located on one side boundary only (see diagram below)

	Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)
	<p>simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>		<p>boundary, a wall on or within 200mm of the boundary may be constructed a minimum of 8 metres behind the front façade of the building (see diagram below).</p>  <p>Other properties: A wall may be constructed on or within 200mm of a boundary where:</p> <ul style="list-style-type: none"> • It is any other part of the building 8 metres or more behind the front façade of the building (see diagram below); or • It is a car parking structure that is at least 3 metres behind the most recessed part of the front façade of the building and located on one side boundary only (see diagram below). 	 <p>All other requirements of Standards A11 and B18 continue to apply.</p>

Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)	Neighbourhood Character Overlay Schedule 10 (NCO10)
			 <p>All areas:</p> <ul style="list-style-type: none"> All other requirements and exemptions of standard A10 and B17 continue to apply. 	
<p>A19 & B31– Design Detail</p>	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>The design of buildings and extensions should respect the preferred neighbourhood character of the area, specifically in relation to:</p> <ul style="list-style-type: none"> • Scale and form. • Roof form, pitch and eaves. • Number of storeys. • Materials and finishes. • Façade articulation and detailing. • Window and door proportions. • Verandahs, eaves and parapets. • Building siting. • Siting and design of vehicle access and car parking 	<p>The design of buildings and extensions should respect the preferred neighbourhood character of the area, specifically in relation to:</p> <ul style="list-style-type: none"> • Scale and form. • Roof form, pitch and eaves. • Number of storeys. • Materials and finishes. • Façade articulation and detailing. • Window and door proportions. • Verandahs, eaves and parapets. • Building siting. • Siting and design of vehicle access and car 	<p>The design of buildings and extensions should respect the preferred neighbourhood character of the area, specifically in relation to:</p> <ul style="list-style-type: none"> • Scale and form, • Roof form, pitch and eaves, • Number of storeys, • Materials and finishes, • Façade articulation and detailing, • Window and door proportions, • Verandahs, eaves and parapets, • Building siting, and • Siting and design of vehicle access and car

Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)
	<p>structures.</p> <p>New buildings should interpret the detailed elements of original dwellings that contribute to the neighbourhood character significance of the area in an innovative and contemporary manner that complements, rather than replicates, period dwelling styles.</p> <p>A car parking structure should be:</p> <ul style="list-style-type: none"> • Visually unobtrusive and compatible with the development and the preferred neighbourhood character. • A maximum width of 4 metres where visible from the street. • Located at least 3 metres behind the front façade of the building. <p>Hard paving surfaces within the front setback should be kept to a minimum to maximise landscaping.</p>	<p>parking structures.</p> <p>New buildings should interpret the detailed elements of original dwellings the detailed elements of original dwellings that contribute to the neighbourhood character significance of the area in an innovative and contemporary manner that complements, rather than replicates, period dwelling styles.</p> <p>Pairs of attached dwellings should present to the street as a single dwelling particularly through its scale, form, roof design and siting.</p> <p>Second storey elements of new dwellings, and second storey additions to existing dwellings should be sited and designed so that the single storey part of the building, including its roof form, is the dominant visual element when viewed from the street. This will require second storey elements to be:</p> <ul style="list-style-type: none"> • At least 8 metres behind the front building façade where the main ridge line of the roof is perpendicular to the street, or located behind 	<p>parking structures.</p> <p>New buildings should interpret the detailed elements of original dwellings the detailed elements of original dwellings that contribute to the neighbourhood character significance of the area in an innovative and contemporary manner that complements, rather than replicates, period dwelling styles.</p> <p>Hard paving surfaces within the front setback should be kept to a minimum to maximise landscaping.</p>

Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)
			<p>the main ridgeline of the roof where this is parallel to the street, and</p> <ul style="list-style-type: none"> • Designed to complement the form and proportions of the existing dwelling or, if a new dwelling, other dwellings in the street. <p>A car parking structure should be:</p> <ul style="list-style-type: none"> • Visually unobtrusive and compatible with the development and the preferred neighbourhood character. • A maximum width of 4 metres where visible from the street. • Located at least 3 metres behind the front façade of the building. <p>Hard paving surfaces within the front setback should be kept to a minimum to maximise landscaping.</p>
<p>B38 – Deep soil and canopy trees</p>	<p>Developments should provide the deep soil areas and canopy trees specified in Table B5.</p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table B5 (below), an</p>	<p>Developments should provide at least 25% of site area for deep soil areas for the planting of canopy trees.</p>	<p>Developments should provide at least 25% of site area for deep soil areas for the planting of canopy trees.</p>
	<p>Developments should provide at least 25% of site area for deep soil areas for the planting of canopy trees.</p>		

	Clause 54 and 55 Standards	Neighbourhood Character Overlay Schedule 8 (NCO8)	Neighbourhood Character Overlay Schedule 9 (NCO9)	Neighbourhood Character Overlay Schedule 10 (NCO10)
	<p>equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green facades. 			

Table A1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

Table B1 Street setback

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

Table B5 Deep soil areas and canopy trees

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

APPENDIX B – CHRONOLOGY OF KEY EVENTS

Date	Event
December 2006	Planisphere (now known as Ethos Urban) prepare the <i>Stonnington Neighbourhood Character Study</i> .
April 2012	Planisphere (now known as Ethos Urban) prepare the <i>Stonnington Neighbourhood Character Review 2013 (Character Review)</i> to review and update the findings of the 2006 study. The Character Review is published in August 2013.
April 2014	Amendment C168 gazetted, applying the Neighbourhood Character Overlay and Design and Development Overlay to the Baldwin Street and Clarence Street precincts and introducing the Character Review as a reference document in the Stonnington Planning Scheme.
May 2016	Amendment C185 (Part 1 and 2) gazetted, applying the Neighbourhood Character Overlay and Design and Development Overlay to nine Victorian and Edwardian character precincts identified in the Character Review.
June 2016	Amendment C217 gazetted, applying the Neighbourhood Character Overlay to three Edwardian/Interwar and three Californian Bungalow precincts identified in the Character Review.
17 December 2018	At Council's ordinary meeting, Council considers the findings of the Character Review in respect of the four subject precincts, resolving to authorise Council's officers to prepare the Amendment.
4 March 2019	Council receives conditional authorisation from DELWP to prepare the Amendment subject to seven conditions.
6 August 2019	Ethos Urban publish the <i>Stonnington Neighbourhood Character Review Addendum 2019 – Four precincts</i> addressing strategic and physical changes in the subject precincts and the DELWP authorisation conditions.
16 September 2019	At Council's ordinary meeting, Council considered the proposed changes, resolving to authorise Council's officers to update the Amendment documentation and exhibit the Amendment.
10 October – 11 November 2019	Amendment exhibited. Council receives 11 submissions (9 objecting, 2 supporting).
16 December 2019	At Council's ordinary meeting, Council considers submissions, resolving to appoint an independent panel to consider unresolved submissions.
6 February 2020	Directions hearing.
3 March 2020	Panel hearing.

APPENDIX C – SUMMARY OF PREVIOUS AMENDMENTS

Amendment	NCO precincts	Summary	Applicable controls
Amendment C168	<ol style="list-style-type: none"> Baldwin Street Precinct (includes all properties fronting Baldwin Street, Armadale). Clarence Street Precinct (includes all properties fronting Clarence Street, Malvern East except those included in the Heritage Overlay). 	<p>Purpose: The Amendment implemented the findings of the <i>Stonnington Neighbourhood Character Review, Planisphere, 2013</i> by (among other things) applying the NCO and DDO to two precincts.</p> <p>Exhibition: The Amendment was exhibited from 13 December 2012 to 4 February 2013. The amendment was re-exhibited from 6 May to June 2013 to reflect an update in permit requirements and exclude Heritage properties.</p> <p>Submissions: Council received six submissions. The submissions raised issues about particular aspects of the proposed planning framework but did not challenge the justification for protecting the character of the precincts.</p> <p>Panel Hearing: Panel recommended Amendment C168 be adopted subject to the following changes:</p> <ul style="list-style-type: none"> removing the NCO3 and DDO from 13.2 and 4 Clarence Street, East Malvern; amending subjective permit triggers in the DDO12 and DDO13 (concerning fences); and amending clause 4 of the NCO2 (Baldwin Street) to modify setback requirements. <p>Adoption: In December 2013, Council adopted Amendment C168 with the Pane’s recommended changes.</p> <p>Approval and gazettal: The Minister approved Amendment C168 in the form adopted by Council. The Amendment was gazetted on 10 April 2014.</p>	NCO2 NCO3 DDO12 DDO13
Amendment C185	<ol style="list-style-type: none"> Spring Street Precinct, Prahran (includes parts of Spring Street, Lorne Road, Westborne Street, Errol Street and Irene Place). Willis Street Precinct, 	<p>Purpose: The Amendment implemented the findings of the <i>Stonnington Neighbourhood Character Review, Planisphere, 2013</i> and the <i>Stonnington Neighbourhood Character Review Addendum, Planisphere, 2014</i> by (among other things) applying the NCO and DDO to 9 precincts and consequential re-zonings.</p> <p>Exhibition: The Amendment was exhibited from 26 March 2015 to 28 April</p>	NCO4 NCO5 DDO16

	<p>Prahran (includes parts of Willis Street).</p> <p>3. Closeburn Avenue Precinct, Prahran (includes parts of Closeburn Avenue and Dandenong Road).</p> <p>4. Stanhope Street Precinct, Malvern (includes parts of Stanhope Street).</p> <p>5. Dixon Street & Jordan Street Precinct, Malvern (includes parts of Dixon Street and Jordan Street).</p> <p>6. Ardrie Road Precinct, Malvern East (includes parts of Ardrie Road, Warley Road and Tennyson Street).</p> <p>7. May Road Precinct, Toorak (includes parts of May Road).</p> <p>8. Bidey Street & Packington Place Precinct, Prahran (includes parts of Bidey Street and Packington Place).</p> <p>9. Bailey Avenue & Valentine Grove Precinct, Armadale (includes all of Valentine Grove, and parts of Bailey Avenue and Dandenong Road).</p>	<p>2015.</p> <p>Submissions: Council received 10 submissions.</p> <p>C185 (Part 1): The Amendment was split into two parts. Council adopted Part 1 comprising six precincts not forming the subject of any submissions (being precincts 1-6 set out in the column to the left).</p> <p>C185 (Part 2): C185 (Part 2) comprised the remaining precincts forming the subject of submissions (being precincts 7-9 set out in the column to the left).</p> <p>The Panel recommended Council adopt Amendment C185 as exhibited, subject to the following recommendations:</p> <ul style="list-style-type: none"> • removing the NRZ4, NCO4 and DDO16 from 29 May Road and 30-44 May Road, Toorak; • removing GRZ14 and NCO5 from 571-579 Dandenong Road, Armadale, 37 Valentine Grove, Armadale, 39 Valentine Grove, Armadale, and 20 Valentine Grove, Armadale; • including additional neighbourhood character objectives in the NCO4 and NCO5; and • reviewing provisions of all NCO schedules before submitting them to the Department for approval considering whether they should provide further guidance in relation to side elevations on corner allotments to facilitate second storey extensions. <p>Adoption: Council adopted Amendment C185 (Part 2) with the Panel's recommended changes (except for removing the NRZ4, NCO4 and DDO16 from 29 May Road, Toorak).</p> <p>Approval and gazettal: The Minister approved Amendment C185 (Part 2) and required Council to remove 29 May Road, Toorak from the Amendment. The Amendment was gazetted on 3 May 2016.</p>	
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<p>Amendment C217</p>	<p>Edwardian & Interwar:</p> <ol style="list-style-type: none"> 1. John Street & Boardman Street, Malvern East. 2. Kenilworth Grove and Glentilt Road, Glen Iris. 3. Manning Road Area, Malvern East (incorporating part of Manning Road, Ash Grove, Oak Grove and Beech Street). <p>Californian Bungalows:</p> <ol style="list-style-type: none"> 4. Macgregor Street Area, Malvern East (incorporating Macgregor Street, Wilmot Street part of Hughes Street and Maroora Street). 5. Boston Avenue Area, Malvern East incorporating Boston Avenue, Washington Avenue, part of Wattle Grove and part of Livingstone Road). 6. Sycamore Street Area, Malvern East (incorporating Sycamore Street part of Sutherland Street and part of Paul Street). 	<p>Purpose: The amendment implemented the findings of the <i>Stonnington Neighbourhood Character Review 2013</i> and Addendum by applying the NCO to precincts identified in the Edwardian / Interwar and Californian Bungalows.</p> <p>Exhibition: The Amendment was formally exhibited from 9 July to 10 August 2015.</p> <p>Submissions: Council received 45 submissions (including 13 late submissions). Of these submissions, 25 supported the amendment while 20 objected to it.</p> <p>Panel Hearing: Panel recommended the Amendment be adopted as exhibited subject to the following change:</p> <ul style="list-style-type: none"> • In the Sycamore Street precinct, remove Nos. 2A, 2B, 2, 4, 6, 8 and 10 Sutherland Street from Schedule 7 of the Neighbourhood Character Overlay and Schedule 4 of the Neighbourhood Residential Zone due to the high concentration of non-contributory development. <p>Adoption: Council adopted Amendment C217 with the Panel's recommended changes.</p> <p>Authorisation: The Minister approved this Amendment with no changes. The Amendment was gazetted on Thursday 30 June 2016.</p>	<p>NCO6 NCO7</p>
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Amendment C285ston	<ol style="list-style-type: none"> 1. Lalbert Crescent Precinct, Prahran 2. Cairnes Crescent Precinct, Malvern East 3. Bruce Street Precinct, Malvern East 4. Camino Terrace Precinct, Malvern East 	Subject amendment.	NCO8 NCO9 NCO10 DDO22
<i>Not yet implemented – Interwar and post-war</i>	<ol style="list-style-type: none"> 1. Allenby Avenue area 2. Green Gables area 	Council to review these areas.	