

**SUBMISSIONS RECEIVED BY PORT PHILLIP COUNCIL TO
AMENDMENT C25 TO THE PORT PHILLIP PLANNING SCHEME**

SUBMITTER	SUMMARY OF MATTERS RAISED IN SUBMISSION	DISCUSSION	OFFICER RECOMMENDATION
<p>1.</p> <p>Minter Ellison Lawyers (on behalf of the Becton Group of Companies) GPO Box 769G Melbourne VIC. 3001</p>	<p>Proposed Municipal Strategic Statement (MSS) provisions:</p> <ul style="list-style-type: none"> • Specific reference to the hotel is inappropriate in the MSS that is aimed at a municipal wide vision. • Inappropriate for the planning scheme to control issues relating to the managerial and operational aspects of a land use (in this case, the hotel). • Policies are too prescriptive and unreasonable in that some seek to achieve a specific economic outcome for a specific property in private ownership. • Include matters that are subjective opinions or misconceived. 	<p>The esplanade hotel is of local and broader cultural significance and specific reference to it in the MSS is possible. Also, it is noted that the MSS already contains some specific references, eg for the Sunday art and craft market and St Kilda triangle site.</p> <p>The proposed MSS provisions do not seek to “control” the managerial/ operational aspects of the Hotel or achieve a “specific economic outcome”, but instead seek to “encourage” and “support” the on-going use, operation and significance of the hotel.</p>	<p>No change.</p>
	<p>Proposed DDO12 provisions:</p> <ul style="list-style-type: none"> • Statements in DDO12 are more appropriate to a specific local policy statement. • Many of the design objectives are self-serving, unnecessarily restrict the development of the land and are excessively prescriptive. • Contrary to VPP requirements, the design objectives are not clearly stated and nor do they 	<p>The objectives in DDO12 have a built form implication and are therefore considered appropriate to a DDO.</p> <p>The design objectives seek to address the many characteristics and design and development constraints and opportunities of this major, strategic foreshore site.</p> <p>The outcomes of the design objectives</p>	<p>No change.</p>

	<p>explain what outcomes will be achieved. Design objectives use statements that are unclear in their future interpretation (eg 'preferred prevailing massing and skyline profile') without identifying what this constitutes, and use emotive language (eg 'overpowering') without particularising the impacts to be avoided.</p>	<p>are indicated in the provisions and table to schedule 12 of the DDO and also link to the broader policy framework for the site in the LPPF.</p>	
	<p>2nd and 3rd objectives should call upon future development to 'recognise and respect' the environment of The Esplanade rather than 'enhance' it. Unreasonable when this area sits outside DDO12 and constitutes public space.</p>	<p>The words "to enhance" are consistent with other DDO design objectives that relate to Port Phillip's foreshore urban areas and adjacent public spaces. It is reasonable to address adjacent public spaces in the context of the foreshore public spaces (including major streets) having local and metropolitan significance.</p>	<p>No change.</p>
	<p>4th design objective is vague and meaningless – there is a natural tension that exists between local residents and visitors.</p>	<p>The intent of this objective is to ensure that the amenity of the surrounding residential area is not compromised by any new development on the site, noting that the site, the St Kilda Hill area and The Esplanade are all located in a Residential 1 Zone.</p> <p>The objective could more precisely reflect this intent and be reworded to state: "To maintain the amenity of the local residential area and the balance between the amenity of the area and its broader foreshore context."</p>	<p>Change 4th design objective to read:</p> <p>"To maintain the amenity of the local residential area and the balance between the amenity of the area and its broader foreshore context."</p>

	<p>8th design objective (and outcomes in the table) refer to maintaining the silhouette of the hotel when viewed from the foreshore/pier. It is unclear whether this is achievable and nor why it is necessary to do so. Also, this objective should be re-expressed to require key views to be 'taken into account, and where appropriate, protected.'</p>	<p>This objective requires any new development on the site to protect and enhance key (nominated) views, which is considered a reasonable design objective.</p> <p>There is an objective to protect and enhance views to the front facade and main section and silhouette of the hotel from the St Kilda pier, St Kilda foreshore and The Esplanade.</p> <p>The silhouette of the hotel can be the profile of the building as seen against an open sky or a lighter backdrop, which maintains the visual dominance of the hotel.</p> <p>This is considered a reasonable design objective.</p> <p>The nominated key views need to be more precise so that there is a clear understanding of the scope of view protection that is being sought.</p>	<p>Change 8th design objective, first dot point only, to read:</p> <p>"To the front facade and main section and silhouette of the Esplanade Hotel from:</p> <ul style="list-style-type: none"> • St Kilda pier and the foreshore area between the pier and The Esplanade. • The Esplanade from the south-west corner of the Arrandale property, 8-10 The Esplanade and from the north-west corner of the Bayview property, 13 The Esplanade."
	<p>9th objective is too vague and should be deleted.</p>	<p>This objective should be re-worded to make it more precise, as follows, "To ensure that the architecture and development of the site responds to the diverse and layered history and culture of the area."</p>	<p>Change 9th design objective to read:</p> <p>"To ensure that the architecture and development of the site responds to the diverse and layered</p>

			history and culture of the area.”
	10 th objective is unclear and appears to require the retention of a particular building which is inappropriate and overlaps with the heritage overlay.	<p>The design objective refers to the streetscape “role” of the existing Baymor flats which is broad in its interpretation (eg this role may be achieved by its retention and conservation or by a suitable replacement building).</p> <p>The use of the word “special “ in relation to the building’s streetscape role should be changed to “significant”, which has a more direct meaning that links with the statement of significance for the property.</p>	<p>Change 10th design objective to read:</p> <p>“To maintain the significant role that the Baymor flats building plays in the form and imagery of the streetscape and local vistas along Victoria Street.”</p>
	11 th objective refers to the presence of open spaces within the site which has no applicability to the intent of a DDO to achieve a built form outcome and should be deleted.	This is considered a legitimate design objective that informs a built form response.	No change.
	12 th objective should also acknowledge the scale of abutting residential towers and should be re-written or preferably deleted.	This objective could be expanded upon to address the broader context of the site, as follows, “To respect and respond to the domestic scale and ambience of the residential streets in the vicinity of the site and the denser residential character of The Esplanade.” It is noted that this change is consistent with Council’s urban design policy for new residential development (Clause 22.05).	<p>Change 12th design objective to read:</p> <p>“To respect and respond to the domestic scale and ambience of the residential streets in the vicinity of the site and the denser residential character of The Esplanade.”</p>

	<p>14th objective refers to 'essential significance'. This term is unclear and the objective duplicates heritage provisions and should be deleted. The same applies for 15th objective. Also, these objectives blur the distinction between the need to provide appropriate built form parameters for the land and the need to ensure the ongoing viability and management of the hotel. Further, they overstate the overall heritage significance of the north-east wing of the Hotel and Baymor flats.</p>	<p>The whole esplanade hotel property is:</p> <ul style="list-style-type: none"> • Subject to the heritage provisions in the SPPF, MSS and the Port Phillip Heritage Policy; and • Covered by two Heritage Overlays (HO117 In relation to the hotel, which includes internal alteration controls, and HO5 in relation to the remainder of the property). <p>The hotel (including rear wings and former stables) and the Baymor flats properties are identified as 'significant heritage places' on the City of Port Phillip Heritage Policy Map and there are statements of significance for HO5 and for the hotel (including the rear wings and former stables) and Baymor flats in the Port Phillip Heritage Review.</p> <p>Also, the heritage overlay contains decision guidelines that specifically relate to new development protecting the significance of a heritage building with respect to its location, bulk, form or appearance.</p> <p>This provides an adequate range of 'tools' to guide the conservation and/or possible development of the property without the need for the 14th and 15th design objectives in DDO12.</p>	<p>Delete 14th and 15th design objectives.</p>
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	17 th objective relating to the protection of sunlight access to public spaces in mid-winter is onerous and inappropriate. Best expressed as 'reasonable solar access is provided to ..' and if any reference is necessary, refer to the equinox.	The objective relating to the protection of sunlight access to public spaces in mid-winter is consistent with the outcomes of the Amendment C5 process, which established this benchmark for Port Phillip's foreshore areas.	No change.
	18 th objective that refers to the protection of sunlight access to adjoining private open spaces conflicts with Rescode and should be deleted.	It is appropriate to apply the relevant Rescode objective (noting that Rescode was approved following the exhibition of Amendment C25).	Change 18 th design objective to read: "To ensure buildings do not significantly overshadow existing secluded private open space of neighbouring properties."
	19 th objective unnecessarily requires compliance with other provisions in the Planning Scheme.	This objective should be deleted because: <ul style="list-style-type: none"> • The requirement for new development to exhibit architectural excellence is specifically addressed in the SPPF and MSS; and • Other applicable provisions in the Planning Scheme do not need to be cross-referenced in the DDO. 	Delete 19 th design objective.
	Proposed buildings and works provisions: Reference to 'design objectives for height' is vague as such objectives are not clearly identified in Clause 1.	Self-evident which objectives apply to height.	No change.

	<p>Requirement that any height between the preferred and absolute maximums must achieve all of the outcomes in the table is onerous having regard to the vagueness and lack of precision in the objectives and outcomes.</p>	<p>This 'test' for the DDOs applying to the foreshore areas of Port Phillip was introduced via the recent Amendment C5 process.</p>	<p>No change.</p>
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	<p>Proposed setback provisions:</p> <p>Reference to 'design objectives for setbacks' is vague as such objectives are not clearly identified in Clause 1.0.</p>	Self-evident which objectives apply to setbacks.	No change.
	Requirement for basements to be fully below ground in onerous and unnecessary.	This is an established benchmark in particular areas of Port Phillip (eg DDO1), and was introduced via the recent Amendment C5 process. This provision is limited to basements in setbacks (which can be varied subject to permit) and does not preclude basements being above ground in other areas of a site.	No change.
	Requirement to achieve all of the outcomes in the Table is onerous having regard to the vagueness and lack of precision in the objectives and outcomes.	This requirement for the DDOs applying to the foreshore areas of Port Phillip was introduced via the recent Amendment C5 process. This applies where a permit is being sought to vary the specified setback distance and is considered reasonable in this context.	No change.
	<p>Proposed overshadowing provisions:</p> <p>Overshadowing controls should be discretionary and should include reasonable and appropriate objectives for the assessment of any additional overshadowing.</p>	<p>Of the four overshadowing performance measures in DDO12, three are discretionary.</p> <p>The first measure in relation to overshadowing of the foreshore is mandatory, and applies across Port Phillip's foreshore DDOs and was ratified by the recent Amendment C5 process.</p>	No change.

	Uncertainty is increased due to the variable wording of each provision – 'no overshadowing', 'generally avoid', 'generally not further overshadow' and 'generally avoid casting significant shadows'.	The performance measures relate to different circumstances ranging from overshadowing of the foreshore reserve, The Esplanade and Alfred Square and the different wording responds to each circumstance.	No change.
	Noted that in relation to the overshadowing provision for Alfred Square, Council's consultant indicates that this provision would be quite onerous in terms of information that would need to be submitted to demonstrate compliance.	Council should investigate whether a data base of existing shadows on Alfred Square (for the date and times in the performance measure) can be made publicly available in a way that is cost neutral to Council.	Investigate whether a data base of existing shadows on Alfred Square (for the date and times in the performance measure) can be made publicly available to applicants in a way that is cost neutral to Council.
	Overshadowing of private open space exceeds Rescode with no justification and is incapable of being met.	Proposed to include the relevant Rescode objective as a design objective. It is considered appropriate to delete the performance measure on the basis that: <ul style="list-style-type: none"> • The relevant DDO objective, together with other relevant overshadowing policy objectives in the SPPF and LPPF, provide adequate overshadowing protection to neighbouring properties. • This approach is consistent with other foreshore DDOs. 	Delete the fourth dot point in the overshadowing provisions in section 2.0 of DDO12.

		<ul style="list-style-type: none"> A mid-winter overshadowing measure has been justified and accepted for foreshore public spaces but not in relation to private open spaces where Rescode is the State-wide benchmark. 	
	Provision should adopt a similar approach to the outcomes in the Table ie 'reasonable solar access is provided to ..'.	The overshadowing provisions in section 2.0 of DDO12 are performance measures and therefore their "approach" is appropriate.	No change.
	Provisions are not limited to new shadows and do not consider the function/utility of any area affected by any additional overshadowing.	The majority of overshadowing performance measures in DDO12 are discretionary and matters such as the function of an area affected by additional overshadowing can be assessed.	No change.
	Winter solstice is unreasonable and requirements should be based on the equinox.	The measure relating to the protection of sunlight access to public spaces in mid-winter is consistent with the outcomes of the Amendment C5 process which established this benchmark for Port Phillip's foreshore areas, which are of local and metropolitan significance.	No change.
	<p>Proposed conservation provisions:</p> <p>Should be deleted as it duplicates existing heritage provisions applying to the property.</p>	<p>The esplanade hotel property is:</p> <ul style="list-style-type: none"> Subject to the heritage provisions in the SPPF, MSS and the Port Phillip Heritage Policy. Covered by two Heritage Overlays 	Delete the conservation provisions in section 2.0 of DDO12.

		<p>(HO117 In relation to the hotel, which includes internal alteration controls, and HO5 in relation to the remainder of the property, including Baymor flats).</p> <ul style="list-style-type: none">• Proposed to be subject to building design requirements in relation to the significant heritage buildings that are to be conserved on the site, under DDO12. <p>The hotel (including both wings and former stables) and Baymor flats properties are identified as 'significant heritage places' on the City of Port Phillip Heritage Policy Map and there are statements of significance for HO5 and for the hotel and Baymor flats in the Port Phillip Heritage Review.</p> <p>Also, as part of the planning permit application process, the Council can request that a conservation management plan be submitted as information to accompany the application, without the need for a specific requirement in the DDO.</p> <p>This provides an adequate range of 'tools' to guide the conservation and/or possible development of the property without the need for the conservation provisions in section 2.0 of DDO12.</p>	
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	Requires that the front section and north-east wing of the Hotel must be retained/conserved. There is no other provision in the Planning Scheme or Heritage Act that mandates the retention of a building and is entirely inconsistent with the discretion available under the heritage overlay control.	Agree. Refer above discussion.	Refer above recommendation.
	Proposed building design provisions: Refers to certain design objectives for building design which is unclear as the format of Clause 1 does not specifically identify which objectives are building design objectives.	Self-evident which objectives apply to building design.	No change.
	Provisions that refer to 'only a portion' and 'only a very limited portion' and 'comparable scale' pre-suppose an outcome before a specific design has been assessed on its merits and should be deleted.	The intent of these provisions is that the built form within the proposed building envelope is articulated rather than filling the whole of the envelope.	No change.
	Reference to a substantial proportion of the roof ridgeline being able to be seen against open sky when viewed from The Esplanade and St Kilda Pier is unlikely to be complied with having regard to the likely location of higher building elements to the rear of the Hotel on the land. The provision will most likely have the effect of sterilising the development envelope in a way which is not justified by the architectural/heritage status of the Hotel.	There is discretion regarding what constitutes an appropriate portion of the roof ridgeline.	No change.
	Building design provisions repeat the lack of precision evident in the design objectives and fail to give guidance or techniques for deemed to comply development, which is their stated purpose.	The building design provisions give guidance to a design response for the site.	No change.
	Provisions seek to impose a deemed to comply test	The assessment of whether an	No change.

	with respect to the broader design objectives within the overlay. The impossibility of achieving this is demonstrated by the fact that a design is only deemed to comply if 10 imprecise and inherently subjective requirements concerning building design are met.	objective has been met is a fundamental part of a Council's exercise of discretion in the decision making process.	
	Proposed table to schedule 12: The parameters in the table unreasonably constrain the potential for an innovative design response for any redevelopment of the land.	The parameters in the table have been developed having regard to the characteristics, constraints and opportunities of the site and its context. They have not been developed with regard to a particular design response.	No change.
	The view cone control is raised for the first time in the table but is not linked to a design objective. The views of the building sought to be achieved by the view cone do not warrant the degree of restriction upon the development potential of the land. Further, the exclusion of development to preserve views from the south results in the increased exposure of Bayview Flats when viewed from the north which will result in a detrimental impact upon the streetscape and the overall context of the hotel.	The relevant design objective is in DDO12, Clause 1.0, 8 th objective (that identifies key views to the front facade and main front section of the Hotel from The Esplanade, both from the south (view cone control) and the north-west). The proposed "view cone" building envelope: <ul style="list-style-type: none"> • Does not "exclude" development but seeks to achieve a massing of built form that will maintain the pre-eminence of the Hotel when viewed from The Esplanade to the south. • Does not necessarily increase the exposure of Bayview Flats when viewed from the north. 	No change.
	The table is so structured, regulated and prescribed that it denies to a designer the flexibility needed to	The table is similar to other tables to schedules in the DDO for the foreshore	No change.

	respond to the site constraints and opportunities.	areas in Port Phillip. It is noted that a similar table for the Port Melbourne foreshore area (DDO1) has resulted in appropriate development outcomes for major, strategic sites without arbitration.	
	Table would be better expressed in plan form and incorporated into the Planning Scheme.	Noted. A "plan" approach to the DDO would need the support of DOI.	Investigate a plan form approach for the table to Schedule 12 to the DDO, subject to the agreement of DOI.
	Outcomes in the table are, in general, too prescriptive or imprecise.	Noted.	No change.
	Proposed height limits are inappropriate and unduly prescriptive. The breaking up of the land into precincts and sub-areas creates considerable difficulty with the achievement of a consistent application of height controls across the land due to its slope.	DDO12 responds to the agreed approach by the working group that there should be low scale building envelopes around the perimeter of the site with scope for a higher building envelope in the central portion of the site.	No change.

	<p>Existing heritage provisions:</p> <p>AmC25 should modify the extent of controls over internal works within the hotel as presently contained in the heritage overlay.</p>	The current heritage overlay controls are not the subject of Amendment C25.	The current heritage provisions in the Port Phillip Planning Scheme that relate to the esplanade hotel property are not the subject of Am C25.
	<p>General:</p> <p>Propose to submit a specific building proposal for the land to the panel which should inform the final content of the amendment.</p>	Noted.	N/A.
			<p>Some changes to Amendment C25 are recommended in response to various matters raised in the submission by Minter Ellison Lawyers.</p> <p>Refer submission to panel.</p>
<p>2.</p> <p>Esplanade Alliance Incorporated</p>	<p>General:</p> <p>Debate over the scale and development of the esplanade hotel site is as much about how the future character of St Kilda is to be shaped as it is about how the suburb and individual buildings are to be designed.</p>	Noted.	N/A.
	<p>Background:</p> <p>In late 1980s, Am RL47 to the then St Kilda Planning Scheme introduced height controls over the tourist and foreshore areas of St Kilda. RL47 was in response to</p>	Noted. Most of these values are embedded in the current MSS and other provisions of the Port Phillip Planning Scheme.	No change.



	<p>significant Council and community concern with high-rise proposals for the esplanade hotel, mandalay flats, St Moritz and claremont sites and past planning mistakes of the 1970s (Arrandale and Bayview). RL47 introduced a clear planing framework for the St Kilda area to:</p> <ul style="list-style-type: none"> • encourage design and development to enhance the character of the area, • relate height, bulk and setback to measures that ensure compatibility and enhance appearance and character, • retain features that provide the area with its character and identity, and • enhance urban conservation. <p>These parameters have been largely supported by subsequent planning processes, including the recent Amendment C5 process. These planning controls have been successful in preserving the contours of St Kilda's built form and fostering new developments that have added to the character and identity of the area (eg Prince of Wales, George and Regal hotels, Almedia cnr. Fitzroy and Princes Streets, and the AIM redevelopment, St Leonards Ave.).</p>		
	<p>Becton, unlike other developers in the area, has sought to either remove or significantly modify the existing development controls. Becton stands to reap major economic advantage if it succeeds in its 3 year campaign to have the controls re-written for the site. They continue to cloak their aspirations in the couture of good design but their arguments essentially rest on an unproven premise that big urban gestures are the only things capable of exemplifying good design.</p>	<p>Council has continuously rejected the premise that big urban gestures are the only expression capable of exemplifying good design.</p>	<p>No change.</p>

	<p>Debate has generated huge interest because it is about whether a new private self-contained and insulated domain, allowing private needs to overshadow others, will be embraced and whether governments will allow speculative endeavours to distort planning processes in local communities.</p>	<p>Noted.</p>	<p>No change.</p>
	<p>Argue that the site can accommodate highly imaginative new, notable, imaginative and well designed buildings without substantially altering the current height controls and without mimicking the high-rise excesses and mediocrity of the 1970s.</p>	<p>Noted.</p>	<p>No change.</p>
	<p>Might be justification for modest alteration to the existing height limit if this was critical to securing the long term physical and cultural viability of the hotel. The recent sale of the hotel to commercial operators does not guarantee this outcome. The proposed increase in height controls under Amendment C25 is in clear favour of the landowner, with no demonstrated reciprocal community benefit and therefore is not supported.</p>	<p>Noted. There is an argument that the modest alteration to the existing height limit that is proposed for the site under Amendment C25:</p> <ul style="list-style-type: none"> • Respects and upholds the local planning policy framework (LPPF) of the planning scheme, which reflects current community values. • Is in the context of a 'package' of changes being proposed in Amendment C25 (eg to the MSS, DDO and incorporated documents) that make explicit the cultural significance and support the on-going use and operation of the hotel. • Is a more sophisticated response to the characteristics and constraints and opportunities of the site and its context rather than relying largely on the height of the hotel as the 	<p>No change.</p>

		<p>building height benchmark. This is consistent with the State planning policy framework (SPPF) and LPPF which require a site analysis and descriptive statement and design response to be submitted for new development.</p> <ul style="list-style-type: none"> • May assist in resolving a design response for the site, which has been under discussion over the past 20+ years. <p>On balance, these outcomes provide a broad community benefit that is not solely linked to the hotel.</p>	
	<p>Proposed MSS provisions: Support changes to MSS. The view that the Espy's role should be encouraged and continued is widely supported, including by all members of the Esp. Hotel Working Group.</p>	Noted.	No change.
	<p>It is appropriate that statements of desire and considerations of equity, diversity and cultural intangibles are included in the planning scheme, especially where these values are widely held by the communities represented by the Council and affected by the planning scheme. It is appropriate to make specific mention of the esplanade hotel in the MSS. Just as the MSS refers to Acland Street and Fitzroy Street (and the Melbourne Planning Scheme, for example, refers to the Queen Victoria Market, the Arts Centre), particularly important places are isolated for particular treatment.</p>	Noted.	No change.

	<p>Proposed amendment to citation: Support proposed amendment to the citation for the hotel.</p>	Noted.	No change.
	<p>Proposed DDO12 provisions: Oppose the height increase in the central area of the site.</p>	Noted. Refer to previous discussion.	No change.
	<p>Concerned at the incentive to demolish the kitchen wing by the granting of a greater height in the event of its demolition.</p>	<p>The proposed DDO 12 provisions are part of a comprehensive framework of planning controls for the site that extends beyond Amendment C25.</p> <p>The DDO provisions need to be read in conjunction with the other applicable provisions, noting that:</p> <ul style="list-style-type: none"> • A similar situation applies in some other heritage overlay areas in Port Phillip that are also subject to a DDO, ie heritage buildings are of a lesser height than the preferred and/or absolute building height specified in the DDO. • The applicable heritage provisions of the planning scheme provide the tests for demolition of a significant heritage building. • The DDO includes 'preferred' and 'absolute' building envelopes (for various sub-areas of the site), 	

		<p>noting that there are 'tests' to depart from the preferred up to the absolute building height.</p> <ul style="list-style-type: none"> The DDO responds to the possible outcomes of the application of the heritage provisions, having regard to site context and built form considerations. 	
	Concerned that the 5 storey absolute maximum height limit along Victoria Street acts as an incentive to demolish Baymor flats. Although of lesser concern, the same applies to the former stables on Pollington Street.	Refer to above discussion.	No change.
	In effect, the DDO encourages demolitions that are discouraged by the Heritage Overlay. Baymor flats, the kitchen wing and the former stables have full protection under the heritage overlay. The criteria by which to assess a demolition application under the heritage overlay would not allow for the demolition of Baymor flats and are unlikely to allow demolition of the kitchen wing and former stables. Yet, the 15th design objective in DDO12 explicitly considers this possibility.	Refer discussion for submission 1.	Delete 14 th and 15 th design objectives and the conservation provisions in section 2.0 of DDO12.
	Retention of the street frontage of Baymor flats is non-negotiable and its heritage significance has been reaffirmed over the past 15 years. DDO 12 should give effect to this by setting a 2 storey limit at least to the depth of the Victoria Street frontage. Preferred position is that the entire structure of Baymor flats remains.	Refer previous discussion in relation to incentives for demolition.	Refer above recommendation.
	No demolition should be contemplated without a proper heritage assessment and where the new building makes a substantial and measurable contribution to the	The Port Phillip Heritage Policy (Clause 22) addresses these matters.	Refer above recommendation.

	<p>existing values of the site.</p> <p>Support the conservation management plan provision.</p>	<p>Noted. A conservation management plan would be requested by Council as part of the package of information to be provided with a planning permit application (noting that any removal, demolition, development, works or alteration is subject to permit). A provision to this effect is not required in DDO12.</p>	
	<p>On remedy of the height control increase and the inconsistencies in the DDO and heritage overlay, would support Amendment C25.</p>	<p>Noted.</p>	<p>Refer previous recommendation.</p>
			<p>Some changes to Amendment C25 are recommended in response to various matters raised in the submission by the Esplanade Alliance Inc.</p> <p>Refer submission to panel.</p>

<p>3.</p> <p>Messrs Adamo & Sofu (lessees of the Esplanade Hotel) C/- Urbis Level 10, 90 Collins Street Melbourne VIC. 3000</p>	<p>Proposed MSS provisions:</p> <p>Proposed strategies in Clause 21.05-1 address use and development of the esplanade hotel which is not a residential use and therefore should not be in this section (Residential Land Use) in the MSS.</p> <p>Support “passing reference” to the Hotel (as an example of a cultural icon) but reject specific land use direction, including support, “as an incubator of independent local music and comedy talent.” as being inappropriate to the MSS, if at all in a Planning Scheme.</p> <p>Appear to be conflicting policy statements that on the one hand seek to encourage the on-going use and operation of the hotel while also referring to the traditional and evolving use and operation of the hotel.</p> <p>AM C25 seeks to support the current use and operation of the Hotel but provides no guidance as to how this may be done. Eg will support be given for later trading hours or alterations to the building if necessary to ensured the continued role of the premises ? Need to be clear how competing issues such as adjoining residential amenity will be balanced against retaining the Hotel activities.</p>	<p>Amendment C25 locates the proposed MSS clauses in relation to the hotel in the ‘Residential Land Use’ section of the MSS, noting that the existing Residential 1 Zone has been retained for the esplanade hotel site and that this section of the MSS relates to the “residential areas of Port Phillip”, within which the hotel is located.</p> <p>The more “specific” MSS clauses provide policy that expands upon the esplanade hotel’s role as a key cultural icon.</p> <p>It is recognised that the esplanade hotel’s cultural significance has evolved over time in response to a range of influences. The proposed MSS clauses recognise its core cultural significance (as identified in the statement of significance for the hotel, Port Phillip Heritage Review) and the need for the hotel to continue to evolve into the future. The policies are therefore considered mutually supportive.</p> <p>The proposed MSS policies support the cultural significance of the esplanade hotel, which is particularly important given its location in a residential area and on a site that is likely to be developed (in part) for a residential use.</p>	<p>No change.</p>
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		Details regarding how this support will be given effect will most likely be negotiated at a permit application stage.	
	<p>Proposed DDO12 provisions:</p> <p>Too many objectives and some objectives deal with matters addressed by the heritage overlay applicable to the site.</p> <p>Section on conservation is entirely inappropriate and should be deleted.</p>	Agree that some heritage related provisions in DDO12 are unnecessary, given the heritage provisions that currently apply to the site, and could be removed. Refer discussion for submissions 1 and 2.	Delete 14 th and 15 th design objectives and the conservation provisions in section 2.0 of DDO12.
	Mandatory height controls are inconsistent with the performance based approach of the VPP's and are not justified in these circumstances.	All of the foreshore areas (including The Esplanade area) of Port Phillip have preferred maximum <i>and</i> absolute maximum height controls. The relevant DDO's were approved by Govt. in Dec. 1999. No justification has been provided as to why this situation should change for the esplanade hotel site.	No change.
			<p>Some changes to Amendment C25 are recommended in response to various matters raised in the submission by Urbis.</p> <p>Refer submission to panel.</p>

<p>4.</p> <p>Ms Winifred Stivens 15 Victoria Street St Kilda VIC. 3182</p>	<p>Proposed planning controls will result in a development outcome that would add to the density of people and cars, add to the noise and pollution, cause loss of light/sunlight, add to the suffocating atmosphere of the area and devalue nearby properties.</p>	<p>The proposed DDO12 in Amendment C25 and other existing controls in the planning scheme provide a framework to inform an appropriate development outcome for the site that respects the local character and amenity. It is noted that a development proposal for the site would require a planning permit and this allows Council (and the community) the opportunity to assess a range of amenity and other planning matters.</p>	<p>No change to Amendment C25 is recommended.</p> <p>Refer submission to panel.</p>
<p>5.</p> <p>Mr Michael Cramphorn 15 Wynne Road Caulfield VIC. 3161</p>	<p>Support most of Amendment C25, especially the preservation of the esplanade hotel and recognition of its social and cultural significance.</p> <p>Do not agree with the potential for 8 - 10 storeys in the core area of the site as this will cause overshadowing and overlooking and this height is generally not in sympathy with the height of surrounding development. A maximum of 5 storeys should apply.</p> <p>The more high buildings that are allowed, the more pressure there is for height controls in other areas to be lifted.</p>	<p>The 8 – 10 storey height limit for the central core area of the site responds to overshadowing and overlooking considerations, and the prevailing scale of surrounding development.</p> <p>Area based height controls respond to the particular character, amenity and other planning considerations relevant to that area.</p>	<p>No change to Amendment C25 is recommended.</p> <p>Refer submission to panel.</p>
<p>6.</p> <p>Ms Viviane Rouqueirol 1 Pollington Street St Kilda VIC. 3182</p>	<p>Broadly supports Amendment C25 as it reflects the values of the local community, but feels that height limit is generous and is to the advantage of the developer.</p> <p>Becton will argue for an overdevelopment of the site. When they bought the site they knew it had a height restriction of 6 storeys.</p>	<p>Noted.</p> <p>Refer discussion for submission 4.</p>	<p>No change to Amendment C25 is recommended.</p> <p>Refer submission to panel.</p>

	<p>High rise developments are grossly out of proportion and character with the atmosphere of St Kilda and are not appropriate to this beautiful and fragile foreshore.</p> <p>Strongly urges the Council not to give into pressure from developers to build high rises on the foreshore which would have a disastrous impact forever.</p>		
<p>7.</p> <p>Mr Daniel Rouqueirol 1 Pollington Street St Kilda VIC. 3182</p>	<p>Broadly supports Amendment C25 but believes that the height limit is too generous and will be exploited by the developer. Has serious concerns about the impact on traffic flow and parking that a large development on a site surrounded by narrow streets would have. Tall building would create shadows on many surrounding houses, pavements, parks and public spaces.</p> <p>Urge the Council not to give into pressure from developers to build towers on the foreshore.</p>	<p>Noted.</p> <p>Refer discussion for submission 4.</p>	<p>No change to Amendment C25 is recommended.</p> <p>Refer submission to panel.</p>
<p>8.</p> <p>National Trust of Australia (Victoria) Tasma Terrace 4 Parliament Place East Melbourne VIC. 3002</p>	<p>Fully supports Amendment C25.</p> <p>Detail of DDO12 is appropriate – the front setbacks ensure the hotel's dominance in the streetscape, side setbacks ensure that built form is similar to that across the streets and that any taller development is substantially setback. The absolute maximum height of 10 storeys is appropriate in the context of other taller buildings on adjacent sites and that a range of objectives have to met to achieve the absolute height.</p> <p>Only concern is that any taller structure should not dominate the hotel however, there appear to be adequate provisos to achieve this.</p>	<p>Noted.</p>	<p>No change to Amendment C25 requested.</p> <p>Refer submission to panel for information only.</p>