

8.1 **ST KILDA ROAD SOUTH PLANNING CONTROLS**

LOCATION/ADDRESS: **ST KILDA ROAD SOUTH**

GENERAL MANAGER: **SUE WILKINSON, ENVIRONMENT AND PLANNING**

PREPARED BY: **SEAN MCNAMEE, COORDINATOR STRATEGIC PLANNING**

TRIM FILE NO: **66/02/209**

ATTACHMENTS:

1. Draft DDO interim mandatory height controls - St Kilda Road South
2. St Kilda Road South DDO precinct plan

PURPOSE

To consider a process for introducing both interim and permanent urban design and height controls to the St Kilda Road south area.

1. EXECUTIVE SUMMARY

- 1.1 Over the last fifteen years St Kilda Road and its immediate surrounds have become an increasingly desirable location for the construction of larger scale, high density developments.
- 1.2 The St Kilda Road South precinct (broadly described as south of St Kilda Junction to Carlisle Street) currently has no detailed urban design or planning controls in place to guide the form, style and height of any new proposed development.
- 1.3 This report recommends that Council request that the Minister for Planning introduce interim planning (mandatory height) controls for the St Kilda Road South precinct via a Ministerial Amendment to the Port Phillip Planning Scheme.
- 1.4 It is further recommended that Council commit to the preparation of an Urban Design Framework for the precinct which would inform a planning scheme amendment to introduce permanent built form and height controls for the area.

2. RECOMMENDATION

That Council:

- 2.1 Resolves to request the Minister for Planning to use his powers pursuant to section 20(4) of the *Planning and Environment Act 1987*, to prepare, adopt and approve an amendment to the Port Phillip Planning Scheme, to introduce mandatory height controls into the Port Phillip Planning Scheme for the St Kilda Road south area generally in accordance with the height requirements contained in this report on an interim basis for a period of two years.
- 2.2 Authorises the General Manager Environment and Planning to finalise the amendment documentation and request to the Minister.
- 2.3 That Council notes that \$160,000 for the 2013/14 Budget will be required to progress the study.

3. BACKGROUND AND CONTEXT

- 3.1 Over the last fifteen years St Kilda Road and its immediate surrounds has become an increasingly desirable location for the construction of larger scale, high density developments.

3.2 The following key factors have contributed to this trend:

- The attractive, inner city location with good access to services and facilities
- Increased population growth
- Increased demand for apartments due to a broader and greater acceptance of apartment style living
- A strong emphasis in the State Planning Policy Framework (SPPF) directing development to established urban areas through urban consolidation, particularly around major transport and employment corridors and activity centres.

3.3 Towards this, the SPPF includes strategies to:

- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*

3.4 This is supported in the Local Planning Policy Framework (LPPF) in the Port Phillip Planning Scheme which includes the following provisions:

3.4.1 Clause 21.01-1 - *Provide significant opportunities for housing growth within designated strategic locations which offer greatest accessibility to shops, services and public transport.*

3.4.2 Clause 21.04-1 - *To provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure.*

3.4.3 *Direct the majority of new residential development to preferred housing growth areas to achieve:*

- *Substantial residential growth within strategic sites including the Fishermans Bend Urban Renewal Area and precincts located within or in close proximity to a Major Activity Centre....*
- *Moderate residential growth within the established retail / commercial strips of the Major Activity Centres, the Glen Huntly Road / Ormond Road Neighbourhood Activity Centre and the St Kilda Road Business 2 Zone.*

3.5 The result of this policy framework is that St Kilda Road is an area that is identified as being appropriate for urban renewal and built form change including increased density.

St Kilda Road/Brighton Road Corridor

3.6 St Kilda Road is a metropolitan arterial road, part of the Principal Public Transport Network and a major thoroughfare through the City of Port Phillip.

3.7 St Kilda Road also serves as a “strategic entrance” for the city. It is also one of the major defining physical urban elements of the city and as such, has a strong influence on the character of the municipality, the experience of those who travel along it and how the community feel about their sense of place around it.

3.8 Currently, St Kilda Road (including Brighton Road) features three distinct character areas. The intensity of development style and scale throughout these areas can be loosely characterised as:

3.8.1 St Kilda Road north (Wellington Street to Alma Road) – high intensity, apartment towers

3.8.2 St Kilda Road south (Alma Road to Carlisle Street) – high/medium intensity – mix of apartments and medium intensity development; and

3.8.3 Brighton Road (south of Carlisle Street) – lower scale, medium density

3.9 The different characteristics of built form and land use (existing and potential) are also reflected in the differing zoning along the three sections of the corridor. St Kilda Road north is primarily within a Business 5 zone, St Kilda Road south within a Business 2 zone (there are some areas of Residential 1 on the western side of St Kilda Road) and Brighton Road within a Residential 1 zone.

3.10 While the current strategic framework directs growth to this area there is no detailed urban design framework or planning controls to guide the form, style and height of new development. In addition there has been increasing development pressure on St Kilda Road south.

3.11 This increase in development activity, coupled with the absence of height and built form controls has contributed to uncertainty regarding desired planning outcomes and the future character of the precinct.

3.12 Recent planning approvals and development applications in this area include:

- 26 storey (91 metre) apartment tower at 3-5 St Kilda Road;
- 18 storey apartment tower at 42 Barkly Street (fronts St Kilda Road, pending VCAT hearing)
- 18 storey (56 metre) apartment tower at 2-8 St Kilda Road
- 13 storey apartment at 181 St Kilda Road
- 8 storey, 88 Carlisle Street (pending VCAT hearing)
- 8 storey, 3-7 Alma Road; and
- 8 storey, 25-29 Alma Road.

3.13 In all of the above applications, the lack of detailed design and height controls in the planning scheme were determining factors in the overturning of Council's decisions by VCAT and the granting of the permits.

3.14 To ensure that the planning of the development of this area is orderly and consistent with Council's strategic vision, detailed planning controls are required for the area. These planning controls can only be developed from the preparation of a detailed urban design framework for the precinct.

Urban Design and Height Controls

3.15 Whilst there is general policy direction in the planning scheme that encourages the intensification of residential development in the St Kilda Road south area, there is an absence of detailed requirements for urban design, building form and building height. This would require a detailed study of the precinct through an urban design framework and urban design guidelines.

3.16 It is estimated that the preparation of an urban design framework and guidelines will take an estimated two years to complete. The urban design framework would then inform the preparation of a planning scheme amendment which would introduce built form and height controls into the Port Phillip Planning Scheme.

Stage 1: Interim Height Controls – Ministerial Amendment

3.17 Interim height controls are typically used to provide a "precautionary approach" whilst strategic reviews and permanent planning controls are being developed and progressed.

3.18 Interim controls are introduced through an amendment to the Planning Scheme processed under Section 20(4) of the *Planning and Environment Act*. This can

only be done by the Minister for Planning and the amendment is determined without consultation or a formal exhibition process, to enable controls to be introduced without delay.

- 3.19 Interim controls will provide time for Council to develop detailed urban design guidelines and height controls for the precinct.
- 3.20 A request for interim controls generally requires a commitment from Council to the preparation of an urban design framework and permanent planning controls.

Stage 2: Urban Design Framework and Permanent Height Controls

- 3.21 Council would then need to undertake a detailed planning assessment of the precinct, prepare urban design guidelines and a planning scheme amendment to introduce permanent planning controls through the normal planning processes.
- 3.22 This would include community and key stakeholder engagement.

Influences on Preferred Height

- 3.23 The pattern of subdivision and development along with St Kilda Road south is generally of a lower scale and finer grain than the St Kilda Road north precinct.
- 3.24 The St Kilda Road south precinct consists of a greater mix of lot sizes and shapes.
- 3.25 The east side in particular is characterised by very fine grain “terrace style” blocks.
- 3.26 The majority of development along St Kilda Road is built to the front boundary and provides a strong human scale link to the street.
- 3.27 The Carlisle Street and Wellington Street (south side) precincts have a more traditional residential character with buildings setback several metres from the front boundary.
- 3.28 There are several heritage precincts/sites throughout the proposed study area.
- 3.29 The Alma Road/St Kilda Road intersection is the high point along through the precinct and presents as an additional natural “break” between the more intensive development of St Kilda Road north and the less intensive finer grain development to the south.
- 3.30 There are views to the south down St Kilda Road from the Alma Road high point.

Proposed Interim Heights

- 3.31 Based on the key influences in the precinct it is proposed that the interim height controls for the precinct be broken into two precincts. The main boundary determinant being the ridgeline that breaks at the Alma Road/St Kilda Road intersection.

Precinct 1–

St Kilda Road – between Wellington Road and Alma Road

- Street wall height 10 metres
- Maximum building height – 26 metres

Precinct 2

St Kilda Road – between Alma Road and Carlisle Street

Wellington Street and Carlisle Street

- Street wall height 10 metres (8 metres in Carlisle & Wellington Street south side)

- Maximum building height – 14 metres (12 metres in Carlisle & Wellington Street south side.)

3.32 The two precinct approach would allow for a smoother transition between St Kilda Road north and aims to be respectful of the character of the lower intensity areas of Wellington Street, Carlisle Street and St Kilda Road south of Alma Road

3.33 It is important to note that these are interim heights only based on very preliminary study and a precautionary approach. Further detailed urban design work would refine these with heights potentially increasing or decreasing as detailed analysis informs the drafting of permanent controls.

4. CONSULTATION AND STAKEHOLDERS

4.1 Internal consultation has occurred with Statutory Planning to obtain background information on VCAT decisions and building heights.

4.2 If Council proceeds with the request for the introduction of interim height controls via Ministerial Amendment there is no requirement for community consultation pursuant to Clause 20(4) of the *Planning and Environment Act*.

4.3 Consultation with the community and key stakeholders would occur during the preparation of permanent planning controls.

5. DISCUSSION

5.1 OPTIONS

5.1.1 Option 1 – Request the Minister introduce mandatory height controls for the St Kilda Road south precinct on an interim basis for 2 years.

This option will provide a “precautionary approach” whilst the UDF and permanent planning controls as being progressed. It will ensure that any development proposals in the short term are not of a scale that would compromise the strategic vision and outcomes for the precinct.

5.1.2 Option 2 – Do not seek the introduction of interim mandatory height controls.

This would maintain the current planning controls which do not include requirements for maximum building height. Each development application would be decided on its merits and in the context of development that has already been approved. A decision of the Responsible Authority (including a refusal of an application) has the potential for review by VCAT.

In the event that Council decides not to pursue interim mandatory height controls, it would still be open to Council to undertake the strategic work to introduce permanent height controls.

5.1.3 It is recommended that Council pursue Option 1 and seek the introduction of interim height controls through a Ministerial amendment to the Port Phillip Planning Scheme. The proposed stages for this process are outlined in the attached project outline.

5.2 ALIGNMENT TO COUNCIL PLAN

5.2.1 The amendment aligns with the *Council Plan 2009-2013* in relation to *Strengthening our Diverse and Inclusive Community and Enhancing Liveability* with key strategies being:

“3.1.3 Build on local strengths to develop active, connected communities.”

“4.1.1 Maintain and build upon the unique character of the city’s neighbourhoods.”

“4.1.5 Support opportunities to improve the community’s physical, mental, spiritual health and wellbeing.”

“4.1.7 Preserve our heritage, valuing the past and planning for the future.

5.3 POLICY IMPLICATIONS

5.3.1 The introduction of interim height controls and development of an Urban Design Framework will assist in addressing the existing policy “gap” for the St Kilda Road south area.

5.3.2 The interim height controls and the development of an Urban Design Framework and permanent planning controls for the area are consistent with the Port Phillip Planning Scheme, in particular:

- Clause 21.01-1 - *Provide significant opportunities for housing growth within designated strategic locations which offer greatest accessibility to shops, services and public transport.*
- Clause 21.04-1 - *To provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure.*

Direct the majority of new residential development to preferred housing growth areas to achieve:

- *Substantial residential growth within strategic sites including the Fishermans Bend Urban Renewal Area and precincts located within or in close proximity to a Major Activity Centre....*
- *Moderate residential growth within the established retail / commercial strips of the Major Activity Centres, the Glen Huntly Road / Ormond Road Neighbourhood Activity Centre and the St Kilda Road Business 2 Zone....*

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 The costs of requesting a Ministerial Amendment to introduce interim height controls can be met through the 2012/13 budget.

5.4.2 There is presently no budget allocation for the development of the Urban Design Framework or the permanent planning controls.

5.4.3 It is anticipated that this work will cost approximately \$160,000 in 2013/14. Funds will need to be allocated in the 2013/14 budget to progress the study.

5.5 LEGAL & RISK IMPLICATIONS

5.5.1 The interim height controls will provide a degree of certainty whilst a detailed Urban Design Framework and permanent planning controls are prepared. Interim controls would also provide a statutory framework for assessment of future development applications in this area.

5.5.2 There is some risk that the Minister will not agree to introduce interim mandatory height controls.

5.5.3 This risk may be reduced if there is a commitment by Council to undertake the preparation of the Urban Design Framework and

permanent planning controls through a detailed planning process that will include extensive community and industry consultation.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

- 6.1.1 Should Council resolve to request the introduction of interim height controls, a formal Ministerial request would be lodged immediately.

6.2 COMMUNICATION

- 6.2.1 Documentation will be provided to the Minister seeking interim height controls.
- 6.2.2 Community groups within the area will be advised of Council's decision.

7. OFFICER DIRECT OR INDIRECT INTEREST

- 7.1 No officers involved in the preparation of this report have any direct or indirect interests in the matter.