

# **STONNINGTON PLANNING SCHEME**

## **AMENDMENT C285STON**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

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

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

#### **Land affected by the amendment**

The Amendment applies to four areas identified as having high neighbourhood character significance:

##### **Lalbert Crescent Precinct, Prahran**

- 535-541 (odd numbers) Orrong Road
- All properties in Lalbert Crescent
- 21-27 Kelvin Grove

##### **Cairnes Crescent Precinct, Malvern East**

- All properties except 12 and 47-55 Cairnes Crescent

##### **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

##### **Camino Terrace Precinct, Malvern East**

- 1-7 (odd numbers) and 2-18 (even numbers) in Ramona Avenue
- 2-16 Camino Terrace

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

#### **What the Amendment does**

The Amendment implements the findings of the *Stonnington Neighbourhood Character Review 2013* along with the *Stonnington Neighbourhood Character Review Addendum 2019*. The Amendment proposes to apply neighbourhood character controls to four precincts of distinctive Interwar, Early Modern and Post-war neighbourhood character.

Specifically, the Amendment proposes to make the following changes to the Stonnington planning Scheme:

- Insert a new Schedule to Clause 32.09 Neighbourhood Residential Zone as follows:
  - Schedule 5 (NRZ5) Significant Character Area
- Insert new Schedules to Clause 43.05 Neighbourhood Character Overlay, as follows:
  - Schedule 8 (NCO8) Early Modern and Interwar - Lalbert Crescent Precinct
  - Schedule 9 (NCO9) Interwar and Post-war – Bruce Street and Cairnes Crescent Precincts
  - Schedule 10 (NCO10) Post-war – Camino Terrace Precinct
- Insert a new Schedule to Clause 43.02 Design and Development Overlay as follows:
  - Schedule 22 (DDO22) Fences – Lalbert Crescent, Cairnes Crescent, Bruce Street and Camino Terrace Neighbourhood Character Precincts
- Amend Planning Scheme Map No. 5, 7, 9 and insert 10 NCO
- Amend Planning Scheme Map No. 5, 7, 9 and insert 10 DDO
- Amend Planning Scheme Map No. 5, 7, 9, 10 Zone
- Amend Schedule to Clause 72.03 - What does this Planning Scheme consist of?

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

Amendment C285ston is required to implement the findings of the *Stonnington Neighbourhood Character Review 2013 (Planisphere)*. This Review recommends additional neighbourhood character protection to that provided by current planning provisions.

This Amendment is required to introduce a Neighbourhood Character Overlay (NCO) to protect four precincts of high neighbourhood character significance as they present a consistent and identifiable character. The Neighbourhood Character Overlay introduces a greater level of control in relation to street setback, walls on boundaries and design detail. The proposed Design and Development Overlay Schedule (DDO) provides a greater level of control in relation to fences, which is an identified contributory element to the neighbourhood character of these areas.

It is considered that the development provisions of ResCode (Clauses 54, 55 and 56) would not be able to deliver the same outcome as the proposed NCOs and DDO of establishing and maintaining the neighbourhood character of the four precincts.

To ensure that the proposed neighbourhood character controls do not conflict with any restrictions or variations of the zone, it is also proposed to rezone the precincts to Neighbourhood Residential Zone Schedule 5 (NRZ5) (previous zoning NRZ2 or NRZ3).

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

The Amendment assists in implementing the following objectives of the *Planning and Environment Act 1987* (the Act):

- (a) *To provide for the fair, orderly, economic and sustainable use, and the development of land;*
- (b) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
- (c) *To balance the present and future interests of all Victorians.*

The Amendment implements the objectives of Planning in Victoria by providing a planned approach to maintain and enhance the valued neighbourhood character of the City of Stonnington.

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

#### Environmental Effects

The Amendment is expected to have a positive environmental effect by protecting the city's valued neighbourhood character in the areas where the Neighbourhood Character Overlay applies. The objective of the Amendment is to ensure that development outcomes contribute positively to local neighbourhood character while minimising adverse impacts on neighbouring properties. The Amendment is expected to result in an improved built environment.

#### Social Effects

The Amendment is expected to have positive social effects through the conserving of area that are of local social and historical significance and ensuring development responds to the preferred future character of the area resulting in a sense of place for future generations.

The Amendment also seeks to provide guidance and clarity on Council's position on future development for property owners and the community.

#### Economic Effects

The Amendment is expected to have positive economic benefits for the Stonnington community as the Amendment will provide greater certainty and direction for future housing development. Further, the Amendment will provide improved guidance regarding neighbourhood character, enabling better understanding for planning permit applicants and the community.

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

The precincts are not identified areas of land at risk of bushfire. As such this amendment does not increase bushfire risk.

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

The Amendment supports implementation of Ministerial Direction No. 9 - Metropolitan Strategy. The amendment supports the following Plan Melbourne Outcome:

*Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity*

The Amendment is consistent with the Ministerial Direction on the Form and content of Planning Schemes pursuant to section 7(5) of the Planning and Environment Act 1987.

The requirements of *Ministerial Direction No. 11 - Strategic Assessment of Amendments* have been followed in the course of preparing this Amendment, and are embodied within this explanatory report.

The Amendment is consistent with the direction in Planning Practice Note "*Using the Neighbourhood Character Provisions in Planning Schemes (2004)*". In some cases, additional neighbourhood character provisions are necessary to ensure that either the existing neighbourhood character is respected or a preferred neighbourhood character is achieved".

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

The amendment supports the following aspects of the Planning Policy Framework:

In Clause 11 – Settlement:

*Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

In Clause 15.01-1S – Built Environment:

*To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

*Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

In Clause 15.01-5S – Neighbourhood character

*To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

*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.*
- *Heritage values and built form that reflect community identity.*

The Amendment will support and implement each of these objectives by encouraging appropriate development in identified neighbourhood character areas, which aims to achieve positive planning outcomes.

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

Council's Municipal Strategic Statement sets out Council's strategic direction for future land use planning and development.

Clause 21.06-1 includes an objective:

*"To protect and reinforce the key elements of the City's overall urban structure and character".*

Clause 21.06-4 includes an objective, strategies and future strategic work:

*"To protect and enhance the varied, distinctive and valued character elements of residential neighbourhoods across the City of Stonnington".*

*"To ensure that the qualities and attributes that define the City's valued urban character are recognised and inform the design of new developments".*

*"Encourage use and development that respects the preferred character elements of the street or any defined precinct character, and that respects and enhances Stonnington's green and garden-like setting (as appropriate), including in areas where this character has been eroded".*

*"Identifying areas of special character for inclusion in the Neighbourhood Character Overlay".*

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

The appropriate Victoria Planning Provisions are utilised. The Neighbourhood Character Overlay and the Design and Development Overlay are considered the most appropriate Victoria Planning Provisions tools in this instance. The Neighbourhood Character Overlay affords a greater level of control in relation to neighbourhood character considerations such as front setbacks, second storey additions, garages, side and rear setbacks, walls and boundaries and design detail. The Design and Development Overlay is also considered to be the most appropriate and effective mechanism to encourage complementary front fencing styles, which cannot be provided for in the NCO or through ResCode variation in a residential zone schedule.

#### Planning Practice Note 28:

The amendment is consistent with Planning Practice Note 28 *"Using the Neighbourhood Character Provisions in Planning Schemes (2004)"*. The Practice note states that the NCO can be used when the following criteria can be met:

- the proposed area exhibits specific characteristics that need to be protected or changed to achieve a preferred character;
- the area, relative to the rest of the municipality, requires a specific approach to neighbourhood character;
- the application of local policy, the standard provisions of Clause 54 and Clause 55 or the residential schedule will not satisfy the neighbourhood character objectives identified in the local planning policy framework (LPPF) for that particular area
- a rigorous character study has been undertaken that accurately shows the physical aspects of character in the area that need to be translated into the provisions of the NCO
- the proposal is supported by appropriate community consultation.
- an NCO should not be used as a 'blanket' control across the municipality. It should be applied strategically to areas where the application of the residential development standards consistently fails to meet the objectives for neighbourhood character for a particular area.

It is considered that all the above criteria has been met. Community consultation will occur through the exhibition process.

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

As part of the exhibition process of Amendment C285ston, relevant agencies will be notified.

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

The amendment is not likely to have a significant impact on the transport system as defined under section 22 of the *Transport Integration Act 2010* affecting this amendment.

### **Resource and administrative costs**

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

The Amendment is not anticipated to have significant impact on the resource and administrative costs of the responsible authority. Introduction of the Neighbourhood Character Overlays and Design and Development Overlay will increase the number of applications for a planning permit for the areas in which they apply. The scale of the proposed Neighbourhood Character areas is not significant and therefore it is anticipated this additional work can be resourced within current staff levels.

The amendment aims to improve planning outcomes through clearer planning processes and more detailed guidance for decision makers (including VCAT) and applicants. Overall, the planning permit application process is expected to be more efficient.

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

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

City of Stonnington  
Stonnington City Centre  
311 Glenferrie Road, Malvern 3144

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

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 11 November 2019.

A submission must be sent to:

Email: [strategicplanning@stonnington.vic.gov.au](mailto:strategicplanning@stonnington.vic.gov.au)

Mail: PO Box 58, Malvern Victoria 3144

### **Panel hearing dates**

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

- Directions hearing: Week commencing 3 February 2020
- Panel hearing: Week commencing 2 March 2020

## ATTACHMENT 1 - Mapping reference table

Location	Land /area affected	Mapping reference
Malvern East	Bruce Street Precinct <ul style="list-style-type: none"> <li>• All properties in Bruce Street</li> <li>• 29-33 (odd numbers) and 48-62 (even numbers) in Sutherland Street</li> <li>• 1 and 3 Paul Street</li> <li>• 1-8 Thomas Street</li> </ul>	Stonnington C285ston 001znMaps09_10 Exhibition Stonnington C285ston 005ddoMaps09_10 Exhibition Stonnington C285ston 009ncoMaps09_10 Exhibition
Malvern East	Camino Terrace Precinct <ul style="list-style-type: none"> <li>• 1-7 (odd numbers) and 2-18 (even numbers) in Ramona Avenue</li> <li>• 2-16 Camino Terrace</li> </ul>	Stonnington C285ston 002znMap10 Exhibition Stonnington C285ston 006ddoMap10 Exhibition Stonnington C285ston 010ncoMap10 Exhibition
Malvern East	Cairnes Crescent Precinct <ul style="list-style-type: none"> <li>• All properties except 12 and 47-55 Cairnes Crescent</li> </ul>	Stonnington C285ston 003znMaps07_09 Exhibition Stonnington C285ston 007ddoMaps07_09 Exhibition Stonnington C285ston 011ncoMaps07_09 Exhibition
Prahran	Lalbert Crescent Precinct <ul style="list-style-type: none"> <li>• 535-541 (odd numbers) Orrong Road</li> <li>• All properties in Lalbert Crescent</li> <li>• 21-27 Kelvin Grove</li> </ul>	Stonnington C285ston 004znMap05 Exhibition Stonnington C285ston 008ddoMap05 Exhibition Stonnington C285ston 012ncoMap05 Exhibition