

## **AMENDMENT C122 TO THE PORT PHILLIP PLANNING SCHEME-OVERVIEW**

### **Scope and Background**

The Amendment imposes specific planning controls in the St. Kilda Road South Precinct. The Precinct includes both sides of Wellington Street, the east side of St. Kilda Road from St. Kilda Junction to Inkerman Street, and the west side of St. Kilda Road from the Junction to Carlisle Street, and some 'fringe' areas.

The Amendment came into force on 18 October 2018, but does not affect permits granted before then. Before 18 October there were no planning controls specifically applying in the Precinct. The resulting uncertainty of outcomes at the Victorian Civil and Administrative Tribunal encouraged the pressure already existing for apartment development. Over the years JAAG and other objectors had to fight long hearings in VCAT, only to end up with unsatisfactory outcomes such as the 'Lego' building at the Junction.

JAAG started lobbying for specific controls in the Precinct in 2011. Following a review by the Port Phillip Council, with JAAG input, the Council produced the St. Kilda Road South Urban Design and Land Use Framework in 2015 to ensure that future development in the Precinct was well managed. The Framework provided the strategic basis for the Amendment as the final outcome of the planning process.

### **Mandatory and Discretionary Controls**

The Amendment imposes mandatory controls in some cases, and discretionary controls in others. A mandatory control binds VCAT. Where there is a discretionary control VCAT can grant a permit which does not comply with the control but only if it considers that any applicable criteria are met.

### **Wellington Street Neighbourhood**

#### **General Residential Zone**

The south side of the street (Nos.28 to 64) is rezoned as a General Residential Zone, with a mandatory height limit of 3 storeys.

#### **Neighbourhood Residential Zone**

The remainder of the south side of the street to the east to Chapel Street, and Nos. 1A and 34 Marlton Crescent are rezoned as a Neighbourhood Residential Zone, with a mandatory height limit of 2 storeys.

#### **Mixed Use Zone**

The remainder of the street, including all the north side, and Nelson Street, is rezoned from a Commercial 1 Zone to a Mixed Use Zone. The basic purpose of a Mixed Use Zone is to provide a range of residential, commercial, industrial and other uses which complement the mixed-use function, and to provide for housing at higher densities. On the other hand, the essential purpose of the Commercial 1 Zone is to create a mixed use commercial centre for retail, office, business, entertainment and community uses, with residential densities which are complementary to the commercial centre.

The shift in emphasis recognizes the reality of a transition from commercial to residential use.

The Mixed Use Zone restricts or enables control of land use. The following mandatory height limits apply to the area:

On the north side:

Nos. 7-9 and 11-15, including the corresponding part of Nelson Street-10 storeys

The rest of the western end up to Upton Road, including the corresponding part of Nelson Street - 5 storeys

The eastern end (from Upton Road)-4 storeys

The Mixed Use Zone is also subject to:

Maximum street wall heights, i.e. above which the building must be set back. Some are mandatory and some discretionary. There are also requirements dictating how far the upper levels of these buildings must be set back or recessed.

Discretionary front setback requirements, for example, that buildings on the north side west of Upton Road must have a zero front setback.

A requirement that new developments not overshadow the southern kerb line of the street. The requirement is mandatory for developments on most of the north side of the street.

#### **St. Kilda Road South Neighbourhood - the Junction and the Eastern Side**

A variety of discretionary height limits apply from Nelson Street to Inkerman Street. The various limits have been chosen to ensure the scale of buildings reinforce the physical high point of St. Kilda Hill and the Junction, and reinforce prominent corners at Wellington Street and Alma Road , whilst at the same time avoiding higher scale intrusions in other sections of the streetscape.

For example, at the Wellington Street corner the limits are 16 storeys (north) and 18 storeys (south) and at the Alma Road corner they are 6 storeys (north) and 13 storeys (south), although a permit has already been granted for a 26 storey building on the north side of the Wellington Street corner. By contrast, the limit applying to the Victorian-era shopfronts between Charnwood Road and Charnwood Crescent is 4 storeys.

Where any limit is 7 storeys or less, one extra storey, and where the limit is higher, 2 extra storeys, may be considered, so long as certain criteria are met.

The Junction and the eastern side are also subject to the following requirements:

For some frontages (including that between Charnwood Road and Charnwood Crescent where the Victorian area shopfronts are located) there is a mandatory 11 metre maximum streetwall height. In some other areas the 11 metre streetwall height is discretionary. There are discretionary requirements specifying that the set back above the streetwall must be at least 5 metres. In the case of the shopfronts the 5 metre setback is effectively mandatory

Along the St. Kilda Road frontage buildings are not to be set back from the street. The requirement for the Charnwood Road /Charnwood Crescent frontage is mandatory. The other requirements are discretionary.

There is a discretionary requirement that new development not overshadow the southern kerb lines of Alma Road and Inkerman Street.

Some 'fringe' areas such as 3-5 Charnwood Crescent have been rezoned as Mixed Use.

### **St. Kilda Road South Neighbourhood-the Western Side**

A variety of height limits, ranging from 16 storeys at the Barkly Street/St. Kilda Road corner to 4 storeys, apply from the Junction to Carlisle Street, and extend to the whole of the "Barkly Street triangle" and the land fronting Alma Road and Barkly Street immediately to the south and some other 'fringe' areas. Some limits are mandatory but most are discretionary.

The limits in the northern area are intended to enhance the Barkly Street-St. Kilda Road corner and emphasize the high point of St. Kilda Hill, but also to protect views and setting of the St. Kilda Presbyterian Church. The primary intent behind the limits to the south beyond Alma Road is to strengthen the boulevard character of St. Kilda Road by reinstating the street edge destroyed during the 1960's widening of the road.

From slightly south of Alma Road to Carlisle Street there are discretionary streetwall height limits. The height limit is 11 metres except at the corner of St. Kilda Road and Inkerman Streets, where the height limit is 17.5 metres. In most cases there is a discretionary minimum setback of 5 metres.

There are mandatory requirements for front setbacks in Alma Road (north side and the adjoining part of Barkly Street) to protect views of the Presbyterian Church. Elsewhere there are discretionary requirements that the buildings on corners be built to the street boundaries.

There are requirements that new developments not overshadow the southern kerb lines of Carlisle Street, Inkerman Streets and Alma Road, or (in the north) the eastern kerb line of St. Kilda Road. The prohibition on overshadowing the Carlisle Street kerb line is mandatory.

Some 'fringe' areas have been rezoned as General Residential' with mandatory height limits of 4, 5 or 6 storeys, and others have been rezoned as Mixed Use.

### **General requirements applicable to the Mixed Use Zone and the St. Kilda Road South Neighbourhood**

Mandatory requirements for buildings of 5 or more storeys to have specified minimum side and rear setbacks. Under Rescode there are similar but not identical requirements for side and rear setbacks for lower buildings, but these are not mandatory.

Requirements such as clear glazing to promote active street frontages.

Requirements to deal with architectural quality, residential amenity, interfaces with residential zones, vehicular access, and waste management.

*October, 2018*