Planning Assessment Report

Planning permit application PA2403410
10-16 Selwyn Street, Elsternwick

Planning Assessment Report
Development Assessment

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Executive Summary

Key Information	Details			
Application No:	PA2403410			
Received:	11 December 2024			
Applicant:	Pace Development Group			
Planning Scheme:	Glen Eira			
Land Address:	10-16 Selwyn Street, Elsternwick			
Proposal:	The application proposes the development of multi-storey buildings and use of the land for a Retail premises (Food and Drink Premises), Shop (supermarket), Place of Assembly and Office, demolition and building and works in a Heritage Overlay, removal of easements, construct and display internally illuminated business identification signage			
Development Value:	$120,041,000			
Why is the Minister responsible?	In accordance with the Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for use or development to which Clause 53.23 (Significant Residential Development with Affordable Housing) applies.			
Why is a permit required?	**Clause**	**Control**	**Trigger**	
Zone:	Clause 32.04	Mixed Use Zone Schedule 1 (MUZ1)	*To use the land for a Shop (including Supermarket), Place of Assembly and Office* *To construct a building or construct or carry out works.* *To construct two or more dwellings on a lot*	
Overlays:	Clause 43.01	Heritage Overlay (HO81 & HO180)	*Demolish or remove a building (in part)* *Externally alter a building* *Construct a building or construct or carry out works* *Display a Sign*	
	Clause 43.02	Design and Development Overlay Schedule 10	*Construct a building or construct or carry out works*	
	Clause 45.09	Parking Overlay Precinct 2-3	N/A	
Particular Provisions:	Clause 52.02	Easements, Restrictions and Reserves	*Create, vary or remove an easement under Section 23 of the Subdivision Act 1988.*	
	Clause 52.05	Signs	*Construct and display internally illuminated business identification signage*	
	Clause 52.06	Car Parking	*Reduce the number of car spaces*	
Cultural Heritage:	The subject land is located within an area identified for cultural heritage sensitivity.			
Total Site Area:	5,746 square metres (sqm)			
Gross Floor Area:	41,324 sqm			
Height:	36.81 metres (Roof plant – North & South Tower)			
Land Uses / Parking:	**Dwellings**	**Cars**	**Motorcycles**	**Bicycles**

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	148	423	22	115
Referral Authorities:	Head, Transport for Victoria (s55 – Determining Referral Authority) Glen Eira City Council (s52 – Notice)			
Public Notice:	Pursuant to Clause 53.23-5 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the *Planning and Environment Act 1987*. The application is **not exempt** from the notice requirements of Section 52(1)(a), (b) and (d) of the Act pursuant to the following provisions: MUZ1, DDO10, HO.			
Submissions	At the time of writing **124 submissions** have been received in response to the application (122 objections, 2 in support).			
Delegates List:	The application was presented at the Ministers Delegates Meeting on 12 June 2025.			
Recommendation	The application is recommended for approval, and it is recommended that a planning permit be issued subject to conditions as discussed in this report.			

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Background (VCAT History)

1. The subject site (the site) has been through an extensive planning process since 2018 as summarised in the submitted planning report by Urbis (refer excerpts below).

2. This has involved two separate planning permit applications being submitted to and considered by Glen Eira City Council (the Council) for very similar proposals to that in the current application. In summary, the applications have consistently sought approval of a full line Woolworths supermarket, a place of assembly to be occupied by a component of the Jewish Arts Quarter, shops and dwellings. The scale of the development as part of the previous application included a two-storey podium with two residential towers above up to a maximum height of 14 storeys.

3. The first application was refused by Council with this decision upheld by the Victorian Civil and Administrative Tribunal (VCAT). The second application was refused by Council, however following the submission of amended plans including a reduction in building height through the subsequent VCAT process, the Council resolved to support the application. VCAT determined to approve the second application, subject to a number of conditions that modified the built form and restricted aspects of the land uses proposed, as explained in further detail below.

Fabcot Pty Ltd v Glen Eira CC [2020] VCAT 957 (2020)

4. Planning Permit Application GE/PP-31572/2018 was lodged with the Council in 2018 proposing the following (in summary):

   Demolition of existing buildings on the site (excluding the fire station) and construct a mixed-use building comprising a podium and two towers (10 and 11/14 storeys in height) which will accommodate a supermarket, kiosk, café, place of assembly, the sale of packaged liquor, apartments and associated carparking.

5. The Council determined to issue a Notice of Refusal to Grant a Permit on 5 February 2019, relying on multiple grounds (summarised as follows), including height, scale and the proposed supermarket use:

   - *The height, form, scale and design detail of the proposed development is excessive and will appear overly dominant from the immediate surrounding streets and in views along Glen Huntly Road and will not adequately respect the low scale character including the heritage character of the surrounding area...*
   - *The proposal does not appropriately respond to the design objectives, design criteria or decision guidelines of Schedule 10 to the Design and Development Overlay at Clause 43.02 of the Glen Eira Planning Scheme.*
   - *The podium frontage, in particular the ground floor of the development as it presents to Selwyn Street, along with the location of the vehicle access way to the basement carpark fails to sufficiently contribute to the role of Selwyn Street as a cultural precinct, contribute to a sense of place, recognise cultural identity or reflect the existing or preferred neighbourhood character….*
   - *The height, form, scale and design fails to conserve or enhance the significance of the Elsternwick Estate and environs heritage precinct and will adversely affect the significance of the heritage place…*
   - *The proposal is likely to result in adverse impact to the operation of the road network, including road and tram movements and fails to provide adequate mitigation measures to address the impact of vehicle queuing and vehicle and tram wait times…*
   - *The frequency of deliveries and its reliance on residential street to service the supermarket loading bay facility is likely to adversely impact the amenity of the surrounding area, particularly the amenity and safety of residents and the school community within Sinclair Street…*

- *The location of the supermarket plant equipment is likely to result in unreasonable amenity impacts to occupiers of adjoining land and future occupiers of dwellings within the development….*
- *The quality of the residential accommodation is compromised and does not provide an adequate level of amenity for future occupiers including by way of overlooking from the communal open space to habitable room windows, compromised access to daylight inside particular dwellings, compromised access to daylight and ventilation to internal corridors and minimal size to the residential entrance lobbies…*

6. The decision was subsequently appealed to VCAT by the applicant. VCAT found the proposal unacceptable when assessed against relevant statutory and strategic criteria to Glen Eira, particularly due to the southern tower's height and bulk. VCAT in its decision found that key aspects of the proposed works did not present planning issues (i.e. traffic, ESD and heritage), however VCAT still determined to refuse the permit appeal (and uphold the Council's decision).

7. The applicants submission summarises the key findings of VCAT in its decision dated 7 September 2020:

- *The proposal to reduce the height of the northern tower was not persuasive. There were no sensitivities with the interfaces alongside the northern tower to justify a height reduction.*
- *The scale and height of the southern tower was problematic due to its proximity to heritage shops and the main outlook of the backyard of 'Glenmoore'. The design of the tower was seen as visually excessive.*
- *Modifications to the southern tower were expected, including more respectful setbacks to the Glenmoore property and a height reduction to around the 7-10 storey range.*
- *Suggestion was made by the Tribunal that the project might involve a review of how best to accommodate building scale and height across the land. This could have involved the same 'podium and separated twin towers' approach or placing the greatest building height and scale in the centre of the site.*

Fabcot Pty Ltd v Glen Eira CC [2022] VCAT 1025 (2022)

8. Planning Permit Application GE/DP-34187/2021 lodged with the Council under a revised planning submission which sought permission for:

   Demolition of existing buildings on the site (excluding the fire station) and construct a mixed-use building comprising a podium and two towers (10 and 11/14 storeys in height) which will accommodate a supermarket, kiosk, café, place of assembly, the sale of packaged liquor, apartments and associated carparking.

9. The Council again determined to issue a Notice of Refusal to Grant a Permit on 12 August 2021 on the grounds of:

- *The scale and setbacks of the southern tower will appear overly dominant from Glen Huntly Road and will not adequately respect the low scale character and heritage character of the commercial premises along Glen Huntly Road…*
- *The southern tower does not appropriately respond to the design objectives, design criteria or decision guidelines of Schedule 10 to the Design and Development Overlay at Clause 43.02 of the Glen Eira Planning Scheme.*
- *The scale and design of the southern tower fails to conserve or enhance the significance of the Elsternwick Estate and environs heritage precinct and will adversely affect the significance of the heritage place…*

- *The design of the vehicle egress from the basement car park will enable significant traffic movements along Selwyn Street and through the cultural precinct. This will compromise the role of Selwyn Street as a cultural precinct and its pedestrian amenity. It will also result in increased traffic distribution within local streets to the north of the subject land to the detriment of residential amenity.*

10. A subsequent appeal against Council's refusal was made to VCAT by the permit applicant.

11. VCAT ultimately directed that a permit be granted (setting aside by the Council's refusal), subject to changes which were imposed by permit conditions, most notable a reduction in height of the southern tower by three levels.

12. The applicants submission summarises the key findings of VCAT in its decision dated 7 September 2022:

    - *The local road network can accommodate the new traffic generated by the proposal, with the Selwyn Street/Glen Huntly Road intersection operating acceptably without excessive vehicle queuing or impacts on tram movements.*
    - *The proposed apartment layout and community areas are deemed acceptable, despite some aspects not being optimal. The proximity to local shops, cafes, and open spaces is a positive aspect.*
    - *Any concerns about the apartment layout could be resolved with a suitable planning permit condition.*
    - *Any concerns about the environmental sustainability design (ESD) credentials of the proposed buildings can be addressed with an appropriate permit condition.*
    - *The proposed waste collection arrangements are workable, and there are no significant concerns about equitable development.*
    - *The clear-glass treatment of the fire booster cabinet feature is supported and works well in a heritage setting.*
    - *The height of the northern tower does not need to be reduced as there are no sensitivity issues with the various interfaces alongside it.*
    - *The southern tower presents challenges due to its proximity to the Glen Huntly Road heritage shops and the backyard of Glenmoore. However, modifications to the design could make it more acceptable.*
    - *Recommendation included deletion of the upper-most three levels and further design amendment of the Southern towers setbacks and sheerness could be adequately amended to presents a more recessive and/or slender shape to Glen Huntly Road and Glenmoore.*
    - *Provided condition 1(a) to Planning Permit GE/DP-34187/2021 subsequently required:*
        - *Deletion of levels, 6, 7 & 8 from the southern tower*
        - *The draft permit conditions discussed at the end of the hearing had many positive features that would assist with managing the amenity aspects and operational issues arising.*

13. As such, Planning Permit GE/DP-34187/2021 (the Council permit) was issued at the direction of the VCAT on 07 September 2022. The approved planning permit allows for:

    The demolition of existing buildings, the development of a podium and two towers over a multi-level basement comprising shops, a supermarket, a place of assembly, dwellings and the sale and consumption of liquor (packaged liquor), and the construction and display of advertising signage in accordance with the endorsed plans and with the following planning permissions:

- *Use of the land for a shop and a place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming)*
- *Use of the land to sell or consume liquor*
- *To demolish buildings*
- *To construct two or more dwellings on a lot*
- *To construct a building and construct or carry out works*
- *To construct and display internally illuminated business identification signage*

14. The majority of conditions under Planning Permit GE/DP-34187/2021 have since been discharged by the Council (endorsed on 1 December 2023) including the following:

- Condition 1 (Architectural Drawings)
- Condition 6 (Public Lighting Plan) Condition 8 (Landscape Development)
- Condition 10 (Landscape Management)
- Condition 13 (Tree Protection Management Plan)
- Condition 17 (Waste Management Plan)
- Condition 21 (Loading Management Plan)
- Condition 24 (Acoustic Report)
- Condition 29 (Sustainable Management Plan)
- Condition 31 (Wind Assessment Report)

Application Process

15. The key milestones in the application process were as follows:

Milestone	Date
Development Facilitation Program (Pre-lodgement)	The proposal was submitted through the Victorian Government's Development Facilitation Program (DFP) on 17 November 2023 which provides an expedited planning process for eligible projects, that inject investment into the Victorian Economy, keep people in jobs, and create homes for people. All DFP applications are determined by the Minister for Planning or the Department of Transport and Planning (DTP) under delegated authority. In a letter dated 13 September 2024, Invest Victoria confirmed that the project would likely be feasible subject to the normal considerations required as the project progresses. In a letter dated 25 September 2024, the Department of Transport and Planning confirmed that the proposal has been assessed against the requirements of Clause 53.23 of the Glen Eira Planning Scheme and was eligible to apply for a planning permit under this provision.
Application lodgement	11 December 2024

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Further information requested	8 January 2025
Further information received	28 January 2025
Decision Plans	• Architectural plans prepared by Fender Katsalidis, Revision 03, dated 11 February 2025
Other Assessment Documents	• Planning report and Clause 58 Assessment prepared by Urbis, dated January 2025 • Urban Context Report prepared by Fender Katsalidis, dated October 2024 • Transport Impact Assessment prepared by Eukai, dated 11 February 2025 • Landscape Plan prepared by Urbis, Revision E, dated 4 October 2024 • A Tree Management Plan prepared by Chatfield Arborists and Consultants dated 20 September 2024. • Sustainability Management Plan prepared by Sustainable Development Consultants, dated January 2025 • Acoustic Report prepared by Marshall Day Acoustics, dated 5 September 2024 • Wind Impact Assessment prepared by Vipac, dated 26 August 2024 • Waste Management Plan prepared by Leigh Design, dated 23 September 2024 • Affordable Housing Report prepared by Urbis, dated October 2024 • Cultural Heritage Management Plan prepared by Andrew Long & Associates dated 5 April 2019 • Construction Management Plan prepared by Mad Stare Construction Site Services, Version 2, dated July 2024

16. The subject of this report is the decision plans and other assessment documents (as described above).

Proposal Summary

17. As outlined in the applicant submission, the proposal seeks demolition of the majority of buildings on the site while retaining a substantial portion of the heritage fabric associated with the former Elsternwick Fire Station (located specifically within Heritage Overlay – Schedule 81).

18. The proposal includes the construction of a two-storey podium and two above podium towers up to 10 storeys (south) and 11 storeys (north). The proposed development is designed to accommodate a variety of uses, including a supermarket, shop, food and drink premises, offices, place of assembly and dwellings (residential apartments).

19. The proposal is generally a refinement of the previous planning approval for the site under Planning Permit GE/DP-34187/2021, with the following key changes:

    - Increased provision of apartments by total of 13.
    - Increase of southern tower by three storeys.

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- Increase of northern tower by one storey, with a minimal increase in building height by 1 metre.
- Minor variance to façade expression.
- Various internal rearrangements which improve the amenity and functional layout of apartments.

20. Key details of the proposed development are as follows:

- 148 Apartments in total comprising 45 x one bedroom, 62 x two bedroom and 31 x three bedroom.
- Communal open space comprised of 642 sqm of external terraces and 195 sqm of internal communal areas.
- Storage cages dimensioned at 2sqm each are provided to 156 residential apartments, being titled together. Storage provision to the Place of Assembly tenancy is located within Basement Level 3 (50 sqm).
- Services and facilities comprising end of trip facilities, refuse / waste, plant equipment, site services, trolley storage.
- Retail premises comprising BWS (Bottle Shop): 156 sqm Retail (Supermarket): 3,477 sqm Retail (Supermarket Office): 219 sqm Shop or Food and Drink Premises: 137 sqm
- Office Area 312 square metres
- Car Parking comprising 429 spaces across four basement levels (199 Residential Spaces, 212 Retail Spaces, 3 Office Employee Spaces, 15 Place of Assembly Spaces)
- Bicycle Parking comprising 127 Bicycle Spaces in total. End of Trip Facilities are provided within Basement Level 2.
- Car parking access is facilitated by a two way crossover to Selwyn Street, located to the southwest of the development. Supermarket and shared loading docks are located to Sinclair Street and the Right of Way (laneway) to the south of the site.
- The external materials of the proposed development includes the following elements:
  - Metal finishes (Charcoal, copper finish)
  - Concrete cladding and textured precast
  - Red and blonde brick
  - Black steel picket balustrades
  - Various opaque, clear, silver finished glazing.
- Landscaping including at Level 1 podium which features significant landscaping and communal areas across Levels 5 and 6
- Construct and display illuminated business identification signs – the proposed Woolworths Signage Schedule is shown at Figure 5 below.
- Removal of Easements E-1 and E-2 from Lot 1 of TP972071P as shown in Figure 6 as these easements are redundant.

21. The architectural package prepared by Fender Katsalidis includes following concept image/s of the proposal:

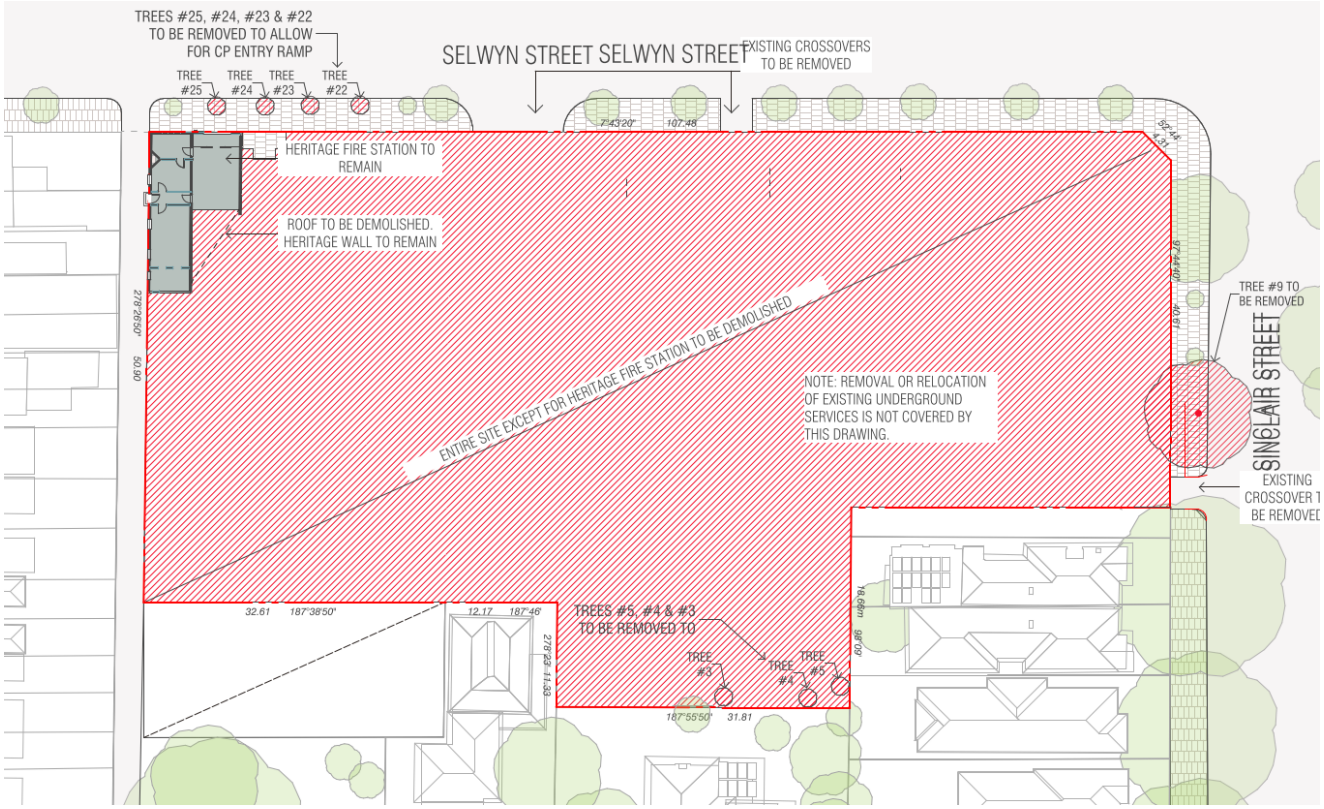

Figure 1: Demolition and retention plan (Source: Fender Katsalidis Architects)

Figure 2: Architects impression of the development as viewed from Selwyn Street (Source: Fender Katsalidis Architects)

Figure 3: Architects impression of the car park entrance (from Selwyn Street) and retained heritage fire station (Source: Fender Katsalidis Architects)

Figure 4: Architects impression of the development as viewed from the corner of Selwyn Street and Sinclair Street (Source: Fender Katsalidis Architects)

SIGN TYPE	IMAGE	SIZE	DETAILS
SIGN A	Woolworths	NOM 7500mm X 1565mm	3D INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGN WITH SINGLE ELEMENT ASPECTS
SIGN B	BWS	NOM 2500mm X 975mm	3D INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGN WITH SINGLE ELEMENT ASPECTS
SIGN C	Woolworths	1940mm X 2140mm	INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGN
SIGN D	BWS	670mm X 2140mm	INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGN
SIGN E	Woolworths P SHADOW DIAGRAMS SPOS	1500mm X 2275mm	INTERNALLY ILLUMINATED BUSINESS AND PARKING IDENTIFICATION SIGN
SIGN F	ENTRY	3935mm X 900mm	INTERNALLY ILLUMINATED PARKING IDENTIFICATION SIGN
SIGN G	EXIT	3935mm X 900mm	INTERNALLY ILLUMINATED PARKING IDENTIFICATION SIGN
SIGN H	P	1795mm X 900mm	DIRECTIONAL PARKING SIGNAGE
SIGN I	Loading dock	1200mm X 930mm	LOADING DOCK SIGNAGE
SIGN J	Please return your trolley here	600mm X 930mm	TROLLEY SIGNAGE

Figure 5: Proposed signage schedule (Source: Fender Katsalidis Architects)

Subject Site and Surrounds

Site Description

22. The subject site (the site) is formally known as 10-16 Selwyn Street, Elsternwick. As described in the application, it is irregular in shape, with a total site area of approximately 5,746 sqm. The site has a primary frontage to Selwyn Street of approximately 110 metres and secondary frontages to Sinclair Street and the adjoining southern laneway of 37 metres and 51 metres respectively.

23. The site is comprised of 5 separate land parcels, being the Certificates of Title:

    - Lot 1 on Title Plan 231713J, Certificate of Title Volume 8147, Folio 645.
    - Lot 1 on Title Plan 707875E, Certificate of Title Volume 2844, Folio 715.
    - Lot 1 on Title Plan 896250M, Certificate of Title Volume 8831, Folio 594.
    - Lot 23 on Plan of Subdivision 2360, Certificate of Title Volume 2573, Folio 592.
    - Land in Plan of Consolidation 155134, Certificate of Title Volume 9512, Folio 407.

24. The site is currently occupied by the former Australian Broadcasting Corporation studios and former Elsternwick fire station. The ABC studios comprise two brick and metal clad buildings with a three-storey (equivalent) built form. The fire station is a single storey brick building with associated sheds behind.

25. The site is located at the intersection of Selwyn Street and Sinclair Street. The site forms part of the area known as the Elsternwick Major Activity Centre. The site is a large, strategically located site within the activity centre and adjoins the retail core of Elsternwick which runs along Glen Huntly Road in an east / west direction. The site has a fall of approximately 1 metre from the south-east corner to the north-west corner.

26. Car parking is provided onsite alongside the eastern boundary at-grade and there is an open-air car park on an upper level. The car parking is accessed via an existing crossover off Sinclair Street. Loading facilities are provided onsite and is positioned between the two main buildings (refer Figure 9 below). Access to this area is provided via a crossover off Selwyn Street. A crossover is also provided to the former fire station.

Figure 6: Plan showing the titles described above which make up the subject site

Figure 7: Aerial photograph showing the subject site and surrounds (Source: VicPlan)

Figure 8 & 9: Photos of the site from Selwyn Street showing the former Elsternwick Fire Station, existing two and three storey height buildings, main entry gate and loading areas (centrally within the site)

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Figure 10 & 11: Photos of existing two storey brick buildings as viewed from Selwyn Street and Sinclair Street (respectively)

Site Context

Elsternwick Major Activity Centre

27. The site is located within Elsternwick Major Activity Centre, which is currently undergoing major urban renewal. This urban renewal, identified in the *Elsternwick Structure Plan 2018-2031* prepared by the Council will facilitate large scale character and built form changes within Elsternwick. As a result, the context of the area is becoming increasingly varied demonstrating residential dwellings, apartment buildings, retail, education, community and commercial buildings of a mix of densities.

28. Built form throughout the area ranges from single-storey detached dwellings, up to multi-storey buildings comprising a mix of uses including commercial and residential. The emerging built form includes a planning approval at 7-15 Horne Street, Elsternwick (GE/DP-32409/2018) allowing the construction of a 14-storey mixed-use building with three levels of basement car parking (approximately 180 metres south of the subject site).

29. Numerous architectural styles are present throughout the area, with a range of Federation, Victorian and Edwardian dwellings, shopfronts and former civic buildings. As described above, the site is approximately 30 metres north of the Elsternwick Major Activity Centre – the Glen Huntly Road retail strip.

30. The site is also well serviced by public transport links. Elsternwick Train Station is approximately 100 metres from the site, providing transport links to the CBD and south to Sandringham, with the connecting tram stop serving the 67 between Melbourne University and Carnegie. It is also well serviced by local health and education facilities, being 800 metres from Caulfield 1.25km from Caulfield Hospital.

North

31. Sinclair Street is to the north of the site, with properties numbered 11 to 21 directly opposite the site. 11 Sinclair Street is occupied by Sholem Aleichem College, a large multi storey primary school rendered concrete and aluminium panelled building. 17, 19 and 21 Sinclair Street, are single storey brick dwellings with fencing of a similar materiality, frontages to these properties maintain vegetation both within their site boundaries and on-street.

Figure 12 & 13: Photos of existing single storey dwellings to the north of the site within Sinclair Street and Regent Street

East

32. To the east of the property is May Street and St Georges Road. May Street is a residential cul-de-sac which includes residential properties at 1 and 3 May Street and 1 and 3 St Georges Road. The built form of May Street comprises one and two storey height dwellings. This area is located within the Residential Growth Zone – Schedule 1 which allows for development up to 4 storeys.

33. The properties at 1 and 3 May Street are each occupied by double-storey dwellings. Vehicle access to the sites is provided via a shared crossover off May Street, via St George Road.

34. 1 May Street is set back a minimum of 6 metres from the shared boundary with the site, and 3 May Street is setback a minimum of 3 metres from the shared boundary.

Figure 14 & 15: Photos of existing two storey brick dwelling at 3 May Street (viewed from May Street and the rear of 1 St Georges Road)

35. The large property at 1 St Georges Road comprises 'Glenmoore', which is an a locally significant two-storey dwelling, constructed c1868 which is listed by the National Trust. Glenmoore is a large residential lot (approximately 2,500 sqm) that comprises a tennis court adjoining the shared boundary. The existing dwelling is setback approximately 34 metres from the shared boundary with the site. Glenmoore is the only individually significance property (under the Heritage Overlay) in the area immediately surrounding the site.

Figure 16 & 17: Photos of existing two storey brick dwelling and tennis court at 1 St Georges Road (viewed from the backyard)

36. Also to the east of the site is a row of five single storey federation cottages at 16, 18, 20, 22 and 24 Sinclair Street. The property at 16 Sinclair Street shares its southern boundary with the site. Vehicle access to 16 Sinclair Street is via a shared crossover with 18 Sinclair Street via Sinclair Street. The existing dwelling at 16 Sinclair Street is setback a minimum of 4 metres from the shared boundary with the site.

Figure 18 & 19: Photos of existing single storey dwellings within Sinclair Street (east of the site)

South

37. To the south of the site is a laneway (Right of Way) which runs along the rear interface of the retail strip and existing shops fronting Glen Huntly Road. The retail strip on the northern side of Glen Huntly Road (closest to the site) consists of double storey Federation and Victorian shopfronts, characterised by uniform parapets and modified ground floor presentations. This area broadly marks the Elsternwick Commercial and Public Precinct which continues in an east / west direction along Glen Huntly Road.

38. Further south to the site is the Elsternwick Plaza, and Former Elsternwick Post Office (VHD: H0640) which comprises a double storey ornate red brick building on the Victorian Heritage Register. Further south, the land is also developed for residential purposes, with building heights of up to 11 storeys at 26 Riddell Parade, Elsternwick (as shown in Figure 23).

Figure 20 & 21: Photos of the laneway (off Selwyn Street) and Glen Huntly Road shopping strip to the south of the site

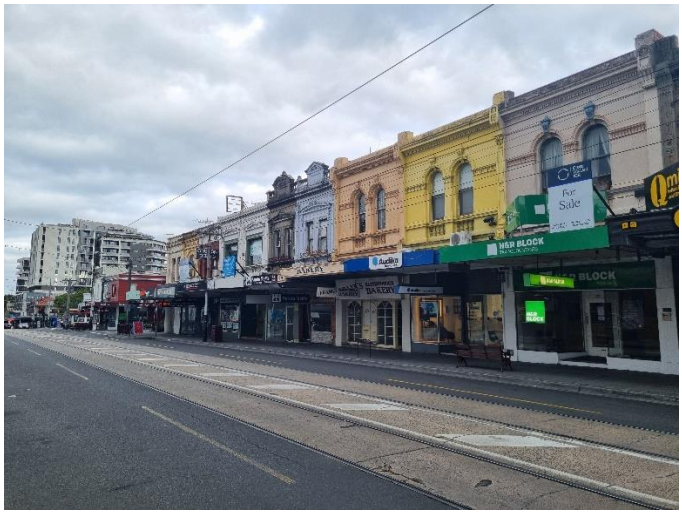

Figure 22 & 23: Photos of Glen Huntly Road shopping strip heading towards Nepean Highway and completed developments in Riddell Parade

West

39. The western side of Selwyn Street is occupied by the Elsternwick Cinema (9 Gordon Street, Elsternwick), Melbourne Holocaust Museum (13 Selwyn Street), and Kadimah Jewish Cultural Centre & National Library (7 Selwyn Street). There is a four storey residential apartment building located at 19 Selwyn Street with upper-level balconies facing Selwyn Street and a double width crossover providing access to car parking on site. The property at 21 Selwyn Street is occupied by a double-storey red brick Telstra exchange building (not accessible to the public).

40. Further to the west, the land is used for residential purposes with existing and approved heights up to 12 storeys (247 Glen Huntly Road, Elsternwick) approximately 240m south-west of the site. Across the site to the west, on Gordon Street, there is a residential infill development of seven storeys (19 Gordon Street, Elsternwick). In the immediate vicinity of the site, all sites are located within the Elsternwick Estate and Environs Precinct (HO72) with sites of varied cultural and built form significance.

Figure 25 & 26: Photos of the rear of Classic Cinema and two storey brick building at 7 Horne Street

Figure 27 & 28: Photos of the Melbourne Holocaust Museum and four storey apartment building at 19 Selwyn Street

Planning Provisions

Municipal Planning Strategy

41. The Municipal Planning Strategy and Planning Policy Framework (PPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans.

42. The following objectives and strategies of the Municipal Planning Strategy of the Glen Eira planning scheme are relevant to the proposed development:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement and Activity Centres
02.03-2	Environment and Amenity
02.03-3	Built Environment and Sustainability
02.03-4	Housing
02.03-5	Economic Development
02.04-1	Strategic Framework Plan
02.04-2	Activity Centre Hierarchy Plan

Planning Policy Framework

43. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across Victoria. The following objectives and strategies of the Planning Policy Framework of the Glen Eira planning scheme are relevant to the proposed development**:**

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of Urban Land
11.03-1S	Activity Centres
11.03-1R	Activity Centres – Metropolitan Melbourne
11.03-1L	Activity Centres
Clause 13	**Environmental Risks and Amenity**
13.05-1S	Noise management
13.07-1S	Land Use Capability
Clause 15	**Built Environment and Heritage**
15.01-1S	Urban Design
15.01-1L	Landscaping
15.01-2S	Building Design
15.01-2L-01	Building Design

15.01-2L-02	Environmentally sustainable development
15.01-5S	Neighbourhood character
15.03-1S and 15.03-1L	Heritage Conservation
15.03-2S	Aboriginal Cultural Heritage
Clause 16	**Housing**
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L-01	Housing supply – Substantial Change Areas
16.01-2S and 16.01-1L	Housing affordability
Clause 17	**Employment**
17.01-1S	Diversified Economy
17.01-1S	Diversified Economy – Metropolitan Melbourne
17.02-1S	Business
Clause 18	**Transport**
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and safe transport
18.02-4L-01	Road system and access
18.02-4L-02	Car parking
Clause 19	**Infrastructure**
19.03-3S	Integrated water management
19.03-5S	Waste and resource recovery
19.03-5L	Waste management

44. The 'Assessment' section of this report provides an assessment of how the proposed development responds to the objectives and strategies of the relevant planning policies outlined above.

Zoning and Overlays

Clause 32.04 Mixed Use Zone Schedule 1 (MUZ1): Glen Eira Mixed Use Areas

45. The site is located within the MUZ1 (Clause 32.04) which has the following purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*

- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

46. Under the provisions of the Mixed Use Zone at Clause 32.04 of the Scheme, a planning permit is required to:

    - Use of the land for a Shop (including Supermarket) with a leasable floor area is over 150 sqm, Place of Assembly and Office with a leasable floor area over 250 sqm (Clause 32.04-2).
    - Construction of two or more dwellings on a lot (Clause 32.04-7)
    - Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (Clause 32.04-10)

47. The Decision Guidelines under the MUZ1 include the MPS and PPF and the objectives, standards and decisions guidelines of Clause 58.

48. The 'Assessment' section of this report includes a discussion of how the proposal responds to the requirements of the MUZ1.

Clause 43.01 Heritage Overlay (HO81 & HO180)

49. The site comprises two Heritage Overlays. One is a precinct based overlay (Schedule 180: Elsternwick Commercial & Public Precinct) and the other is for an individually significant graded building (Schedule 81: Former Elsternwick Fire Station, 2-4 Selwyn Street, Elsternwick).

50. The purpose of the HO is (as relevant):

    - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    - *To conserve and enhance heritage places of natural or cultural significance.*
    - *To conserve and enhance those elements which contribute to the significance of heritage places.*
    - *To ensure that development does not adversely affect the significance of heritage places.*

51. A permit is required under the HO973 to demolish or remove a building, construct a building or construct or carry out works, externally alter a building and construct of display a sign.

52. It is noted that the former Elsternwick Fire Station building identified in Schedule 81 is included in the Victorian Heritage Register. The applicant has previously received planning permission in relation to the proposed works for this building as part of Heritage Victoria approval (reference P388999 & P38898) issued on 27 December 2023.

53. The decision guidelines under the HO include (in summary), the MPS and PPF, the significant of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place, any applicable heritage statement or decision guideline, whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place or is in keeping with the character and appearance of adjacent buildings and the heritage place and whether the demolition, removal or external alteration or proposed works will adversely affect the significance, character or appearance of the heritage place.

54. The 'Heritage' section of this report provides a detailed assessment of the proposal against the purpose and decision guidelines of the HO.

Clause 43.02 Design and Development Overlay Schedule 10 (DDO10): Elsternwick Activity Centre

55. The subject site is within 'Precinct D' of the Elsternwick Activity Centre under the applicable DDO10 which contains the following design objectives:

- *To preserve and enhance the heritage character of the Glen Huntly Road shopping strip.*
- *To encourage well designed mixed-use development, that supports the housing and economic needs of the Elsternwick activity centre.*
- *To ensure an appropriate design response to sensitive interfaces, such as heritage or residential sites and open space.*
- *To encourage developments in urban renewal areas and on strategic sites that provide a significant benefit for the Elsternwick community.*

56. A permit is required under the DDO10 to construct a building or to construct or carry out works.

57. The DDO10 outlines requirements for building height, setbacks (from the street and sensitive residential interfaces), building design, overlooking and passive surveillance, access and parking and site consolidation.

Figure 29: Building heights under the DDO10 (Note: the subject site is within Precinct D which has a discretionary 10 level limit)

58. The decision guidelines of the DDO10 include (in summary):

- *Whether development responds to the design objectives set out in Clause 1.0 to this schedule.*
- *The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.*
- *Whether the design and form of buildings supports the housing and economic needs of the Elsternwick Activity Centre.*

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- *Whether proposed buildings on sites that are in the vicinity of a heritage place are respectful of that heritage place.*
- *Whether proposed buildings are sensitively designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjacent land.*
- *The impact of overshadowing to the public realm.*
- *Whether development in Precinct C, D, E or F demonstrates a high level of architectural quality and makes a positive contribution to the public realm.*
- *Whether any building in Precinct C, D, E or F that exceeds the maximum preferred building height:*
  - *Demonstrates that the development includes the provision of significant community benefit; and*
  - *Does not create unreasonable impacts on the amenity of sensitive interfaces as a result of additional height; and*
  - *Demonstrates architectural design excellence.*

59. The 'Built Form' section of this report provides a detailed assessment of the proposal against design objectives and decision guidelines of the DDO10.

Clause 45.09 Parking Overlay

60. Whilst the site is in the Parking Overlay, a planning permit is not required under this provision, as the applicable schedule provides parking rates for Student Housing only.

Particular and General Provisions

Clause 52.02 Easements, Restrictions and Reserves

61. The purpose of this Clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

62. The application includes the removal Easements E-1 and E-2 from Lot 1 of TP972071P as these easements are considered to be redundant. Clause 52.02 states that a permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement.

63. The decision guidelines of Clause 52.02 require consideration of the interests of affected people, in addition to the relevant decision guidelines of Clause 65, when assessing the removal of an easement.

64. Easements E1 and E2 are located centrally to the site and only benefit the other lots that from part of the site (being Lot 23 on LP2360 to the south of the easement). None of the other adjoining properties which do not form part of the subject site benefit from the easements. Once the proposed development has been constructed, the easements will become redundant. It is therefore considered orderly planning to remove the redundant easements.

Clause 52.05 Signs

65. The purpose of this Clause is:

- *To regulate the development of land for signs and associated structures.*

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- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

66. A permit is required to construct and display internally illuminated business identification signage within Category 3 – High Amenity Areas (Mixed Use Zone).

67. The decision guidelines under this Clause include (as relevant) the character of the area, impacts on views and vistas, the relationship of the signage to the streetscape, setting or landscape, the relationship to the site and building, the impact of structures associated with the sign, the impact of any illumination and impact on road safety.

68. The proposed signage is assessed under the relevant decision guidelines in the 'Signage' section of this report.

Clause 52.06 Car Parking

69. Clause 52.06 sets out the requirements for provision and design of car parking spaces and seeks (as relevant):

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

70. Clause 52.06-3 (permit requirements) states a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

71. A total of 423 car parking spaces, including four accessible car parking space are proposed within the basement levels. The proposed development has a statutory carparking requirement of 402 spaces under Clause 52.06-5. The provision of 423 spaces results in a total surplus of 28 spaces. Loading is provided via at grade loading bays accessible via the southern laneway and Sinclair Street (north).

72. A Transport Impact Assessment, including a car parking demand assessment, has been undertaken by Eukai and is discussed in further detail under the 'Car and Bicycle Parking, Loading, and Other Services' section of this report.

Clause 52.34 Bicycle Facilities

73. Clause 52.34 sets out the requirements for provision and design of bicycle parking and associated facilities. This Clause seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

74. In terms of provision of bicycle facilities, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

75. Under the provisions of Clause 52.34 of the Scheme, bicycle parking is required for the supermarket, place of assembly and dwelling uses which form part of the proposed development.

76. The development has a statutory bicycle parking requirement of 60 spaces, with a total of 127 spaces are proposed on site, representing a significant surplus to the minimum requirements under this Clause. The submitted Transport Impact Assessment provides further discussion of bicycle parking and is discussed in further detail under the 'Car and Bicycle Parking, Loading, and Other Services' section of this report.

General Requirements and Performance Standards

Clause 53.18 Stormwater Management in Urban Development

77. Clause 53.18 applies to the buildings and works of this application under the MUZ1 and sets out standards and objectives to be met for new development.

78. This clause seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 53.23 Significant Residential Development with Affordable Housing

79. The application has been submitted under Clause 53.23 of the planning scheme. The purpose of this Clause is as follows:

- *To facilitate residential development that includes affordable housing to meet existing and future needs.*
- *To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.*
- *To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.*
- *To facilitate residential development with high quality urban design, architecture and landscape architecture.*
- *To provide opportunities for non-residential use and development in association with residential development.*

80. The application has been submitted under 'Category 1' of Clause 53.23 which requires the following conditions to be met:

- *The total cost of the development is at least $50 million.*
- *At least 10% of the total number of dwellings in the development are affordable housing.*
- *Written advice from the Chief Executive Officer, Invest Victoria has been provided confirming the likely financial feasibility of the proposal.*

81. In accordance with the affordable housing report submitted, the permit applicant has applied a market value equal to the median two bedroom and one bathroom apartment for their average affordable apartment. This provides some confidence that a sufficient value has been allocated towards their affordable housing stock in order to offer a mix of apartment types. Notwithstanding, it is recommended that the Section 173 agreement drafted includes a requirement for a mix of dwelling types that are provided as affordable.

Apartment Developments

82. Clause 58 (Apartment Developments) applies to an application to construct an apartment development if the apartment development is a Mixed Use Zone. The purpose of Clause 58 seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

83. The provisions of Clause 58 include objectives, standards and decision guidelines. A development must meet all of the objectives of this Clause and should meet all of the standards of this Clause. A detailed assessment of the proposed development against the requirements of Clause 58 is contained at Appendix 1 to this report.

Decision Guidelines

84. Clause 65.01 (Approval of an Application or Plan) of the planning scheme states that before deciding on an application, the responsible authority must consider (as appropriate) the matters set out in section 60 of the Act, the Municipal Planning Strategy and the Planning Policy Framework, the purpose and any matter required to be considered in the zone, overlay or other provision, the effect on the environment, human health and amenity of the area, stormwater quality, traffic flow and road safety impacts and impacts to the operation of the transport system.

Strategic Plan

Elsternwick Structure Plan (draft) and Planning Scheme Amendment C256

85. Council adopted the *Elsternwick Structure Plan 2023* at the 15 August 2023 Ordinary Council Meeting. The plan outlines a vision for the suburb's evolution over the next 15 years, focusing on enhancing its unique character, improving public spaces, and promoting sustainable growth.

86. Key elements of the plan include the creation of new public spaces, the enhancement of existing ones, and the promotion of sustainable transport options. It also emphasises the importance of preserving Elsternwick's heritage, while allowing for appropriate development that meets the needs of a growing population. The plan is a result of extensive community consultation, reflecting the shared aspirations of residents, businesses, and other stakeholders for the future of Elsternwick. The Elsternwick Structure Plan is not currently a reference document in the Glen Eira Planning Scheme and has not been progressed as a planning scheme amendment.

87. Based on this plan, Council prepared draft amended planning controls which received endorsement on 19 March 2024 to seek authorisation from the Minister to prepare a planning scheme amendment. Planning scheme amendment C256glen proposes a new permanent schedule to the Design and Development overlay (DDO10) applicable to the subject site.

88. The amendment was exhibited from 13 February – Friday 28 March 2025 with submissions currently being considered by the Council as such is not currently considered to be seriously entertained.

Elsternwick Cultural Precinct Functional Arrangement & Precinct Design

89. The 'Elsternwick Cultural Precinct Functional Arrangement & Precinct Design' plan (Design Plan) was adopted by the Council at the 27 April 2021 Ordinary Council Meeting.

90. This plan was formed from the 'Cultural Precinct Plan' which was adopted at the 27 November 2018 Ordinary Council Meeting and puts into place a detailed design based on the stakeholder engagement and design development which had occurred since the Cultural Precinct Plan was adopted. Some of the key design considerations within the Design Plan for the road network relevant to 10-16 Selwyn Street include:

- Restriction of vehicle movements on Selwyn Street to northbound movements only at Sinclair Street, which permits left and right-turn movements from Selwyn Street.
- Raising the pavement at the northern end of Selwyn Street to facilitate a 'pedestrianised space'

91. Despite the plan referencing a raised pavement, the plan continues to allow for vehicle access onto this section of Selwyn Street, which is further highlighted in the following map showing that vehicles can access Sinclair Street from Selwyn Street, however as an exit only.

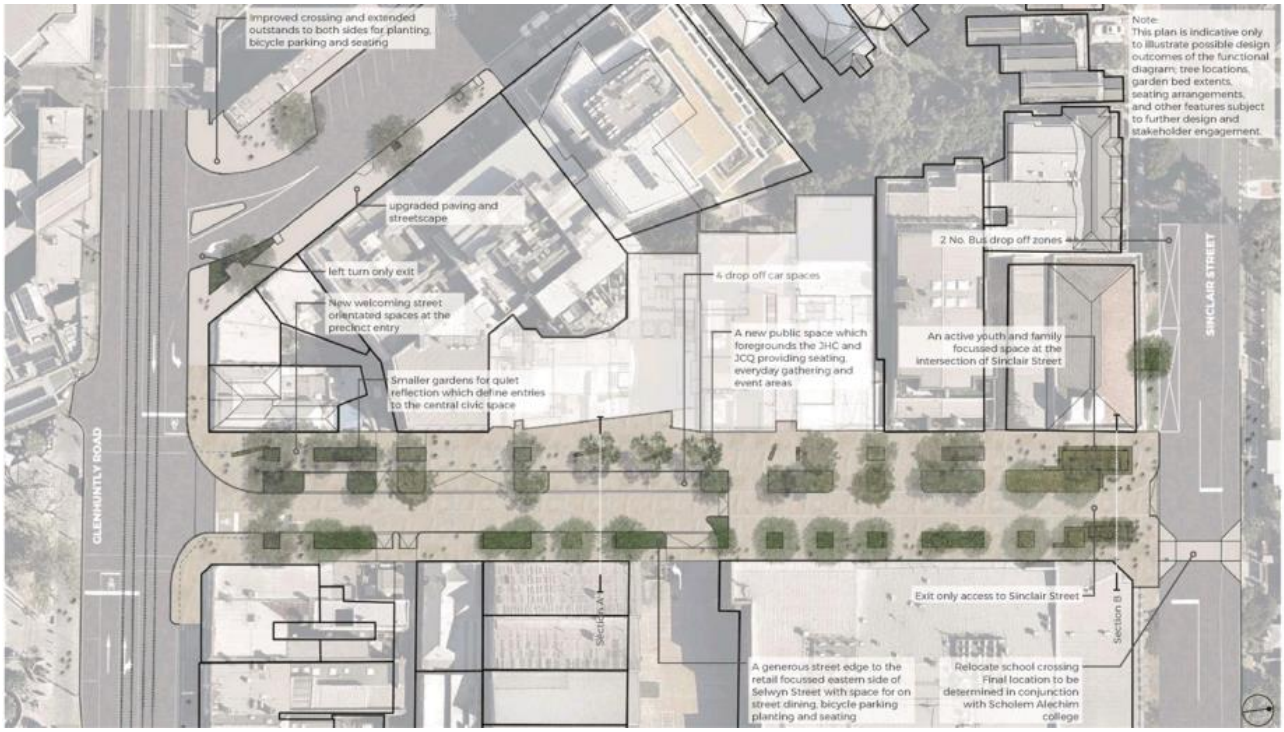

Figure 33: Selwyn Street upgrades proposed under the Elsternwick Cultural Precinct plan

92. This therefore means that left and right turns from the subject site into Selwyn Street appear to still be permitted under the adopted Council plan.

93. The original timeline for the design and construction of the Elsternwick Cultural Precinct was to complete detailed design in 2023 and commence construction in 2024. Council has decided to revise the project timeline to avoid clashing with the construction of the proposed development on the subject site.

94. The Glen Eira City Council website states that the Elsternwick Cultural Precinct will now commence detailed design in 2028/29 and commence construction in 2029/30 subject to further consideration during Council's annual budget process.

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Referrals and Notice

Referrals

95. The application was referred to the following agencies:

Provision / Clause	Organisation	Response and date received
Section 52 Notice	Glen Eira City Council	27 February 2025 – No objection subject to conditions
Section 55 Referral – Determining	Head, Transport for Victoria	3 February 2025 – No objections or recommended conditions

Glen Eira City Council

96. The Council resolved at a meeting on 26 February 2025, to lodge a submission to the Minister for Planning providing feedback on the proposed development and requesting a number of conditions to be included in any permit issued by the Minister should it be determined to grant a permit.

97. The submission strongly opposes any additional height increase to both towers from the heights approved by VCAT as part of existing planning permit GE/DP-34187/2021/A. In addition, the submission advocating for the referral of this application to the Priority Projects Standing Advisory Committee prior to a determination being made on the application. The recommendations contained in the Council's submission include:

- *That the following changes are made to the advertised plans:*
  - *a) The height and number of storeys of both the southern and northern towers as shown on the current endorsed plans to GE/DP-34187/2021/A to be reinstated.*
  - *b) The east facing walls associated with the ground and mezzanine levels (the podium) be reduced in height to match the same height of this wall as shown on the endorsed plans dated 14 June 2024.*
  - *c) The rear of the shop/food and drink premises spaces to be glazed as per the previous permit requirement.*
  - *d) Mezzanine level roof landscape area facing 3 May Street to have the following notation reinstated: 'non-accessible roof, for maintenance access only''*
  - *e) 'Communal terrace' labels to be reinstated on the level 5 and 6 plans on the communal open space areas within the northern tower.*
  - *f) The surplus car spaces provided for the dwellings and supermarket uses, in accordance with Clause 52.06, be reallocated to the office and place of assembly uses so that these uses are no longer proposing a parking reduction.*
- *All construction management plan requirements in accordance with Condition 15 on planning permit GE/DP-34187/2021/A be included on the permit*
- *All loading bay management plan requirements in accordance with Condition 21 on planning permit GE/DP-34187/2021/A be included on the permit.*
- *The permit applicant to enter into a Section 173 agreement for the provision of at least 10 per cent affordable housing within the development. The affordable housing should be an even mixture of apartment typologies to the satisfaction of the Responsible Authority.*

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Head, Transport for Victoria

98. The Head, Transport for Victoria did not object to the proposal or recommend any permit conditions.

Notice

99. Pursuant to Clause 53.23-5 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the *Planning and Environment Act 1987*.

100. The application is **not exempt** from the notice requirements of Section 52(1)(a), (b) and (d) of the Act pursuant to the following provisions: MUZ1, DDO10, HO.

101. At the time of writing **124 submissions** have been received in response to the application (122 objections, 2 in support). Key issues include (but are not limited to the following):

- Departure from previous VCAT decision
- Increase to building height
- Setbacks
- Impacts to heritage places
- Overlooking / loss of privacy
- Loss of sunlight / overshadowing
- Traffic movements
- Loading arrangements
- Construction Management
- Sale of alcohol
- ESD standards
- Affordable housing offer is misleading

102. The issues raised in the submissions are discussed in further detail under the 'Submissions' section and addressed throughout the 'Assessment' section of this report.

Key Considerations

103. In assessing the proposed development, key considerations include (but are not limited to) the following:

- Response to the Municipal Planning Strategy and Planning Policy Framework
- Proposed land use/s
- Built form response to the DDO10
- Building height and setbacks (including from the street and sensitive interfaces)
- Extent of demolition and design response to heritage places
- Design detail and architectural response
- Signage
- Ground level activation and the public realm
- Landscaping and communal areas
- Amenity impacts (wind, noise, overshadowing, overlooking)
- Car parking, bicycle parking, traffic impacts
- Construction management and loading arrangements
- ESD, Stormwater, Waste
- Delivery of affordable housing

Strategic Direction and Land Use

Municipal Planning Strategy

104. The particular MPS policies that apply have been summarised, and a brief assessment of how the proposal responds to these policies is undertaken below. These matters are discussed is greater detail in the later sections of this report.

105. The proposal is consistent with Vision of the Glen Eira Planning Scheme to deliver a city that is, accessible, liveable, sustainable and healthy (Clause 02.02).

106. Clause 02.03-1 (Settlement and Activity Centres) recognises that Glen Eira is currently in a state of transition, as its activity centres and neighbourhoods are evolving in response to growth and development pressures and changing community needs. This policy acknowledges that the levels of change and the built form outcomes have not always aligned with community expectations.

107. Glen Eira's activity centres (such as Elsternwick) provide the greatest opportunity to accommodate jobs and housing given their existing infrastructure and proximity to transport, shops, community facilities and a range of other services. Directing the focus for growth into activity centres and along transport corridors will also protect the valued amenity and character of Glen Eira's residential neighbourhoods.

108. The site is located within a designated 'Major Activity Centre with Urban Renewal' with excellent access to existing infrastructure, shops and public transport. The proposal is consistent with the strategic directions of this Clause by providing high density housing development on a strategic site in an area designated for substantial growth, whilst responding to the valued amenity and character of the surrounding residential area as discussed in further detail under the following sections of this report.

109. Clause 02.03-2 (Environment and amenity) highlights the pressures on local biodiversity as a result of increased densities and urban growth. Retention and enhancement of green open space and canopy tree cover is recognised as important in delivering a range of amenity, landscape, ecological, climate change, urban heat island, economic, social and health and wellbeing benefits.

110. To achieve balanced and positive built environment and heritage outcomes, this Clause encourages (amongst other directions) to support development and landscape outcomes that respect the amenity, character and heritage values of existing areas, provide for a transition of built form and scale, provide good internal amenity and outlook, support diversity of character that respects Glen Eira's residential areas, support high quality development at a scale that responds to the local context and support environmentally sustainable design principles for development. These matters are discussed in further detail under the following sections of this report.

111. Clause 02.03-3 (Built Environment and Sustainability) seeks to balance increased densities and urban growth in the municipality while maintaining its identity by identifying areas for varying levels of change and by balancing the need for conservation and renewal. The importance of delivering housing and development which makes a positive contribution to the neighbourhood and achieves quality design whilst ensuring the protection of amenity, character and heritage values of existing areas. This Clause reiterates the challenges of managing growth pressures whilst preserving the heritage assets and neighbourhood character elements that contribute to the distinct character of Glen Eira's residential neighbourhoods and activity centres such as Elsternwick.

112. Supporting high quality development at a scale that is appropriate for a substantial change area such as Elsternwick and facilitation of environmentally sustainable development are also identified as key objectives. The proposed development will deliver environmentally sustainable design, high quality urban design and landscaping (subject to conditions) as discussed in the following sections of this report.

113. Clause 02.03-4 (Housing) states that the highest intensity of new housing will be directed to those areas that are substantial housing change areas identified in City Plan (including Elsternwick), that are best placed to accommodate housing diversity and change being close to existing services, jobs and public transport, and along transport corridors. Within these substantial change areas, a transition of building scale and height from the activity centre's core to the surroundings is encouraged to allow for amenity, character and heritage issues to be managed in response to the local context and residential interfaces.

114. The proposal is consistent with the strategic directions of Clause 02.03-4 (Housing) by facilitating infill development to increase its housing supply contribution, providing residential development which (subject to recommended conditions) achieves density, mass and scale which is complementary to the location, role and character of the Elsternwick Activity Centre and ensuring housing diversity is achieved.

115. Clause 02.03-5 (Economic Development) seeks to strengthen the provision of more diverse employment uses in activity centres. This will require development in commercial and mixed-use areas to support more employment uses on lower levels, in addition to predominately ground floor retail. The development will prioritise employment opportunities within activity centres and employment precincts with convenient public transport access.

116. Clause 02.04-1 (Strategic Framework Plan) and Clause 02.04-2 (Activity Centre Hierarchy Plan) identifies Elsternwick as a 'Major activity centre with urban renewal'.

Planning Policy Framework

117. The *Planning Policy Framework* broadly encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning. The proposed development is supported by relevant state, regional and local planning objectives and strategies.

Settlement

118. Settlement objectives and strategies under Clause 11.01-S and Clause 11.01-1R seek to facilitate the sustainable growth and development of Victoria through a network of settlements such as urban renewal precincts and develop sustainable communities by offering convenient access to jobs, services, infrastructure (including transport) and community facilities. Promoting and capitalising on opportunities for urban renewal and infill redevelopment and developing compact urban areas that are based around existing activity centres (such as Elsternwick), as well as ensuring employment such as retail are concentrated in central locations. The proposal has strong alignment with abovementioned objectives and strategies.

119. Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. This policy states that planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas whilst having regard to neighbourhood character and landscape considerations. The proposal utilises a strategic site within an established urban area, incorporating retail, residential and community uses at a scale and density that has adequate regard for the neighbourhood character values of the surrounding residential context.

120. Clause 11.03-1S and Clause 11.01-1R (Activity Centres) encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies under this Clause include building up activity centres as a focus for high-quality development and encouraging a diversity of housing types at higher densities in and around activity centres. The site is located in the established activity centre of Elsternwick, a designated 'major urban renewal area' within Glen Eira, where the concentration of major residential developments is encouraged and different types of housing, including forms of higher density housing is provided with excellent access to services, infrastructure and public transport.

121. Clause 11.03-1L (Elsternwick Major Activity Centre) applies to Elsternwick as a major urban renewal area identified on the Strategic Framework Plan and the Activity Centre Hierarchy Plan in Clause 02.04. General strategies under this policy include directing the most substantial scale into urban renewal precincts and Supporting housing growth to provide a transition in building scale and height from the commercial core to the lower scale residential built form within and adjoining activity centres. In urban renewal precincts such as Elsternwick it is encouraged to support land use and development that delivers community outcomes, including social and affordable housing, public open space, community facilities, public realm improvements and publicly accessible parking. As highlighted, the proposal delivers on these community outcomes.

122. Strategies specific to the 'Elsternwick Major Activity Centre' include the following (as relevant):

- *Strengthen the role of Elsternwick activity centre as a safe, accessible and liveable centre that embraces its historic character and strong cultural and village feel.*
- *Support opportunities to enhance arts and cultural offerings within the centre including a new cultural precinct in Selwyn Street.*

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- *Support development that complements and preserves the heritage features and distinctive fine-grained character of the Glen Huntly Road retail strip.*
- *Support reuse of the former ABC studio site for employment uses and public open space.*

123. The proposal is consistent with the above strategies by:

- Strengthening the role of the Elsternwick activity centre as the highest order activity centre in Glen Eira by delivering increased density and diversity of housing (including affordable housing), contributing to the range of retail options and employment opportunities, in close proximity to services, infrastructure and public transport options whilst respecting the historic and cultural character of the area.
- The development incorporates a 'place of assembly' facing Selwyn Street to enhance arts and cultural offerings within the activity centre in line with the vision for a future cultural precinct in Selwyn Street.
- The development complements and preserves the heritage features and distinctive fine-grained character of the Glen Huntly Road retail strip (refer detailed assessment under the 'Heritage' section of this report.
- The development replaces the redundant ABC studio buildings with employment uses including a full line supermarket.

Environmental Risks and Amenity

124. The objective of Clause 13.05-1S (Noise management) is to assist the management of noise effects on sensitive land uses. Strategies include to ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions. The applicant has submitted an Acoustic Assessment prepared by Marshall Day Acoustics which is discussed in the following sections of this report.

125. Clause 13.07-1S (Land Use Capability) seeks (amongst other considerations) to ensure that use or development of land is compatible with adjoining and nearby land uses. The site is located in a predominantly residential context with some sites in the immediate area used for non-residential uses such as education (Sholem Aleichem College) and important cultural centres such as the Jewish Holocaust Museum (located opposite the subject site). The proposed retail (supermarket and food and drinks premises) and place of assembly are appropriately located relative to existing non-residential uses including the Glen Huntly Road commercial shopping strip and the residential areas to the north and east of the site.

126. Strategies to avoid or otherwise minimise adverse off-site impacts from commercial (and other) uses including through land use separation, siting, building design and operational measures which are discussed in further detail in the following sections of this report. Subject to inclusion of conditions as discussed in this report, DTP is satisfied that the proposal will be compatible with surrounding uses and adverse off-site impacts will be minimised to the extent reasonable and practical in this location.

Built Environment and Heritage

127. Clause 15.01-1S (Urban Design) and Clause 15.01-S (Building Design) require development to respond to its context, contribute to a sense of place and cultural identity, manage interfaces between the private and public realms, provide landscaping to enhance local amenity and ensure development minimises detrimental impacts on amenity and the natural and built environment. The development achieves building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development as discussed in the following sections of this report.

128. The development responds and contributes to the strategic context of its location whilst minimising the detrimental impact on neighbouring properties, the public realm and the natural environment. Matters such as waste and resource recovery, water and stormwater efficiency, form, scale and appearance of the development, interfaces with the public realm, existing vegetation and landscaping are discussed in further detail in the following sections of this report.

129. Clause 15.01-1L (Landscaping) seeks to strengthen the landscape character of Glen Eira and mitigate the impact of urban heat island effect. The strategies to achieve these objectives include maximising retention of canopy trees, integrating landscaping including canopy trees into the design of development, ensuring new landscaping responds to the landscape character of the area and avoid adverse impacts on vegetation on adjoining properties. The proposal is consistent with these strategies as discussed in detail under the 'Landscaping' section of this report.

130. Clause 15.01-2L-01 (Building Design) seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. Relevant strategies include:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures*
- *Restrict the provision of reticulated natural gas in new dwelling development.*
- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Encourage development to retain existing vegetation.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

131. The proposal is consistent with the objectives under this policy and responds appropriately to the relevant strategies on the basis that:

- The application was accompanied by a site analysis which provides the basis for the proposed design response in terms of height, scale, massing and energy performance.

- The proposal responds to the strategic direction for the Elsternwick Activity Centre and has regard for the cultural context of the location.
- The development has been designed to minimise the detrimental impact of development on neighbouring residential properties, the public realm and the natural environment surrounding the site.
- The siting and design maximise energy efficiency, support resource recovery through the proposed waste storage and collection arrangements and encourage water efficiency.
- The proposed building and interface with the public realm in Selwyn Street and Sinclair Street provide for activation and passive surveillance from upper levels apartments to support personal safety and security.
- The layout of the development provides for safe and delineated access for pedestrians, vehicles, cyclists and loading / waste collection vehicles.
- Existing trees located on the road reserves of Selwyn Street and Sinclair Street will be retained and protected during construction, in addition to trees on neighbouring properties in proximity to the shared boundaries with the subject site.
- Landscaping in open areas and communal spaces will enhance the built form and support the cooling and greening of the surrounding urban area.

132. These matters are discussed in further detail in the following sections of this report. An assessment of the proposed development against the *Apartment Design Guidelines for Victoria (2021)* is also provided under the Clause 58 Assessment at Appendix 1 to this report.

133. Clause 15.01-2L-01 reinforces the abovementioned strategies at a local level within Glen Eira. The proposal is consistent with the relevant strategies under 15.01-2L-01 as follows:

- The development achieves a transition in scale from the proposed buildings to adjoining properties to the east and south (Glen Huntly Road commercial precinct) through graduated heights and setbacks.
- Privacy for existing between existing and proposed dwellings is achieved through a combination of setbacks and screening (where required).
- The development utilises sustainable and durable building materials that respond to local characteristics, create visual interest and reduce the impacts of the upper floors of each respective tower. Building services are consolidated and concealed within the building and roof plant will be screened from view.
- The development includes residential apartments which are orientated towards Selwyn Street and Sinclair Street, as well as the east towards residential properties. Overlooking and privacy are managed through a combination of screening and deep landscaped garden beds.
- Service infrastructure is appropriately sited and incorporated into the design of new buildings and has limited visibility from the public realm.
- Acoustic attenuation will be incorporated into the design of the development to protected existing properties and future residents as discussed in the later sections of this report.
- The location, design and intensity of lighting on the site to avoid light spill onto adjoining residential land will be managed through the recommended conditions whilst contributing to a sense of safety and pedestrian comfort along streets and the southern laneway.

- The design and layout of the development allow for interaction and passive surveillance of the surrounding streets.
- The development has regard for the cultural values of the surrounding area and will not prejudice the future development of the Elsternwick Cultural Precinct within Selwyn Street.
- The development provides a transition in scale from the adjacent building with an individually significant heritage grading (1 St Georges Road), having regard to height, setbacks, building form and siting.
- The development provides a sympathetic and respectful design response that does not dominate the surrounding heritage places and incorporates materials and finishes that to not detract from the fabric of these heritage places.
- The proposed two storey height street wall (podium) is respectful of the height of the heritage shop fronts along Glen Huntly Road.
- Setbacks provide for a visually recessive upper levels above the street wall when viewed from Selwyn Street, Sinclair Street and adjoining residential properties. Upper levels setbacks are consolidated to avoid a tiered building profile. These matters are discussed in further details in the later sections of this report.
- The proposed boundary-to-boundary development at the lower levels remains consistent with the previous Council permit.
- The ground level layout provides separate and clearly defined building entries for the retail (supermarket, food and drink premises) uses and entrances to the residential lobbies of the northern and southern towers.
- Each of the building facades is articulated to integrate with the respective streets and ensure the development can be read ‘in the round’.
- Fixed canopies over the footpath along each site frontage provides weather protection for residents and customers.
- As discussed in the later sections of this report, the proposed building setbacks to respond to the existing or preferred urban context. The development provides adequate separation between the northern and southern towers to allow access to adequate daylight and provide reasonable outlook from new dwellings, while limiting views into habitable room windows and private open space of new and existing dwellings.

134. Clause 15.01-2L (Environmentally sustainable development) applies to the proposed development and seeks to achieve best practice in Environmentally Sustainable Development (ESD) and facilitate development that minimises environmental impacts, responds to site opportunities and constraints and adopts best practice in areas including integrated water management, indoor environment quality, transport and urban ecology. The application is supported by a Sustainability Management Plan prepared by Sustainable Development Consultants which is discussed in the ‘Sustainability’ section of this report.

135. Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Subject to the recommended conditions, the development will provide medium density housing in an area identified for increase housing whilst respecting the existing low scale, heritage character of the location and contributing to the preferred neighbourhood character for the Elsternwick Activity Centre.

136. Clauses 15.03-1S and 15.03-1L (Heritage Conservation) seek to ensure the conservation of places of heritage significance and applies to all land affected by a Heritage Overlay. Strategies to achieve this objective include (as relevant):

- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;*
- *Encourage appropriate development that respects places with identified heritage values;*
- *Retain those elements that contribute to the importance of the heritage place;*
- *Encourage the conservation and restoration of contributory elements of a heritage place;*
- *ensure an appropriate setting and context for heritage places is maintained or enhanced;*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*

137. The proposal is consistent with the relevant strategies under Clause 15.03-1L as follows:

- The development retains and protects the individually significant former Elsternwick Fire Station located on the site.
- The development has a contemporary design to ensure new fabric is distinguishable from original heritage fabric of the former Elsternwick Fire Station.
- The proposed development will maintain the prominence of the significant or contributory elements of the heritage place or precinct and will not visually dominate heritage buildings or the streetscape as discussed in the later sections of this report.
- The development incorporates materials, colours, textures and finishes that reflect the heritage character of the place or precinct.
- The proposal prioritises the preservation, restoration and adaptation of the contributory former Elsternwick fire station over demolition. The existing ABC buildings are non-contributory and therefore are supported for demolition.
- The proposed upper levels of the southern tower (in particular) have been designed with generous setbacks to the east and south to respect the scale and form of the heritage building at 1 St Georges Road and the heritage streetscape of Glen Huntly Road.
- The proposed signs remain consistent the previous approval and will not detract from the heritage fabric of the former Elsternwick Fire Station (also noting the signage has been approved under the Heritage Victoria permit).
- Car parking is proposed in full basement levels and the proposed vehicle crossovers remain consistent with the previous approval issued by VCAT and will not dominate the heritage place.
- Services and equipment have been designed and sited so they do not detract from the significance of existing heritage places on site and surrounding area

138. The proposal including extent of demolition / retention and architectural response are generally supported as discussed in further detail under the 'Heritage' section of this report.

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139. Clause 15.03-2S (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. A key strategy of this policy is to ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006.* The application is accompanied by an approved Cultural Heritage Management Plan dated 5 April 2019 prepared by Andrew Long & Associates.

Housing

140. Clause 16.01-1S (Housing supply) seek to facilitate well-located, integrated and diverse housing that meets community needs and subsequent strategic directions. Strategies to achieve this objective include increasing the proportion and density of housing in designated urban areas and encouraging high density housing development on sites that are well located in relation to jobs, services and public transport. It is also encouraged under this policy to facilitate diverse and well-designed housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types. Well designed housing should provide a high level of internal and external amenity. The proposal has strong alignment with these strategies by delivering a range of dwelling types and layout to suit diverse housing needs.

141. Clause 16.01-1R (Housing supply – Metropolitan Melbourne) reinforces the abovementioned strategies by managing the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed-use opportunities in locations such as Elsternwick that are identified as Major Activity Centres and areas for urban renewal.

142. Furthermore, Clause 16.01-1L-01 (Housing supply) seeks to direct substantial housing growth into substantial change areas which includes Elsternwick. The proposal has strong alignment with the policies for Housing Supply by achieving a high scale of growth and delivering housing diversity that is appropriate in this location. Notably, the proposal will:

- *Support the redevelopment of large development sites to contribute to housing diversity.*
- *Encourage a mix of dwelling types and layouts within developments.*
- *In commercial and mixed use areas in activity centres, support dwellings above commercial and retail uses in mixed-use buildings.*
- *Support a diversity of apartment sizes to cater for a range of different household types.*

143. Clause 16.01-2S and Clause 16.01-1L (Housing affordability) which seek to deliver more affordable housing closer to jobs, transport, and services. Strategies to achieve this objective include increasing choice in housing type, tenure and cost to meet the needs of households, promoting good housing and urban design, facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts and negotiated affordable housing agreements with landowners, including Section 173 agreements under the Act, as appropriate. The provision of affordable housing as part of the development is discussed in the following sections of this report.

Employment

144. Clause 17.01-1S and Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne) seek to strengthen and diversify the economy by strengthening and facilitating growth in existing employment areas and improving access to jobs closer to where people live. Strategies to achieve these objectives include redevelopment of urban renewal precincts to deliver high quality, distinct and diverse neighbourhoods offering a mix of uses. The proposal incorporates a large employer (Woolworths supermarket) as an anchor tenant, supported by ancillary food and drink premises.

145. Similarly, Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. Strategies to achieve this objective include (as relevant) to provide shopping facilities to service the needs of the local population within, or immediately adjacent to, existing commercial centres. The former ABC site is a strategic development site within Elsternwick that will provide the convenience of a second full line supermarket to service the surrounding residential area and increasing population, directly adjacent to the established retail shopping strip along Glen Huntly Road.

Transport

146. Clause 18.01-1S (Land Use and Transport Integration) seeks (amongst other considerations) to protect existing transport infrastructure from encroachment or detriment that would impact on the current or future function of the asset. Supporting urban development that makes jobs and services more accessible by taking advantage of all available modes of transport is also encouraged. The site has excellent access to public transport with train, tram and bus services all conveniently located within close walking distance.

147. Clause 18.02 (Movement Networks) seeks to facilitate efficient and safe networks for pedestrians and cyclists by improving infrastructure to and between key destinations within activity centres and employment areas (amongst other considerations). Incorporating cycling infrastructure (bicycle parking) in new developments is encouraged by this policy. The development provides generous provision of bicycle parking for residents.

148. Clause 18.02-4L-01 (Road system and access) seeks to separate pedestrian and vehicular accessways in commercial and mixed-use development which is achieved by the proposed development with clearly defined and delineated vehicle, pedestrian and loading accessways.

149. Clause 18.02-4L-02 (Car Parking) To ensure an adequate supply of car parking that is appropriately designed and located. Strategies to achieve this objective include (as relevant):

- *Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking*
- *designing and locating car parking to*
  - *Protect the function of nearby roads, enable the movement and deliver of goods,*
  - *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
  - *Create a safe environment, particularly at night.*
  - *Facilitate the use of public transport.*
- *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking*.

150. The proposal is consistent with the abovementioned objectives and strategies and provides adequate car parking (notwithstanding the excellent public transport available) as discussed in the later sections of this report.

Infrastructure

151. Clause 19.03-3S (Integrated Water Management) seeks (amongst other strategies) to manage stormwater quality and quantity related impacts through on site development measures as discussed in the following sections of this report.

152. Clause 19.03-5S (Waste and Resource Recovery) seeks (amongst other consideration) to encourage development that facilitates sustainable waste and resource recovery.

153. Similarly, Clause 19.03-5L (Waste management) includes strategies such as provide for waste management and recycling in development, including separation, storage and collection facilities and opportunities for composting as appropriate, ensuring that the size and design of waste and recycling facilities can accommodate the waste and recycling likely to be generated by the development and integrate waste and recycling facilities into the design of new development and locate facilities to enable ease of use by occupants and access for transport.

154. The proposed waste storage and collection arrangements are discussed in the following sections of this report.

Land use/s

155. The proposed development proposes an appropriate mix of land uses as follows:

- Accommodation (dwellings) – permit not required
- Retail premises (Food and Drink Premises) – permit not required
- Shop (supermarket) – permit required
- Place of Assembly – permit required
- Office – permit required

156. It is noted that the proposed land uses outlined above is consistent with the Council permit, with the exception of the introduction of 312sqm of office space in the north-east corner of the mezzanine level (previously occupied by the supermarket plant, which has been relocated to the southern end of the development).

157. VCAT in its decision found that the site was an acceptable location to host a range of non-residential uses, consistent with the guidance provided in policy and the provisions of the MUZ1 as summarised at Paragraph 29:

The final policy reference set out above would strongly encourage this new supermarket to be located within the existing activity centre, which includes the review site. Of the potential available redevelopment sites within this activity centre, it is not apparent that any other site is of a sufficient size to accommodate a full line supermarket. Therefore, the review site is key in realising this policy statement, in the context of the establishment of a second full line supermarket within the Elsternwick Activity Centre.

158. It was noted that a full-line supermarket on the site had strong policy support, considering the location within the Elsternwick Major Activity Centre and the employment benefits to be employment benefit to be gained from the proposed development, with such employment opportunities strongly encouraged by a range of policy to be provided in activity centres, close to where people live, and also close to public transport. The use of the site for a supermarket was also found to be acceptable in the context of the designation of land within Selwyn Street as a cultural precinct, as discussed in the earlier sections of this report.

159. The uses proposed to operate in conjunction with the supermarket, including the food and drink tenancies (facing Selwyn Street) and Place of Assembly (facing Sinclair Street) were also found by VCAT to be appropriate in this location, subject to permit conditions such as acoustic measures and the requirement for a venue management plan which are supported by DTP and will maintain an acceptable impact on the surrounding residential amenity.

160. The site has been identified by Council within the Elsternwick Structure Plan as being within the designated cultural precinct. The development has been designed to respect and contribute to the existing cultural aspects within the area and has regard for the Elsternwick Structure Plan as being within the cultural precinct. The applicants submission notes the proposed Place of Assembly is to be operated by the Jewish Arts Quarter organisation and will incorporate a museum / library as well as function space and will be available for regular use by the Sholem Aleichem College. The place of assembly will also be available for use by the community.

161. DTP is satisfied that the proposed uses are consistent with the purpose of the MUZ1 by providing for a range of uses (including residential and commercial uses) which complement the mixed-use function of the Elsternwick major activity centre which also encourages development which provide for housing at higher densities. The inclusion of the office further contributes to the diversity of employment offerings provided by the development and would be expected to support the primary supermarket operations.

162. The proposal to sell and consume liquor from the proposed BWS bottle shop is consistent with the Council permit, notwithstanding a permit is no longer required for this component of the development (following gazettal of VC286 on 1 July 2025 which removed the requirement for a planning permit for licensed premises).

Built form

Response to DD10 design requirements

163. In considering whether the proposed built form is an appropriate response to its context, VCAT (in its 2022 decision) rightly acknowledged that the built form considerations for this site are extensive. DTP also acknowledges the complexities of balancing the two key planning controls (DDO10 and Heritage Overlay) related to the acceptability of the proposed built form.

164. The DDO10 sets out built form requirements and objectives to ensure new mixed-use development is well designed, supports the housing and economic needs of the area, preserves the existing heritage character of Glen Huntly Road, appropriately response to sensitive interface and delivers the built form and design outcomes sought for the Elsternwick major activity centre. It specifies preferred maximum building heights, setbacks from streets and setbacks from side and rear boundaries (in this case sensitive residential interfaces), building separation amongst other requirements.

165. VCAT at Paragraph 15 of its decision highlighted the challenges in balancing the requirements of the DDO10 and HO as they relate to the site and surrounding context (including the Glen Huntly Road retail shopping strip and 1 St Georges Road:

…there could be conflict between the expectations of the various planning controls and policies relevant to this site, its surrounds and the details of this proposal. For example, the site is zoned Mixed Use that encourages high density residential development as well as a range of non-residential uses and the surrounding residential properties in Sinclair Street, St Georges Road and May Street are zoned Residential Growth. However, all these properties are also within a Heritage Overlay (generally heritage precincts with 1 St Georges Road having a site specific heritage control and the former Elsternwick Fire Station being on the Victorian Heritage Register).

The Heritage Overlay is about conserving and enhancing the elements that contribute to the significance of a heritage place. Also, the review site is within DDO10 that provides for increased development up to a preferred maximum height of 10 storeys whilst also being within a heritage precinct. To the extent that there is conflict between the various planning controls and policies, the decision to be made must 'balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations'. (Clause 71.02-3 of the Planning Scheme)

166. As discussed in the earlier sections of this report and through the VCAT decision, the site is within a major activity centre and the surrounding residential properties are at the interface and are earmarked as having residential growth potential in addition to their heritage significance. The heritage significance of these residential properties may impact upon their development potential for residential growth, particularly as the majority of the immediately surrounding properties are identified as being significant and contributory.

167. VCAT in its decision, was ultimately not persuaded by submissions regarding the potential conflict between the expectations of DDO10 and the Heritage Overlays that affect the heritage precincts, 1 St Georges Road and the former Elsternwick Fire Station. In reaching this position, VCAT (at Paragraph 17) highlighted that the DDO design objectives clearly state that any development has to be cognisant and respectful of the heritage significance of the area and that any new development needs to be a contextual response to the physical conditions and the planning policies and controls. DTP agrees with this approach.

168. Bearing this in mind, the proposal has been considered against the built form requirements, design objectives and decision guidelines under the DDO10 including building height, street setbacks, side and rear setbacks (which all remain the same as under the most recent VCAT decision), building design, overlooking, access and car parking, building services and on balance are considered an acceptable outcome for the reasons provided in the tables below:

Building Height
A building should not exceed the maximum building height and the number of storeys specified in Column 3 of Table 1 to this Schedule. *The maximum building height in Precinct D is 37 metres comprising up to 10 storeys.* *Note: this does not apply to architectural features, masts, building services or enclosed stairwells that do not exceed the height limit by 4m).*

Northern Tower

169. As shown in the table above, the preferred building height under the DDO10 is 37 metres comprising up to 10 storeys. The proposed building heights sit slightly below this threshold at 36.12 metres comprising 11 storeys for the northern tower and 33.6 metres comprising 10 storeys for the southern tower (excluding plant which may exceed the preferred building height).

170. DTP acknowledges that the proposed increase in building height (one additional level for the northern tower and three additional levels plus roof plant for the southern tower) between the previous Council permit (directed by VCAT) and the current proposal is a key issue for the local community and the Council (noting the submission received from Council recommends reverting back to the previously approved heights).

171. Whilst DTP is mindful of the extensive planning history for the site, notably the most recent VCAT decision in 2022 which led to the granting of a permit (following the original refusal in 2020), the proposal must also be considered under the applicable planning controls as they currently stand. In this regard the starting point for the consideration of the proposed building heights is the requirements under the DDO10 (above) which states that a building should not exceed the maximum building height and the number of storeys, being 37 metres comprising up to 10 storeys for Precinct D within the Elsternwick Activity Centre.

172. The proposed development does not exceed the discretionary building height of 37 metres under the DDO10, although exceeds the discretionary number of storeys (11 storeys proposed for the northern tower). It is considered that the number of storeys is fairly inconsequential when considering whether the built form response (building envelope) is acceptable.

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173. In terms of the additional level to the northern tower, it is considered that this will not substantially change how the building reads in the round and from surrounding vantage points, notably the low scale residential properties to the north and east. As shown in the comparative images below, the additional level essentially replaces the roof plant that was approved under the Council permit, and considering the generous setbacks of the uppermost level (as discussed in the sections below), the proposed height of the northern tower will not cause the building to appear unreasonably dominant or visually bulky when viewed within the streetscapes of Selwyn Street and Sinclair Street, May Street and adjoining residential properties.

174. DTP considers that the DDO10 sets out development aspirations for taller buildings in this location and considering VCAT has previously approved a 10-storey height for the northern tower, the increase in height by one level remains an acceptable built form outcome when weighing up the other requirements discussed in the following sections of this report.

Southern Tower

175. The proposed increase in height to the southern tower by three levels must be considered in conjunction with the DDO10 requirements for setbacks to sensitive interfaces, in which regard the additional three levels would align with the 20 metre setback requirements to the sensitive eastern interface (19.85 metres proposed). This was a key design feature of the development which was discussed in detail in the most recent VCAT decision, with VCAT ultimately concluding that a proposed design could extend close to the preferred height limit (as is the case here). The southern tower provides a greater setback for the upper levels, which as noted above DTP considers responds to the direction provided by VCAT. When considering the proposed height and setbacks of the southern tower holistically, DTP is satisfied that the resulting built form will be acceptable in this context as discussed in detail in the following sections of this report.

176. The DDO10 contemplates services on top of buildings considering there is allowance for building services (and the like) to extend up to 4 metres into the discretionary maximum building height. On this basis, the roof plant on the southern tower is considered an appropriate design response.

177. In terms of the relationship to the Glen Huntly Road heritage precinct, the increase in height to the southern tower will clearly change the visibility of the development when viewed from along the retail strip. Notwithstanding, the southern tower will still appear as subservient and a 'backdrop' to the heritage buildings along Glen Huntly Road, rather than appearing dominant or overbearing. This is discussed in further detail under the 'Heritage' assessment section below.

Figure 34: Approved Selwyn Street elevation (Source: Endorsed architectural plans under Council permit)

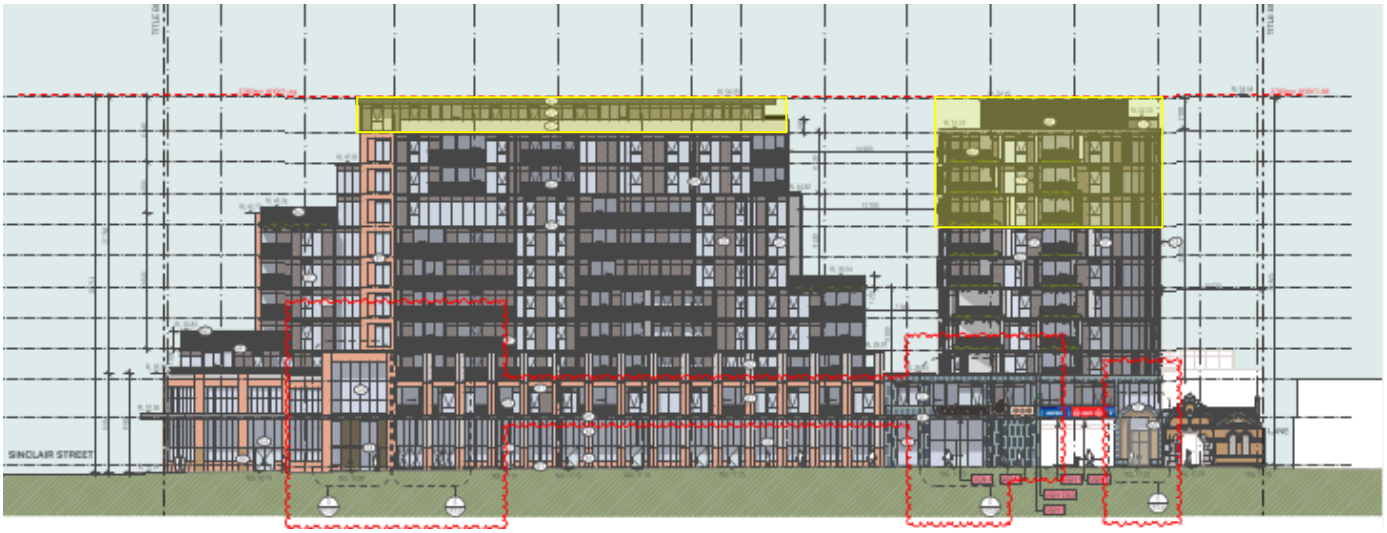

Figure 35: Proposed Selwyn Street elevation with increased building heights highlighted

Setbacks – Precinct D (Strategic Site)		
DDO10 requirement	Council permit (directed by VCAT)	Proposed
0m to a height of three storeys (13m including parapet/balustrade).	0m to a maximum height of 9.5m to Selwyn Street, Sinclair Street and the southern lane	0m to a maximum height of 9.98m to Selwyn Street, Sinclair Street and the southern lane
Upper-level setbacks — 5m	**Selwyn Street –** 4m (level 01 upwards) **Sinclair Street –** Part 1.5m and part 4.7m (level 01). Minimum setback of 9.7m level 02 upwards (to the wall) **Southern laneway –** minimum setback of 3.04m (Level 01) Minimum setback of 10.4m (Level 02-05)	**Selwyn Street –** 4m (level 01 upwards) **Sinclair Street –** Part 1.5m and part 7.1m (level 01). Minimum setback of 9.7m level 02 upwards (to the wall) **No change** **Southern laneway –** minimum setback of 3.04m (Level 01) Minimum setback of 10.4m (Level 02-08) **No change**
Side and rear setbacks (where a site abuts a sensitive interface) (Eastern boundary)		
6m setback to a height of two storeys (9m).	0 metres (ground floor) 3.83m (Level 01 – 16, 18, 20 Sinclair Street) 4.60m (Level 01 – 1 May Street) 3.7m – (Level 01 – 3 May Street)	0m (ground floor) 3.83m (Level 01 – 16, 18, 20 Sinclair Street) **No change** 4.58m (Level 01 – 1 May Street) **- 0.02m** 3.7m – (Level 01 – 3 May Street) **No change**
A further 5m at the third storey (11m total)	**Northern tower** Part 3.5m and part 7.3m **Southern tower** 7.5m	**Northern tower** Part 3.5m and part 7.3m **No change** **Southern tower** 7.5m **No change**

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A further 3m at the fourth storey (14m total)	**Northern tower** Part 3.36m and part 13.94m **Southern tower** 14.28m	**Northern tower** Part 3.59m **(+0.23m)** and part 13.94m **Southern tower** 14.28m **No change**
All subsequent levels set back 20m from the property boundary	**Northern tower** Part 10.17m and part 13.95m, Part 16.84m and part 38.55m (Levels 07 – 09) **Southern tower** 14.28m (up to Level 06)	**Northern tower** Part 10.17m and part 13.95m, Part 16.84m and part 38.55m (Levels 07 – 09) **No change** **Southern tower** 14.56m (up to Level 06) **(+0.28m)** 19.85m (Levels 07 – 09)

178. The DDO10 states that for Precinct D which includes the site, building setbacks should:

- *Reduce the visual impact of taller buildings by providing a consistent street wall height with upper floors recessed.*
- *Support the function of designated active and service laneways and facilitate new laneways and pedestrian connections between buildings.*
- *Provide adequate separation between towers of buildings to achieve a high level of internal amenity for existing and future occupants of adjacent towers and to avoid the appearance of a continuous built form when viewed from the public realm.*
- *Provide significant separation of tower forms from sensitive interfaces.*

179. The table above demonstrates the consistency between and increases in setbacks between the Council permit (directed by VCAT) and the proposed development. As highlighted, the setbacks have overwhelmingly remained consistent with the Council permit and the decision of VCAT, and in most instances where there is a change, the proposed setbacks represent an increase (albeit minor) from approved setbacks under the Council permit.

Northern Tower

180. The proposed Northern Tower is setback a minimum of 4 metres to Selwyn Street, 1.62 metres to Sinclair Street, 13.95 metres to its eastern interface and retains a 7.03 metre minimum separation to the Southern Tower. The proposed Southern Tower is setback a minimum of 4.36 metres from Selwyn Street, 7.06 metres from its eastern interface and 10.11 metres to the Southern ROW.

181. The height and setbacks of the northern tower were considered in detail in the original 2020 VCAT decision which found that the approach proposed for the northern tower was acceptable, including discussion around the opportunity for greater height in the middle portion of the site (Paragraphs 292-294). Despite this commentary, the proposed form of the northern tower has remained consistent with the proposal considered by VCAT (2022), with VCAT addressing this element of the development at Paragraph 107:

Turning to the other residential properties that abut the review site, we note that the previous Tribunal decision raised no concerns with the prospect of visual bulk impacting these adjoining properties. As the design and layout of the northern tower has not altered from the proposal that was previously before the Tribunal, and as the parties that oppose the grant of a permit in Sinclair Street have not addressed the Tribunal as to facts or matters that the Tribunal did not properly consider in its previous decision, we are not inclined to depart from the findings in the previous decision.

182. The massing of the northern building remains largely unchanged in the current proposal, with the change being limited to the addition of one recessed residential level which replaces an area which was approved for plant and equipment which was a similar scale to what is now proposed as a residential level.

183. Visually, the main change is that the core at the northern end of the building rises an additional level. To limit the visual impact of this change, the proposal seeks to adjust the materiality of this element to appear as lightweight. In the context of a building of this scale and the generous setbacks of the proposed upper level, DTP considers the visual impacts of the northern tower compared with the tower form approved under the Council permit to be negligible when viewed from adjoining residential properties and vantage points within surrounding streets.

184. It is noted that even with the additional residential level, the northern building remains below the 37 metre preferred (discretionary) building height. Given the above, DTP is satisfied that this is a minor element and is consistent with the DDO10 and the commentary in the most recent VCAT decision.

Southern Tower

185. DTP recognises that the southern tower is one component of the development which has received the highest scrutiny (and opposition) through the previous planning and VCAT processes. In this regard, it is important to highlight some of the key findings and commentary in the most recent VCAT decision which addresses this sensitive eastern interface (as follows).

186. In relation to the existing conditions at 1 St Georges Road (being the most direct interface with the southern tower), VCAT at Paragraph 102, agreed with expert evidence that *'…the tennis court, which is the immediate residential interface at this part of the review site is not as sensitive to built form as a principal area of secluded private open space.'* Notwithstanding, VCAT acknowledged at Paragraph 103 that while *'…the adjoining property at 1 St Georges Road is within a Residential Growth Zone, it is also an individually significant heritage property, so it is therefore unlikely to realise the development potential of other land in this zone. It is therefore likely to present in the future in a similar manner to that which currently occurs. Finally, the manner in which the property at 1 St Georges Road is developed, means that broad and direct views are available to a proposed development of the review site from a large area of secluded private open space and the rear habitable rooms of the mansion.'*

187. Furthermore, at Paragraph 104, VCAT noted that '*Another relevant part of the context is the existing high boundary wall that exists along the common boundary between the review site and 1 St Georges Road, which is sought to be replicated, albeit at a slightly lower height, in the design that is before us. The effect of this boundary wall is that the ground floor setback that is sought under DDO10 is not provided at this interface'.*

188. In terms of the balance of properties which have a direct abuttal to the site, VCAT at Paragraph 107 stated *'Turning to the other residential properties that abut the review site, we note that the previous Tribunal decision raised no concerns with the prospect of visual bulk impacting these adjoining properties. As the design and layout of the northern tower has not altered from the proposal that was previously before the Tribunal, and as the parties that oppose the grant of a permit in Sinclair Street have not addressed the Tribunal as to facts or matters that the Tribunal did not properly consider in its previous decision, we are not inclined to depart from the findings in the previous decision'.*

189. The proposal considered by VCAT in the most recent decision (2022) included a southern tower rising to 9 storeys in height (32.78 metres) with an eastern setback of 7.17 metres, with the top two levels setback further at 14.2 metres. DTP agrees with the commentary by VCAT that concerns raised (beyond initial heritage concerns) have largely been in relation to the extent of height close to the eastern boundary.

190. Notwithstanding, the sensitivity of the eastern interface, VCAT found there was potential for building height in the order of the preferred 37 metres height limit on this building, subject to achieving a setback from the eastern boundary that is achieves a setback in the order of the 20 metres (preferred) setback expressed in the DDO10.

191. The applicants submission provides a response to this commentary as follows:

- *The lower 5 residential levels replicate the approval, maintaining the 14.2m eastern setback (albeit with an increase in height to provide for improved internal amenity to apartments);*
- *The three residential levels that were removed by the Tribunal in 2022 are proposed to be reinstated, but with the increased eastern setback suggested by the Tribunal. With the opportunity to properly consider these setbacks, the building core has been relocated to ensure the retention of a high quality architectural appearance.*
- *The building height, to the top of the residential levels, is approximately 34.1 metres (noting the DDO10 allows for roof plant to exceed the preferred building height by up to 4 metres). This is under the preferred 37 metres and similar to the building height considered by VCAT in 2022.*
- *The rooftop plant and equipment is further set back from the level below and remains under the preferred 37 metre height limit. This will read as a recessed cap with limited visual presence.*

192. In terms of the impacts to 1 St Georges Road, VCAT in its recent decision found that the development (in its previous iteration) would not unreasonably impact the amenity of all but one of the surrounding properties, being 1 St Georges Road, for which VCAT had concerns regarding visual bulk and overlooking. As discussed at Paragraph 132, VCAT considered that both of these amenity impacts could be addressed by a combination of reduced building height and increased setbacks to the common boundary with 1 St Georges Road (consistent with the DDO10 and Clause 58.04-1).

193. VCAT found that a 20 metre setback for tower forms above a stepped four storey podium (as shown in the DDO10 diagram below) was not necessary for the mid-levels of the tower, given the existing site conditions at 1 St Georges Road which include a high existing boundary wall, and a tennis court at the immediate interface at 1 St Georges Road. These areas have a reduced level of sensitivity compared to other areas of secluded private open space. VCAT noted however that *'…a setback in the order of 20 metres is appropriate for upper elements of the southern tower that sit closer to the discretionary height limit within DDO10 of ten storeys'* (Paragraph 133).

194. VCAT ultimately considered that a setback of 14.2 metres for the mid-levels (up to Level 06) was acceptable and recommended conditions to this effect which were reflect in the Council permit. Due to the level of uncertainty regarding the impacts of requiring setbacks greater than 14.2 metres for the upper levels on the external appearance of the southern tower, as well as the internal layouts, VCAT decided to instead reduce the overall height of the southern tower, by deleting three levels.

195. VCAT was satisfied that these changes would appropriately reduce the potential for overlooking and visual bulk to the adjoining property to the east, by increasing the setback between the southern tower and the eastern boundary (Paragraphs 137 and 138), achieving an appropriate level of amenity for the properties surrounding the site.

196. Importantly, at Paragraph 139, VCAT noted the following:

While DDO10 also provides a preferred height limit of 10 storeys, it does so with a setback from a sensitive interface of 20 metres for the top 6 storeys of the building. We consider that a different design which comprises a setback of this nature (that is, 20 metres or so), could extend close to this preferred height limit. However, based on the aforementioned parameters of the design that is before us, we are concerned about the consequential changes that would result from a condition on a permit that requires a setback in the order of 20 metres for the southern tower from the east boundary, and the level of uncertainty we have about the visual and internal layout outcomes from such a change.

197. This is important to highlight considering the proposed development has adopted the same (or greater) setbacks for the southern tower from the east boundary shared with 1 St Georges Road and adopts a setback of close to 20 metres (19.85 metres proposed) for the upper Levels 07 – 09 which VCAT considered appropriate in-principle as discussed above. In this regard, DTP considers that the current proposal aligns with the findings and recommendations of VCAT in its most recent decision and is satisfied that the proposed setbacks achieve an appropriate response to 1 St Georges Road in terms of visual and overlooking (which is discussed in further detail under the 'Overlooking' assessment section of this report).

198. In relation to the relationship between the proposed southern tower and 3 May Street, VCAT noted at Paragraph 109-112:

We acknowledge that the proposed development of the review site will appear as a large building from these first-floor windows. However, that is largely to be a result of the choices made in the design of 3 May Street. It is a building at the interface to a large site in the Mixed Use Zone, with expansive windows on all sides and minimal setbacks, and absent of adequate opportunities for landscaping within its own site.

We find that the proposed development appropriately responds to this interface. It does so with boundary walls of between 3.0 and 3.25 metres in height that wrap around the common boundaries with 3 May Street. Beyond which are setbacks of between 2.5 and 4.4 metres to the floor above. In addition to these setbacks, the northern tower does not sit adjacent to the northern boundary of the site at 3 May Street, having regard to the setbacks provided from the review site's eastern boundary. Further, the dwelling at 3 May Street, and its western outlook, is perfectly aligned with the break provided between the northern and southern towers that are proposed for the review site. These design techniques effectively reduce the potential for visual bulk to be caused on views from the existing property and dwelling at 3 May Street.

While we acknowledge that the ground floor setbacks encouraged under DDO10 for a sensitive interface are not proposed for the review site, we do not consider such setbacks to be necessary in order to achieve an appropriate built form interface to 3 May Street that reduces the visual bulk, for the reasons set out above.

For these reasons we find that the proposed development will not result in unreasonable levels of visual bulk to the residential interface, aside from our concerns that we have expressed with the interface at 1 St Georges Road.

199. DTP considers that the proposed height of the southern tower (an increase by 3 levels compared with the Council permit) will not result in unreasonable impacts to the amenity of 3 May Street.

200. Given the above, it is submitted that the proposal is acceptable in terms of the key built form control on the site (being the DDO preferred height eastern boundary setback requirements) and is consistent with the commentary provided in the two previous VCAT decisions.

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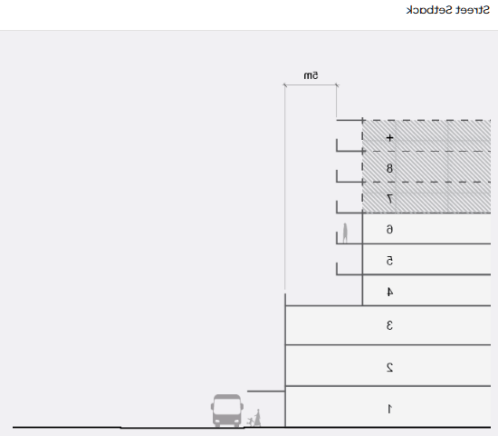

Figure 36: DDO10 requirement – Street setback

Figure 37: Northern tower - Approved

Figure 38: Northern tower - Proposed

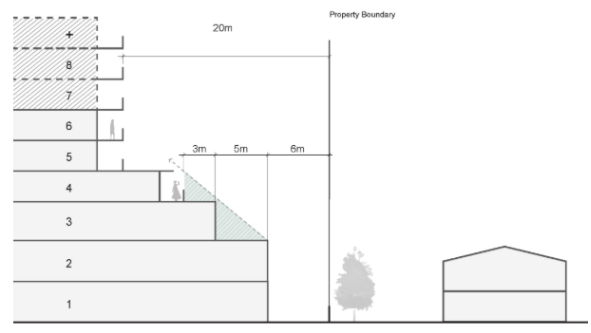

Figure 39: DDO10 requirement – Side and rear setbacks

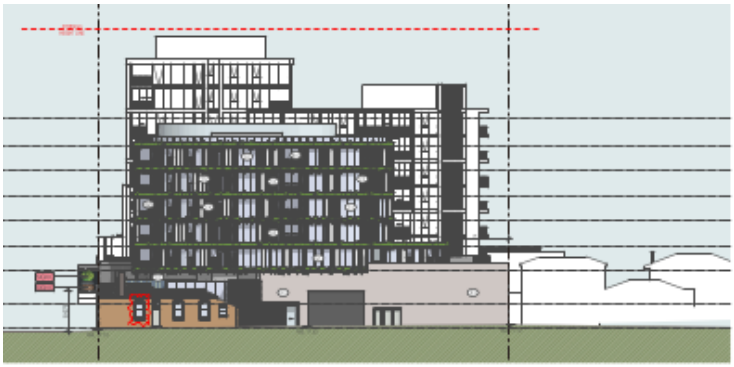

Figure 40: Southern tower - Approved

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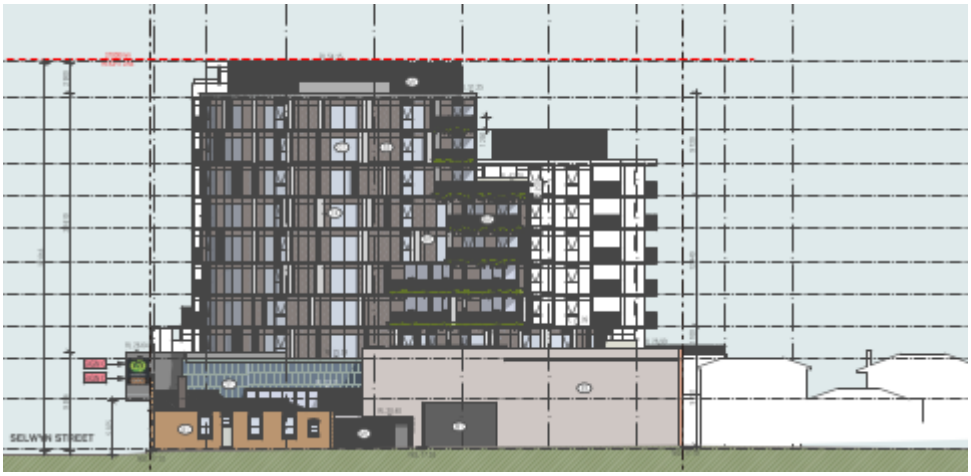


Figure 41: Southern tower – Proposed

Building Seperation

201. As noted above, the DDO10 seeks to *'Provide adequate separation between towers of buildings to achieve a high level of internal amenity for existing and future occupants of adjacent towers and to avoid the appearance of a continuous built form when viewed from the public realm.'*

202. The northern and southern tower have a minimum separation of 7.38 metres at their closest point which increases to a maximum separation of 13.98 metres at the upper levels. VCAT was satisfied that the narrower separation distance between the northern and southern towers, does not result in any reduced internal amenity outcomes (Paragraph 143)

203. The building setbacks and steps provide opportunities for more intricate and varied facade designs at different levels. The step-back areas introduce architectural detailing, terraces and greenery, all of which contribute to breaking up the visual mass of the building and adding visual interest.

204. DTP is satisfied that the proposed development will achieve an appropriate level of internal amenity for future residents having regard to:

- the size of the individual rooms,
- their orientation,
- the ability for habitable rooms to receive an adequate amount of daylight access,
- the range of communal amenities proposed to be provided on the review site; and
- the excellent access that will be provided to all of the services and facilities that can be enjoyed in this activity centre.

205. These matters are discussed in further detail under the Clause 58 Assessment contained at Appendix 1 to this report.

Figure 42: Architects impression of the development as viewed from May Street (Source: Fender Katsalidis Architects)

Walls on boundary

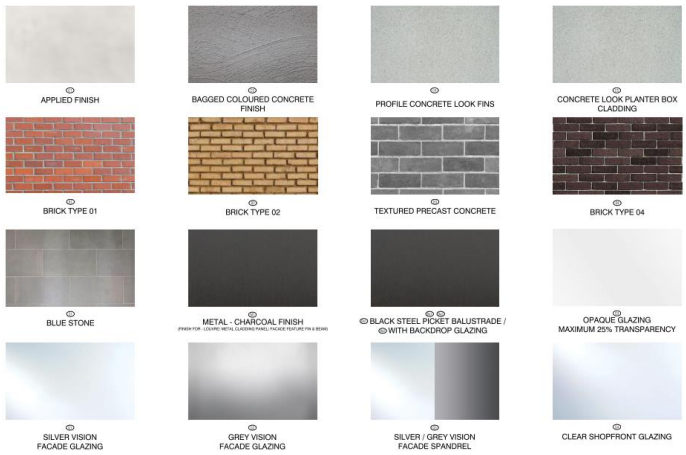
206. A relevant consideration to the walls of the development proposed to abut the eastern boundary is the existing two storey high boundary wall that exists along the common boundary between the review site and 1 St Georges Road. This wall is sought to be replicated, albeit at an increased height compared with the Council permit. The effect of this boundary wall is that the ground floor setback that is sought under DDO10 is not provided at this interface.

207. DTP acknowledges that the height of the boundary wall has been increased in a number of locations results in an increased wall on boundary height facing: 1 St Georges Road (1.6 metre wall height increase), 1 and 3 May Street (0.9 metre wall height increase), and 16 Sinclair Street (1.6 metre wall height increase). The applicant has advised that this is a simplification of the building form which allows for improved accessibility between buildings (due to the simplification of levels between buildings) and structural efficiency. The changes also improve floor to ceiling heights to allow for additional housing provision in the mezzanine level and in most areas is simply an often an adjustment to materials (balustrades).

208. The potential amenity impacts of the proposed new (replacement) boundary wall were explored by VCAT, primarily in relation to 1 St Georges Road which has the benefit of an existing red brick masonry wall which provides privacy to the backyard. VCAT ultimately found that the replacement wall would not have an adverse impact on the heritage significance and amenity of 1 St Georges Road. This was on the basis that the proposed boundary wall would be of similar scale to the existing masonry wall on the shared boundary with the existing tennis court. It was acknowledged that the extent of the wall would otherwise not comply with the DDO10 setback requirements. The variation was accepted by VCAT for the reasons above.

209. DTP acknowledges the Council's concerns that the proposed increase in height has potential to create further amenity impacts to 1 St Georges Road (in addition to 1 and 3 May Street and 16-20 Sinclair Street) in terms of going beyond replicating the height of the existing boundary walls. Notwithstanding, DTP is satisfied that the proposed maximum increase in height of 1.6 metres (compared with the approved heights) will not result unreasonable amenity impacts to the adjoining properties, considering:

- The extent of built form already approved (by VCAT) on the eastern boundary under the Council permit.
- The substantial distance between the development (including the proposed boundary wall) and the existing dwelling at 1 St Georges Road.
- The abuttal of the wall will be to a tennis court and that shadow impacts remain acceptable.
- The right of way between the eastern boundary of the site and the existing dwelling at 16 Sinclair Street mitigates the impacts of the increased height of the boundary wall (4.17 metre separation).
- The adjoining dwellings will also still receive an appropriate level of sunlight to their secluded private open space areas.

Building Design	
Design Guideline	Assessment
Buildings should: • *Incorporate high quality materials, textures and colours that respond to the residential or commercial characteristics of the streetscape, as appropriate.*	**Satisfactory** The submitted Urban Context Report prepared by Fender Katsalidis provides a detailed explanation of the design response including the proposal to incorporate high quality materials, textures and colours that respond to both the residential characteristics to the north and commercial characteristics to the south (refer Figure 43 below).  ***Figure 43: Schedule of colours and materials for the proposed development (Source: Fender Katsalidis Architects*** In relation to the proposed podium materials the UCR states: *The podium materiality takes its cues from the built vernacular of the neighbourhood. The greater context features extensive use*

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of polychrome and other forms of face brickwork. This use of brickwork spans many eras, from the language of the existing Fire Station to that of Ripponlea. There are also extensive re-interpretations of brickwork through the 1930's right up to the contemporary era. The podium materiality references this vernacular of the neighbourhood through a contemporary re-imagining of polychrome face brickwork and also uses the textural qualities of brickwork to give a human scale to the podium. The supermarket entry component is expressed as bluestone clad element with deep splayed reveals.

This continues the use of masonry elements used throughout the podium, however the use of bluestone provides a contrasting materiality which supports the intent of a diverse campus of buildings.

In relation to the proposed materials for the northern tower the UCR states:

The architectural expression of the north tower is one of simple, clean lined geometry that articulates and scales the building volume through a double scaled expressed grid.

The material palette of concrete, brick masonry, metal, glass and living green is familiar and cohesive with that of the other built elements of the overall precinct. These materials are implemented in different proportions with distinct façade articulation – large expanses of glass, delineated by finely finished concrete frames. Filigreed metal palisades and integrated planter boxes add detail and visual interest with a touch of lightness and openness. A singular brick monolith counterpoints the finesse and lightness of the façade design and is in dialogue with the expression of geometry of the south tower.

In relation to the proposed materials for the southern tower the UCR states:

The southern building form is a deliberate but complimentary counterpoint to the northern building.

It has the same materiality of concrete and living green, however the expression for this building is a more curvilinear expression, and one which is more solid and textural through a series of layered planter boxes and vertical textured elements. This design strategy is driven by the desire to create a campus of buildings with varying expressions, and to avoid a design monoculture on the site. This is way of emulating the way suburban neighbourhoods develop in granular additions to built form, rather than large, singular expressions over one large site.

In relation to the design response to the form and materials of the heritage former fire station the UCR states:

The modern and clean expression of the tower form is also driven by the need to respect the existing Heritage Fire Station. It was important to allow the fire station to stand alone and have

	an independent presence. As such the forms behind have been set back and away from the fire station, and they have a neutral palette of concrete, recessive glazing and planted greed so as not to visually confuse the brick palette of the fire station in the foreground. DTP supports the design response described above which is consistent with this guideline.
• *Be designed to address front, oblique and side views.*	**Satisfactory** The development has been designed to be read 'in the round' and provides a high-quality design presenting to front, oblique and side views.
• *Provide wide entries that are clearly visible, legible and welcoming, where appropriate.*	**Satisfactory** The development provides clearly visible, legible and welcome entries which distinguish between the commercial tenancies (supermarket, food and drink premises) and the residential lobbies of the northern and southern towers.
• *Ensure building services, including domestic services, utilities and waste management facilities, are well-placed, concealed and integrated into building design.*	**Satisfactory** Building Services are well placed, concealed and integrated into the building design where possible. The plant equipment on the Level 07 rooftop of the northern tower is in the same location as roof plant approved under the Council permit and will be appropriately screened The plant area in the mezzanine level, will be concealed noting it sits behind the eastern wall (between this area and the residential properties) which is solid and the plant area will be vented south towards the laneway (rather than east towards the residential properties). Noise impacts are covered in the acoustic report. Ground level services are concealed and designed with appropriate materials to integrate with the building façade.
• *Minimise overshadowing impacts on existing and future open spaces, commercial footpath-trading areas and existing residential sites.*	**Satisfactory** There are no existing or future open spaces that will be impacted by the development and there is no commercial footpath trading within Selwyn Street at this stage. Overshadowing to existing residential properties is within acceptable limits as discussed under the 'Overshadowing' section of this report.
• *Incorporate a podium and tower form with detailing emphasised at ground floor to achieve a human scale with an active street level experience.*	**Satisfactory** The proposal retains the podium and tower form with detailing and materials at ground level to achieve a human scale with an active street level experience consistent with the Council permit.
• *Provide separation between a low-scale podium and upper levels to assist in integration with traditional low-scale streetscapes and to assist in mitigating building bulk and overlooking (without*	**Satisfactory** The podium to the built form on Selwyn street has a height and scale to match the predominant built form in the surrounding

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reliance on privacy screens).	area. This podium has been treated with a textured and layered surface to give human scale and variety to ground level and the interfaces with the public realm. The heights of the podium vary to provide rhythm within Selwyn Street including through the use of pilaster forms and infill panels of varying width and treatment to provide interest to the streetscape. Ad discussed throughout this report, the strategic nature and large size of the site also allows for taller development with appropriate setbacks to mitigate amenity impacts on neighbouring sites. Further, this height can then be used to deliver form that is more articulated into separate forms and therefore less bulky and dense, particularly when viewed from Selwyn Street or May Street and residential properties to the east.
• *Provide active edges at ground floor, with weather protection (awnings), openings and architectural detailing providing activity and interest for people.*	**Satisfactory** The development provides active edges and weather protection and ground level to Selwyn Street and Sinclair Street with architectural detailing to provide a high-quality public realm and integration of building services.
• *Create new active frontages to new plazas and active laneways and conceal services in these locations.*	**Not applicable** The development does not provide any new plazas and the southern laneway currently provides a function primarily for vehicle access and services, which is being retained through the use of the laneway for access to the shared loading dock serving the food and drink premises.
• *Consolidate upper setbacks to avoid a visible tiered form.*	**Satisfactory** The development has been designed with consolidated upper setbacks to avoid a visible tiered form, whilst providing appropriate setbacks above the podium when viewed from Selwyn Street and Sinclair Street and providing a sensitive transition in built form to the sensitive eastern interfaces.
• *Where the street proportions and character are strongly defined, respond to those key features (such as setbacks, parapets, cornices, awnings or colonnade heights).*	**Not applicable** The street proportions and character of Selwyn Street varies however the two storey podium responds to the prevailing street wall height in Glen Huntly Road characterised by the two storey heritage shop fronts.
• *Use vertical and horizontal architectural elements and spacings that match the development pattern of the street (for example, match the fine grai**n** character of surrounding buildings by matching vertical alignments in the podium of a building).*	**Satisfactory** As noted above, Selwyn Street does not have a prevailing development pattern, noting the range of land use and different forms of development which currently exists. The development incorporates horizontal and vertical architectural elements to provide detail and articulation to the facades of the podium and towers above.

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• *Where adjacent to sensitive interfaces, provide a transition in scale from larger buildings to areas of smaller scale.*	**Satisfactory** The site abuts residential properties to the east. The proposal has been designed to reduce the extent of built form fronting the sensitive interface, with the northern tower reducing in scale to the eastern and northern boundary. Height on the site is located toward the southern and western boundaries, away from residential land and toward non-sensitive land uses. The southern tower has been designed so that the narrowest wall fronts the adjoining residential land, with the southern tower setback a minimum of 19.54m from the eastern side of the adjoining tennis court and further to the dwelling. The towers are significantly separated to assist with the transition in built form to the adjoining residential land.
• *Ensure that ground floor development fronting Selwyn Street contributes to its role as a cultural precinct.*	**Satisfactory** The development incorporates a Place of Assembly which the applicant has advised will be operated by the Jewish Arts Quarter organisation and will includes a library / museum and flexible community space. The inclusion of the Place of Assembly will help enhance the area as a cultural precinct, and will help enable JCAP to expand their operations, further contributing to the cultural precinct.
• *In Precincts C, D, E and F shown on Map 1 to this Schedule, buildings should support a range of employment, residential and community spaces.*	**Satisfactory** As noted above, the development incorporated a range of employment (supermarket, food and drink premises, shop) uses, community spaces (place of assembly) and residential apartments which align with the strategic direction for Precinct D within the Elsternwick Major Activity Centre.

Outlook, overlooking and passive surveillance

Buildings should:

- *Ensure active living areas (balconies, courtyards, terraces, lounges, kitchens, dining, etc.) maximise views, outlook, natural daylight and ventilation while managing overlooking and visual privacy for residents without the need for excessive screening.*
- *Encourage interaction and passive surveillance of the street and public open space, with windows, balustrades, fencing and landscaping that provide a level of permeability.*
- *Avoid balconies and upper-level living areas facing side boundaries.*

Developments should not borrow from the separation, outlook and amenity of developable adjoining land.

Satisfactory

The proposal has been designed to ensure views are maximised from living areas as appropriate, whilst minimising the potential for overlooking through the strategic positioning of windows and balconies. Where appropriate, screening will be provided. Where appropriate, living areas and balconies do not face side boundaries. Communal terraces are provided at levels 01, 05 and 06 and provide an outlook for residents. The proposal does not rely on the separation, outlook and amenity of adjoining developable land.

The proposal will provide passive surveillance to the area through the operation of the ground floor uses, as well as from the apartments facing Selwyn Street and Sinclair Street achieving interaction with the public realm.

Access and parking

Buildings should:

- *Prioritise high quality streetscapes through considered parking and access design that minimises visual and physical impacts.*
- *Focus on maintaining active land uses at street level by locating parking structures underground in basements or towards the rear of the building if above ground.*
- *Provide vehicle access from side streets or rear laneways if available.*
- *Minimise access and crossover widths as much as practical.*
- *Ensure that bicycle parking is secure, convenient and readily accessible.*
- *Separate resident and visitor entries from commercial entries, service areas, vehicle accessways and loading zones.*

Satisfactory

The development provides car parking for the various uses within full basement levels with a single access point via a two-way crossover on Selwyn Street.

The vehicle access is located toward the southern end of the site, away from the conflict point with pedestrians accessing the school and residential properties further to the north. The vehicle access has been designed to integrate with the development (notably the lower levels) with the proposed architectural features, materials and finishes consistent with the podium.

Locating all car parking within concealed levels allows for Selwyn Street activated through the various podium uses and residential lobbies.

The basement access has been located away from the residential streets and towards the existing commercial context of Selwyn Street. The submitted Transport Impact Assessment identifies that it is anticipated that majority of the traffic will come from Glen Huntly Road, locating the access conveniently in proximity to Glen Huntly Road reduces the number of vehicles travelling along surrounding residential streets.

Only one vehicle access is provided to Selwyn Street. One vehicle access is also provided to Sinclair Street for trucks only, in a similar location to the existing crossover. A crossover will also be provided to the lane to the south, to allow for residential loading. Notably the location of the proposed access points to the development remains consistent with the Council permit.

Bicycle parking is located within the basement and is convenient, secure and readily accessible. Bicycle parking will also be provided for customers / visitors at ground floor to support alternative transport options in proximity to public transport.

The residential entries are easily identifiable and separate to the supermarket, food and drink premises and place of assembly entries, as well as vehicle accessways, service areas and loading bays.

Site Consolidation

- *Sites should be consolidated where appropriate to deliver an efficient built form and to ensure the visual and amenity impact of larger developments can be managed within the site.*
- *Building design on consolidated sites should continue to respond to the rhythm and pattern of development on the street.*
- *New laneways should be created on larger consolidated sites where appropriate.*

Satisfactory

The site is a large strategic site of 5,746 sqm (approximately) which allows for the potential visual and amenity impacts to be managed within the site, as has been demonstrated throughout this report. The site does not need to be further consolidated with any other sites to deliver an appropriate built form, particularly noting the fine grain lots surrounding the site and heritage overlays which would make further consolidation problematic.

It is expected that the various lots which make up the subject site will be consolidated and then further subdivided into individual lots to reflect the proposed commercial tenancies, common areas and residential apartments/associated car spaces.

Decision Guideline	Assessment
• *Whether development responds to the design objectives set out in Clause 1.0 to this schedule.*	**Satisfactory** The development responds to the design objectives under the DDO10 as discussed in the sections above.
• *The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.*	**Satisfactory** The proposed development respects the scale and form of existing buildings, particularly when viewed from the surrounding pedestrian network as discussed throughout this report.
• *Whether the design and form of buildings supports the housing and economic needs of the Elsternwick Activity Centre.*	**Satisfactory** The design and form of the proposed building supports the housing and economic needs of the Elsternwick Activity Centre as discussed throughout this report.
• *Whether proposed buildings on sites that are in the vicinity of a heritage place are respectful of that heritage place.*	**Satisfactory** It is considered that the proposed building is respectful of the heritage values of the former Elsternwick Fire Station (HO81) which is to be retained, protected and adapted as part of the proposed development. The proposal is also respectful of the surrounding heritage places in close proximity to the site, notably the 'Elsternwick Commercial and Public Precinct' (HO180), 'Glenmoore, 1 St Georges Road' (HO59) and residential properties within Sinclair Street and further north and east (HO72). These matters are discussed in detail under the 'Heritage' assessment section of this report.
• *Whether proposed buildings are sensitively designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjacent land.*	**Satisfactory** The proposed building has been designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjoining land to the east (to the extent reasonable and practical having regard to the planning requirements as they apply). Refer further discussions under the 'Overlooking' assessment section of this report.
• *The impact of overshadowing to the public realm.*	**Satisfactory** The submitted shadow diagrams (prepared by Fender Katsalidis) provide a comparison between existing shadows and proposed shadows generated by the development at the September Equinox and June Solstice. The September shadows show that between 9am – 10am there will be some overshadowing of the western side of Selwyn Street which is not currently activated or used for footpath trading, rather it is the back of house for Classic Cinema. From 10am onwards shadows either fall across the road or do not extend beyond existing shadows.

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	The June shadows show that between 9am – 12pm there will be increased shadows cast across the western side of Selwyn Street and southern footpath of Glen Huntly Road. From 12pm onwards there is minimal additional impact to the southern footpath of Glen Huntly Road. Noting there are no prescriptive requirements for overshadowing under the DDO10, DTP is satisfied that the overshadowing impacts to the public realm will not compromise the amenity of the public realm.
• *Whether development in Precinct C, D, E or F demonstrates a high level of architectural quality and makes a positive contribution to the public realm.*	**Satisfactory** The development demonstrates a high level of architectural quality that will make a positive contribution to the public realm and broader Elsternwick Activity Centre. As outlined in the submitted UCR: *The composition of volumes forms a dynamic collection of unique clearly articulated buildings that are united by a common palette of concrete, brick masonry, metal and living green.* *There is a play between soft and light, openness and compression. There is a rich diversity of tactile materials that embed the project within its neighbourhood.*
• *Whether any building in Precinct C, D, E or F that exceeds the maximum preferred building height:* - *Demonstrates that the development includes the provision of significant community benefit; and* - *Does not create unreasonable impacts on the amenity of sensitive interfaces as a result of additional height; and* - *Demonstrates architectural design excellence.*	**Satisfactory** The development does not exceed the preferred maximum building height of 37 metres. Notwithstanding the development includes the provision of significant community benefit, being 10% affordable housing and a place of assembly for use by the local community. Furthermore, the proposed height and setbacks have regard to the amenity of sensitive interfaces, including additional height compared with the Council permit and the design demonstrates architectural quality and excellence.

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Heritage

210. The site is affected by two Heritage Overlays. One is a precinct-based overlay (Schedule 180: Elsternwick Commercial & Public Precinct) and the other is for an individually significant graded building (Schedule 81: 'Former Elsternwick Fire Station', 2-4 Selwyn Street, Elsternwick). Notably the Former Elsternwick Fire Station is included on the Victorian Heritage Register (Reference H2376). The site also has direct interfaces with the individually significant 'Glenmoore' at 1 St Georges Road to the east (HO59) and residential properties within Sinclair Street and further north and east (HO72).

211. The purpose of the Heritage Overlay is (as relevant):

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

212. The decision guidelines under the Heritage Overlay include (in summary), the MPS and PPF, the significant of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place, any applicable heritage statement or decision guideline, whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place or is in keeping with the character and appearance of adjacent buildings and the heritage place and whether the demolition, removal or external alteration or proposed works will adversely affect the significance, character or appearance of the heritage place.

213. It is important to highlight that the extent of demolition, retention, alterations and additions to the Former Elsternwick Fire Station remain the same as approved under the Council permit. There are some internal changes proposed to the shared loading dock as shown in the comparative images below.

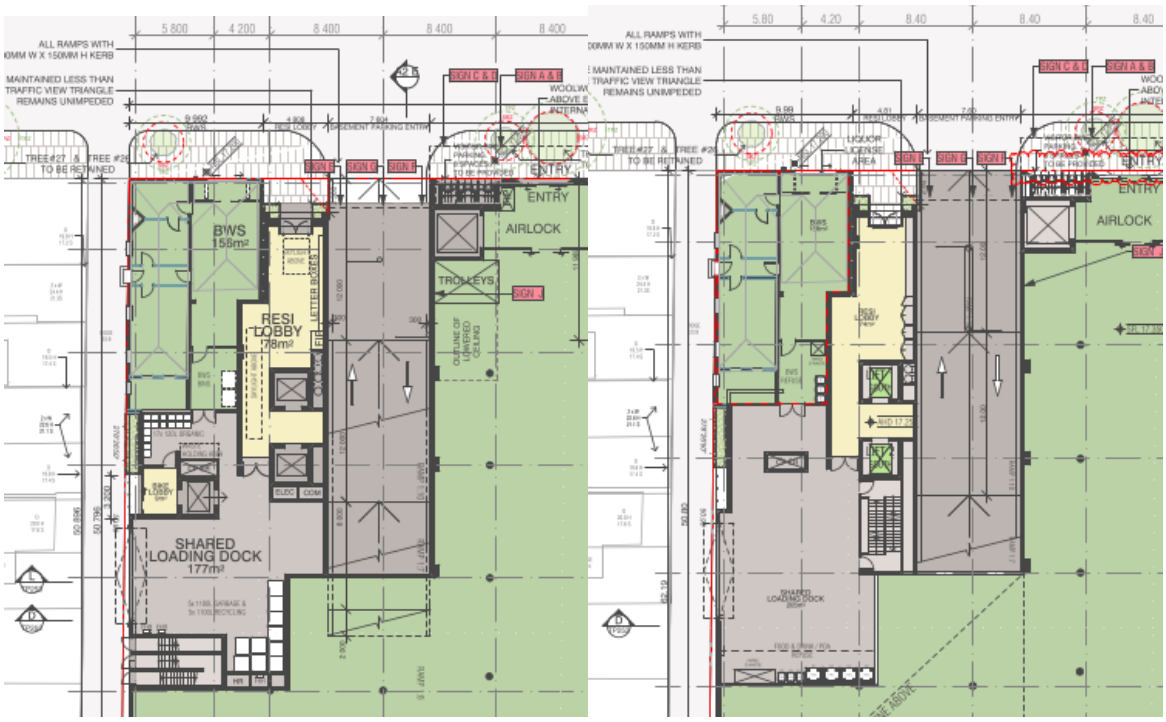

Figure 44 & 45: Comparison of internal works to the former fire station between the Council permit (Figure 44) and current application (Figure 45)

214. In terms of the Planning Scheme and its planning policy framework, there have been a number of changes since the previous decision. For example, the content of DDO10 has undergone some changes, albeit relatively minor in the context of this review site and this proposal. Also, the Heritage Overlay applying to 1 St Georges Road has extended from the area surrounding the Glenmoore mansion to include the rear tennis court area on the property as well. The Glen Huntly Road commercial precinct has been separated out of the broader Elsternwick Estate and Environs heritage precinct and now has its own heritage precinct and citation about its significance.

Significance

215. As outlined in the Victorian Heritage Database report, the former Elsternwick Fire Station is given the following statement of significance:

How is it significant?

The former Elsternwick Fire Station is of architectural, cultural and historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A Importance to the course, or pattern, of Victoria's cultural history.

Criterion D Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Why is it significant?

The Former Elsternwick Fire Station is significant at the State level for the following reasons:

*The Former Elsternwick Fire Station is historically significant as one of the 10 remaining fire stations of the original 32 built for the newly established Melbourne Metropolitan Fire Brigade ('MFB') during the four-year period 1892 to 1896. These fire stations were constructed following the establishment in 1891 of the MFB, Victoria's government-run fire-*fighting *service for metropolitan Melbourne and its growing suburban population. These new stations formed a crucial part of the MFB's fire-fighting network across Melbourne. The Former Elsternwick Fire Station clearly demonstrates the historical development of fire-fighting services in Melbourne, especially the expansion of the newly-formed MFB throughout Melbourne's suburbs during the 1890s. [Criterion A]*

The Former Elsternwick Fire Station is architecturally significant as a fine example of a late nineteenth century fire station. Constructed shortly after the establishment of the MFB, it displays characteristics of its class of place that remain mostly unchanged from the former Station's historically important period of development and use. A particularly strong element of the Former Elsternwick Fire Station is the large and strikingly-detailed stone horseshoe arch, designed for horse-drawn fire-fighting vehicles, at the street entrance to its fire-engine room. [Criterion D]

216. The excerpts from the Victorian Heritage Database Report at Figure 46 shows the exterior of the former Elsternwick Fire Station, and Figure 47 shows the primary areas of significance being the original 1986 fire station building, compared with the 1950's and later additions at the rear which are identified as having no significance.

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Selwyn Street (west-facing) facade

The horseshoe arch integrates limestone, trachyte and basalt with the brickwork

Anglo-Dutch gable and emblem incorporating 1891 MFB-designed corporate shield

View from Selwyn Street along un-named laneway, showing painted areas of face brickwork on south elevation

South elevation looking west towards Selwyn Street from un-named laneway

South elevation looking east towards St Georges Road from un-named laneway

Figure 46: 'Former Elsternwick Fire Station', 2-4 Selwyn Street, Elsternwick (Source: Victoria Heritage Database Report)

Former Elsternwick Fire Station PERMIT POLICY AND EXEMPTIONS DIAGRAM 10 August 2017

Figure 47: Areas of primary significance (Source: Victoria Heritage Database Report)

Demolition

217. The proposed development includes the demolition of all existing buildings on the site with the exception former Elsternwick Fire Station. The proposed demolition includes the brick wall that is built adjacent to the tennis court on 1 St Georges Road. None of these buildings are identified as having any heritage significance other than the former Elsternwick Fire Station, hence their demolition will not have an adverse impact on the significance of the heritage precinct.

218. The former fire station is set to be preserved, restored, and repurposed as a BWS which has received permission from Heritage Victoria (P388999 & P38898) issued on 27 December 2023 allowing for internal and external modifications and signage. DTP agrees with the applicant that the demolition of the existing non-contributory ABC buildings is appropriate.

219. Consistent with the Council permit, the proposed development include the demolition of the existing brick wall that effectively forms the boundary of the tennis court and the rear boundary of the property at 1 St Georges Road. VCAT recognised that this was not a heritage issue per se and the previous proposal was to effectively replace that existing wall with a new wall that is of a similar (albeit now increased) height. VCAT noted that there is nothing in the Statement of Significance for 1 St Georges Road that suggests this wall, or this boundary interface is a feature of heritage significance. As such, VCAT was satisfied that the demolition and replacement of this wall with another similar wall is acceptable as it will not have an adverse impact on the significance of the heritage place.

220. DTP agrees with this assessment and whilst the height of the replacement wall is to be increase in height compared with what was previously approved, the increase of 1.6 metres (approximately) is negligible and will not have an adverse impact on the significance of the heritage place at 1 St Georges Road.

221. Lastly, in terms of the proposed removal of trees on the site and road reserves of Selwyn Street and Sinclair Street, there is no change in the extent of tree removal compared with the Council permit. This is discussed further under the 'Landscaping' assessment.

Potential impacts to former Elsternwick fire station (HO81)

222. A key issue is the potential competing outcomes between the purpose of the HO at Clause 43.01 (and Clause 15.03-1 and Heritage and Design Guidelines), and the strategic policy direction for the site as part of the Elsternwick Major Activity Centre and built form expectations, most notable under the DDO10. In this regard, DTP is satisfied that an appropriate balance between these policy objectives has been achieved by the proposed development.

223. As noted in this report, the majority of the site (excluding the former fire station) and Selwyn Street forms part of the commercial precinct along Glen Huntly Road in the HO180. The adjoining property at 1 St Georges Road is covered by the HO59 that recognises the heritage significance of the Glenmoore mansion.

224. DTP understands that the relationship between the former fire station and the southern tower have already been agreed through the previous approval of the works by Heritage Victoria. The applicant has advised DTP that the minor internal changes to the shared loading dock accessed from the laneway and the balconies (which are now proposed to protrude over the rear additions to the original building) can be easily dealt with as minor amendments to the Heritage Victoria permit, which DTP agrees with.

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225. Paragraph 57 of the VCAT decision discussed the relationship and proximity between the former fire station and the southern tower and the adjacent access to the basement car parking noting:

…there will be an appreciable side return to the fire station building and it will be a prominent element as it will sit forward of basement entry/exit as well as being separated from the balance of the Selwyn Street podium. We accept this evidence and find the juxtaposition of the new development around the former fire station has been sensitively designed.

226. DTP is satisfied that the relationship between the proposed development (including the southern tower and proposed car park access) and the former fire station remains appropriate.

Potential impacts to Elsternwick Estate and Environs heritage precinct (HO72)

227. The Elsternwick Estate and Environs heritage precinct HO72 wraps around the north and east sides of the site (as a consequence of the Amendment C204 which consolidated properties in Selwyn Street with the HO180) and includes the residential properties in Sinclair Street and St Georges Road (refer Figure 48 below).

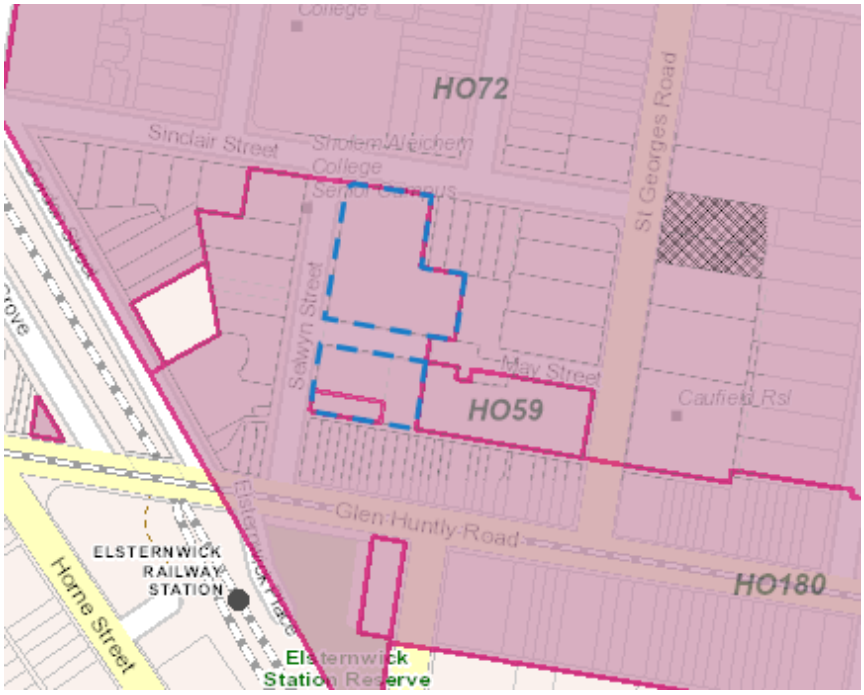

Figure 48: Map of areas affected by the Heritage Overlay (Source: VicPlan)

228. In terms of the relationship between the proposed northern tower and the lower scale residential properties in Sinclair Street and further to the north within the HO72, DTP considers that the height and setbacks of the north tower in proximity to the lower scale residential properties in Sinclair Street and adjacent to the site are appropriate from a heritage perspective.

229. The proposal retains the design of the podium, comprises a primarily face brickwork two storey form, and the tower has a contemporary glass and lightweight appearance with a few vertical elements of face brickwork anchoring it to the podium. DTP agrees with the comments at Paragraph 60 of the VCAT decision that this is a well-established design approach with a podium and tower for the podium to be respectful as it 'belongs' to the existing lower-level streetscape containing heritage fabric, whilst the upper levels in a tower are able to be quite different to the podium.

230. DTP is satisfied that the proposal (notably the northern section of the building) achieves a 'residential feel' in terms of the visual appearance and architectural quality and retains the height, scale and massing which was considered an acceptable response (to the surrounding residential properties in the HO72) by VCAT in its previous decision.

Potential impacts to Elsternwick Commercial and Public heritage precinct (HO180)

231. As discussed in the sections above, Planning Scheme Amendment C204 consolidated properties in Selwyn Street (including the subject site) with the Elsternwick Commercial and Public heritage precinct i.e. the north and south side of the retail shopping strip along Glen Huntly Road, affected by the HO180, generally the area between Beavis Street and Gordon Street.

232. The Statement of Significant for the Elsternwick Commercial and Public Precinct' includes the following:

How is it significant?

The Elsternwick Commercial and Public Precinct is of local historical, representative and aesthetic significance to the City of Glen Eira.

Why is it significant?

The Elsternwick Commercial and Public Precinct is of historical significance as the first major commercial strip that developed in the municipality as well as for being a longstanding focus of economic and social activity in the district. From the 1880s, the growth of the wider suburb stimulated commercial and civic/public construction activity along Glenhuntly Road, particularly in the vicinity of Elsternwick Railway Station. In the wake of a general development hiatus caused by the 1890s economic downturn, the building of shops and stores gradually resumed and then intensified over the Federation period, a trend supported by the electrification of the tramline along Glenhuntly Road in 1913. By the Interwar period, the precinct – well-established as a retail centre in the locality – had attained a degree of regional prominence and was considered one of the larger examples of its type in Melbourne's southeastern suburbs. Its continuing role as a local shopping and service centre also illustrates the importance of such places in the daily life of communities. (Criterion A)

The Elsternwick Commercial and Public Precinct is of representative significance for the high proportion of largely intact, contributory commercial buildings dating from the Late Victorian, Federation and Interwar periods. These buildings form consistent streetscapes with many fine buildings that are evocative of their respective periods. Many of the buildings are part of larger groups. The Late Victorian buildings display a variety of classicising details and tend to be rendered. This layer includes a few buildings designed in the Anglo-Dutch style, which are a distinguishing of the precinct. Many of the Federation period and most of the Interwar period buildings display an Arts and Crafts aesthetic, commonly with a combination of brick (red and clinker) and render (smooth or roughcast). Unusually many of this type also have expressed tile clad roofs. A few early 20th century shopfronts remain, and some pressed metal soffits to the canopies. (Criterion D)

233. DTP acknowledges that the north side of Glen Huntly Road (immediately to the south the site) and its western section feature highly intact period commercial facades, which in turn was found to have a high level of heritage value and significance making it quite a sensitive heritage interface. In this regard, the original 14 storey proposal for the site was found to be excessively visually dominant and overbearing in contrast to the fine grain and sensitive nearby two storey commercial heritage facades on the north side of Glen Huntly Road.

234. The architects visual representation of the Southern Tower at Figure 50 below shows the extent of visibility of the current proposal when viewed from the southern side of Glen Huntly Road (looking towards the north). As discussed in the VCAT decision at Paragraph 68, *…the Statement of Significance does not imply that any portion of the precinct is of special or of elevated significance above and beyond the presence of individually notable buildings. There is no mention of the skyline view in the Statement of Significance. There is no suggestion that this precinct or any part of it is of unique heritage importance in broader Melbourne because of its existing skyline view above the heritage buildings…*

235. The image clearly shows that the upper levels of the southern tower will be visible when viewed from different vantage points in Glen Huntly Road. Notwithstanding, DTP is satisfied that the visible element of the development is adequately setback to ensure the southern tower does not appear as overbearing or visually dominant as a backdrop to the Glen Huntly Road commercial heritage precinct. DTP agrees with the commentary at Paragraph 69 of the VCAT decision that visible new and taller buildings set back behind heritage streetscapes are a relatively common feature throughout broader metropolitan Melbourne. Notably, there are several completed developments along Glen Huntly Road, where contemporary mixed-use buildings are constructed above and to the rear of heritage shop fronts covered by the HO180.

236. DDO10 focuses on providing guidance about future built form amongst the heritage character of the Glen Huntly Road shopping strip noting the design objective which seeks to preserve and enhance the heritage character of the Glen Huntly Road shopping strip.

237. Furthermore, there is nothing in the heritage conservation policies at Clause 15.03-1L that requires a new building to be invisible. Rather, the policy encourages higher building additions to be well set back from the front wall of a building which is achieved by the proposal. The policy also contains a strategy to avoid visually intrusive design which dominates surrounding heritage places and streetscapes such as Glen Huntly Road. The significant separation between the Glen Huntly Road commercial frontages and the proposed south tower aligns with this strategy objective. DTP is satisfied that the architecture of the south tower retains the simplicity (that was a feature of the design considered by VCAT) to ensure it does not dominate or overwhelm the recognised features in the Statement of Significance for the commercial precinct.

238. The proposed Southern Tower has been setback from the southern boundary to increase the distance between the proposed tower and the historic buildings along Glen Huntly Road. The increased setback reduces the visual dominance of the tower in relation to the heritage facades, allowing the historical architecture to remain more prominent ensuring that the heritage character of the area is respected and preserved. For these reasons, DTP is satisfied that the proposed south tower does not adversely affect the significance of this heritage precinct.

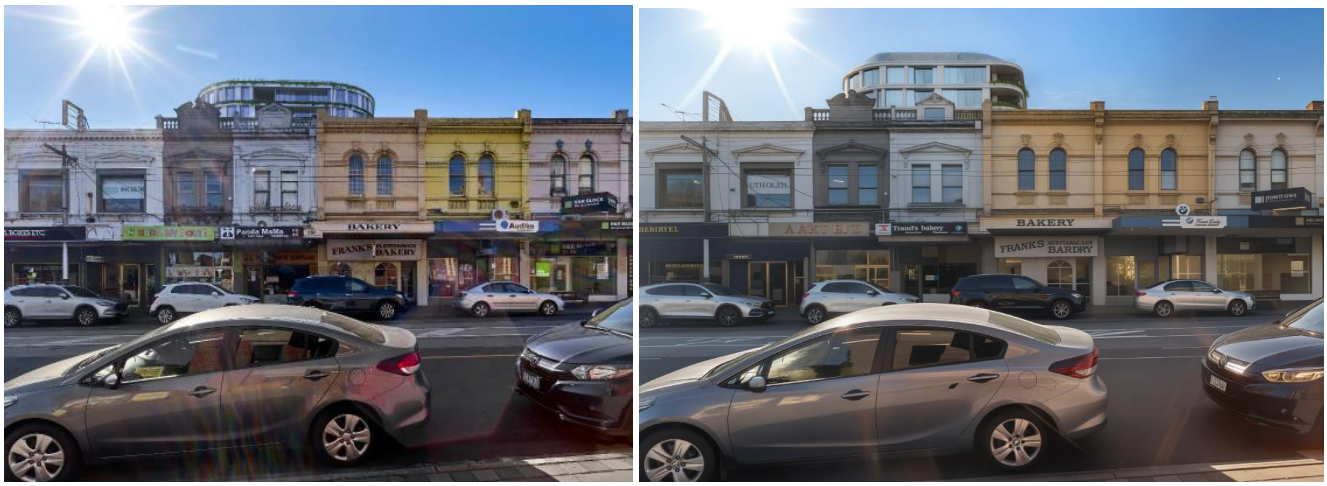

Figure 49 & 50: Architects impression of the southern tower considered by VCAT and the current proposal (Source: Fender Katsalidis)

Potential impacts to 1 St Georges Road 'Glenmoore' (HO59)

239. The site is adjoined to the east by 1 St Georges Road, known as 'Glenmoore' and covered by the HO59 identifying the property as individually significant under the Heritage Overlay. The Statement of Significance for 'Glenmoore' is as follows:

"Glenmoore" is locally significant as a surviving mid nineteenth century villa residence with grounds in the then fashionable bi-chromatic brick form. It is also important as the home of Hugh Moore who built several shops in nearby Glen Huntly Road and which remains as important contributors to the architectural character of the Elsternwick Shopping Centre.

240. VCAT in its most recent decision reiterated at Paragraph 74 that:

…there is a 'very noticeable' separation between the review site and Glenmoore. Indeed, Glenmoore is quite centrally located on its property with generous front and rear setbacks. The front garden features mature, tall trees as well as a reasonably high solid front fence. These features limit the visibility of Glenmoore from St Georges Road. As such, we are not persuaded that the concern expressed by Mr Campbell of an adverse impact upon the St Georges Road view with the south tower being visible behind and above the roof top of Glenmoore is significant. We also agree with Mr Raworth's evidence that the central location of Glenmoore means it will remain a distinctive element in any views from the east.

241. The proposed new boundary wall alongside the tennis court retains a similar scale to the existing masonry wall (albeit with an increase in height from 7.6 metres to 9.2 metres at the interface with the laneway) and it can be constructed of a single building material with creepers growing on it (as was sought by the Campbell family). The applicant has advised that the proposed increase in height is required for the simplification of the building form which allows for improved accessibility between buildings (due to the simplification of levels between buildings) and structural efficiency. DTP is satisfied that the replacement and reconstruction of the existing boundary wall and proposed increase in height (compared with the previous approval) would not have an adverse impact on the heritage significance of Glenmoore. DTP agrees with previous heritage evidence that the south tower will be of a visually higher scale, but a neutral backdrop and the curved form will further reduce the visual dominance of the tower.

242. The physical description focuses upon the mansion's architectural details and interior 'important surviving elements'. It then mentions timber outbuildings and a spacious front garden including early palm trees. Based on the identified features of significance combined with the setting of Glenmoore (as described in the VCAT decision) DTP agrees that whilst the proposal will be visible from certain vantage points, its visibility will not adversely affect the identified heritage significance of Glenmoore.

243. The development has been designed to appropriately respond to Glenmoore through the provision of substantial setbacks (exceeding 50 metres between the upper levels of the southern tower and the Glenmoore dwelling) and will not detrimentally impact the heritage significance of the place. On this basis, DTP is satisfied that the proposal (including the proposed height and setbacks of the southern tower from the shared boundary) is an acceptable interface response that will not adversely affect the heritage significance of Glenmoore.

Signage

244. The proposed signage which includes business identification signage (including internally illuminated and parking identification signage) is consistent with the type, size and extent of signage approved under the Council permit. The proposed signs remain compatible with the amenity and visual appearance of an area, including the existing or desired future character. The signs will not contribute to visual clutter, cause loss of amenity or adversely affect the built (or heritage) environment within Selwyn Street and Sinclair Street. The signs are appropriately located and distributed across the lower levels of the development.

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245. The proposed signs are consistent with the signs approved under the Council permit and are consistent with the decision guidelines under Clause 52.05 as follows.

Area Character

246. The site is located within the Elsternwick Major Activity Centre in a designated Mixed Use Zone. DTP agrees with the applicants submissions that the proposed signage complements the mixed-use character of the area and the anticipated commercial uses (Supermarket, Food and Drink Premises), aligning with the type of signage typically found within major activity centres. The signs will be placed on the proposed structure and within the basement areas, along the Selwyn Street and Sinclair Street frontages, away from sensitive interfaces. The scale of the signs will be similar to existing signs along the Glen Huntly Road commercial strip.

247. The proposed signage types are deemed suitable for the mixed-use nature and major activity centre character of the area. They will be smaller than typical Major Activity Centre signs, ensuring they do not create visual clutter or disorder. The signs are not expected to negatively impact the area's character or amenity and have been designed to respect the cultural sensitivity of the area (including the Melbourne Holocaust Museum).

Impact on Views and Vistas

248. The signs are designed and positioned to avoid obstructing any significant views or vistas in the area, with placement on the building and within the basement parking area.

Relationship to Streetscape, Setting, or Landscape

249. The site is within the existing Elsternwick Major Activity Centre in the cultural precinct, a mixed-use zone. The proposed signage types and scale align with existing signs along Selwyn Street and the wider area. The signs are intentionally designed to be smaller than typical Major Activity Centre signs, considering the heritage of the fire station and cultural values of the wider area.

250. The signage along the Selwyn Street and Sinclair Street frontages is minimal and significantly spaced apart. The signs are positioned above pedestrian height, with only those identifying the basement access protruding from the building. No signs will be placed on the former fire station. The proposed signs are not expected to negatively impact the existing streetscape, setting, or landscaping of the area.

Relationship to Site and Building

251. The signs' size, position, and style are designed to integrate with the building's architecture and proposed scale. Signs will be placed on the fascia above the store entry and access point for easy identification. Additional signs will be located within the basement parking to indicate trolley bay locations.

Impact of Illumination

252. The signs are positioned to minimise glare and illumination effects on pedestrians and vehicles. They do not directly face any oncoming traffic and are positioned above pedestrian height, ensuring no direct sightlines to the signs. The signs are not expected to negatively impact the site or surrounding area's amenity.

Need for Identification

253. Signs are crucial for the success of any activity centre, contributing to the long-term vitality and viability of the area and its businesses. The proposed signs will identify the supermarket and various on-site services, complementing existing signs along Selwyn Street and the wider area.

Impact on Road Safety

254. The signs are designed and positioned to avoid obstructing a driver's view or line of sight. They do not directly face any oncoming traffic and are positioned above pedestrian height. The signs will not contain any flashing or animated components that could distract drivers.

Public Realm

Ground Level Activation / Building program

255. Consistent with the Council's vision of street design, as outlined within *'Glen Eira Street Design Guidelines – Summary Document, 2023'*, the proposed development prioritises the activation of pedestrian activity along the primary Selwyn Street frontage. The loading activity for the supermarket is provided from Sinclair Street with multiple, clearly defined pedestrian access points, including bicycle access, being provided along the Selwyn Street frontage. The following key design features are proposed:

- The removal and rationalisation of vehicle crossovers to a single vehicle access point between Sinclair Street and Glen Huntly Road
- The introduction of a new widened pedestrian link along the site frontage
- The provision of an improved public realm and ground floor activation.
- A food and drink premises located centrally along the Selwyn Street frontage.
- Clearly defined and legible residential lobbies on Selwyn Street with weather protection for the northern and southern towers.
- A place of assembly wrapping the corner of Selwyn Street and Sinclair Street.
- Loading consolidated in the north-east corner of the site.
- Building services integrated with the façade and ground level.
- Canopy over the footpath to provide weather protection along the majority of the Selwyn Street and Sinclair Street frontages.

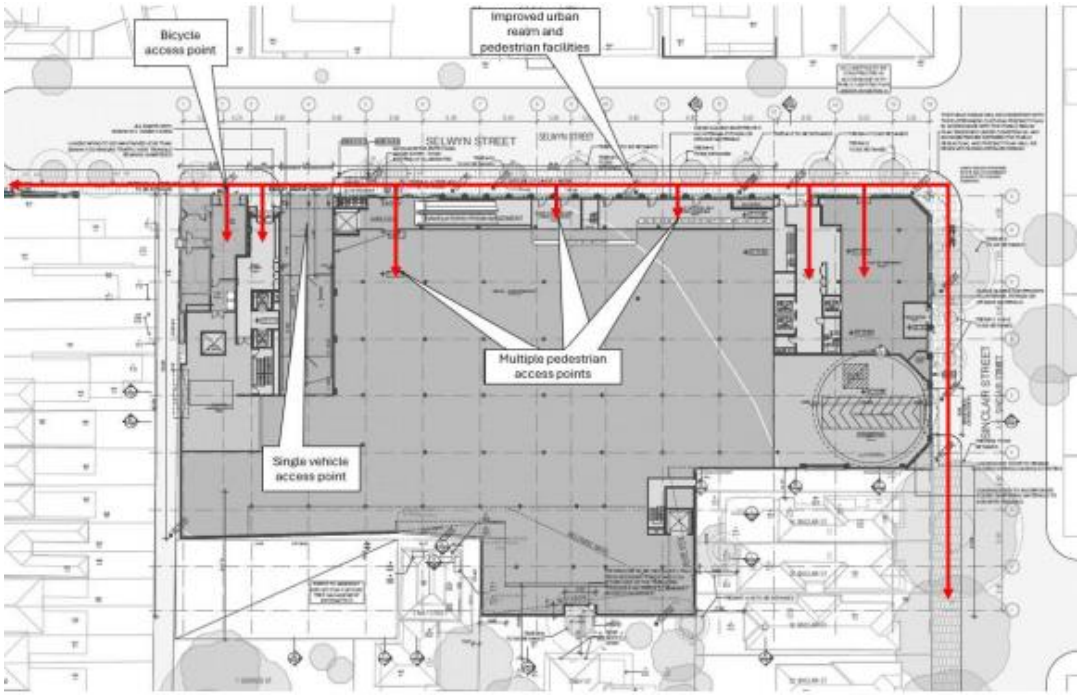

Figure 51: Proposed access points to the development (Source: Transport Impact Assessment)

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256. DTP acknowledges Council's recommendation for *'The rear of the shop/food and drink premises spaces to be glazed as per the previous permit requirement'.*

The applicant has advised that the change of material of the rear wall of the kiosk has been made to ensure activation of Selwyn Street can still be achieved. The requirement for the rear wall to be glass makes the tenancy extremely difficult to fit out (and therefore unlikely to be leased), undermining the potential activation that can be provided. The removal of this requirement ensures that the tenancy is viable and therefore able to achieve its purpose. DTP accepts the applicants reasons for this change noting the narrow depth of this tenancy and desire to activate Selwyn Street, therefore limiting available locations for services within the tenancy.

Amenity Impacts (Internal and offsite)

257. As discussed throughout this report, the site has sensitive interfaces with several residential properties adjoining to the east. In this predominantly residential context, amenity concerns typically relate to visual bulk from new built form, overlooking, overshadowing and noise impacts (as discussed in the following sections of this report).

Overlooking and Internal Views

258. The decision guidelines of the DDO10 also includes *Whether proposed buildings are sensitively designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjacent land.*

259. As the development comprises an apartment development of five or more storeys, it is the provisions at Clause 58 of the Glen Eira Planning Scheme that apply Clause 58.04-1 contains the building setback objectives, which includes the following objectives:

- *To limit views into habitable room windows and private open space of new and existing dwellings.*
- *To provide a reasonable outlook from new dwellings.*

260. This objective is accompanied by the following components of Standard B14 and Decision Guidelines that relate to the issue of overlooking:

Standard D14

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
- *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- *The impact of overlooking on the amenity of existing and proposed dwellings.*
- *The existing extent of overlooking into existing dwellings and private open space.*
- *Whether the development meets the objectives of Clause 58.*

261. In terms of the potential for overlooking between the proposed development and the adjoining sensitive areas of private open space, the submitted Urban Context Report prepared by Fender Katsalidis provides an analysis of this relationship along the shared boundary, in terms of sections which show the design treatments included to limit overlooking into neighbouring backyards. The excerpt at Figure 52 below shows the locations of existing private open space surrounding the site, primarily directly to the east.

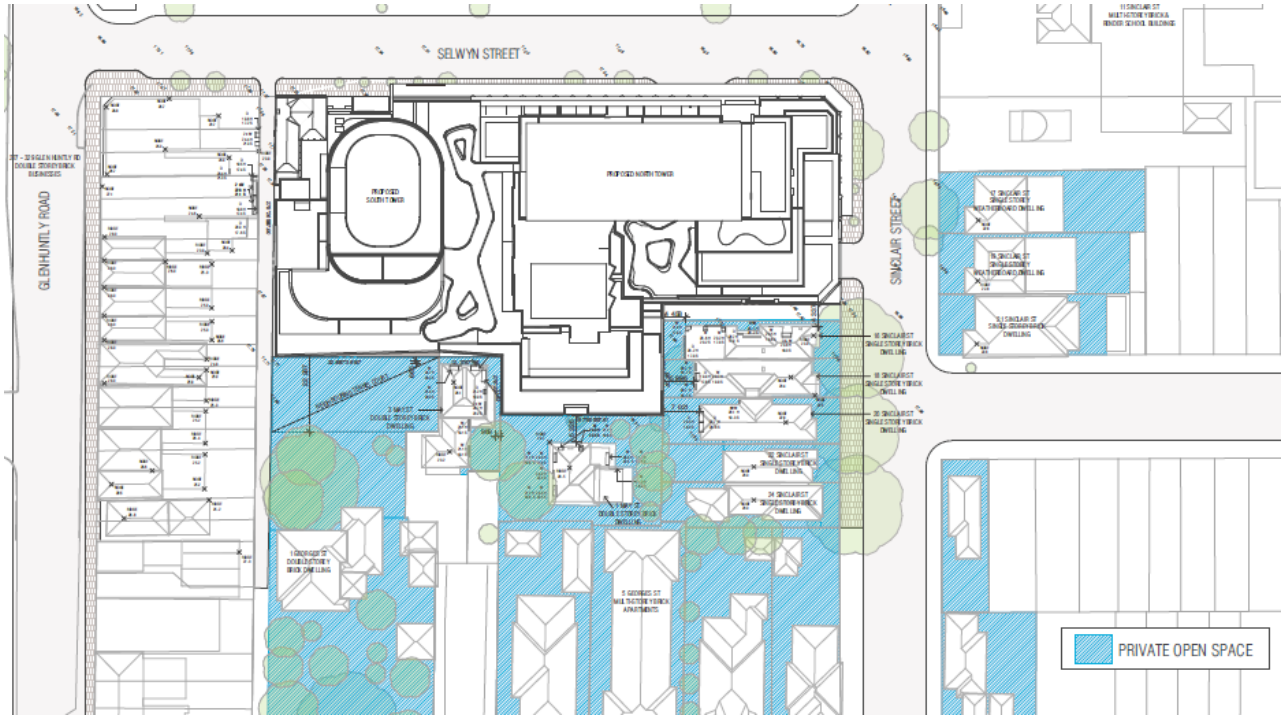

Figure 52: Adjoining sensitive areas of private open space (Source: Urban Context Report prepared by Fender Katsalidis)

262. In assessing potential overlooking from the proposed development, it is important to highlight that the objectives, standard and decision guidelines that apply under Clause 58.04-1, do not contain a reference to restricting overlooking within a distance of 9 metres, as occurs under the Clause 55 provisions. Instead, a development is expected to limit views or avoid direct views into private open space.

263. As noted above, the requirements of Clause 55.04-4 (Standard B4-4 – Overlooking objective) do not apply in this application, however Standard B4-4 still provides useful guidance in considering the reasonability of views into neighbouring properties used for residential purposes. This standard seeks limit overlooking within a 9-metre distance from new habitable room windows and open space areas to established habitable room windows and private open space areas.

264. The section diagrams below (contained in the submitted Urban Context Report) show that a combination of setbacks and planter boxes positioned along the sensitive interfaces on the eastern boundary to prevent direct views into the private open spaces of adjacent neighbours.

265. Figure 53 below assesses potential overlooking into 1 St Georges Road to the immediate east of the proposed southern tower. As discussed in the earlier sections of this report, this property is an individually significant individual heritage place that is developed with a large two storey dwelling setback approximately 33.5 metres from the shared boundary with the site. In the intervening space, this adjoining property is developed with a tennis court at the immediate abuttal with the review site, beyond which is a landscaped garden comprising a pool, and a slightly elevated deck.

266. Figure 53 highlights that the nearest apartments to the backyard (as described above) of 1 St Georges Road, are the east facing two-bedroom apartments at Level 01 (S-B08, S-B09 and S-B10). To respond to this interface, the design incorporates a deep planter box between the edge of the terraces and shared boundary, which has the effect of obscuring the line of sight down into the adjoining backyard and only allowing horizontal or sky views as demonstrated in the sectional diagram. Notations on the plans, also indicate a 1.7 metre screen will be provided, although this is not clear and therefore conditions are recommended to ensure the extent of any proposed screening at this interface is clearly shown.

267. The setbacks at Levels 02 – 06 above are setback a minimum of 14.56 metres from the nearest balcony edge to the shared boundary with 1 St Georges Road. Notably, the setbacks at these levels remain consistent with the approved setbacks under the Council permit. VCAT in its decision noted that the relevant provisions of Clause 58.04-1 outlined above, seeks to avoid relying on screening to reduce views (at Paragraph 19).

…the answer to limiting the overlooking of 1 St Georges Road is to be found in providing for an increased setback of the proposed southern tower from the eastern boundary of the review site. While the provision of a greater setback will not eliminate all potential views, it will assist to reduce the privacy impact on the area of secluded private open space at 1 St Georges Road.

268. VCAT's decision required increased setbacks to address what it considered to be unreasonable visual bulk and overlooking impacts to 1 St Georges Road as a result of the previous design. These setbacks have been maintained with the proposed development and are considered reasonable to limit views into the private open space of 1 St Georges Road, whilst providing a reasonable outlook from the proposed apartments.

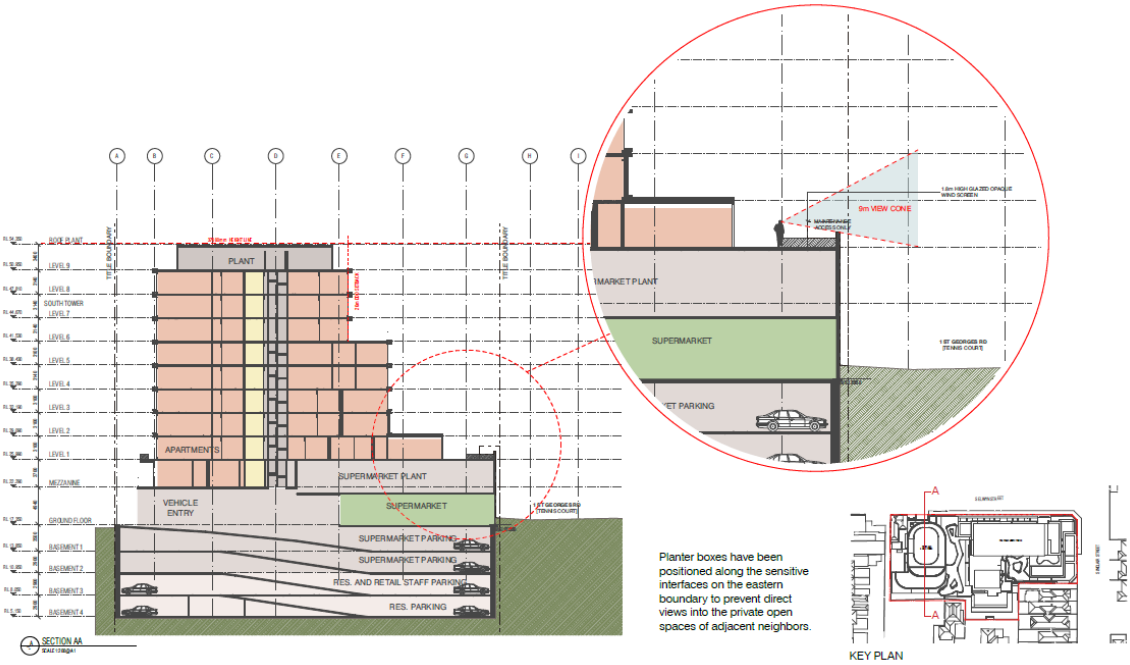

Figure 53: Analysis of potential overlooking to 1 St Georges Road (Source: Fender Katsalidis)

269. In relation to the other interfaces that the site has with adjoining residential properties as shown in Figures 54 & 55 below, the proposed development comprises a range of setbacks, and a responsive positioning of windows and balconies that will sufficiently restrict overlooking. Notably, the adjoining property located at 3 May Street is adjacent to the proposed communal landscaped areas between the northern and southern tower which includes planter boxes and screening to 1.7 metres in height to restrict views into the existing dwelling (as noted above conditions are recommended to ensure the extent of proposed screening along this interface is clearly shown).

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270. Similarly, the nearest apartment to 1 May Street at Level 01 is in excess of 16 metres from the shared boundary with the area in between shown as landscaped, with maintenance access only and screening to 1.7 metres in height to restrict views into the existing dwelling on 1 May Street. The northern tower includes apartments with east facing balconies, however these are setback a minimum of 14 metres from the shared boundary with 1 May Street. Notably, these proposed setbacks are the same as approved under the Council permit. On this basis, DTP considers that the proposed design and setback appropriately limits views into this adjoining property.

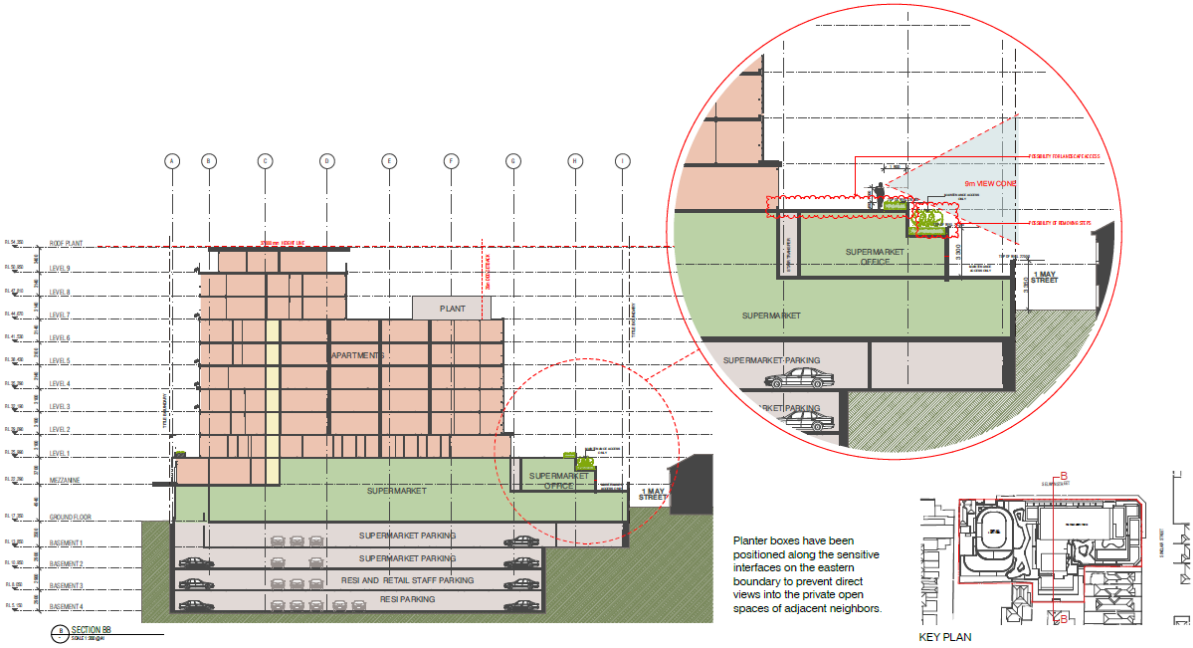

Figure 54: Analysis of potential overlooking to 1 May Street (Source: Fender Katsalidis)

271. Figure 55 below shows the relationship between the east facing apartments at Level 01 and 02 and the nearest property at 16 Sinclair Street which is a narrow lot with a small area of private open space at the rear. The sections demonstrate that the inclusion of planter boxes and screening along the eastern edge of these apartments, as well as the height of the terraces relative to the seclude private open space of 16 Sinclair Street below, ensures that downward views would be restricted to the roof of the existing dwelling, and primarily allow for horizontal and sky views from the proposed apartments at this interface.

272. A northern boundary setback of 10.5 metres is provided from the north facing windows in the single apartment at each level that faces north towards the area of secluded private open space at 16 Sinclair Street. As views into this space are also limited by the height of the boundary wall, and the limited depth of the area of secluded private open space, we consider that all of these factors acceptably limit views to a single apartment at this setback, appropriately achieving the relevant standard and objective. There appears to be potential for views into 16 Sinclair Street from the north facing terrace of Apartment N-B03 however a condition is recommended to clarify if the edge of this terrace is proposed to be screened which DTP considers will address this issue.

273. As greater setbacks will be provided to the nearby areas of secluded private open space at the rear of the properties at 18, 20, and 22 Sinclair Street respectively, DTP is satisfied that for the reasons set out above, that an unreasonable level of overlooking will not occur to these properties.

274. The externally accessible area and east facing windows of the 'Supermarket Plant' room and 'Retail – Supermarket Office' have been screened in accordance Standard D14 (Building Setback) to avoid views onto the secluded private open space and/or habitable room windows of numbers 1 and 3 May Street.

275. Conditions are recommended to ensure the plans clearly show the location and extent of all proposed screening, noting there appears to be discrepancies between the floor plans and elevations in relation to the extent of screening, particularly at the sensitive eastern interface.

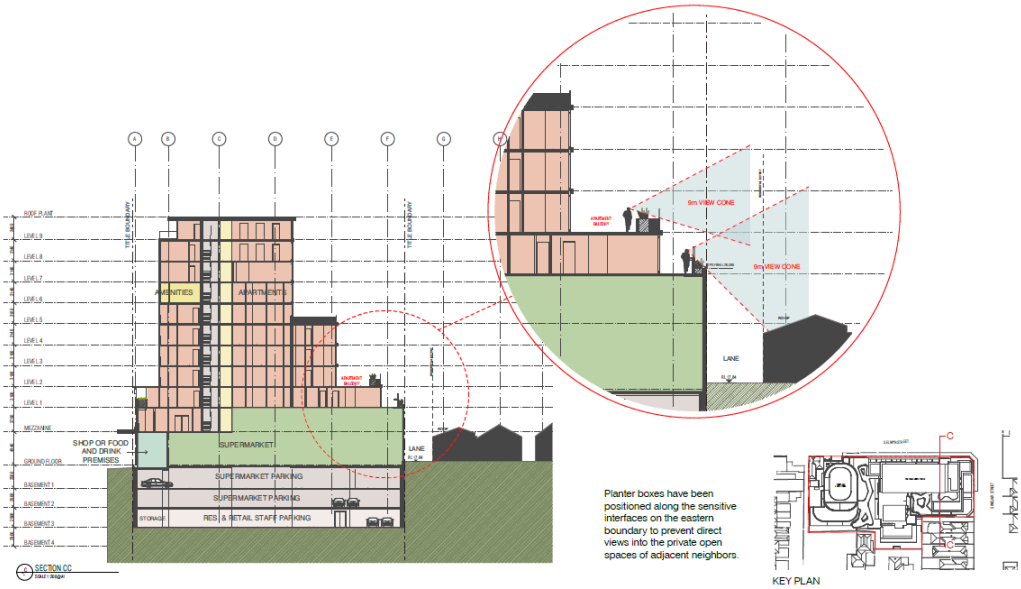

Figure 55: Analysis of potential overlooking to 16 Sinclair Street (Source: Fender Katsalidis)

276. In summary, DTP agrees with the applicants submission regarding potential views from the development into neighbouring properties:

- The design of the proposal ensures that views from living areas are optimised as much as possible, while the potential for overlooking is minimised through the strategic placement of planters, windows and balconies.
- Screening and planters will be implemented where necessary. In suitable situations, living areas and balconies are not oriented towards side boundaries.
- Key overlooking conflict areas to 16 Sinclair Street have been minimised by strategic placement of extended planters to balcony edge to guarantee private enjoyment SPOS and no confliction with habitable room windows.
- Communal terraces are included at levels 01, 05, and 06, offering building residents additional open space and enjoyment of views to the wider Elsternwick area.
- The proposal does not depend on the separation, outlook, and amenities of adjoining developable land.
- The proposal will contribute to the passive surveillance of the area through the operation of the ground floor uses and the apartments. As previously mentioned, the proposal presents an active frontage to Selwyn Street, promoting interaction along Selwyn Street.

277. On this basis, DTP is satisfied that the amenity of these properties will not be unreasonably impacted by the proposed development.

Overshadowing

278. The objectives and decision guidelines of the DDO10 seek to minimise overshadowing impacts on the public realm and existing residential sites. Notably, the requirements of Clause 55.04-3 (Standard B21 – Overshadowing secluded open space objective), do not specifically apply to this application and Clause 58 of the Planning Scheme does not contain any specific objectives or standards in relation to overshadowing of surrounding properties.

279. As discussed in the DDO10 assessment sections of this report, the proposal has been designed to minimise overshadowing impacts of the public realm. In this instance, the additional shadows cast by the proposed development are primarily at 9am and 10am at the Equinox across the footpath on the western side of Selwyn Street. From 11am onwards the shadows generally do not extend beyond shadows cast by existing buildings. DTP is satisfied this outcome is acceptable having regard to the DDO10 objective.

280. The most sensitive areas are the (relatively small) areas of secluded private open spaces at the rear of the properties at 16 Sinclair Street, and 1 and 3 May Street to the east. There are also solar panels located to the rear of 16 Sinclair Street. The following excerpts from Paragraph 124 of the VCAT decision state that the proposed development will not unreasonably overshadow the areas of secluded private open space on the adjoining properties.

16 Sinclair Street

281. *At the equinox, the area of secluded private open space at the rear of the property at 16 Sinclair Street will start to experience a degree of overshadowing at 2:00pm and will be completely overshadowed at 3:00pm. The location of the site at 16 Sinclair Street is immediately adjacent to a higher order activity centre along two of its boundaries and is within a Residential Growth Zone where development of up to 4 storeys in height is encouraged in a form that will of itself restrict solar access. For these reasons, we consider that the extent of shadows that will be cast at the equinox is an acceptable impact on the amenity of this adjoining property.*

18 Sinclair Street

282. *The area of secluded private open space at the rear of 18 Sinclair Street will experience a degree of overshadowing at 3:00pm at the equinox, but not earlier in the day. Again, for the reasons set out above, we consider that this extent of shadows is an acceptable impact on the amenity of this adjoining property.*

1 May Street

283. *The property at 1 May Street has a large front yard and sizeable side boundary setback, however its principal area of secluded private open space is located at the rear of the dwelling. The proposed development of the review site will cause a small amount of overshadowing at 2:00pm at the equinox, with most of the side and front yards overshadowed at 3:00pm at the equinox. However, the principal area of secluded private open space at the rear of the dwelling at 1 May Street will remain free from shadows between 9:00am and 3:00pm at the equinox. For the reasons set out above, we consider that the extent of overshadowing to this adjoining property is acceptable and importantly maintains sunlight to the most valued area of secluded private open space on the property.*

3 May Street

284. *The property at 3 May Street has its principal area of secluded private open space sited along the eastern half of its northern boundary. While it also has setback areas along its western half of the northern boundary, and along its western boundary, these setback areas are very narrow, and clearly do not perform the function of a principal area of secluded private open space. The principal area of secluded private open space at 3 May Street will experience a limited amount of additional overshadowing at 2:00pm at the equinox and will be completely overshadowed at 3:00pm at the equinox. Again, for the reasons set out above, the extent of solar access that will be protected to this principal area of secluded private open space is an acceptable outcome.*

1 St Georges Road

285. *The final interface is to the adjoining property to the east at 1 St Georges Road. This property will experience a small amount of overshadowing to part of its tennis court at 2:00pm at the equinox, and a greater amount of overshadowing to its tennis court and rear area of secluded private open space at 3:00pm at the equinox. At both of these times, parts of the area of secluded private open space will remain free from shadows, including the deck at the rear of the property, the adjacent swimming pool, and part of the landscaped garden area. For these reasons we find that the proposed development will provide for an acceptable level of solar access to this adjoining property. Mr Campbell submits that larger shadows will occur at different times of the year, and later in the day at the equinox.*

ADJOINING SITE	POS M²	TIME	EXISTING SHADOW	ENDORSED SCHEME SHADOW	PROPOSED SCHEME SHADOW	AREA OUT OF SHADOW
16 SINCLAIR STREET	34	12:00	22	0	0	12
		13:00	21	0	0	13
		14:00	20	6	6	8
		15:00	19	14	14	1
18 SINCLAIR STREET	45	12:00	21	0	0	24
		13:00	24	0	0	21
		14:00	27	0	0	18
		15:00	31	9	8	6
1 MAY STREET	204	12:00	22	0	0	182
		13:00	21	24	29	154
		14:00	19	49	61	124
		15:00	17	89	116	71
3 MAY STREET	72	12:00	9	20	20	43
		13:00	12	21	21	39
		14:00	16	29	31	25
		15:00	23	49	49	0
1 ST GEORGES ROAD	944	12:00	82	0	0	862
		13:00	58	82	88	798
		14:00	60	163	195	689
		15:00	33	363	502	409

Figure 56: Analysis of overshadowing impacts to adjoining residential properties to the east (Source: Fender Katsalidis)

286. VCAT also found that shadows at other times of the year were not relevant (for example the June Winter solstice), for a site within a major activity centre and to which a 37 metre discretionary height limit applies. VCAT ultimately found that the previous design did not result in unreasonable overshadowing to neighbouring properties as summarised in the above excerpts from Paragraph 123 of the VCAT decision.

287. DTP notes that the proposed development remains generally consistent with the Council permit and extent of overshadowing approved, however there will be some additional overshadowing as follows:

- 16 & 18 Sinclair Street – no change from the Council permit with regards to the extent of overshadowing.
- 1 May Street - additional overshadowing on the areas of secluded private open space (SPOS) between 1pm and 3pm however 5 hours of sunlight (between 9am – 2pm) is achieved to 40sqm with a minimum width of 3 metres in accordance with the overshadowing 'test' under Standard B21.
- 3 May Street – there will be minor additional overshadowing at 2pm with all other overshadowing remaining consistent with the Council permit. The SPOS will receive 5 hours of sunlight (between 9am to 2pm) during the equinox which is considered reasonable.
- 1 St Georges Road - additional overshadowing on the SPOS (excluding the tennis court) zone at 3pm during the equinox. The SPOS will receive a minimum of 5 hours of sunlight (between 9am – 2pm) to at least 40 sqm, with a minimum width of 3 metres in accordance with Standard B21.

288. On this basis, offsite shadow impacts are considered acceptable because the extent of overshadowing between the proposed development and the Council permit remains generally consistent and in areas where there is an increase, the extent of increase is minor and will not unreasonably compromise the amenity of the neighbouring dwellings. On this basis, DTP is satisfied that the proposed development is consistent with the DDO10 objective to *'minimise overshadowing of existing residential sites'*. Furthermore, DTP considers that some increase in overshadowing can be reasonably expected within an area identified for substantial change.

Noise

289. The application is supported by an Acoustic Report prepared by Marshall Day Acoustics (dated 5 September 2024) which is an update to their report dated 11 January 2023 (endorsed under the Council permit) which provides an assessment of the proposed development. Section 3.0 of the report identifies the noise sources relevant to the proposed development:

Noise from the development to surrounding residential dwellings

The following noise sources from the proposed development may affect surrounding properties:

- *Supermarket loading dock (vehicle activity noise and loading/unloading/waste collection)*
- *Shared loading dock (vehicle activity noise and loading/unloading/waste collection)*
- *Mechanical services ventilation equipment associated with loading docks*
- *Mechanical services ventilation equipment associated with the car park*
- *Refrigeration equipment associated with the supermarket and liquor store*
- *Mechanical services equipment associated with residential dwellings • Patron noise from shop or food and drink premises along Selwyn Street*
- *Music and patron noise from the function space of the place of assembly. It is understood that the function space will be used for semi-regular events including music and performance recitals, speakers and classes and multi-media events, and school assemblies*
- *Patron noise from external communal terrace areas on Level 1, 5 and 6.*

Noise from the commercial components to apartments within the proposed development

The proposed residential component of the development has the potential to be subjected to noise from the following sources within the same development:

- *Noise from the supermarket loading dock*
- *Mechanical services noise from equipment associated with the supermarket and the car park, and any other central plant*
- *Patron noise from shop or food and drink premises along Selwyn Street*
- *Music and patron noise from the place of assembly associated with the function space.*

290. The report states that compliance with the relevant legislation can be achieved, and that all noise impacts associated with the proposed development can be adequately mitigated, provided the recommended noise controls outlined in the acoustic report are successfully implemented.

291. As outlined in the applicant submission, the acoustic assessment was based on existing noise conditions, determined limits in accordance with the relevant Victorian EPA legislation, and noise modelling of the site and surrounding environment. DTP agrees that the results of the acoustic assessment demonstrate that the proposed development can comply with the relevant legislation, provided the recommended noise controls are successfully implemented as summarised below:

Mechanical plant

- *The supermarket condenser plant area on the roof of the south tower shall incorporate acoustic louvres to the east, south and west elevations with a solid backing material behind the louvres on the north elevation where apartment balconies are located near the plant area.*
- *A minimum 200 mm thick concrete roof slab with appropriate vibration isolation mounts to the equipment shall be provided.*
- *Mechanical services associated with the development be reviewed during the detailed design process to confirm that compliance with the relevant noise criteria can be achieved.*

Loading dock

- *The supermarket loading dock and BOH areas incorporate appropriate sound insulation and acoustic absorption treatments to minimise noise.*
- *Loading dock activity adhere to detailed operational measures to minimise noise.*
- *Deliveries and waste collections associated with the development should comply with the schedules and practices nominated in EPA Publication 1254*

Place of assembly

- *Music noise associated with the place of assembly be limited to background music/lightly amplified music. If noisier events are desired, significant additional noise mitigation will be required (e.g. a 'box-in-box' acoustic construction for the function space).*
- *No music during the EP Regulations 'night-time' period*
- *A minimum 200 mm thick concrete slab and acoustic suspended plasterboard ceiling shall be provided between the place of assembly and apartments above*
- *Minimum acoustic performance of external doors and glazing*

Outdoor communal areas

- *Mitigation measures to control noise from the communal terraces.*

Food and drink premises

- *Any outdoor spaces associated with food and drink premises only operate during the day and evening period. All openable windows to indoor spaces should be closed during the night period.*

292. As outlined above, acoustic mitigation measures include specific design elements for the mechanical plant, loading dock, place of assembly, outdoor communal areas, and food and drink premises. For instance, the supermarket condenser plant area will incorporate acoustic louvres, and the loading dock will incorporate sound insulation and acoustic absorption treatments. The place of assembly will limit music noise and provide a minimum 200 mm thick concrete slab and acoustic suspended plasterboard ceiling.

293. The Council permit included a number of permit conditions that collectively require a further acoustic report, acoustic measures to be employed in the design and construction of the building, and for noise from the building to comply with relevant legislation. The VCAT decision confirmed that these conditions provided an acceptable mechanism to ensure that unreasonable noise impacts do not occur to the adjoining residential properties, noting that as a designated major activity centre within Glen Eira, the addition of retail uses and further traffic generation within Selwyn Street, Sinclair Street and St Georges Road can be increased without unreasonably compromising the surrounding residential amenity (subject to inclusion of appropriate permit conditions to manage off-site amenity impacts).

294. The potential noise from the site arises from trucks accessing the supermarket loading bay off Sinclair Street was a key concern raised in the VCAT decision, notwithstanding the design of a turntable in the loading bay that enables trucks to enter and exit the site in a forward motion. The loading bay will also be fully enclosed once a truck has entered it.

295. The Council permit included conditions requiring the supermarket truck loading bay to cease operations at 7pm, Monday to Saturday in an appropriate residential environment in which people can experience a reasonable degree of residential amenity and not be unreasonably impacted by noise in the evening.

296. DTP agrees that this is reasonable in a predominantly residential context (i.e. surrounding the proposed loading bay off Sinclair Street) and supports the restriction of loading hours to not extend beyond 7:00pm on any day. DTP supports the proposed noise controls outlined in the acoustic report and has included conditions in the permit to ensure the recommendations are implemented, in order to maintain reasonable levels of residential amenity for the surrounding area, noting the location within the Elsternwick major activity centre.

Clause 58 (Apartment Developments)

297. Clause 58 encourages apartment development that provides reasonable standards of amenity for existing and new residents and supports apartment developments that are responsive to the site and the surrounding area.

298. Building siting, design, offsite amenity and other considerations are principally directed by the DDO10 and other local policies and are discussed in this report. The development achieved a high level of compliance with the objectives and standards of Clause 58 as detailed in the assessment provides at Appendix 1. Other relevant Clause 58 considerations (variations sought to Standards) are discussed (in part) below.

Landscaping

299. A variation is sought to Standard D10 (Landscaping Objectives) which requires 15% of the site area (855 sqm) deep soil planting and 990 sqm for canopy cover. Refer discussion under ‘Landscaping’ below.

Building Setbacks

300. A variation is sought to Standard D14 (Building Setback Objectives) noting the non-compliance with the preferred setbacks above the street wall and side and rear setbacks under the DDO10. This has been discussed in detail under the ‘Built form’ assessment section of this report.

Room Depth

301. A minor variation is sought to Standard D27 (Room Depth Objective) whereby all (but one) of the proposed single aspect habitable rooms do not exceed 9 metres, where the habitable room complies with the requirements of this Standard. A minor variation is proposed to the standard for one apartment (type N-C08) which does not meet the requirements under standard D27, exceeding the maximum depth of 9 metres. This is considered only a minor non-compliance in the scheme of 148 apartments and the habitable room in the

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apartment will still be provided with sufficient light. DTP considers that the objective is still met by allowing adequate daylight into single aspect habitable rooms.

Landscaping

302. As discussed earlier in this report Clause 15.01-1L (Landscaping) under the Planning Policy Framework seeks to strengthen the landscape character of Glen Eira through the following strategies:

- *Maximise retention of existing canopy trees and gardens.*
- *Integrate landscaping, including canopy trees, into development design.*
- *Ensure new landscaping responds to the landscape character of the surrounding area.*
- *Avoid adverse impacts on vegetation on adjoining properties.*

303. The Landscaping Objectives (Clause 58.03-5) further seek to provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape, preserve and enhance existing canopy cover and ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

304. Development should provide the canopy cover and deep soil areas specified in Table D2 under Standard D10. In this instance, the development should provide:

Table D2 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

305. The applicant submitted a 'Landscape Development Application Package' prepared by Urbis which is an update of the landscape plan endorsed under the Council permit.

306. DTP agrees with the applicant submission that the proposed landscape scheme has been designed to respect the existing landscape character of the area. The site has an area of approximately 5,746 sqm in total and therefore has a requirement to provide 15% of the site to be deep soil area under Table 2. The equates to 855sqm.

307. Noting the proposed development occupies the entirety of the site, there is no ability to provide deep soil planting at ground level. Notwithstanding, established street trees will be retained and protected during construction and the submitted landscape plan demonstrates that 760 sqm of deep soil planting can be provided through the communal terraces at levels 1, 5 and 6. This area does not take into consideration green facades provided throughout the development. Notably the extent of tree removal and retention is consistent with the Council permit.

308. The landscape concept incorporates a minimum of 30 Type B trees. The proposal has a discretionary requirement to provide 9 large trees or 18 medium trees. The proposal also incorporates climbers and in addition to small feature trees / shrubs, foliage, and shrubs and understorey planting.

309. With respect to canopy coverage, we note that the development provides the following:

SITE CANOPY COVERAGE

LEVEL	TOTAL CANOPY COVER	PERCENTAGE OF TOTAL AREA
Level 01	523.9m²	20.8%
Level 04	6.3m²	0.3%
Level 05	44.8m²	2.4%
Level 06	14.1m²	1.2%

310. Based on the above, the canopy coverage of site would equate to 24.7% or 589 sqm, which is below the 990 sqm of canopy cover required under Table D2.

311. As outlined in the applicant submission and the 'Design Intent' included in the landscape package prepared by Urbis, the proposed landscape 'vision' for the development seeks:

- *To pay homage to the existing character of the site and harmonise the old heritage fabric with new elements;*
- *To create high amenity and welcoming streetscape and communal open space for users, visitors and wider public domain;*
- *To contribute to the health and well-being of residents and the local community through increasing opportunities for direct and indirect experiences of nature*
- *To design a robust landscape made from simple materials that are sustainable, and can be managed and maintained into the future.*

312. The development features podium gardens that serve as green spaces for the communal use by residents. Level 01 provides the most significant landscaping area, designed to soften the building edge (particularly at the sensitive eastern interface) and create a high-quality communal area. The design includes raised and mounded planters, continuous planting and mounding foliage, and central islands of planting to break up large areas and create alternate paths and seating.

313. The podium gardens on Level 1 are divided into the Main (South) Court, North Court, Edge Landscaping, and Pavement. Each area has its own unique features and planting schemes as shown in Figure 57 below. Levels 2-9 offer a variety of planting opportunities to 'green' the facade and provide open, usable spaces for residents. These levels feature green edges on balconies and facade edges, and smaller communal and private areas for social interactions. All planters and garden beds will be irrigated, mulched, and designed for easy maintenance.

314. The landscape plan states that the north-east edge of the development will have two green façades growing from ground level to the second floor. The façades will be trellis structures that support living vines and climbing plants rooted in soil beds or containers. The plan states that these façades will improve the visual amenity of this 'dead edge' as well as improve buildings shade and thermal qualities.

315. The planting schedule and species selection for the development has regard to the various Glen Eira City Council guidelines. Council did not raise concerns with the design response to Standard D10 and recommended the inclusion of conditions consistent with the previous Council permit. DTP supports this approach in principle and recommends conditions requiring the endorsement of a detailed landscape plan consistent with the submitted plan prepared by Urbis.

316. The landscaping will achieve appropriate softening of the proposed built form, positively contribute to the visual amenity and character of the area, including the public realm, provide for high levels of on-site amenity and privacy, provide shade and contribute to passive cooling of hard surfaces and incorporated use materials, landscape treatments and plants that are durable. Planter boxes and green walls are used extensively throughout the development including to provide screening and physical separation between private terraces and neighbouring SPOS.

317. Conditions will require the landscape plan prepared by Urbis to be endorsed that includes species types, mature and planting heights, maintenance schedules and irrigation strategies. Subject to a detailed landscape plan being provided, DTP is satisfied that adequate visual relief and urban greening will be achieved via the proposed landscaping within the communal areas of the development including extensive utilisation of planter boxes (to provide deep soil planting) which will achieve a suitable balance between amenity of communal and private spaces, functional internal layout, external amenity and landscaping requirements under the planning scheme.

318. An updated Tree Management Plan prepared by Chatfield Arborists and Consultants dated 20 September 2024 was submitted with the application, consistent with the TMP endorsed under the Council permit. Conditions are recommended to ensure the TMP is implemented and existing trees within the road reserves of Selwyn Street, Sinclair Street and adjoining residential properties are protected during the construction phase of the development. Council did not raise any concerns with the submitted TMP and the removal of trees #9, #22, #23 and #24, the costs of which will be borne by the permit holder.

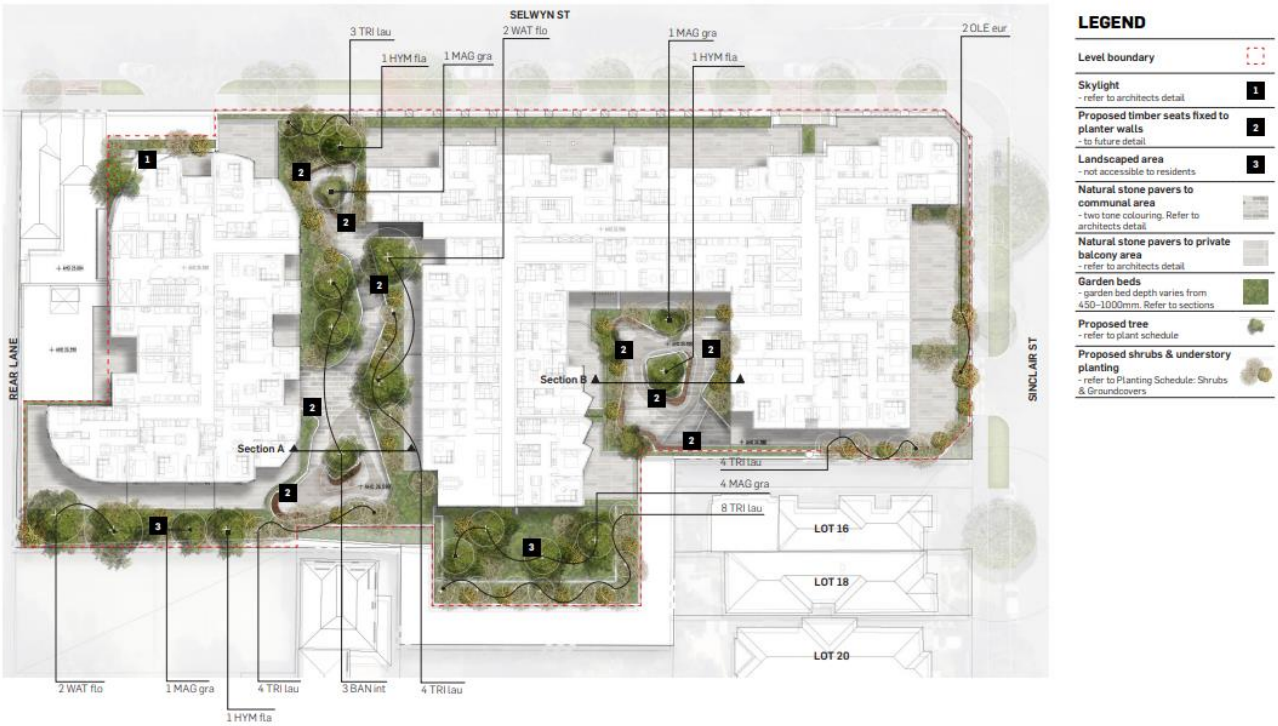

Figure 57: Landscape Concept Plan for Level 1 (Source: Urbis)

Car and Bicycle Parking, Loading, and Other Services

319. The access and parking requirements under the DDO10 state that buildings should:

- *Buildings should prioritise high quality streetscapes through considered parking and access design that minimises visual and physical impacts.*
- *Focus on maintaining active land uses at street level by locating parking structures underground in basements or towards the rear of the building if above ground.*
- *Provide vehicle access from side streets or rear laneways if available.*

- *Minimise access and crossover widths as much as practical.*
- *Ensure that bicycle parking is secure, convenient and readily accessible.*
- *Separate resident and visitor entries from commercial entries, service areas, vehicle accessways and loading zones.*

320. The proposed development is supported by the submitted Transport Impact Assessment (TIA) prepared by Eukai which responds to these matters. Notably, the proposed access and car parking arrangements remain generally consistent with the Council permit as discussed in the following sections. Key changes between the Council permit and proposed development are summarised in the TIA and include:

- Decrease in overall Leasable Floor Area for the supermarket / retail / place of assembly land uses
- Increase of 13 apartments and a change to the mix of 1 / 2 / 3 bedrooms.
- Addition of a small office space
- Increase in bicycle parking provision by four spaces
- Increase in car parking provision by 11 spaces (and minor reallocation of spaces)
- Residential waste collection from basement car park B3 and B4

Traffic generation and impacts

321. DTP recognises that traffic impacts to the surrounding road networks as a consequence of the development is a key area of concerns for the local community. Issues include:

- *The amount of traffic generated by the proposed uses and development, having regard to the current 'gridlocked' nature of Glen Huntly Road at peak hour;*
- *The proposal to construct two exit lanes from Selwyn Street into Glen Huntly Road, and have some traffic turning right out of the review site and head north along Selwyn Street, both of which will conflict with the future design and intent for the Selwyn Street Cultural Precinct;*
- *The location of the supermarket truck loading bay in Sinclair Street introducing truck movements into a primarily residential street, as well as St Georges Road. Further, the supermarket truck loading bay is close to a school, which will create safety concerns for school children as pedestrians; and,*
- *The location of a loading bay for the bottle shop and residential waste off the laneway to the south of the review site, will increase truck movements along this narrow laneway, and adjacent to 1 St Georges Road.*

322. As outlined in the TIA, the traffic impact of the proposed development was previously assessed by VCAT and discussed in detail in its findings. The revised development seeks to maintain the approved vehicle access arrangements and marginally reduce the proposed car parking provision. Notably, VCAT found that the proposed traffic movements, traffic generation and associated safety resulting from the development were acceptable, subject to the completion of mitigation works including the signalisation of the Glen Huntly Road / Selwyn Street intersection. The positive impacts of the proposal, including providing additional housing in a location with excellent public transport options were also highlighted at Paragraph 159.

323. Specifically in relation to traffic generation, the VCAT Decision provided the following summary at Paragraphs 166, 192 and 193:

For these reasons we find that the proposed development will generate a level of traffic that will be able to be accommodated safely and efficiently on the surrounding road network. (Paragraph 166)

While we have in our traffic analysis above focussed on the potential traffic impacts of the proposed development, we also need to acknowledge that the proposal will also bring a number of transport related benefits. These include:

a. *The provision of a significant amount of additional housing in a location which provides choice between forms of public transport, only a short walk from the review site. This enables the new residents of the review site a realistic choice to avoid or reduce using motor vehicles.*

b. *The provision of a significant amount of additional housing in an activity centre location, where people can walk or cycle to a wide range of services and facilities.*

c. *The provision of generous bicycle parking facilities on the review site, to encourage workers at the supermarket and residents to cycle to the review site, rather than drive.*

d. *The provision of a supermarket in a convenient location, which provides nearby residents an opportunity to choose to do more frequent and smaller shops, that can be done while walking or on public transport, rather than rely on driving to a supermarket.*

e. *The design of loading bays on the review site where trucks can enter and exit the site in a forward direction. This contrasts with most loading bays which require trucks to reverse in and perform awkward reversing manoeuvres of the kind depicted by Mr Campbell in his various videos of another loading bay, while blocking traffic in local streets.* (Paragraph 192)

For these reasons, we find that the proposal appropriately responds to Transport and related policy and will provide for appropriate car parking and traffic impacts in the surrounding neighbourhood. (Paragraph 193)

324. Having regard to the above and the conclusions of the TIA, DTP considers that the traffic impacts of the proposed development are acceptable from both a peak hour intersection operation (with the provision of the traffic signals at Glen Huntly Road / Selwyn Street intersection) and daily traffic volume threshold perspective, subject to the recommended traffic conditions discussed in this report.

Vehicle Access

325. Vehicle access to the on-site basement car parking is proposed via a two-way accessway and 7.6 metre wide crossover to Selwyn Street at the southern end of the site (adjacent to the residential lobby for the southern tower) Access to the car park will be controlled by a ticketless (frictionless) control system, together with a schedule of timed parking restrictions and parking charges. The ticketless parking system will require customers/visitors of the supermarket, the other retail units and the place of assembly land uses to either use a payment terminal in the car park or pay via an online account. The car park will be secured by boom gates to control access.

326. Internally, a separate barrier control system is proposed to segregate the public retail car park from the other car parking areas. The internal security point is shown at the top of the ramp on Basement Level 2 and will be accessed via a remote control (not a swipe card).

327. Pedestrian facilities and improvements associated with the proposed development include:

- An entry plaza for the supermarket/bottle shop/food and drink on Selwyn Street.
- Two pedestrian access points to the residential building via Selwyn Street.
- Access to the place of assembly use on Selwyn Street (corner Sinclair Street).

328. It is noted that all main entrance points are located close to vertical transport (lifts and travelators) between ground and basement floor levels.

Car Parking

329. As outlined in the TIA, a total of 429 car spaces are proposed in four basement levels, which are to be allocated as follows:

- Basement Level 1 – 101 (95 supermarket/retail spaces, 6 direct-to-boot bays)
- Basement Level 2 – 111 (111 supermarket/retail spaces)
- Basement Level 3 – 135 (15 place of assembly spaces, 3 office spaces, 117 resident spaces)
- Basement Level 4 – 82 (82 resident spaces)

330. Within the basement car park, the development also offers electric vehicle charging spaces for at least 5% of the total car parking spaces. As such, 22 charging bays are provided for residents within basement 4.

331. The TIA provides an assessment of the traffic impacts of the proposed development including a Car Parking Demand Assessment which is required for a proposal to reduce or waive any car parking requirements set out at Clause 52.06-5 of the Glen Eira Planning Scheme.

332. As outlined in the report, the following car parking rates are relevant to the application:

Table 4: Statutory Car Parking Requirements

Use	Description	Size	Statutory Parking Rate	Statutory Parking Requirement	Proposed Provision
Supermarket	Supermarket	3,696sqm LFA	5 spaces per 100sqm LFA	184 spaces	227 spaces
Food & drink premises	Café	137sqm LFA	3.5 spaces per 100sqm LFA	4 spaces	
Shop	Bottle shop	156sqm LFA	3.5 spaces per 100sqm LFA	5 spaces	
Place of Assembly	Community Space	100 patrons [1]	0.3 to each patron permitted	30 spaces	
			Sub-total	*223 spaces*	
Office	Office	312sqm LFA	3 spaces per 100sqm LFA	9 spaces	*3 spaces*
Dwelling (Residents)	Apartments	148 dwellings (45 x one-bedroom + 62 x two-bedroom + 41 x three- bedroom)	1 space per one or two bedroom dwelling 2 spaces per three+ bedroom dwelling	189 spaces	199 spaces
Dwelling (Visitors)		148 dwellings	0	0 spaces	
			Total	421 spaces	429 spaces

[1] Based on advice from the Applicant that a maximum of 100 persons will occupy the space.

LFA denotes leasable floor area and NFA denotes net floor area.

333. Table 4 in the TIA indicates that the proposed development has a statutory car parking requirement of 421 car parking spaces. The site is located in an area covered by the Parking Overlay (relating to student accommodation) and is within the Principal Public Transport Network therefore visitor car parking is not required for the development.

334. Based on Table 4 above, overall car parking provision of 429 spaces exceeds the minimum statutory requirement, however the allocation of car parking results in a statutory shortfall for the proposed office use. The TIA includes a Car Parking Demand Assessment in support of the proposed reduction of car parking for the office use. The TIA states that an assessment of the anticipated car parking demand for the supermarket, food & drink, shop, residential and place of assembly land uses has not been undertaken, given the proposed car parking rate for these land uses is generally consistent with the approved car parking rates under the Council permit and the proposed car parking provision exceeds the minimum statutory car parking requirement for these land uses. DTP agrees with this approach.

335. The Council's submission included a recommendation that:

The surplus car spaces provided for the dwellings and supermarket uses, in accordance with Clause 52.06, be reallocated to the office and place of assembly uses so that these uses are no longer proposing a parking reduction.

336. As outlined in Table 4 of the TIA, the office land use has a statutory car parking requirement of 3 car spaces per 100sqm NFA. The TIA notes this rate is applicable across the majority of inner metropolitan Melbourne and does not have material regard to the different transport characteristics of sites. Empirical evidence suggests that office development in these areas have been approved with car parking rates of between 0 and 1 car space per 100sqm NFA. These approvals include recent approval for the site which had an office car parking rate of 0.8 car spaces per 100sqm NFA. The approved developments with reduced car parking rates share many similar attributes, including:

- *High levels of public transport accessibility with frequent and reliable services.*
- *Located in high density areas with potential future employees living within surrounding walking and cycling catchments.*
- *Bicycle parking and end of trip facilities are provided well above statutory minimum requirements to proactively encourage cycling as a preferred mode of transport.*
- *Surrounding on-street car parking supplies are protected from long-term employee car parking demands via time or permit restrictions, such that long-term employee car parking demands cannot be simply displaced from on-site to on-street.*

337. As a result of these attributes and particularly the restriction in on-site and off-site car parking, the car parking demand generated by office uses is typically a function of the proposed supply. (The quantum of the office car parking is also often dictated solely by the expected commercial drivers of the development being the expected needs of the future tenants). In this context, it is expected that the car parking demand generated by the office floor area within the revised development will be consistent with – if not potentially less than – the proposed supply i.e. an office car parking demand of up to 3 car spaces is expected.

338. Given the site location with good access to public transport, bike infrastructure and the like, the applicant has submitted that a reduction in car parking provision for the office use is reasonable. The provision of additional spaces for the residential and supermarket uses makes better use of these car parking spaces to minimise impacts on the local street network. DTP agrees with this approach and the conclusions of the TIA that the provision and allocation of car parking for the different land uses proposed for the development is appropriate in this location.

Design Standards for Car Parking

339. The TIA states that the proposed car parking layout and vehicle access arrangements have been designed to meet or exceed the requirements of the relevant Design Standards set out in Clause 52.06-09 of the Planning Scheme, and where appropriate the relevant Australian Standard. In summary:

- *All accessways leading to parking areas are at least 3.0m between kerbs, with an additional clearance of 300mm to adjacent walls and columns.*
- *A pedestrian visibility triangle measuring 2.0m along the site boundary by 2.5m into the site has been provided adjacent to the left-turn exiting lane of the accessway.*
- *Standard car spaces within the non-residential car park measure 2.6m wide by 5.5m long, accessed from a 6.5m wide aisle, exceeding Planning Scheme requirements.*
- *Standard car spaces within the resident car park measure 2.6m wide by 4.9m long, accessed from a 7.5m wide aisle, exceeding Planning Scheme requirements.*
- *DDA car parking spaces measure 2.4m wide by 5.5m long accessed from a 6.5m wide aisle and are located adjacent the travelators and lifts at Basement Level 1. The DDA spaces each have access to a shared area measuring at least 2.4m wide. This arrangement complies with the requirements of the relevant Australian Standard.*
- *The maximum grade is notably less than those permitted in the Australian Standard and Planning Scheme and has been purposefully adopted to accommodate vehicle queueing on the ramp.*
- *Other internal ramp grades comply with Australian Standard and Planning Scheme requirements.*

340. The basement car parking layouts have been designed with the input of vehicle swept path assessments. These assessments indicate that vehicles travelling in opposite directions can pass one another at key internal locations.

341. The TIA provides a queuing assessment which states that during the most critical peak hour for exiting vehicle movements (being the weekday PM peak hour), a total of approximately 250 exiting vehicle movements can be expected. Assuming an exit boom gate capacity of 400 vehicles per hour, a 95th percentile vehicle queue of 5 vehicles can be expected exiting the car park. This queue will be able to be accommodated on the ramp, which has a maximum grade of 1:7 (14%), without extending into the car park.

342. In relation to the car parking design standards, the Council acknowledged that the proposed basement layout remains similar to what had been previously in terms of the locations of the parking spaces, ramps, aisles and the entrance from Selwyn Street.

343. The shared loading dock has changed in layout, however supporting swept path diagrams have been provided which demonstrate safe vehicular movement from the rear laneway access. The most significant access change proposed is for the private waste collection truck servicing the apartments. Collection is now proposed via basement levels three and four, when previously this was limited to the shared loading dock. Council's traffic engineer has reviewed the supporting swept path diagrams for the collection vehicle and is satisfied that this change will continue to allow for safe vehicular access.

344. Council recommended standard conditions relating to car parking design and layout be included on any permit issued consistent with the conditions of the Council permit. DTP considers this acceptable.

Bicycle Facilities

345. The proposed development includes the provision of 127 bicycle parking spaces located in storage areas within ground and basement levels, including:

    - Ground Level: 12 bicycle spaces (including 4 proposed on the footpath)
    - Basement Level 2: 35 bicycle spaces
    - Basement Level 3: 80 bicycle spaces, including 17 visitor bicycle spaces

346. Access to bicycle parking in the basement levels will be provided via the southern residential apartment lifts to the south of the site.

347. Statutory requirements for the provision of bicycle parking are set out in Clause 52.34 (Bicycle Facilities) of the Planning Scheme. Based on this, the statutory requirements for the provision of bicycle facilities for the development proposal are set out in Table 3.

Table 3: Statutory Requirement for Bicycle Facilities

Use	Size	Statutory Rate		Statutory Requirement	
		Employee/ Resident	Visitor / Shopper	Employee / Resident	Visitor / Shopper
Supermarket [1, 2]	3,696sqm LFA	1 space per 600sqm of LFA if the LFA exceeds 1,000sqm	1 space per 500sqm LFA if the LFA exceeds 1,000sqm	6 spaces	7 spaces
Café [3]	137sqm LFA	1 to each 300sqm of leasable floor area	1 to each 500sqm of leasable floor area	0 spaces	0 spaces
Bottle shop [1]	156sqm LFA	1 to each 600sqm of LFA if the LFA exceeds 1,000sqm	1 space per 500sqm LFA if the LFA exceeds 1,000sqm	0 spaces	0 spaces
Place of Assembly	671sqm NFA	1 to each 1500 sqm of net floor area	2 plus 1 to each 1500 sqm of net floor area	0 spaces	2 spaces
Office	312sqm LFA	1 to each 300 sqm of NFA	1 to each 1,000sqm of NFA	1 space	0 spaces
Residential	148 dwellings	1 space per 5 dwellings	1 space per 10 dwellings	30 spaces	15 spaces
			Sub-total	37 spaces	24 spaces
			Total	61 spaces	

[1] Shop use under Clause 73 of the Glen Eira Planning Scheme.

[2] Includes the office component of the supermarket .

[3] Retail Premises use under Clause 73 of the Glen Eira Planning Scheme.

348. Considering the above, the proposed development has a statutory bicycle parking requirement of 61 bicycle spaces, including 37 for employees/residents and 24 for visitors/shoppers. Of this total, 30 resident bicycle spaces and 15 residential visitor bicycle spaces are required.

349. In this instance, the proposed on-site bicycle parking provision of 127 bicycle spaces, and represents more than double the minimum statutory requirement.

350. This provision includes a total of 115 bicycle spaces proposed at basement levels 2 and 3 for residents and staff, including 17 residential visitor bicycle spaces proposed at basement level 2. It is understood that residential visitors using this bicycle parking will be provided with an access code for the use of the lift to the basement bicycle parking area.

351. In addition, it is proposed to provide a total of 12 visitor bicycle parking spaces across two locations – adjacent the supermarket entrance doors on Selwyn Street, and next to the place of assembly use on Sinclair Street.

352. In terms of end of trip facilities Clause 52.34-3 of the Planning Scheme requires one shower for the first five employee bicycle parking spaces and one shower for each subsequent 10 employee bicycle parking spaces (if five or more employee bicycle parking spaces are required).

353. Application of the above rates to the statutory employee bicycle parking requirement of seven bicycle spaces indicates that the proposal also generates a statutory requirement of one shower (and one change room). The architectural plans show that two showers are proposed within the bicycle parking area on Basement Level 2 which meets this requirement.

354. The proposed bicycle parking layout will be designed in accordance with the relevant Australian Standard (or otherwise as agreed with the Responsible Authority), noting that bicycle parking rails are to be spaced at least 500mm apart (assuming a staggered vertical arrangement or a front to back horizontal arrangement) with an access width of 1.5m.

355. DTP considers the design, location and provision of bicycling parking is appropriate and exceeds the statutory requirements of Clause 52.34 (Bicycle Facilities).

Waste collection

356. As outlined in the TIA and submitted Waste Management Plan (prepared by Leigh Design), waste from the supermarket will be collected from the supermarket loading area on Sinclair Street and for the bottle shop via the southernmost loading dock by a private contractor.

357. Residential waste will be stored in two areas on Basement Level 3 and 4. All residential waste will be collected using a private waste contractor from Basement 3 and 4 at low activity times (i.e. outside of the am/pm weekday peaks or on weekends) and scheduled to ensure residents and other car park users are aware of the activity.

358. The waste from the food and drink premises will be stored in and collected from the southern loading area. Collection of waste from this loading area will be undertaken by a private contractor using a 6.4m long mini-rear loader type waste collection vehicle.

359. The place of assembly use waste will be stored in an area accessed via the northern loading area. Building management will be responsible for moving the place of assembly use bins to a temporary internal (on-site) location within the loading area for kerbside collection on Sinclair Street by a private contractor.

360. DTP recommends a condition requiring the submission and approval of a WMP generally in accordance with the submitted WMP prepared by Leigh Design.

Loading

361. Clause 65.01 of the Planning Scheme states that before deciding on an application, the Responsible Authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

362. As outlined in the TIA, the supermarket loading area has been designed with an overall length of approximately 24 metres, width of 18 metres and minimum height clearance of 4.5 metres with a total floor area of 378sqm.

363. Access to the loading area will be from a proposed new crossover onto Sinclair Street (consistent with the Council permit). The construction of this crossover will result in the loss of two on-street parking spaces. This loading area has been designed to accommodate vehicles up to and including a 14.7 metre long vehicles. All vehicles will enter and exit the site in a forward direction, via the use of turntable within the loading area. The layout of this loading dock is shown in Figure 58. This dock will be used by the supermarket, food and drink premises and office.

364. A second loading area with an area of 205sqm proposed to be used by the bottle shop and residents is also provided at the southern end of the site which will be accessed via the existing laneway. A swept path assessment has been undertaken that demonstrates that a 6.4-metre-long Small Rigid Vehicle (SRV) and a 6.4m long mini-rear loader type waste collection vehicle can enter the site via a reverse manoeuvre and exit in a forward direction. The layout of this loading dock is shown in Figure 59.

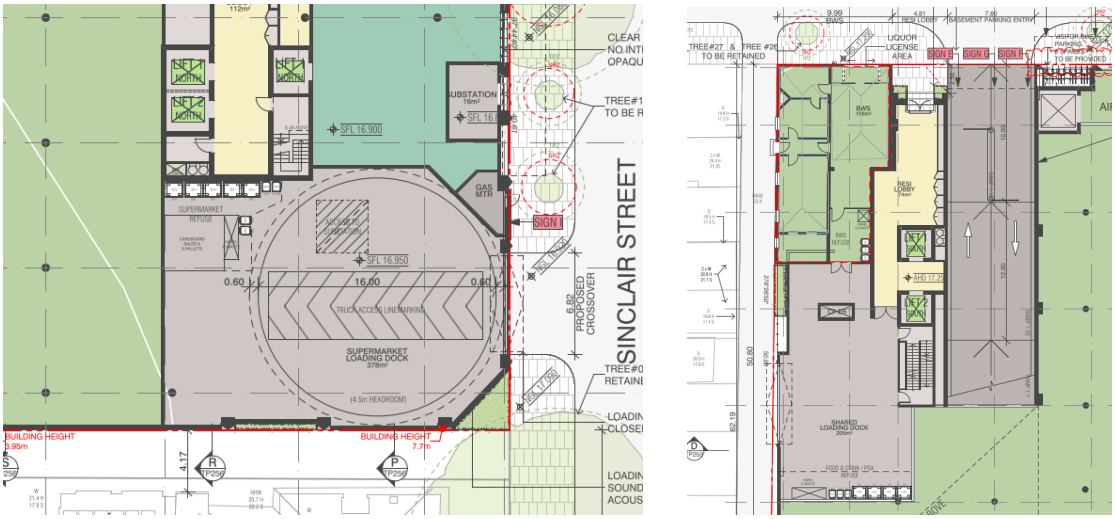

Figure 58 & 59: Loading arrangements for the proposed development (Source: Fender Katsalidis)

365. In terms of operational management of the loading facilities, all vehicles accessing the northern supermarket loading area will arrive and depart the site using Sinclair Street, St Georges Road and Glen Huntly Road, as shown in Figure 60 below. The required travel routes to the loading dock are specified in the Loading Dock Management Plan which was endorsed under the Council permit.

366. The proposed location of the supermarket truck loading bay off Sinclair Street and the siting and design (including use of a turntable) were found by VCAT to be an appropriate aspect of the proposed development (Paragraph 168). The proposed development continues to locate the supermarket truck loading bay off Sinclair Street. The loading bay is intended to operate between the hours of 7.00am to 9.00pm, Monday to Saturday, and 9.00am to 5.00pm on Sunday which will be managed through the recommended permit conditions and requirement for a Loading Bay Management Plan (consistent with the Council permit).

367. The surrounding streets that will provide access to the proposed supermarket truck loading bay, being Sinclair Street and St Georges Road, currently already experience a degree of truck movements. Notably, VCAT highlighted that (based on traffic evidence) both Sinclair Street and St Georges Road cannot be fairly described as quiet residential streets, but rather already contain a mix of residential and commercial traffic.

368. The swept path assessments for this route are included in the TIA and confirm that appropriate access can be provided for the largest vehicle, subject to minor line marking modifications at the St Georges Road and Glen Huntly Road intersection as shown at Appendix C of the TIA 'Swept Path Analysis – External Roads'.

369. The loading assessment in the submitted TIA includes a reference to an earlier version of the Loading Dock Management Plan which outlined an alternative route for vehicles to travel in the unlikely event that a loading vehicle arrives at the site when the dock is already in use This would include a vehicle travelling westbound along Sinclair Street to turn left onto Gordon Street and then left back onto Glen Huntly Road. Ultimately, this alternative route was not supported by the Council due to traffic engineering concerns relating to trucks turning onto Glen Huntly Road from Gordon Street, plus turning onto Gordon Street from Sinclair Street which would require very tight turning movements and require modification of the Gordon Street / Sinclair Street intersection. DTP agrees with the Council's position on this matter and includes conditions under 'Loading Bay Management' prohibiting the use of Gordon Street.

370. It is proposed to access the residential loading area to the south of the site via the existing laneway. The secondary loading area will also be utilised for the food and drink premises waste collection. The most recent VCAT decision considered this arrangement to be acceptable given this laneway already serves this “back-of-house” function for the nearby properties fronting Glen Huntly Road as part of the Elsternwick activity centre and potential noise impacts to 1 St Georges Road as a result of delivery trucks was reasonable in an activity centre setting. The loading area is located off the laneway to the south of the site and has been designed to allow access for a 6.4m long rear loading waste collection truck.

371. The provision of suitably sized loading areas has been provided for the supermarket, bottle shop and the residential uses. The loading areas can be accessed by the largest expected vehicle for each use in a forward direction. Satisfactory waste collection arrangements have also been made for all land uses.

372. DTP agrees that the loading dock and activities to/from the site should be managed by a Loading Dock Management Plan and recommend the inclusion of a condition consistent with the Council permit which will specify hours of operation of the dock and required travel routes for loading vehicles. This Management Plan outlines the available hours for loading activity and specify the routes to be followed for access to/from the loading dock (including routes to be followed in the unlikely event that the dock was occupied when another vehicle arrives at the site).

Figure 60: Anticipated travel route for loading and delivery vehicles (Source: endorsed Loading Management Plan)

Sustainable Transport

373. As discussed in the earlier sections of this report and highlighted in the TIA, the site is located in a prominent position and is well serviced by all modes of public transport including nearby Elsternwick train station, trams along Glen Huntly Road and bus services. The site is located approximately 150m walking distance from the pedestrian entrance to Elsternwick rail station. The site is also served by Tram route 67 (Melbourne University - Carnegie) which provide a light rail connection to the Melbourne CBD and surrounds. The nearest stop is located along Glen Huntly Road, approximately 100m from the site. The site is also located close to the following bus routes 603, 246, 606 and Route 625.

OFFICIAL

374. The site has a very high level of pedestrian accessibility which is represented in its high walk score. The road network surrounding the site accommodates a reasonable amount of through traffic, particularly along Glen Huntly Road, together with local traffic on the local road network.

375. The Council has developed 'Elsternwick Cultural Precinct' plan which identifies changes to the road network including signalisation of Selwyn Street / Glen Huntly Road intersection, restricting Selwyn Street to northbound movements only at Sinclair Street, improved pedestrian and urban design outcomes and restriction of egress movements to left-out only from Gordon Street into Glen Huntly Road.

Green Travel Plan

376. A Green Travel Plan (GTP) has previously been prepared by Stantec. Given the minor nature of the changes to the development when compared to the previously endorsed development, it is not considered necessary to update the current GTP in this instance. The GTP has been prepared to assist future employees and visitors of the development to make informed decisions about the most efficient and sustainable transport options for travel to/from the site. The GTP seeks to encourage a reduction in mode share away from private vehicle use.

377. To further manage traffic impacts by reducing car dependency for travel to/from the site, a Green Travel Plan (GTP) has also been prepared for the previously endorsed development. That plan comprises a list of strategies aimed at increasing walking, cycling, public transport and carpooling as a means of travel to and from the proposed development and in turn reducing the traffic generation from the site.

Environmental Risks

Wind

378. The Wind Impacts Objective (Clause 58.04-4) seeks to ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land. Standard D17 states that development of five or more storeys should:

- *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
- *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: ▪ 3 metres per second for sitting areas, ▪ 4 metres per second for standing areas, ▪ 5 metres per second for walking areas.

379. As outlined in the applicants submission ViPac Engineers and Scientists Ltd (ViPac) have undertaken a Wind Impact Assessment of the submitted proposal. The report is an update of a previous version, first prepared in 2021 to assess the design ultimately approved by VCAT. The latest version (Revision 3, dated 20 August 2024) prepared by ViPac provides an assessment of the amended design.

380. ViPac utilised the wind comfort criteria within Clause 58.04-4 and Standard D32 in their assessment. Section 3 of the report assesses the pedestrian level wind effects at ground level around the building entries and interfaces with Selwyn Street and Sinclair Street, communal areas at Level 01 and private terraces and provides discussion and recommendations as outlined below.

Ground floor

381. The southern tower is rounded and is setback from the Selwyn Street frontage by approximately 4 meters minimum. Similarly, the northern tower is setback 4m from Selwyn Street and approximately 7m from Sinclair Street minimum. The proposed development also features a canopy that runs along Selwyn Street and wraps around the norther western corner along Sinclair Street. These features are expected to be beneficial to the ground level wind environment and are expected to protect the surrounding pedestrian pathways from adverse winds. As such, footpaths are expected to be within the recommended walking comfort criterion.

382. Most entrances are shielded by the canopy and the proposed colonnades, whereas the entrances to the residential lobbies feature an airlock as well as a setback design. The entrance along the southern laneway is not expected to experience adverse winds. As such, it is expected that all main entrances would have wind conditions within the recommended standing criterion.

Communal Terraces

383. Level 1 – The podium rooftop amenity areas located on Level 1 are expected to have high wind conditions channelling between the two towers. However, the proposed design features dense landscaping islands and trees to disrupt these adverse flows as well as 1.5-1.7m high solid screens. In combination with the shielding received from the existing developments to the west, wind speeds are expected to be within the recommended walking comfort criterion. The communal open space for the northern tower is sufficiently setback, as well as featuring dense landscaping. As such wind speeds are expected to be within the recommended walking comfort criterion.

384. Level 5 – Facing the less dominant easterly direction, in combination with the 1m high planter boxes along the perimeter, wind speeds are expected to be within the recommended walking comfort criterion.

385. Level 6 – Due to the relatively small dimensions and 1m high planter boxes along the perimeter, wind speeds are expected to be within the recommended walking comfort criterion.

Private Terraces

386. The private terraces have proposed a number of design features that are expected to be beneficial to the wind environment. These include the following:

- Small dimensions for most terraces;
- Setback design for most terraces;
- 1m high planter boxes along the perimeter for the larger terraces; and
- 1.7m high privacy screens

387. As such, wind speeds at all private terraces are expected to be within the recommended walking comfort criterion. The wind conditions would be expected to fulfil the safety criterion throughout the site. After careful consideration, Vipac predicts wind levels to be elevated in some locations due to the proposed development. However, they are not expected to exceed the recommended comfort / safety criteria for their respective locations.

388. The wind assessment concludes that:

- *With the proposed design the ground level footpaths would be expected to have wind levels within the walking comfort criterion;*
- *With the proposed design the wind conditions at the front of the entrances would be expected to be within the criterion for standing comfort.*
- *With the proposed design, the wind conditions at the communal terrace areas are expected to be within the recommended comfort criterion for walking; and*
- *With the proposed design, the wind conditions at the private terrace areas are expected to be within the recommended comfort criterion for walking.*

389. The report confirms that the wind impacts from the site have been assessment against the provisions of Clause 58.04-4 (Wind impacts objective) and states that all locations on and around the proposed development would be expected to satisfy the comfort criterion. A condition is recommended to ensure the recommendations of the report are implemented.

Construction Management

390. The applicant submitted a copy of the Construction Management Plan (prepared by Mad Stare Construction Site Services, Version 2, dated July 2024) which was prepared to satisfy the relevant Condition 15 of the Council permit. This matter was considered by Council at a special meeting dated 20 August 2024 where it resolved to refuse the request to endorse the CMP on the following grounds:

(a) Insufficient information has been provided for construction truck access during the later stages of excavation when they can no longer enter the subject site to be loaded.

(b) Insufficient safe provision of pedestrian access provisions have been provided as follows:

(i) Hoarding is proposed to extend 1200mm from the boundary and two work zones proposed along Selwyn Street. A minimum of 1500mm must be provided to allow a sufficient pedestrian accessway.

(ii) Similarly on Sinclair Street, given the trees on nature strip along both sides of site, there is no space for a diversion along that area.

(iii) It is unclear how a gantry will fit on Selwyn Street during Stage 1 if hoarding is located 1200mm from the boundary and there are trees on nature strip.

(iv) Stage 3 references "part footpath closure" but it is not made clear if this also applies to Stages 1 and 2.

(c) No information has been included with respect to footpath or road occupancy.

(d) No information has been included with respect to construction lighting.

(e) No information has been included with respect to vehicles blocking the rear laneway.

(f) No information has been included in the Construction Noise and Vibration Management Plan regarding stop work triggers; and

Council does not agree to the truck haulage routes outlined as "Option B" in the submitted Construction Management Plan. For the sake of clarity, truck haulage routes must exclude Sinclair Street.

391. The applicant at the time submitted to Council a preferred option of a trucking haulage route during the construction stage which included Sinclair Street, contrary to permit condition 15(b) of the Council permit which states:

Truck haulage routes, circulation spaces and queuing lanes. Truck haulage routes must exclude Sinclair Street unless agreed to in writing by the Responsible Authority.

392. The Council has advised that the condition was to respond to concerns raised through objections from residents regarding truck movements, noting extensive submissions had been made (by residents) towards the previous applications with respect to the impacts of trucks associated with the Woolworths Supermarket, particularly on the local street network of St Georges Road and Sinclair Street. It was noted however that this condition was drafted in the absence of any traffic engineering advice on construction truck movements, including Council's traffic engineers and the various traffic engineering witnesses presented to both previous VCAT hearings.

393. The applicant has requested that the requirement within Condition 15(b) to exclude Sinclair Street from the truck haulage routes be deleted in any permit issued as part of the current application.

394. The Council recommended the retention of Condition 15 of the Council permit in its entirety in order to protect the amenity of residents.

395. In response, the applicant advised that the use of Sinclair Street and St Georges Road by trucks during construction is critical to the construction methods required for a building of this size. In particular:

- Restricting truck access to Selwyn Street (only) reduces the truck size available for the build. There are some delivery types which rely on larger trucks.
- A reduced truck size would significantly increase the number of trucks required, creating traffic and safety concerns (the applicant has indicated as many as 3 times the truck movements per day); and
- A reduced truck size would significantly extend the construction timeframe, with consequential increased impacts on the amenity of neighbours, traffic flow in local streets, road closures and therefore safety.

396. DTP notes that this specific issue was discussed in detail as part of the Council meeting dated 20 August 2024 regarding the preferred option (Option B as outlined in the Construction Traffic Management Plan which utilises Selwyn Street, Sinclair Street and St Georges Road in a counterclockwise direction). Excerpts from the Council meeting agenda (Officer recommendation, Pages 16 & 17) are provided below:

Advice on this matter has been sought from Council's Traffic Engineering team. They have advised that based on traffic considerations, Option B would be the preferred option for a number of reasons. Firstly, this option reduces the volume of trucks that are required to enter the broader road network of the Elsternwick Activity Centre, which will provide a greater net benefit to the Elsternwick community, as opposed to a higher number of smaller trucks coming into the area each day. A smaller number of truck movements can be more evenly distributed across the day which will have a lesser impact on the activity centre.

Utilizing this option would also reduce the overall construction period, which would be longer with the truck sizes restricted to only smaller trucks. The project will take approximately three years from the start of demolition until the end of construction. Of these three years, the construction stage is expected to take up the majority of this period, for an estimated two year period. Option B therefore would mean up to 15 large semi-trailers plus an additional 15 medium rigid trucks, representing a total of up to 30 trucks per day travelling along Sinclair Street and St Georges Road. Given the extensive construction periods required for a development of this scale, any means by which the impact of construction can be reduced should be considered.

Whilst Option B is the preferred option from a traffic engineering perspective, this is not to say it will also be acceptable from an amenity consideration. Both Sinclair Street and St Georges Road are generally residential streets save for the Caulfield RSL on St Georges Road and Sholem Aleichem School on Sinclair Street.

There is a need to consider what Option would be best for the operation of the Elsternwick Activity Centre in terms of the net community benefit of each option, as opposed to the potential for individual impacts of residents in Sinclair Street.

Overall, it is considered that Option B presents the best-balanced outcome for truck haulage routes during the construction periods for the Elsternwick Activity Centre.

397. Whilst the Council ultimately resolved not to endorse the CMP as requested (due to several unresolved issues), it is clear from the excerpts above, that Option B was the preferred option and the one which would have the least impacts on the local residents in St Georges Road and Sinclair Street as well as the broader Elsternwick Activity Centre.

398. DTP acknowledges and accepts the advice of Council Traffic Engineers at the time in relation to Option B as stated on Page 18 of the Council meeting agenda:

Council's traffic engineers have advised that they are generally supportive of the CMP, subject to further clarity being provided for the proposed pedestrian gantries (including illumination details) and deletion of a proposed pedestrian crossing reference, which they consider is not required.

The traffic engineers are in support of construction stage Option B of the CMP, which uses Sinclair Street as part of the truck haulage route during the construction phase of the development. They have formed this opinion by considering the traffic impacts on the local road network as a whole, determining that Option B reduces the volume of trucks required to enter the broader road network of the Elsternwick Activity Centre. The traffic engineers would prefer the Applicant to have the ability to use larger trucks as this reduces the overall number of trucks required, which will require access to Sinclair Street, as the larger trucks cannot enter and exit via Selwyn Street only due to manoeuvrability constraints.

399. Conditions will ensure the use of Sinclair Street be confined to only those vehicles that are unable to safely and practically manoeuvre in Selwyn Street (i.e. require smaller construction vehicles to only use Selwyn Street via Glen Huntly Road for access and egress where safe and practical) and Traffic Management measures to ensure safety for pedestrians and vehicles within Sinclair Street, particularly related to the School use. On this basis, DTP supports the applicants request to modify the CMP condition to allow for truck movements during construction to utilise St Georges Road and Sinclair Street for the reasons summarised above.

Sustainability

Environmentally Sustainable Development (ESD)

400. As discussed in the planning policy section of this report, Clause 15.01-2L (Environmentally sustainable development) applies to the proposed development and seeks to achieve best practice in Environmentally Sustainable Development (ESD) and facilitate development that minimises environmental impacts, responds to site opportunities and constraints and adopts best practice in areas including integrated water management, indoor environment quality, transport and urban ecology.

401. The application is supported by a Sustainability Management Plan prepared by Sustainable Development Consultants. Sustainable Development Consultants have assessed the proposal to ensure ESD initiatives are incorporated into the design to ensure that the development meets the sustainability requirements of the planning scheme, in particular Clause 15.01-2L-02 (Environmentally Sustainable Development), Clause 53.18 (Stormwater Management in Urban Development) and Clause 58 (Apartment Developments) and the Sustainable Design Assessment in the Planning Process (SDAPP) requirements.

402. The SMP includes an assessment of the proposal against sustainability initiatives including: energy performance, water efficiency and water sensitive urban design, indoor environmental quality, building materials, construction and waste management, transport, urban ecology, building management and innovation. As outlined in the applicants submission key initiatives incorporated into the development include:

- Minimum 40kWp Solar Photovoltaic system producing 52,122kWh of green electricity per year.
- The provision of 22 EV charging bays for cars and motor bikes.
- 127 bicycle parking spaces and with end of trip facilities.
- 827 square metres of communal open space.
- Water efficient fixtures, fittings and landscaping.
- 70,000L rainwater tank.
- All apartments provided with permanent clothes lines.

403. As outlined in the SMP, the following tools have been used to assess different aspects of the development:

- Built Environment Sustainability Scorecard (BESS) which covers the overall sustainability of the development
- FirstRate5 which covers the energy efficiency performance of the building fabric; and
- Model For Urban Stormwater Improvement Conceptualisation (MUSIC assessment), which addresses stormwater quality considerations for the entire development.

404. A BESS assessment has been conducted for the proposed development. This provides a guide as to the level of sustainability achieved by the proposed development in line with the Glen Eira City Council's ESD requirements. The development achieves a BESS score of 61% which falls within the 'Best Practice' range (above 70% is considered 'Excellence').

405. The energy efficiency of the dwellings will be assessed using FirstRate5, which is an energy modelling software program to rate apartments/other dwellings on a 10-Star scale. The tool uses the Chenath engine (as a nationally recognised energy benchmarking) to rate dwellings based on climate zone, materials used in a structure, positioning and orientation and building sealing. Higher scores are achieved primarily through better material selection, improvements in glazing, and insulation.

406. The site is located in Climate Zone 21 (Melbourne) and is required by the *2019 Building Code of Australia* (BCA) to achieve a minimum average energy rating of 6-stars for the development with no apartment rating lower than 5-stars. The SMP states that the development achieves an average energy rating of 6.8-stars (the lowest rating is 5.3 stars).

407. MUSIC is an urban stormwater modelling software that was developed to provide an easy-to-use universal treatment model for all urban stormwater systems. The tool is capable of simulating stormwater runoff, its treatment and quality during a rainfall event for catchment areas up to 100km2 and can be used to assess and inform on stormwater treatment measures necessary to ensure the design of urban development meet required Water Sensitive Urban Design Standards. Refer discussion below.

408. DTP recommends conditions to ensure the key sustainability initiatives outlined in the SMP are implemented. Council did not make any comments in relation to ESD other than to recommend inclusion of a condition consistent with the Council permit and the previously endorsed SMP (prepared by WSP).

Water Sensitive Urban Design (WSUD) / Stormwater Management

409. As noted in the policy section of this report, Clause 53.18 (Stormwater Management in Urban Development) applies to the buildings and works of this application under the MUZ1 and sets out standards and objectives to be met for new development. Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

410. The submitted SMP includes a Water Sensitive Urban Design Response plan and a MUSIC assessment that addresses the requirements of Standard W2.

411. The SMP outlines how the proposed development responds to the principles and requirements of Water Sensitive Urban Design (WSUD). The main objectives for WSUD as stated in the SMP are:

- *To achieve the best practice water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (as amended).*
- *To promote the use of water sensitive urban design, including stormwater use.*
- *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new developments.*
- *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.*

412. New developments must also incorporate treatment measures that improve the quality of water and reduce flow of water discharged into waterways and encourage the use of measures to prevent litter being carried off-site in stormwater flows. Subject to the conditions recommended by DTP, the proposal will result in appropriate stormwater outcomes.

Other Matters

Cultural Heritage

413. The Victorian *Aboriginal Heritage Regulations 2018* (regulation 7) require an Aboriginal cultural heritage management plan for a proposed activity, if all or part of the activity area for the activity is an area of cultural heritage sensitivity (not subject to significant ground disturbance) and all or part of the activity is a high impact activity.

414. The site is located within an area of Cultural Heritage Significance. As the proposal is defined as a high impact activity, in accordance with the Aboriginal Heritage Regulations 2018, a cultural heritage management plan is required. Cultural Heritage Management Plan No. 16359 applies to the site and was approved by Aboriginal Victoria on 17 April 2019 and remains relevant for the project.

Affordable Housing

415. A key purpose under the Clause 53.23 planning pathway is to facilitate residential development that includes affordable housing to meet existing and future needs.

416. A condition of lodgement under this pathway is at least 10% of the total number of dwellings must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under Section 173 of the *Planning and Environment Act 1987.*

417. The applicants submission acknowledges this requirement and commits to the delivery of 10% affordable housing in line with *Victorias Housing Statement* which highlights inner-urban areas such as Elsternwick as being pivotal in providing housing close to where people work, and employment near where people live.

418. A condition is recommended in the permit requiring the landowner to enter into a Section 173 agreement for the delivery of 10% affordable housing.

Site contamination

419. As discussed in the earlier section of this report, the site has most recently been occupied by ABC studios, with the central area (between the existing buildings) used for loading and parking of trucks which would have been subject to leaks and spills over time. Prior to this, it is understood that the site was historically used as a timber yard which also would have involved the use of heavy machinery and trucks.

420. On this basis, the Council permit included conditions requiring a Preliminary Risk Screen Assessment (PRSA) of the site be conducted by a suitably qualified environmental auditor (as a starting point). The conditions required the PRSA statement and report to be submitted to the Responsible Authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017*.

421. In the event that the PRSA requires an Environmental Audit to be undertaken, the conditions required an Environmental Audit of the site to be carried out by a suitably qualified environmental auditor prior to the commencement of the development. Lastly, if any of the conditions of the EAS require ongoing maintenance or monitoring, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987.

422. DTP supports the inclusion of Environmental Audit conditions (summarised above) consistent with the Council permit for the reasons stated above. The applicant has not expressed any opposition to inclusion of such conditions.

Removal of Easements

423. The proposal includes the removal of Easements E-1 and E-2 from Lot 1 of TP972071P. The decision guidelines of Clause 52.02 require consideration of the interests of affected people, in addition to the relevant decision guidelines of Clause 65, when assessing the removal of an easement.

424. Easements E1 and E2 are located centrally to the site (previously used as the access and loading area for the ABC studios) and only benefit the other lots that from part of the site (being Lot 23 of LP2360 to the south of the easement). None of the other adjoining properties which are not part of the subject site benefit from the easements. Once the proposed development has been constructed, and easement will becoming redundant. It is therefore considered orderly planning to remove the redundant easements E-1 and E-2 and a condition is recommended requiring a 'plan of removal of easement' be approved and endorsed under the permit.

Objections

425. DTP has considered all submissions made to the application, recognising the level of community interest in the proposed development. The table below provides a summary of the key concerns raised by residents opposed to the proposal and is not intended to be an exhaustive list of every specific matter raised in the submissions received at the time of writing.

Submission matter	DTP Response
Departures from VCAT decision	The findings by VCAT in its 2022 decision have been discussed in detail throughout this report, including the reasons why the proposed development appropriately responds to the VCAT decision, notably around building height and setbacks to the sensitive eastern interface.
Increase in building height for the Southern tower and impact of visual bulk on the historic Glenmoore to the east	As discussed in detail under the Assessment section of this report, the setbacks of the southern tower from the eastern boundary with 1 St Georges Road align with the recommendations by VCAT, including being consistent with the DDO10 setback requirement of 20 metres for the upper levels. DTP is satisfied that the proposed development has regard for the sensitivities of this interface including the heritage values of the individually significant 'Glenmoore'.
Increase in building height to the Northern tower	The increase in height to the northern tower is considered appropriate noting the additional level replaces previous roof plant in the same location. The additional level is well setback from residential properties to the east and will result in negligible different to the way the building is viewed in the surrounding context.
Impacts to heritage buildings on site and surrounds	The design response to the former heritage former station, 'Glenmoore' at 1 St Georges Road and the surrounding heritage places of Glen Huntly Road and the broader residential area are discussed in detail under the 'Heritage' section of this report. DTP has also had regard for the findings in the VCAT decision in determining that heritage impacts have been appropriately managed by the proposed development.
Loss of amenity to existing residents	As discussed in detail in this report, the proposed development has been designed to limit the impacts to the amenity of existing residents in terms of visual blk, overlooking, overshadowing, noise and traffic etc.
Condenser plant on the top of the southern tower	The endorsed plans under the Council permit included condenser plant on top of the southern tower. The setback of the roof plant from the eastern boundary remains consistent with the Council permit.
Traffic management including use of Sinclair Street for construction, loading, delivery vehicles	Traffic management and arrangements for construction and loading vehicles remain generally consistent with the Council permit. The use of Sinclair Street for construction vehicles was previously supported by Council's traffic engineers as discussed in this report. The use of Sinclair Street will be confined to only

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	those vehicles that are unable to safely and practically manoeuvre in Selwyn Street (i.e. require smaller construction vehicles to only use Selwyn Street via Glen Huntly Road for access and egress where safe and practical). The loading arrangements including location of loading bays for the supermarket on Sinclair Street remain consistent with the Council permit.
Supermarket delivery trucks to travel beyond the loading dock in Sinclair St or park in residential streets	Conditions are recommended to ensure Routes travelled on the local road network by commercial vehicles to the supermarket loading bay only occur via Glen Huntly Road, St Georges Road and Sinclair Street consistent with the Council permit.
Impacts to Jewish Arts Cultural Precinct	The proposed design and layout of the development as it relates to Selwyn Street remain consistent with the Council permit therefore it is considered that the proposed development will not compromise the vision for the Cultural precinct within Selwyn Street. Conditions are recommended including the the signalisation of Selwyn Street and Glen Huntly Road with any associated widening of the Selwyn Street carriageway to facilitate separate left and right turn lanes on the south approach which was an engineering requirement of the Council permit.
Noise pollution	As discussed in detail under the Assessment section of this report, noise impacts can be appropriately managed through the recommended 'noise attenuation' conditions which align with the Council permit.
Overlooking from upper-level balconies to residential properties to the east	As discussed in detail under the Assessment section of this report, the design and layout of the development restricts overlooking into adjoining properties to the east, through the use of landscaping within planter boxes and privacy screening. Conditions are recommended to further ensure overlooking from communal areas and private terraces is restricted. Upper level balconies of the respective towers which face east are adequately setback to ensure any overlooking is minimised.
Safety for pedestrians	The Construction Management Plan will include traffic management measures to ensure safety for pedestrians and vehicles within Sinclair Street, particularly related to the School use.
Affordable Housing offer lacks detail	Conditions are recommended requiring the owner of the land to enter into an agreement with the Responsible Authority (under Section 173 of the Planning and Environment Act 1987) including *details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution…*
Loading arrangements	As discussed in detail under the Assessment section of this report, the proposed loading arrangements remain consistent with the Council permit.

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Recommendation

426. The proposal is consistent with the relevant planning policies of the Glen Eira Planning Scheme and will contribute to the provision of new housing (including affordable housing) and employment opportunities within the Elsternwick Major Activity Centre.

427. The proposal responds to the purpose of the MUZ1 and meets the objective and decision guidelines of the HO, DDO10 and Clause 58 of the Glen Eira Planning Scheme.

428. The proposal is generally supported by the Council, with the exception of matters discussed in this report.

429. It is recommended that Planning Permit **PA2403410** for the proposed development at **10-16 Selwyn Street, Elsternwick** be issued, subject to conditions.

430. It is recommended that the permit applicant, referral authorities, Glen Eira City Council and all submitters be notified of the above in writing.

[redacted]

Appendix 1: Clause 58 Assessment (Better Apartments Design Standards)

Application requirements

Clause 58.01-1	Assessment
• *An application must be accompanied by:* ○ *An urban context report.* ○ *A design response.*	**Satisfied** The submitted application was accompanied by an Urban Context Report and Design Response prepared by Fender Katsalidis.

Urban context report

Clause 58.01-2	Assessment
• *The urban context report may use a site plan, photographs or other techniques and must include:* • *An accurate description of:* ○ *Site shape, size, orientation and easements.* ○ *Levels and contours of the site and the difference in levels between the site and surrounding properties.* ○ *The location and height of existing buildings on the site and surrounding properties.* ○ *The use of surrounding buildings.* ○ *The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.* ○ *Solar access to the site and to surrounding properties.* ○ *Views to and from the site.* ○ *Street frontage features such as poles, street trees and kerb crossovers.* ○ *The location of local shops, public transport services and public open spaces within walking distance.* ○ *Movement systems through and around the site.* ○ *Any other notable feature or characteristic of the site.* • *An assessment of the characteristics of the area including:* ○ *Any environmental features such as vegetation, topography and significant views.* ○ *The pattern of subdivision.* ○ *Street design and landscape.* ○ *The pattern of development.* ○ *Building form, scale and rhythm.* ○ *Connection to the public realm.* ○ *Architectural style, building details and materials.* ○ *Off-site noise sources.* ○ *The relevant NatHERS climate zones (as identified in Clause 58.03-1).* ○ *Social and economic activity.* ○ *Any other notable or cultural characteristics of the area.*	**Satisfied** The submitted architectural plans, Urban Context Report and Design Response prepared by Fender Katsalidis and other supporting information satisfactorily meet the requirements of this Clause.

Design response

Clause 58.01-3	Assessment
• *The design response must explain how the proposed design:* ○ *Responds to any relevant planning provision that applies to the land.* ○ *Meets the objectives of Clause 58.* ○ *Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.* ○ *Derives from and responds to the urban context report.* • *The design response must include correctly proportioned street elevations or photographs showing the development in the context of*	**Satisfied** The submitted architectural plans, Urban Context Report and Design Response prepared by Fender Katsalidis and other supporting information satisfactorily meet the requirements of this Clause.

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adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	

Urban context objectives

Clause 58.02-1	Assessment
Objectives • *To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.* • *To ensure that development responds to the features of the site and the surrounding area.*	**Meets Objective** The design responds appropriately to the existing urban context and contributes to the preferred future development for the Elsternwick Major Activity Centre. The development responds appropriately to the opportunities and constraints of the site and has adequate regard for the surrounding low scale, heritage character.
Standard D1 • *The design response must be appropriate to the urban context and the site.* • *The proposed design must respect the existing or preferred urban context and respond to the features of the site.*	**Complies with Standard** As above.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives • *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.* • *To support higher density residential development where development can take advantage of public and community infrastructure and services.*	**Meets Objective** The development provides higher density residential development in an area identified for increased housing in a location which has good access to services, infrastructure and public transport. The proposed residential development responds to housing policies in the MPS and PPF.
Standard D2 • *An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.*	**Complies with Standard** The submitted planning report prepared by Urbis includes a written statement describing how the development is consistent with relevant policies for housing in the MPS and PPF.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings*	**Meets Objective** The development comprises a range of dwellings sizes and types to meet a range of housing needs.
Standard D3 • *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.*	**Complies with Standard** The proposal includes a range of dwelling types and sizes for future residents across 148 apartments comprising 45 x one bedroom, 62 x two bedroom and 41 x three bedroom.

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives • *To ensure development is provided with appropriate utility services and infrastructure.* • *To ensure development does not unreasonably overload the capacity of utility services and infrastructure.*	**Meets Objective** The development will be provided with appropriate utility services and infrastructure and will not unreasonably overload the capacity of existing utility services and infrastructure.
Standard D4 • *Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.* • *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.* • *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*	**Complies with Standard** The development will be connected to all relevant services as appropriate for a building of this scale. It will not unreasonably exceed the capacity of the surrounding service infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective • *To integrate the layout of development with the street.* • *To support development that activates street frontage.*	**Meets Objective** The development has been designed to integrate with the layout of Selwyn Street and Sinclair Street and provides an active frontage to these primary streets as discussed in the 'Assessment' section of this report.

Standard D5
• *Developments should be oriented to front existing and proposed streets.*
• *Along street frontage, development should:*
  ○ *Incorporate pedestrian entries, windows, balconies or other active spaces.*
  ○ *Limit blank walls.*
  ○ *Limit high front fencing, unless consistent with the existing urban context.*
  ○ *Provide low and visually permeable front fences, where proposed.*
  ○ *Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
• *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*
	Complies with Standard
	The proposal has sufficiently limited blank walls to the street interfaces, an includes substantial activation of Selwyn Street and the corner with Sinclair street through the variety shops, food & drink premise, supermarket and place of assembly and the apartment ground level entrance.
	The proposal has sited vehicle and pedestrian links throughout the site.
	Vehicular access has been minimised as reasonably possible and is facilitated by a bi-directional crossover to Selwyn Street, located to the south west of the development.
	Supermarket and shared loading docks are located to Sinclair Street and the ROW to the south of the site. Furthermore, the development has been orientated to front Selwyn Street, Sinclair Street and the Southern laneway.

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives • *To achieve and protect energy efficient dwellings and buildings.* • *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.* • *To ensure dwellings achieve adequate thermal efficiency.*	**Meets Objective** The development is designed to achieve and protect the efficiency of existing and proposed dwellings. Overshadowing from the proposed building is acceptable having regard to the objectives and guidelines under the planning scheme as discussed in this report. The proposed dwellings have been oriented to make appropriate use of solar energy, with the northern tower-oriented north-south and the southern tower oriented east-west. Habitable room windows and private open space are located on the north side as appropriate, and face east or west where possible.

Standard D6
• *Buildings should be:*
  ○ *Oriented to make appropriate use of solar energy.*
  ○ *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
• *Living areas and private open space should be located on the north side of the development, if practicable.*
• *Developments should be designed so that solar access to north-facing windows is optimised.*
• *Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.*
	Complies with Standard
	As noted above, the proposed dwellings have been oriented to make appropriate use of solar energy, with the northern tower-oriented north-south and the southern tower oriented east-west. Habitable room windows and private open space are located on the north side as appropriate, and face east or west where possible.
	The proposal has been designed and sited so that it does not unreasonably reduce the energy efficiency of adjoining dwellings located to the east.
	Each dwelling will receive an acceptable level of solar access.
	The maximum cooling load will not exceed 30MJ/m2/annum
	The residential apartments will be designed to achieve an average rating of at least 6.5-stars, with all individual dwellings scoring at least 6-stars in the NatHERS performance rating.
	These matters are discussed in further detail under the 'Sustainability' assessment section of this report.

Table D1 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M^2 per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- *Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

Communal open space objective

Clause 58.03-2	Assessment
Objectives • *To provide communal open space that meets the recreation and amenity needs of residents.* • *To ensure that communal open space is accessible, practical, attractive, easily maintained.* • *To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.*	**Meets Objective** The development provides communal open space in the form of outdoor areas that meets the recreation and amenity needs to residents. The communal open space is accessible, practical, attractive and is integrated with the layout of the development.

Standard D7
• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
• *Each area of communal open space should be:*
  ○ *Accessible to all residents.*
  ○ *A useable size, shape and dimension.*
  ○ *Capable of efficient management.*
  ○ *Located to:*
  - *Provide passive surveillance opportunities, where appropriate.*
  - *Provide outlook for as many dwellings as practicable.*
  - *Avoid overlooking into habitable rooms and private open space of new dwellings.*
  - *Minimise noise impacts to new and existing dwellings.*
• *Any area of communal outdoor open space should be landscaped and include canopy cover and trees.*
	Complies with Standard
	The proposal has a requirement to provide a minimum of 250sqm of communal open space. Communal open space will be provided at level 1 (for both towers), and levels 5 and 6 for the northern tower. The proposal exceeds the requirement of 250sqm with a total communal space of 642sqm.
	The communal open space has been designed and positioned to be accessible to all residents, is practical in terms of its location, size and function, will be attractive, can be easily maintained and is integrated within the layout of the development. The communal open space has been designed to provide outlook for as many dwellings as practicable, with the level 1 open space covering a substantial portion of the site.
	Landscaping, along with the design of the building, will help prevent overlooking into the habitable room windows or private open space of new dwellings. Where appropriate screening will be used to protect amenity of individual apartments by limiting views between communal spaces and private terraces.

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective • *To allow solar access into communal outdoor open space*	**Meets Objective** The development will allow solar access into the proposed communal outdoor open space.
Standard D8 • *The communal outdoor open space should be located on the north side of a building, if appropriate.* • *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*	**Complies with Standard** Standard D8 encourages communal outdoor open space to be located on the north side of a building, if appropriate. The proposal includes a variety of communal spaces for future residents, most notably the proposed large green areas located on level 1 of both towers and on levels 5 and 6 on the northern tower. The communal open spaces have been located to benefit from sunlight through the different stages of the day as

	shown on the submitted shadow analysis prepared by Fender Katsalidis. This ultimately results in excess of 125 square metres of communal open space being provided with 2 hours of sunlight between 9am and 3pm on 21 June.

Safety objective

Clause 58.03-4	Assessment
Objective • *To ensure the layout of development provides for the safety and security of residents and property*	**Meets objective** The layout of the development provides for the safety and security of residents and property.
Standard D9 • *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	**Complies with Standard** The main entry to the building will be clearly visible from the primary frontage of Little Ryrie Street, aided by the retention of existing low scale front fencing. Each of the proposed towers has an individual lobby that addresses Selwyn Street and are not obscured or isolated from the street. Each dwelling is afforded access from the internal corridor once inside the building. No planting will be provided in front of the lobbies or in excess of what is typical for street landscaping. The proposal incorporates a supermarket, which will provide activity within the area and provide an additional safety measure for residents and provide passive surveillance. The layout of the basement car parking is safe and functional, secure with key card access, well-lit and provided with signage to ensure comfortable and safe movements for residents. Private spaces at the upper levels will be protected from common areas of the development through the use of landscaping, planter boxes and screening where necessary.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives • *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*	**Meets objective** The existing context is not characterised by extensive canopy cover and the MUZ1 encourages higher density building forms. The proposed landscaping response is considered acceptable in the context of the Elsternwick activity centre and includes new trees within deep soil planters where possible through communal areas, particularly along the sensitive eastern interface. The landscaping supports the existing character by minimising impacts to existing street trees and providing extensive landscaping (throughout open

areas) across the levels of the development to assist with softening the visual impacts of the proposed building within the streetscapes of Selwyn Street and Sinclair Street, and when viewed from neighbouring residential properties.

There are no significant trees or canopy cover located on the site or immediate surrounds which will be impacted by the proposed development.

Standard D10

- *Development should retain existing trees and canopy cover.*
- *Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.*
- *Development should:*
  - *Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.*
  - *Provide canopy cover through canopy trees that are:*
    - *Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.*
    - *Consistent with the canopy diameter and height at maturity specified in Table D4.*
    - *Located in communal outdoor open space or common areas or street frontages.*
  - *Comprise smaller trees, shrubs and ground cover, including flowering native species.*
  - *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
  - *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
  - *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
  - *Protect any predominant landscape features of the area.*
  - *Take into account the soil type and drainage patterns of the site.*
  - *Provide a safe, attractive and functional environment for residents.*
  - *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

Table D2 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2501 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Variation to Standard

A variation is sought to Standard D10 which requires 15% of the site area (855 sqm) deep soil planting and 990 sqm for canopy cover based on a site area of approximately 5,746 sqm.

As discussed in the 'Landscaping' assessment in this report, the development primarily relies on low-medium scale landscaping in planter boxes to balance with the proposed built form.

The submitted landscape plan (prepared by Urbis) demonstrates that a minimum area of 760 sqm has been provided through the communal terraces at levels 1, 5 and 6. This area does not take into consideration green facades provided throughout the development. The landscape concept incorporates a minimum of 30 Type B trees.

The proposal has a discretionary requirement to provide 9 large trees or 18 medium trees. The proposal also incorporates climbers and in addition to small feature trees / shrubs, foliage, and shrubs and understorey planting. With respect to canopy coverage, we note that the development provides the following:

- Level 01 - 523.9m2 | 20.8%
- Level 04 - 6.3m2 | 0.3%
- Level 05 - 44.8m2 | 2.4%
- Level 06 - 14.1m2 | 1.2%

With the total canopy coverage of site being 24.7%. Combined the proposed planting meets this standard.

DTP notes the constraints of the building siting and layout (boundary to boundary construction by virtue of the supermarket and basement levels), which creates challenges in accommodating the deep soil planting area requirements for a large canopy tree in accordance with Standard D10.

DTP is satisfied that the development has incorporated meaningful landscaping across the site to ensure the proposed built form is softened by new trees within the planter boxes in communal areas and a partially 'greened' eastern façade

The Council recommended a Landscape Plan be required as a condition of the permit to detail the

Table D3 Soil requirements for trees			
Tree type	**Tree in deep soil** **Area of deep soil**	**Tree in planter** **Volume of planter soil**	**Depth of planter soil**
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

- *Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.*

Table D4 Tree type		
Tree type	**Minimum canopy diameter at maturity**	**Minimum height at maturity**
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

variety of greenery and vegetation proposed, demonstrating sufficient space for deep soil planting.

Access objectives

Clause 58.03-6	Assessment
Objectives • *To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.* • *To ensure the vehicle crossovers are designed and located to minimise visual impact.*	**Meets Objective** The development incorporates vehicle crossovers designed and located to provide safe access for pedestrians, cyclists and other vehicles. Vehicle crossovers provide separate and distinct access points for the basement car park (serving the supermarket and residential apartments), loading dock of Sinclair Street and residential / food and drink premises loading and waste collection off the southern laneway Council supported the proposed access arrangements in principle (noting the access is generally consistent with the Council permit) subject to conditions which are discussed in the 'Assessment' section of this report.
Standard D11 • *Vehicle crossovers should be minimised.* • *Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.* • *Pedestrian and cyclist access should be clearly delineated from vehicle access.* • *The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.* • *Developments must provide for access for service, emergency and delivery vehicles.*	**Complies with Standard** A single car parking entry is proposed from Selwyn Street. The provision of vehicle crossovers along Sinclair Street and the southern laneway for the use of loading docks, thereby minimising the impact of vehicle movements along Selwyn Street. Car parking is appropriately integrated into the development, being located in basement levels. Pedestrian and cyclist access areas are appropriately marked and separated from parking spaces. Waste collection can be appropriately undertaken via

	the southern laneway, where the bin storage area is located. The proposed access arrangement have been assessed in further detail under the 'Access' section earlier in this report and considered appropriate subject to the recommended permit conditions.

Parking location objectives

Clause 58.03-7	Assessment
Objectives • *To provide convenient parking for resident and visitor vehicles.* • *To protect residents from vehicular noise within developments.*	**Meets Objective** The development provides convenient parking for residents in a secure basement which also ensures residents are well protected from vehicle noise as discussed in the 'Car parking' assessment in this report.

Standard D12
• *Car parking facilities should:*
  ○ *Be reasonably close and convenient to dwellings.*
  ○ *Be secure.*
  ○ *Be well ventilated if enclosed.*
• *Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.*
	Complies with Standard
	Car parking is appropriately located within the basement of the development. Car parking areas are appropriately set out, provided with convenient internal access and internal areas can be well lit and protected via security systems as required.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives • *To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.* • *To facilitate stormwater collection, utilisation and infiltration within the development.* • *To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*	**Meets Objective** The development achieves the objectives of this Clause through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.

Standard D13
• *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.*
• *Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.*
• *The stormwater management system should be:*
  ○ *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
  ○ *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*
	Complies with Standard
	As detailed in the submitted Stormwater Management Plan and WSUD Response Report, the development will meet the best practice standard for urban stormwater management.
	The development has been designed to achieve compliance with the relevant objectives of stormwater standards and practices as outlined within the Sustainability Management Plan prepared by Sustainable Development Consultants. Rainwater runoff from the non-trafficable roof areas will flow into a rainwater tank that will be used for flushing toilets on the apartments from mezzanine level to level 3. Overflow of the rainwater tank will be diverted to

	PSorb StormFilters before entering the legal point of discharge.

Building setback objectives

Clause 58.04-1	Assessment
Objectives • *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.* • *To allow adequate daylight into new dwellings.* • *To limit views into habitable room windows and private open space of new and existing dwellings.* • *To provide a reasonable outlook from new dwellings.* • *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*	**Meets Objective** The development has been designed with setbacks from the respective boundaries which appropriately respond to the existing context and preferred future development in the Elsternwick Major Activity Centre. The orientation and layout of the apartments within the podium levels and northern and southern towers above will allow adequate daylight into the new dwellings. The design also limits views into habitable room windows and private open spaces of new and existing dwellings as discussed under the 'Overlooking' section of this report. New dwellings are primarily orientated and provided with a reasonable outlook towards internal communal areas of the respective frontages of Selwyn Street and Sinclair Street to provide passive surveillance of the public realm. Lastly, the building setbacks will provide appropriate internal amenity to meet the needs of residents.

Standard D14
• *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
• *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
  ○ *Ensure adequate daylight into new habitable room windows.*
  ○ *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
  ○ *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
  ○ *Ensure the dwellings are designed to meet the objectives of Clause 58.*
	Variation to Standard
	The variation to Standard D14 is discussed in detail under the 'Assessment' section of this report.
	DTP is satisfied that the proposed building setbacks will maintain adequate daylight into new habitable room windows, avoids direct views into habitable room windows (where possible), provides an outlook that creates a visual connection to the surrounding environment and appropriately responds to the objectives of Clause 58.

Internal views objective

Clause 58.04-2	Assessment
Objective • *To limit views into the private open space and habitable room windows of dwellings within a development.*	**Meets Objective** The development is design to limit views into the private open space and habitable room windows of dwellings within the development.
Standard D15 • *Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.*	**Complies with Standard** The proposal has been designed to prevent overlooking within the development. The windows and balconies have been positioned to prevent overlooking, with screening as appropriate.

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Noise Impacts objectives

Clause 58.04-3	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.* • *To protect residents from external and internal noise sources.*	**Meets Objective** Conditions will ensure the development will contain noises that have the potential to affect existing dwellings and will protect residents from external and internal noise sources as discussed under the 'Noise' assessment section in this report.

Standard D16
• *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.*
• *The layout of new dwellings and buildings should minimise noise transmission within the site.*
• *Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.*
• *New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.*
• *Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:*
  ○ *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
  ○ *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
• *Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.*
• *Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.*
	Complies with Standard
	The development has included relevant design measures to minimise the environmental and building services noise to the Australian Standard levels, ensuring that indoor spaces are comfortable.
	The Acoustic Report has assessed the relevant acoustic requirements under this Standard and has found the proposal achieves compliance against the relevant industry and standard noise limits and requirements. The report concluded that the proposal demonstrated that compliance with the relevant legislation can be achieved, provided the recommended noise controls are successfully implemented.
	These matters can be addressed by conditions to ensure the noise levels outlined in this Standard are achieved.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: *The noise influence area should be measured from the closest part of the building to the noise source.*

Wind Impacts objective

Clause 58.04-4	Assessment
Objective • *To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.*	**Meets Objective** The built form, design and layout of the development will not generate unacceptable wind impacts within the site or on surrounding land.

Standard D17
• *Development of five or more storeys, excluding a basement should:*
  ○ *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
  ○ *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*
within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.
• *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
• *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*
 	
Table D6 Wind conditions
Unsafe: Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.
Comfortable: Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:
▪ 3 metres per second for sitting areas,
▪ 4 metres per second for standing areas,
▪ 5 metres per second for walking areas.
	Complies with Standard
	As discussed, in the 'Wind' Assessment section above, the application was supported by a Wind Assessment prepared by Vipac.
	Vipac has carried out wind tunnel studies on a large number of developments of similar shape and having similar exposure to that of the proposed development which serve as a valid reference for the prediction of wind effects for this development.
	The report concluded that the proposed design would be expected to have wind levels within the appropriate comfort criterion. Conditions are recommended to ensure the design implements the recommendations of the wind report.

Accessibility objective

Clause 58.05-1	Assessment
Objective • *To ensure the design of dwellings meets the needs of people with limited mobility.*	**Meets Objective** The design and layout of the development has regard for the needs of people with limited mobility.

Standard D18
• *At least 50 per cent of dwellings should have:*
  ○ *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
  ○ *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
  ○ *A main bedroom with access to an adaptable bathroom.*
  ○ *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*
	Complies with Standard
	As demonstrated within the Architectural Plans (D16 Compliance Summary), the variety in apartment layouts provides compliance with this standard. 70% achieve appropriate accessibility layouts and adaptable bathroom compliance, surplus to the 50% requirement.
	The variety of apartments afford optimum accessibility for a range of residents needs including clear openings, main bedrooms with ensuite and functional layouts for ease of movement and can be adaptable.

Table D7 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: ▪ A slide door, or ▪ A door that opens outwards, or ▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: ▪ A slide door, or ▪ A door that opens outwards, or ▪ A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: ▪ A minimum area of 1.2 metres by 1.2 metres. ▪ Located in front of the shower and the toilet. ▪ Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: ▪ A minimum width of 1 metre. ▪ The full length of the bathroom and a minimum length of 2.7 metres. ▪ Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives • *To provide each dwelling and building with its own sense of identity.* • *To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.* • *To ensure internal communal areas provide adequate access to daylight and natural ventilation.*	**Meets Objective** The building has been designed with its own sense of identity with clearly defined entries for the retail uses (supermarket, food and drink premises) and the north and south residential towers. To internal layout of the building provides for the safe, functional and efficient movement of residents. Internal communal areas provide adequate access to daylight and natural ventilation.

Standard D19
• *Entries to dwellings and buildings should:*
  ○ *Be visible and easily identifiable.*
  ○ *Provide shelter, a sense of personal address and a transitional space around the entry.*
• *The layout and design of buildings should:*
  ○ *Clearly distinguish entrances to residential and non-residential areas.*
  ○ *Provide windows to building entrances and lift areas.*
  ○ *Provide visible, safe and attractive stairs from the entry level to encourage use by residents.*
  ○ *Provide common areas and corridors that:*
  - *Include at least one source of natural light and natural ventilation.*
  - *Avoid obstruction from building services.*
  - *Maintain clear sight lines.*
	Complies with Standard
	Entries to the development are visible and easily identifiable, clearly distinguishing between residential and commercial uses, with pedestrian access clearly located at ground level on Selwyn Street. Passive surveillance and proposed landscaped areas afford clear sight lines and can be accessed via the main entry ways to the internal lift lobby area
	All apartments are accessed via internal hallway/circulation areas. These circulation areas have sufficient depth and width to ensure a sense of safety for residents.
	Each corridor is provided with at least one source of natural light and ventilation, circulation areas are modest enough in size and well-lit to provide reasonable amenity.
	Internal communal and common areas are appropriately laid out to ensure safe, functional and efficient thoroughfare.

Private open space objective

Clause 58.05-3	Assessment
Objective • *To provide adequate private open space for the reasonable recreation and service needs of residents*	**Meets Objective** The development provides adequate private open space (POS) for the reasonable recreation and services needs of residents.

Standard D20
• *A dwelling should have private open space consisting of at least one of the following:*
  ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.*
  ○ *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*
• *If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.*
• *If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.*
	Complies with Standard
	The development complies with the requirements of Standard D20 noting all dwellings are afforded private open space in the form of balcony. A minimum area of 8 sqm will be provided to one- and two-bedroom dwellings with a minimum dimension of 1.8m and 2m respectively.
	3-bedroom apartments will be afforded a minimum balcony area of 12 sqm with a minimum dimension of 2.4m. All private open space is conveniently accessible from a living room.
	All upper-level balconies are of function size and layout, accessed from living areas, and capable of benefiting from good solar access (having regard to the constraints of the site configuration and orientation). Residents will also have access to communal open space area at Level 01, 05 and 06

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 30 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

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Storage objective

Clause 58.05-4	Assessment
Objective • *To provide adequate storage facilities for each dwelling*	**Meets Objective** The development provides adequate storage facilities for each dwelling.
Standard D21 • *Each dwelling should have convenient access to usable and secure storage space.* • *The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.*	**Complies with Standard** All dwellings contain storage space within the dwelling and meet the 'minimum storage volume within the dwelling' requirements specified in Table D10. All one, two and three bedroom dwellings are afforded a minimum of 10m3, 14m3 and 18m3 of storage respectively, and is provided internally, with some apartment also being provide external storage.

Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Common property objectives

Clause 58.06-1	Assessment
Objectives • *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.* • *To avoid future management difficulties in areas of common ownership.*	**Meets Objective** Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Standard D22 • *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	**Complies with Standard** Private property is clearly distinguished from communal open space or common areas. Communal areas and common property are laid out in a functional, accessible and easily maintainable manner. In particular, Private terraces will be clearly delineated from communal areas through the use of garden beds and screening to protect the amenity of individual apartments.

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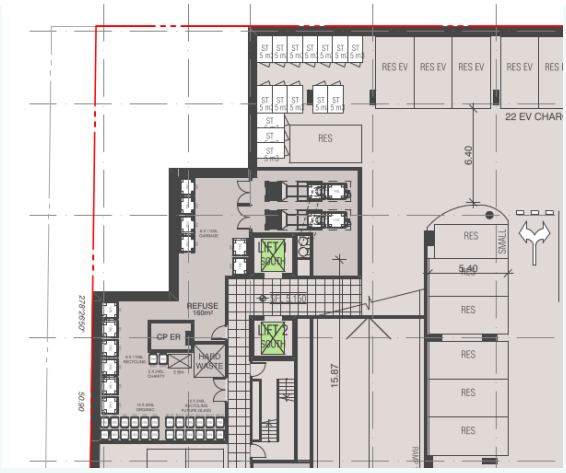
Site services objectives

Clause 58.06-2	Assessment
Objectives • *To ensure that site services are accessible and can be installed and maintained.* • *To ensure that site services and facilities are visually integrated into the building design or landscape.*	**Meets Objective** Site services are accessible and can be installed and maintained. Site services and facilities are located in the basement (where practical) and roof plant will be well setback from sensitive interfaces and visually integrated with the building design (screened from view).
Standard D23 • *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.* • *Meters and utility services should be designed as an integrated component of the building or landscape.* • *Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.*	**Complies with Standard** The development will be appropriately serviced, with service and plant areas clearly demarcated on the architectural plans and integrated into the building design and screened from external view. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance. Mailboxes are integrated into the building entrance areas for the residential lobbies and are secure and weather protected for convenient access and security.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives • *To ensure dwellings are designed to encourage waste recycling.* • *To ensure that waste and recycling facilities are accessible, adequate and attractive.* • *To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.*	**Meets Objective** The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan prepared by Leigh Design. Communal waste and recycling facilities are accessible, adequate and attractive and located securely in the ground level to minimise impacts on residential amenity and the public realm of Selwyn Street and Sinclair Street, by utilising the southern laneway.

Standard D24
• *Developments should include dedicated areas for:*
  ○ *Waste and recycling enclosures which are:*
  - *Adequate in size, durable, waterproof and blend in with the development.*
  - *Adequately ventilated.*
  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
  ○ *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
  ○ *Adequate circulation to allow waste and recycling collection*
	Complies with Standard
	All residents are provided with convenient access to waste storage facilities in the form of a waste chute on every floor, connecting to a communal bin storage room located within the Basement 04 level. Residents also have access to the communal bin store in the Basement 04 level (via the internal lift and stairway). Apartments will be provided with sufficient internal storage space to enable temporary storage of household waste. Waste collection can be appropriately undertaken via the basement level carpark. Further details are provided in the submitted Waste Management Plan (prepared by Leigh Design).

vehicles to enter and leave the site without reversing. ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.* • *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:* ○ *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.* ○ *Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.*	

External walls and materials objectives

Clause 58.06-4	Assessment
Objectives • *To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.* • *To ensure external walls endure and retain their attractiveness.*	**Meets Objective** As demonstrated within the Architectural Plans, the proposed architectural design incorporates high quality materiality and articulation. It is considered that the proposed external materials are an appropriate to the existing urban context and characteristics of the existing heritage places and the preferred future development of the area. The external walls are considered of high quality and will be durable and retain their attractiveness to maintain the character of the area.
Standard D25 • *External walls should be finished with materials that:* ○ *Do not easily deteriorate or stain.* ○ *Weather well over time.* ○ *Are resilient to the wear and tear from their intended use.* • *External wall design should facilitate safe and convenient access for maintenance.*	**Complies with Standard** The external walls are finished with materials that will not deteriorate or stain and will be resilient and weather well to serve their intended use to positively contribute to the character of the area. The external walls can be easily accessed for maintenance (as required). Refer materials discussion under the 'DDO10' assessment section earlier in this report.

Functional layout objective

Clause 58.07-1	Assessment
Objective • *To ensure dwellings provide functional areas that meet the needs of residents*	**Meets Objective** The design and layout of apartments within the development provides functional areas that will meets the needs of residents.
Standard D26 • *Bedrooms should:* ○ *Meet the minimum internal room dimensions specified in Table*	**Complies with Standard** The proposal meets the objectives and requirements

D11.
- *Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.*

Table D11 Bedroom dimensions		
Bedroom type	**Minimum width**	**Minimum depth**
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.*

Table D12 Living area dimensions		
Dwelling type	**Minimum width**	**Minimum area**
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

of Standard D26 by achieving the minimum room dimensions and area for bedrooms and living areas as specified in Table D11 for all proposed apartments.

There is one exception which for a single apartment Type S-B08 which seeks a minor variation to the room dimensions for a second bedroom due to the curved nature of the external façade. Given the minor nature of the variation and overall area of this bedroom the objective of this Clause is easily met.

A detailed assessment is provided within the architectural plans prepared by Fender Katsalidis.

Room depth objective

Clause 58.07-2	Assessment
Objective • *To allow adequate daylight into single aspect habitable rooms*	**Meets Objective** The development will allow adequate daylight into single aspect habitable rooms.

Standard D27
• *Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.*
• *The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:*
  ○ *The room combines the living area, dining area and kitchen.*
  ○ *The kitchen is located furthest from the window.*
  ○ *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*
• *The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*
	Variation to Standard
	All (but one) of the proposed single aspect habitable rooms do not exceed 9 metres, where the habitable room complies with the following requirements:
	• The room combines the living area, dining area and kitchen.
	• The kitchen is located furthest from the window.
	• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.
	A minor variation is proposed to the standard for one apartment (type N-C08) which does not meet the requirements under standard D27, exceeding the maximum depth of 9 metres, this is only a minor non-compliance in the scheme of 148 apartments and the habitable room in the apartment will still be provided with sufficient light. DTP considers that the objective is still met by allowing adequate daylight into single aspect habitable rooms.

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Windows objective

Clause 58.07-3	Assessment
Objective • *To allow adequate daylight into new habitable room windows.*	**Meets Objective** The development is designed to allow adequate daylight into new habitable room windows.

Standard D28
• *Habitable rooms should have a window in an external wall of the building.*
• *A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.*
• *The secondary area should be:*
  ○ *A minimum width of 1.2 metres.*
  ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*
	Complies with Standard
	The design and layout ensure all habitable rooms have a window to the external wall of the building therefore no windows are provided from a secondary area.
	The proposal meets the objectives and requirements of Standard D28 by allowing adequate daylight into new habitable room windows.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives • *To encourage natural ventilation of dwellings.* • *To allow occupants to effectively manage natural ventilation of dwellings.*	**Meets Objective** The design and layout of the development will allow occupants to effectively manage natural ventilation of individual apartments.

Standard D29
• *The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.*
• *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*
	Complies with Standard
	The architectural plans include a 'D29 compliance ventilation' table which shows that 120 out of 148 (81%) dwellings have nominated breeze paths of a minimum of 5 metres and maximum of 18 metres, complying with the standard.
	DTP is satisfied that the submitted architectural plans demonstrate that at least 40% of apartments are provided with effective cross ventilation in accordance with the requirements of this Standard.

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