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10-16 SELWYN STREET, ELSTERNWICK

Development Facilitation Program Planning Report

Prepared for
PACE DEVELOPMENT
January 2025



Woolworths

entry Car Park Entrance

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SUBMISSION DOCUMENTS

This report is to be read in conjunction with:

- Urban Context Report and Architectural Plans, prepared by Fender Katsalidis
- Acoustic Report, prepared by Marshall Day Acoustics
- CHMP Notice of Approval
- Invest Victoria Letter
- Landscape Plans, prepared by Urbis
- Sustainability Management Plan, prepared by Sustainable Development Consultants
- Transport Impact Assessment, prepared by Eukai
- Waste Management Plan, prepared by Leigh Design
- Wind Impact Assessment, Prepared by ViPac Engineers and Scientists

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society. We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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EXECUTIVE SUMMARY

Urbis Ltd acts on behalf of the applicant, Pace Development Group with respect to their proposal for buildings and works to construct a multi-level, mixed-use development and to use the site for the purpose of dwellings, place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming), office, supermarket and food and beverage establishment at No's. 10-16 Selwyn Street, Elsternwick ('Subject Site').

The Victorian State Government has recently released planning reforms, with the desire to increase housing provision throughout Victoria and stream-line significant economic developments. This permit application is submitted to the Department of Transport and Planning (DTP) pursuant to the 'Significant Residential Development with Affordable Housing' provisions set out in Clause 53.23 of the Glen Eira Planning Scheme. The proposed development has been confirmed as eligible for this stream of application by the Chief Executive Officer of Invest Victoria.

The proposal is considered to meet the minimum provision with a total development cost of at least \$50 million and a provision of at least 10% of the total number of dwellings as affordable housing or an equivalent mechanism.

The site currently benefits from a planning permit for a 9-storey development, issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 07 September 2022.

In response to the ongoing housing crisis experience in Victoria, Pace Development Group seeks to refine the development to deliver additional housing. This will crucially include a minimum 10% dedicated to affordable housing.

The proposal continues to comply within the framework of the Glen Eira Planning Scheme and in consideration of former approval issued upon the site under the direction of VCAT. The sites development has placed due consideration to the existing and desired character of the surrounding area and appropriately addresses the heritage setting of both HO180 and HO81. Ultimately, it is considered that the proposed works at the subject site are well suited to the site and its surrounding area.

This report outlines the proposal in detail, discusses its merits, and provides an assessment against the relevant planning controls of the Glen Eira Planning Scheme.

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GLEN EIRA PLANNING SCHEME

The site is affected by the following planning controls and permissions:

CONTROLS/PROVISIONS	PERMISSIONS
Clause 32.04 Mixed Use Zone – Schedule 1 (MUZ1)	<ul style="list-style-type: none"> To use the land for a place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming)), retail and shop purposes To construct a building or construct or carry out works. To construct two or more dwellings on a lot
Clause 45.09 Parking Overlay – Precinct 2-3 (PO2-3)	<ul style="list-style-type: none"> None specified
Clause 43.01 Heritage Overlay 180 and 81 (HO180 & HO81)	<ul style="list-style-type: none"> Demolish or remove a building Construct a building or construct or carry out works To display signs
Clause 43.02 Design and Development Overlay – Schedule 10 (DDO10)	<ul style="list-style-type: none"> To construct a building or construct or carry out works.
Clause 52.02	<ul style="list-style-type: none"> To remove an easement
Clause 52.05 Signs	<ul style="list-style-type: none"> To display signs
Clause 52.27	<ul style="list-style-type: none"> To use land to sell liquor if a licence is required under the <i>Liquor Control Reform Act 1998</i>

Table 1 – Applicable Controls and Permissions

ASSESSMENT SUMMARY

Overall, this report demonstrates that the proposal is an acceptable and appropriate outcome for the site for the following reasons:

- ✓ The proposal aligns with both Plan Melbourne and the City of Glen Eira's vision for the Elsternwick Major Activity Centre, which includes intensification in certain areas.
- ✓ The proposed development will provide 10% affordable housing, enhancing the provision of high-quality affordable and diverse housing within the City of Glen Eira.
- ✓ The development offers a high-quality architectural contribution and will contribute to housing within the Elsternwick Major Activity Centre, accommodating anticipated population growth and providing convenient access to jobs, services, infrastructure, and community facilities.
- ✓ The development will enable the provision of a full-line supermarket, retail, and place of assembly uses, meeting the weekly shopping needs of the community and providing employment opportunities.
- ✓ The proposal aligns with the Elsternwick Structure Plan and satisfies the general intent of activity centres, and the relevant planning policy sought by Glen Eira under Clause 11.03-1L (Activity Centres).
- ✓ The development will enhance the activity and liveability of the area, providing a supermarket, café, place of assembly, and dwellings within walking distance to multiple modes of public transport.
- ✓ The proposal incorporates bike parking and is located within 300m of various modes of public transport, reducing reliance on private vehicles and improving air quality.
- ✓ The proposal improves the perception of safety in the area through passive surveillance from ground floor uses and dwellings.
- ✓ The proposal encourages active transport via cycling and walking, fostering healthy and active living and community well-being.

- ✔ The development respects and contributes to the existing cultural aspects within the area, including a Place of Assembly to be operated by the Jewish Cultural and Arts Precinct (JCAP) organisation.
- ✔ The development offers 148 well-proportioned apartments with a variety of layouts, secure entrances, optimal solar access, and generous storage facilities, enhancing the internal amenity for residents.
- ✔ The external amenity is enhanced through strategic setbacks, support for active laneways, and the provision of communal terraces, ensuring a harmonious integration with the surrounding environment.
- ✔ The development adheres to relevant regulations, minimises noise impact, and ensures equitable opportunities for neighbouring sites, demonstrating a commitment to responsible and sustainable urban development.
- ✔ The design respects the character of the area, including the heritage significant former fire station, and ensures a suitable transition to the contributory heritage dwellings.
- ✔ The development features several podium gardens and a variety of planting opportunities, with a focus on creating spaces that enhance social cohesion and personal comfort.
- ✔ The development includes 423 car parking spaces and 127 bicycle parking spaces, exceeding statutory requirements.
- ✔ The proposal also includes suitable loading areas and waste collection arrangements.
- ✔ The proposed development ensures high external amenity through effective setbacks that meet DDO10 requirements, maintaining sunlight access to neighbouring dwellings, minimising overshadowing and overlooking through strategic design, adhering to noise regulations with effective mitigation measures, and promoting equitable development opportunities with strong ESD credentials.

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1. SITE CONTEXT

1.1. SUBJECT SITE

Key details of the site are as follows:

CATEGORY	DESCRIPTION
Existing Conditions	The subject site currently comprises the former Australian Broadcasting Corporation studios and former Elsternwick fire station. The ABC studios comprise two brick buildings with a three-storey built form. The fire station is a single storey brick building with associated sheds behind.
Location	The subject site is in the south-east corner of the intersection of Selwyn Street and Sinclair Street. The site forms part of the Elsternwick Major Activity Centre area. The subject site is a large corner, key strategic site within the activity centre and adjoins the retail core. The site is an irregular shape and has a fall of approximately 1m from the south-east corner to the north-west corner.
Area	5,746 square metres
Frontages	The site has a primary frontage to Selwyn Street of approximately 110m and secondary frontages to Sinclair Street and the adjoining laneway of 37m and 51m respectively.
Title	The subject site is contained within five Certificates of Title, being: <ul style="list-style-type: none"> 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.

Vehicle Access and Parking

Parking is provided onsite alongside the eastern boundary at-grade and at level one and is an open-air car park. The car parking is accessed via an existing crossover off Sinclair Street. Loading facilities are provided onsite and is positioned between the two Australian Broadcasting Corporation (ABC) buildings. Loading access is provided via a crossover off Selwyn Street. A crossover is also provided to the fire station.

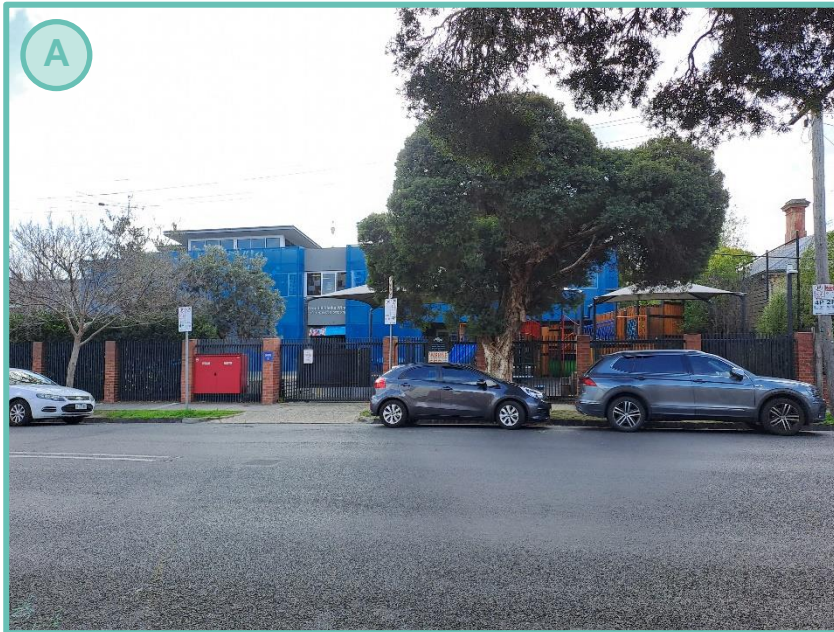
Table 2 – Details of Subject Site



1.2. IMMEDIATE SURROUNDS

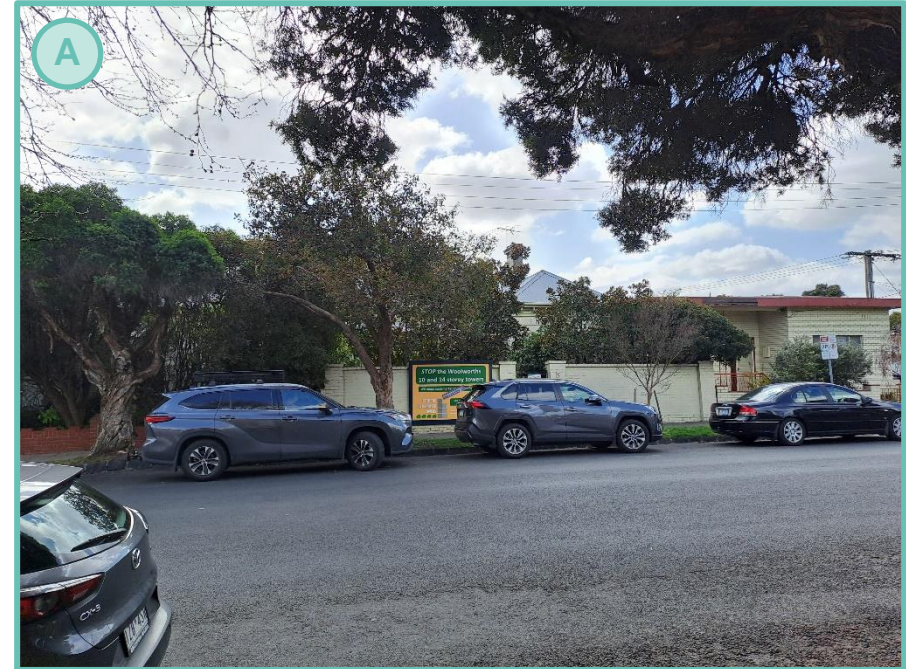
North

Sinclair Street is to the north of the site, with properties numbered Nos. 11 to 21 directly opposite the site. 11 Sinclair Street is the 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. On-street parking is available with time restrictions. No individual Heritage Overlay sites are present nearby to the north.



Picture 1 – 11 Sinclair St, Elsternwick VIC 3185

Source: Urbis 28.08.2024



Picture 2 – 17,19 & 21 Sinclair St, Elsternwick VIC 3185

Source: Urbis 28.08.2024

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East

To the east of the property is May Street and St Georges Road, a residential cul-de-sac, featuring Nos. 1 and 3 May Street and Nos. 1 and 3 St Georges Road.

The built form of May Street comprises height ranging from single to triple storey dwellings. The surrounding residential land is located within the Residential Growth Zone – Schedule 1, which allows for development up to 4 storeys.

Abutting the central eastern portion of the subject site, Nos. 1 and 3 May Street are occupied by double-storey dwellings. Vehicle access to the sites is provided via a shared crossover off May Street, via St George Road. No. 1 May Street is set back a minimum of 6m from the shared boundary, and No. 3 May Street is set back a minimum of 3m from the shared boundary.

To their south No. 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 2,500m²) that comprises a tennis court adjoining the shared boundary. From the subject site, the dwelling is set back a minimum of 34 meters.

In the immediate vicinity east of the site, only Glenmoore is subject to an individual Heritage Overlay.

To the east, beyond the laneway, is a row of five single storey federation cottages at numbers 16-24 Sinclair Street. No. 16 Sinclair Street shares its southern boundary with the projecting portion of the subject site. Vehicle access to No. 16 Sinclair Street is via a shared crossover with No. 18 Sinclair Street off Sinclair Street. No. 16 Sinclair Street is set back a minimum of 4m from the subject site's eastern boundary and maintains solar panels to its rear addition since 2015.



Picture 3 – 3 May Street, Elsternwick VIC 3185

Source: Urbis 28.08.2024

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Picture 4 – 1 May Street, Elsternwick VIC 3185

Source: Urbis 28.08.2024

South

To the south of the subject site is ROW directly adjoining the rear interface of the retail strip fronting Glen Huntly Road.

The retail strip on the northern side of Glen Huntly Road consists of double-storey Federation and Victorian shopfronts, characterised by uniform parapets and modified ground floor presentations. Number 277 to 329 Glen Huntly Road are located directly South of the subject site. This area broadly marks the Elsternwick Commercial and Public Precinct which continues further east along Glen Huntly Road. Further south to the site is the Elsternwick Plaza, and Former Elsternwick Post Office (VHD: H0640), A double storey ornate red brick building under authority of Heritage Victoria.

Farther south, the land is also developed for residential purposes, with building heights of up to 11 storeys at 26 Riddell Parade, Elsternwick. Infill development is taking place in the area, with an 11-storey development next to the retail strip to the south.



Picture 5 – Southern Interface ROW and 2-4 Selwyn Street

Source: Urbis 28.08.2024

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Picture 6 – 2-4 Selwyn Street, Elsternwick – Former Elsternwick Fire Station
Source: Urbis 28.08.2024



Picture 7 – 26 Riddell Parade, Elsternwick
Source: Google Images

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West

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). The only residential buildings are Nos.19 and 21 Selwyn Street, No.19 is a 4-storey apartment building with direct balcony frontages to Selwyn Street, access being afforded via a double-width crossover to the street front. No. 21 Selwyn Street is a double-storey red brick Telstra exchange building and is not accessible to the public.

The buildings along Selwyn Street are up to 4 storeys high with no setbacks. Further 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.



Picture 8 – Elsternwick Cinema

Source: Urbis 28.08.2024



Picture 9 – Jewish Holocaust Centre

Source: Urbis 28.08.2024



Picture 10 19 Gordon Street, Elsternwick

Source: Google Maps



Picture 11 – Kadimah Jewish Cultural Centre & National Library

Source: Urbis 28.08.2024

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1.3. SURROUNDING CONTEXT

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

Built form throughout the area ranges from single-storey dwellings, up to 21 storey commercial/apartment buildings. Most recent approval includes 7-15 Home Street, Elsternwick (GE/DP-32409/2018), permitting the construction of a 14-storey mixed-use building with three levels of basement car parking (approximately 180 metres south of the subject site).

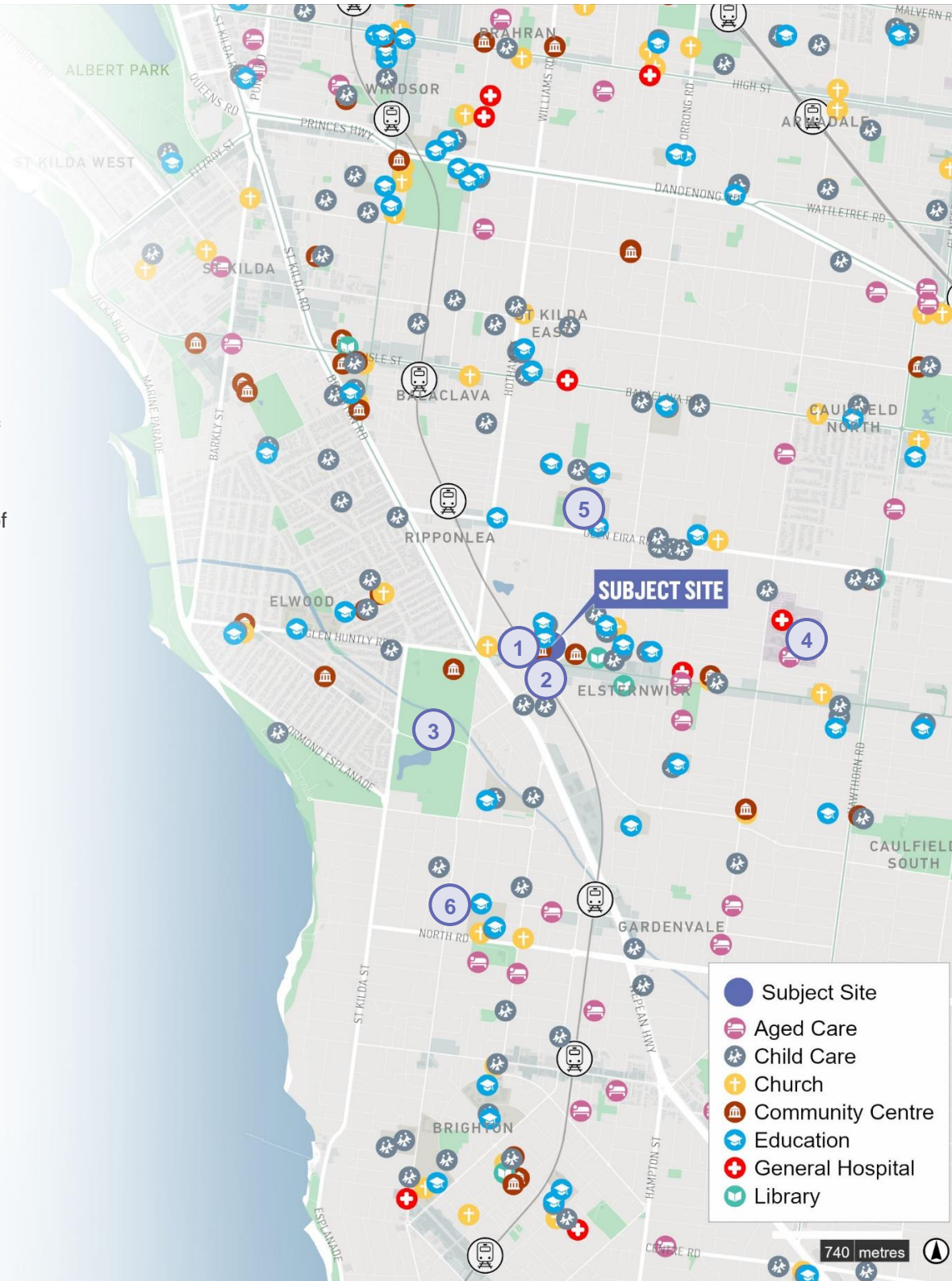
Numerous architectural styles are present throughout the area, with a range of Federation, Victorian and Edwardian dwellings, shopfronts and former civic buildings.

The site is approximately 30 metres north of the Elsternwick Major Activity Centre – the Glen Huntly Road retail strip. 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. Local recreation facilities include Elsternwick Bowls Club, Greenmeadows Gardens.

Key features of the surrounding context are listed below and represented in the adjacent map:

- 1 Elsternwick Activity Centre and Shops – 30m from site
- 2 Elsternwick Train Station and Tram Route 67 Stop – 150m from site
- 3 Elsternwick Park – 600 metres from site
- 4 Caulfield Hospital – 1.25km from site
- 5 Caulfield Grammar School – 800 metres from site
- 6 Elwood Primary School – 900 metres from site

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2. BACKGROUND

VCAT HISTORY

Urbis have been advised that Fabcot/Woolworths has entered into a transaction with Pace Development Group. Pace Development Group will become the applicant, developer and builder of the site and the owner of the residential part of the developed site

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

Planning Permit GE/PP-31572/2018 was lodged with Glen Eira City Council in 2018 under proposal 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.

Notice of Refusal to Grant a Permit was issued by Glen Eira City Council to the applicant, relying on multiple grounds, though namely residential opposition, height, scale and the proposed supermarket use.

- *The Tribunal 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.*
- *The Tribunal affirmed the Council's Notice of Refusal, suggesting that the site could accommodate 10 storeys with an appropriate design response.*

Key aspects of the proposed works did not present planning issue (i.e. traffic, ESD and heritage), however the Tribunal's decision to refuse the permit appeal was developed based on:

- 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)

Application for Planning Permit GE/DP-34187/2021 was made to Glen Eira City 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.

Glen Eira confirmed decision again to issue a Notice of Refusal to Grant a Permit on 12 August 2021 on the grounds of:

- *The southern tower's scale and setbacks are overly dominant and do not respect the low scale and heritage character of Glen Huntly Road's commercial premises.*
- *The southern tower's design does not meet the objectives, criteria, or guidelines of Schedule 10 to the Design and Development Overlay at Clause 43.02 of the Glen Eira Planning Scheme.*
- *The southern tower's scale and design do not conserve or enhance the significance of the Elsternwick Estate and environs heritage precinct, adversely affecting its heritage value.*
- *The design of the vehicle exit from the basement car park will lead to significant traffic movements along Selwyn Street and through the cultural*

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precinct, compromising its role and pedestrian amenity. This will also result in increased traffic distribution within local streets to the north, negatively impacting residential amenity.

A subsequent appeal was made to the Tribunal under Section 77 of the *Planning and Environment Act 1987* to review refusal to grant a permit by the Responsible Authority.

The Tribunal was ultimately satisfied with the proposal, subject to some minor changes which were imposed by permit conditions and considered the scheme to be an acceptable response to the vision as expressed in the DDO10.

In reaching this decision the Tribunal noted the following:

- 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.

As such, Planning Permit GE/DP-34187/2021 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*

Endorsed Documentation

The approved Planning Permit (GE/DP-34187/2021) applicable to the subject site has satisfied the majority of its endorsement requirements as of 1 December 2023, the applications endorsed documentation includes:

- ✔ 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)

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3. PROPOSED DEVELOPMENT

3.1. OVERVIEW OF PROPOSAL

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 within Heritage Overlay – Schedule 81). The proposal includes the construction of a 11-storey building, comprised of a two-storey podium and two above podium forms of 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 apartments.

The proposal is generally a refinement of the previous planning approval for the site, with the following key changes:

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

Additionally, planning approval is sought under Clause 52.27 of the Glen Eira Planning Scheme to use the BWS component of the Supermarket for the sale of packaged liquor for consumption off premises, associated with a packaged liquor licence.

Key details of the proposal are as follows.

ELEMENT	PROPOSAL
Maximum Building Height	<ul style="list-style-type: none"> ▪ 36.81 metres (Roof plant – North & South) ▪ 36.81 metres (Level 9 – North Tower)

Minimum Ground Level Building Setbacks	<p>East:</p> <ul style="list-style-type: none"> ▪ 1 May Street – 7.25 metres ▪ 3 May Street – 2.38 metres <p>North:</p> <ul style="list-style-type: none"> ▪ 16, 18 & 20 Sinclair Street – 6.67 metres ▪ Sinclair Street – 0 metres ▪ West ▪ Selwyn Street – 0 metres ▪ South ▪ ROW – 0 metres
Provision of Apartments	148 Apartments Total:
Private Open Space	3,140 square metres
Apartment Mix	<ul style="list-style-type: none"> ▪ 1 Bedroom = 45 ▪ 2 Bedroom = 62 ▪ 3 Bedroom = 31
Communal Space	<p>External Terraces = 642 square metres</p> <p>Internal Common Areas = 195 square metres</p>

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<p>Storage</p>	<p>Storage cages dimensioned at 2sqm each are provided to 156 residential apartments, being titled together.</p> <p>Storage provision to the Place of Assembly tenancy is located within Basement Level 3 (50 sqm).</p>	<ul style="list-style-type: none"> ▪ 189 Residential Spaces ▪ 182 Retail Spaces ▪ 9 Office Employee Spaces ▪ 30 Place of Assembly Spaces
<p>Services & Facilities</p>	<p>Basement Level 4:</p> <ul style="list-style-type: none"> ▪ Refuse/Waste ▪ Basement Level 3: ▪ Refuse/Waste ▪ Basement Level 2: ▪ Plant Equipment ▪ EOT Facilities ▪ Trolley storage ▪ Site services ▪ Basement Level 1: ▪ Site services 	<p>Bicycle Parking</p> <ul style="list-style-type: none"> ▪ 127 Bicycle Spaces <ul style="list-style-type: none"> – Ground Level = 12 Spaces (4 spaces proposed to footpath) – Basement Level 2 – 35 Spaces – Basement Level 3 – 80 spaces (including 30 visitor spaces) ▪ EOT Facilities are provided within Basement Level 2
<p>Retail Area</p>	<p>BWS (Bottle Shop): 156 sqm</p> <p>Retail (Supermarket): 3,477 sqm</p> <p>Retail (Supermarket Office): 219 sqm</p> <p>Shop or Food and Drink Premises: 137 sqm</p>	<p>Access</p> <p>Car parking access is facilitated by a two-lane crossover to Selwyn Street, located to the southwest of the development.</p> <p>Supermarket and shared loading docks are located to Sinclair Street and the ROW to the south of the site.</p>
<p>Office Area</p>	<p>312 square metres</p>	<p>Materials</p> <p>The development is of a mixed materiality inclusive of the following elements:</p> <ul style="list-style-type: none"> ▪ Metal finishes (Charcoal, copper finish) ▪ Concrete cladding and textured precast ▪ Red and blonde brick ▪ Black steel picket balustrades ▪ Various opaque, clear, silver finished glazing
<p>Car Parking</p>	<p>423 spaces across four basement levels</p>	

Landscaping

- Design incorporates direct and indirect nature experiences.
- Podium gardens provide green urban refuges.
- Level 1 podium features significant landscaping.
- Levels 2-9 offer varied planting opportunities.
- Planting adheres to Glen Eira City Council guidelines.

Signs

- North:
 - Sign I – 0.93m (w) x 1.2m (h) ‘wapple’ and ‘loading dock’ business identification sign
- West
 - Sign A – 7.5m (w) x 1.556m (h) ‘Woolworths’ and ‘wapple’ 3D internally-illuminated business identification sign
 - Sign B – 2.5m (w) x 0.97m (h) ‘BWS’ 3D internally-illuminated business identification sign
 - Sign C – 1.9m (w) x 2.1m (h) ‘wapple’ and ‘Woolworths’ internally-illuminated business identification sign
 - Sign D – 2.1m (w) x 0.67m (h) ‘BWS’ internally-illuminated business identification sign
 - Sign E – 1.5m (w) x 2.275m (h) ‘wapple’ ‘Woolworths’ and ‘P’ internally-illuminated business identification sign

- Sign F – 3.9m (w) x 0.9m (h) ‘entry’ internally-illuminated sign
- Sign G – 3.9m (w) x 0.9m (h) ‘exit’ internally-illuminated sign
- Sign H – 1.7m (w) x 0.9m (h) ‘P’ internally-illuminated identification sign
- Sign J – 0.93m (w) x 0.6m (h) ‘please return your trolley here’ internally-illuminated business identification sign

Easements

- It is proposed to remove Easements E-1 and E-2 from Lot 1 of TP972071P as these easements are redundant.

Table 3 – Details of Proposal

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4. GLEN EIRA PLANNING SCHEME

A summary of the key controls and policies is provided below.

4.1. ZONE

4.1.1. Mixed Use Zone – Schedule 1

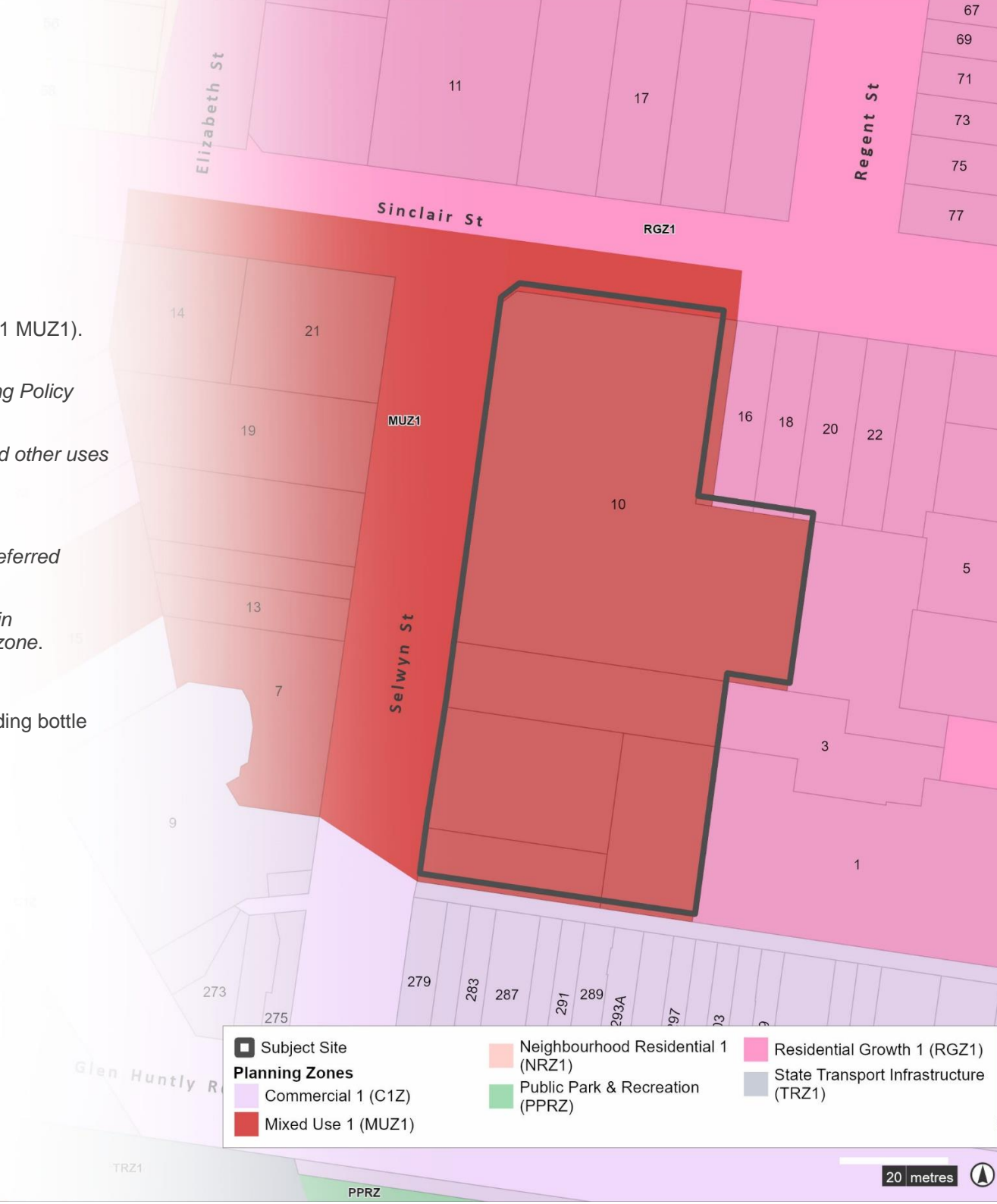
The subject site is located within the Mixed-Use Zone – Schedule 1 (MUZ1). The relevant purposes of the MUZ are as follows:

- 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.

Pursuant to Clause 32.04 a permit is required to:

- To use the land for a place of assembly, retail and shop (including bottle shop) purposes
- To construct a building or construct or carry out works.
- To construct two or more dwellings on a lot

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Subject Site	Neighbourhood Residential 1 (NRZ1)	Residential Growth 1 (RGZ1)
Planning Zones	Public Park & Recreation (PPRZ)	State Transport Infrastructure (TRZ1)
Commercial 1 (C1Z)		
Mixed Use 1 (MUZ1)		

4.2. OVERLAYS

4.2.1. Parking Overlay – Precinct 2-3

Precinct 2-3 relates to ‘Student Housing in Specific Areas’. Specifically, pursuant to clause Schedule 1 of Clause 45.09 this precinct requires the provision of 0.5 parking spots to each bed available. PO2-3 outlines the following relevant objectives:

- *To direct student housing to locations in close proximity to Monash University, Caulfield Campus, and Holmesglen Institute of TAFE, with good access to public transport, commercial, community, educational and recreational facilities.*
- *To develop student housing that provides car parking at a rate commensurate with the reduced ownership pattern of students and the strategic location of the proposed student housing.*
- *To develop student housing that meets the parking requirements of this schedule.*
- *To require any permit application to reduce the car parking space requirement of this schedule to be accompanied by a Traffic and Parking Impact Report prepared by a qualified traffic engineer (unless deemed unnecessary by the responsible authority).*
- *Ensure that student housing developments provide adequate car parking.*
- *Ensure that student housing developments generate minimal traffic impacts on the surrounding area.*

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4.2.2. Heritage Overlay Schedule 81

HO81 relates to the Former Elsternwick Fire Station. HO81 covers approximately 346 square metres of the subject site and solely relates to 2-4 Selwyn Street, Elsternwick. The site has been identified for its significant architectural, cultural and historical significance to the State of Victoria.

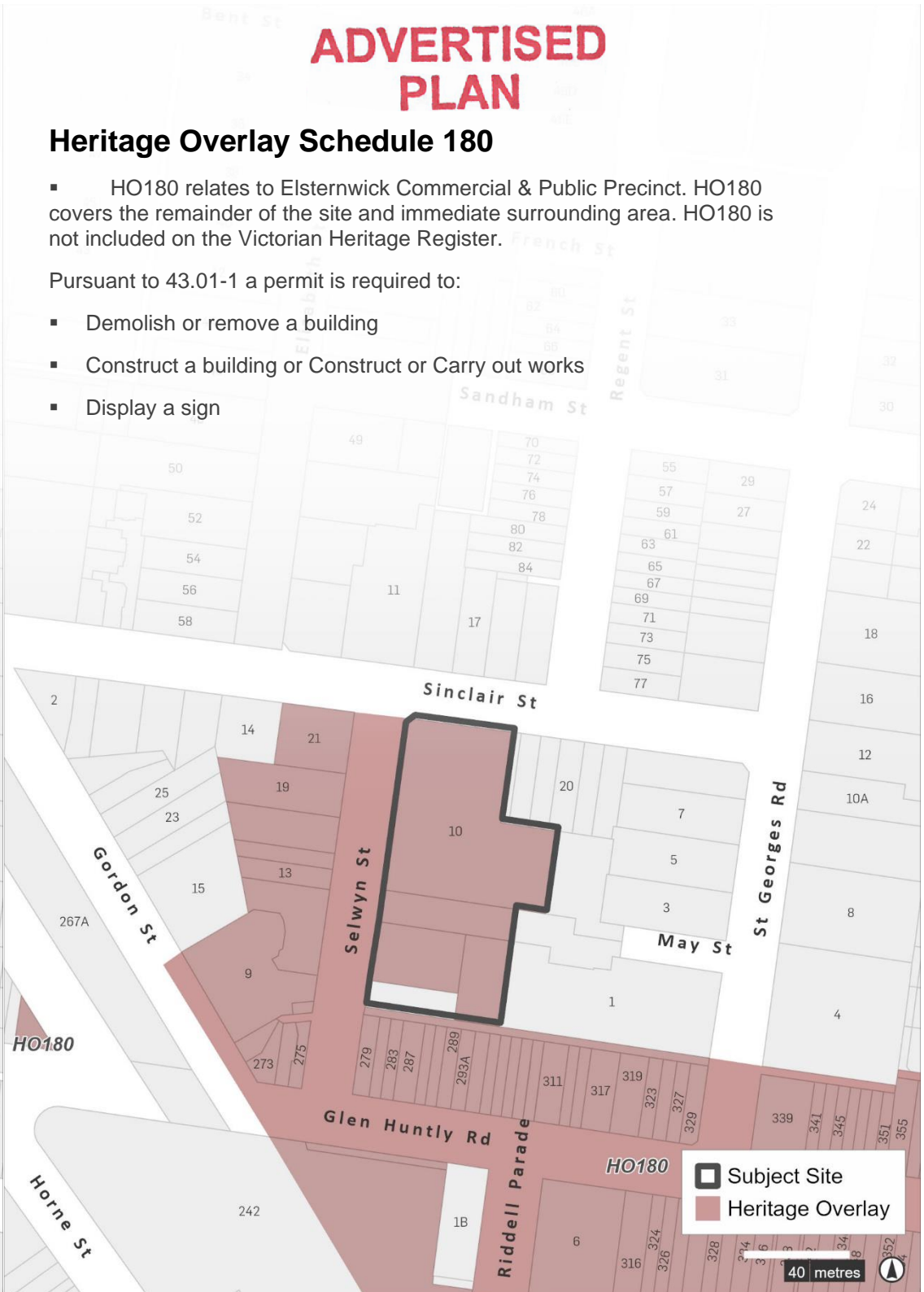
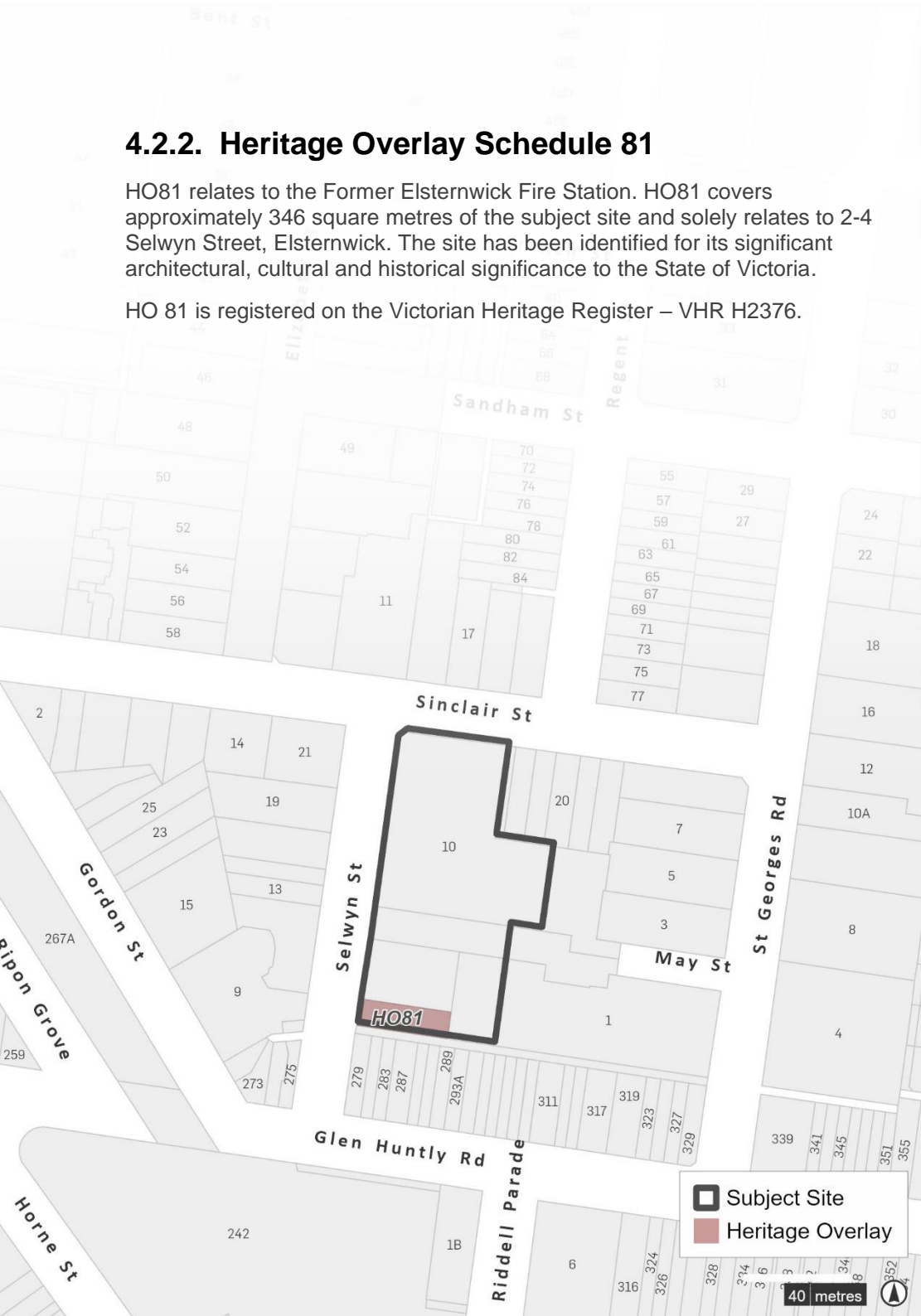
HO 81 is registered on the Victorian Heritage Register – VHR H2376.

Heritage Overlay Schedule 180

HO180 relates to Elsternwick Commercial & Public Precinct. HO180 covers the remainder of the site and immediate surrounding area. HO180 is not included on the Victorian Heritage Register.

Pursuant to 43.01-1 a permit is required to:

- Demolish or remove a building
- Construct a building or Construct or Carry out works
- Display a sign



4.2.3. Design and Development Overlay Schedule 10

The site is affected by the Design and Development Overlay Schedule 10 (DDO10).

Schedule 10 relates to “Elsternwick Activity Centre”. It sets out the following design objectives:

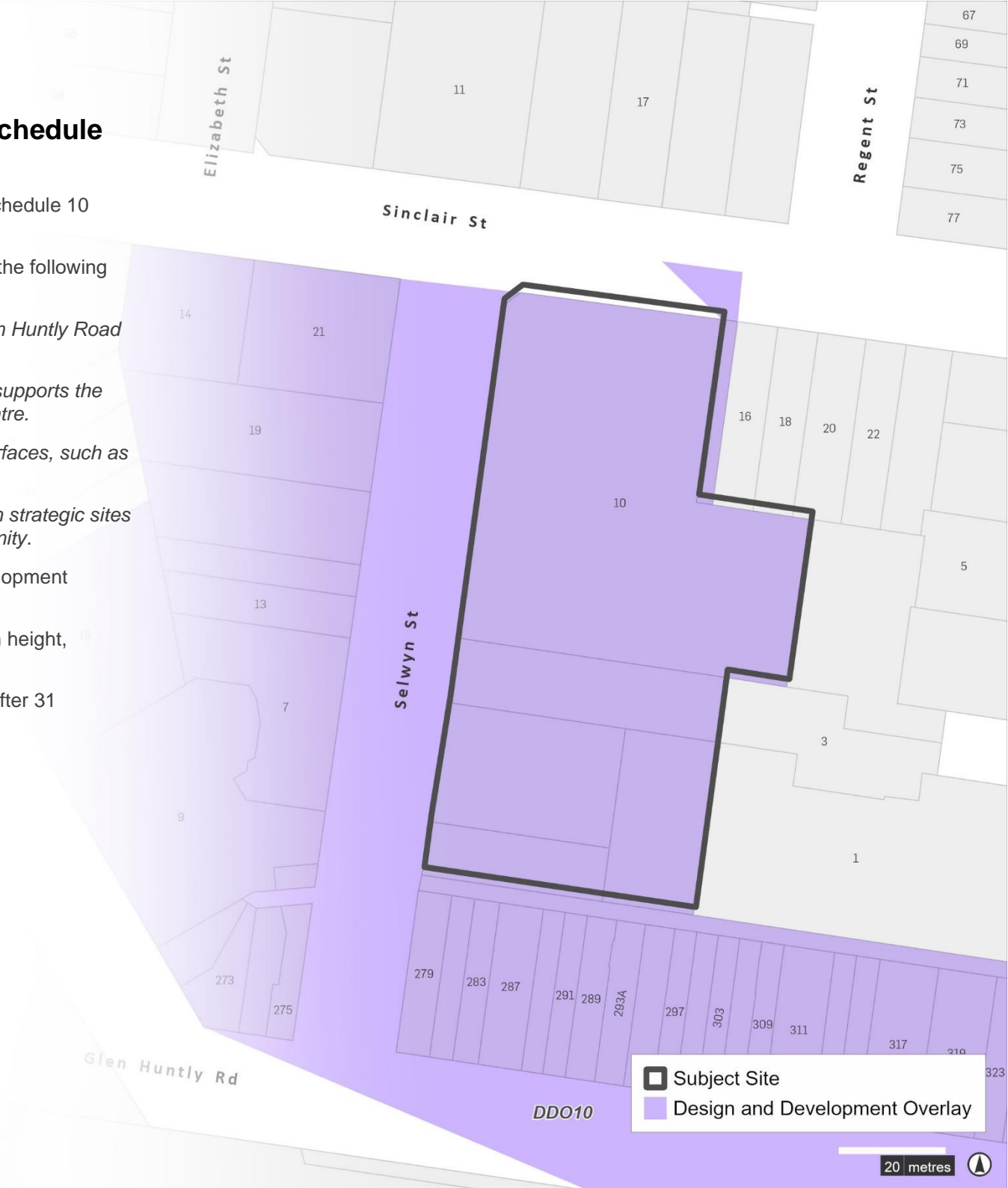
- *To preserve and enhance the heritage character of the Glen Huntly Road shopping strip.*
- *To encourage well designed mixed-use development, that supports the housing and economic needs of the Elsternwick activity centre.*
- *To ensure an appropriate design response to sensitive interfaces, such as 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.*

Pursuant to Clause 2.0 of Schedule 10 to the Design and Development Overlay a permit is required for Building and Works.

Additionally, DDO10 outlines further controls and restrictions on height, setbacks and building design.

We note the requirements of this overlay cease to have effect after 31 December 2024.

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4.2.4. Area of Aboriginal Cultural Heritage Sensitivity

- 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.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two-part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered.

One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity

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■ Subject Site
■ Areas of Cultural Heritage Sensitivity

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4.3. GENERAL AND PARTICULAR PROVISIONS

The following general and particular provisions are related to the proposal:

- **Clause 52.05 (Advertising Signs)**
- **Clause 52.06 (Car Parking)**
- **Clause 52.27 (Licensed Premises)**
- **Clause 52.34 (Bicycle Facilities)**
- **Clause 53.18 (Stormwater Management in Urban Development)**
- **Clause 53.23 (Significant Residential Development with Affordable Housing)**
- **Clause 65 (Decision Guidelines)**

4.4. MUNICIPAL PLANNING STRATEGY

The following Clauses of the Municipal Planning Strategy are related to the proposal:

- **Clause 02.03-1 (Settlement and Activity Centres)** – Aims to guide job and housing expansion into activity centres and transport routes, tailored to local potential and context, fostering 20-minute communities where work, shopping, and services are within a 20-minute walk, cycle, or public transport journey.
- **Clause 02.03-2 (Environment and Amenity)** – Strives to safeguard residential areas' amenity by limiting non-residential uses to those appropriately located and designed to reduce impact on neighbouring residences.
 - **Clause 02.03-3 (Built Environment and Heritage)** – Seeks to manage city-wide transitions in building height and scale in line with Council's growth strategies and local context, while promoting high-quality, context-responsive development in activity centres and significant change areas.
- **Clause 02.03-4 (Housing)** – Aims to direct most new housing to substantial change areas identified in City Plan, with 80% of housing growth by 2036 in activity centres near services, jobs, and public transport. This plan manages transitions in building scale and height, preserving local amenity, character, and heritage. It supports diverse

housing to meet community needs, aligns growth with each area's preferred change level, and promotes housing near transport and services while increasing affordable options.

- **Clause 02.03-5 (Economic Development)** – Seeks to prioritise employment opportunities within activity centres and employment precincts with convenient public transport access.
- **Clause 02.03-7 (Public Open Space, Community Facilities and Infrastructure)** – Aims to enhance the amount, quality, and spread of open space in Glen Eira, develop accessible, multipurpose community and recreation hubs, and ensure development aids in maintaining and renewing infrastructure and community facilities.
- **Clause 02.04-1 (Strategic Framework Plan)** – Provides a strategic framework plan for Glen Eira, which nominates the site as a 'Major Activity Centre with Urban Renewal'.
- **Clause 02.04-2 (Activity Centre Hierarchy)** - Provides a delineation of specific activity centre hierarchy within the Glen Eira LGA. The hierarchy defines 'Elsternwick' as being located within a **Major Activity Centre with Urban Renewal**.

4.5. PLANNING POLICY FRAMEWORK (PPF)

The following Clauses of the PPF are relevant to the proposal:

- **Clause 11 (Settlement)** – Seeks to meet the needs of current and future communities by providing zoned and serviced land for various uses, while prioritising health, wellbeing, choice diversity, environmental sustainability, urban design, accessibility, and waste minimisation. It seeks to prevent issues from incompatible land uses and promotes sustainable development leveraging existing settlement patterns and infrastructure investments.
- **Clause 11.01-1S (Settlement)** - Aims to accommodate population growth and development of facilities and services, foster development along existing and planned transport infrastructure, and promote settlement forms and densities that support healthy and sustainable transport.
- **Clause 11.01-1R (Settlement - Metropolitan Melbourne)** – Aims to create a transport-linked network of diverse, vibrant activity centres, fostering mixed-use neighbourhoods for housing, jobs, and local services

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- **Clause 11.02-1S (Supply of urban land)** – Aims to secure ample land for various uses and explore opportunities for urban area consolidation, redevelopment, and intensification.
- **Clause 11.02-2S (Structure Planning)** – Aims for effective land use planning, creating sustainable communities with public transport and diverse activities, while promoting walkability, infrastructure efficiency, renewable energy, and urban greening.
- **Clause 11.03-1S (Activity Centres)** – Encourages concentration of diverse developments into accessible activity centres, promoting high-quality living, diverse housing, transport connectivity, reduced motorised trips, and local economic growth.
- **Clause 11.03-1L (Elsternwick Major Activity Centre)** – Aims to enhance Elsternwick activity centre's safety, accessibility, and liability while preserving its historic character and village ambiance. It encourages arts and cultural enhancements, including a new Selwyn Street cultural precinct, and supports repurposing the former ABC studio site for employment and public open space.
- **Clause 13.01-1S (Natural Hazards and Climate Change)** – Seeks to implement risk-based planning to mitigate natural hazards, adapt to climate change impacts, and guide population growth to low-risk areas.
- **Clause 13.05-1S (Noise Management)** – Aims to manage noise effects on sensitive land uses through strategic development, design, and land use separation, adhering to environmental regulations.
- **Clause 13.06-1S (Air Quality Management)** – Aims to protect and improve air quality through integrated transport and land use planning, infrastructure provision, and suitable separation of land uses.
- **Clause 15.01-1S (Urban Design)** – Seeks developments to create safe, enjoyable urban environments that enhance cultural identity, improve living conditions, promote inclusivity, and ensure public safety.
- **Clause 15.01-2S (Building Design)** – This policy aims for building design and siting to enhance local context, public realm, and support sustainable development. It encourages energy efficiency, resource recovery, water efficiency, stormwater management, safety, and landscaping that enhances urban areas.
- **Clause 16.01-1S (Housing Supply)** – This policy aims to facilitate diverse, well-located housing that meets community needs. It encourages higher density housing near jobs and services, diverse housing types, high-quality design, and housing for various income groups.
- **Clause 16.01-2S (Housing Affordability)** – Aims to improve housing affordability by ensuring sufficient land supply, increasing housing choice, promoting good design, and encouraging affordable development. It facilitates a mix of housing types and identifies surplus government land for housing.
- **Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne)** – This strategy aims to diversify Melbourne's economy by supporting the Central City's growth, redeveloping urban precincts, developing employment clusters, enhancing health and education precincts, supporting diverse employment in industrial areas, and facilitating investment in outer areas.
- **Clause 18.01-1S (Land Use and Transport)** – This policy aims to integrate land use and transport to facilitate access to opportunities, protect existing and future transport infrastructure, plan for changing transport demands, support urban development that enhances accessibility, and design neighbourhoods and transport systems that promote active living and sustainability.
- **Clause 19.02-6S (Open Space)** – This policy aims to establish and improve a diverse, integrated network of public open space. It encourages linked, accessible, and quality open spaces that cater to various uses, protect natural and cultural environments, and ensure equitable access for all community members.

4.6. ELSTERNWICK STRUCTURE PLANS

Elsternwick is recognised as a Major Activity Centre by both State Government and the City of Glen Eira.

Elsternwick Structure Plan 2018-2031

The Elsternwick Structure Plan 2018-2031 (February 2018) was adopted by Council in February 2018. The Structure Plan recognises that Elsternwick is changing with significant growth anticipated, with subsequent housing and jobs required over a 15-year period. The Elsternwick Structure Plan 2018-

2031 is a reference document under the Design and Development Overlay – Schedule 10.

Elsternwick Structure Plan 2023

The Elsternwick Structure Plan 2023 was adopted by Council in August 2023 and is a strategic blueprint designed to guide the future growth and development of Elsternwick.

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. It aims to balance the needs of the community, the environment, and the economy, ensuring Elsternwick remains a desirable place to live, work, and visit.

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 2023 does not currently form part of the Glen Eira Planning Scheme or a proposed planning scheme amendment.

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5. SIGNIFICANT RESIDENTIAL DEVELOPMENT WITH AFFORDABLE HOUSING

Clause 53.23 was introduced within Amendment VC242 (gazetted 22 September 2023), which makes changes to the Victoria Planning Provisions (VPP) and all planning schemes by introducing two new particular provisions to facilitate significant residential development and significant economic development.

This application is being submitted as part of the Clause 53.23 planning permit pathway with the Minister for Planning being the Responsible Authority.

The purpose of Clause 53.23 is:

- *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.*

The proposal is eligible under Category 1 of Clause 53.23-1 as follows:

- The site is in metropolitan Melbourne
- The estimated cost of the development exceeds \$50 million
- 10% of the total number of dwellings will be affordable housing
- Written advice from Invest Victoria has been obtained that confirms the feasibility of the project.

In accordance with the requirements of Clause 53.23-3, accompanying this application are the following:

- The purposes of the non-residential uses are detailed in this report
- Written advice of the Chief Executive Officer, Invest Victoria

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6. ASSESSMENT

The following sections of this report provide an assessment of the proposal against the relevant statutory and strategic provisions of the Planning Scheme having regard to the site's physical context.

This assessment focuses on the appropriateness of the following key matters:

1. Strategic Support for Development
2. Land Use
3. Built Form & Signs
4. Internal Amenity
5. External Amenity
6. Heritage
7. Landscaping
8. Transport
9. Environmentally Sustainable Design
10. Waste Management
11. Licensed Premises
12. Elsternwick Structure Plan 2023
13. Permit Conditions

Each of these matters is considered below.

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STRATEGIC SUPPORT

The proposal is located within the Elsternwick Major Activity Centre and is a rare large strategic infill site within inner Melbourne. The Elsternwick Major Activity Centre is recognised in both Plan Melbourne and by the City of Glen Eira as an activity centre to undergo change, including intensification in certain areas, including on the subject site

It is considered the proposal satisfies the relevant State and Local Planning Policy noting the following:

- ✔ The development will contribute to delivering housing within the Elsternwick Major Activity Centre (MAC) area and wider Melbourne to accommodate the anticipated population growth and will be in a location that has convenient access to jobs, services, infrastructure and community facilities.
- ✔ The development is an infill development that will contribute to delivering the role of the Major Activity Centres as identified in State Planning Policy which encourages more intense development to occur central to activity centres. The development will reinforce the existing varied urban form of Elsternwick using a variety of materials and forms whilst still paying respect to the areas of heritage significance in proximity to the site and appropriately responding to the existing and anticipated built form. The proposal will provide a high-quality response to the site and has been designed to be sensitive to the existing and encouraged scale of development within the area.
- ✔ The development will provide a high-quality addition within the activity centre and will contribute to the activity experienced within the area, the interaction of the community with Selwyn Street and improved liveability for the community. This will be achieved through the provision of a full-line supermarket, café, place of assembly including function space and dwellings in walkable distance to multiple modes of public transport, including the Elsternwick Railway Station, in the core of the activity centre. The proposal complies with Clause 11.03-1L (Activity Centres) which supports the reuse of the former ABC studio site for employment uses.
- ✔ VCAT in relation to the former approval agreed that the height and scale of built form within this strategic site can reasonably expect to have a high degree of visibility within its immediate context.

- ✔ The site has been identified by Council within the Elsternwick Structure Plan as being within the cultural precinct. The development has been designed to respect and contribute to the existing cultural aspects within the area and will include a Place of Assembly to be operated by the Jewish Cultural and Arts Precinct (JCAP) organisation and will incorporate a museum / library as well as function space and will regularly be used by the Sholem Aleichem College. The place of assembly will be available for use by the community.
- ✔ Former VCAT consideration determined the proposal as an acceptable built form response (subject to amendment) and further supported the addition of proposed retail/supermarket activity with Selwyn Street.
- ✔ The development is located within an established mixed-use area that comprises a range of commercial, retail and residential uses, with building heights in the area ranging between single storey to 11 storeys, with a 14-storey development approved.
- ✔ The proposed building height is less than the discretionary building height under DDO10 (10 storeys). The development has been designed to position the height away from the sensitive interface to the east and toward the commercial interface to Selwyn Street to the west. The development has been designed to comprise a podium and tower-built form, with the northern and southern tower separated and designed to be different from each other. This will help create variation across the breadth of the site and allows views to the sky between the two towers. To facilitate the distinction between the podium, the northern and southern tower, the development incorporates a range of materials and finishes, that complement yet are different enough from to create a cohesive overall development yet each element distinct.
- ✔ The site is located within 300m of multiple public transport modes and will help encourage residents and visitors to the site to use public transport.
- ✔ The proposal is located central to the activity centre and in proximity to various routes on the Principal Bicycle Network and shared paths. The proposal will provide bicycle parking more than the statutory requirements to encourage active transport via cycling. The central location of the development, by nature, encourages walking and cycling by residents and the wider community to and from the site. The

development design responses will help to foster healthy and active living and community well-being.

- ✓ The proposal appropriately responds to Clause 16.01-2L (Housing Affordability) by its provision of 10% affordable housing in an area with convenient access to jobs, services and public transport.
- ✓ The proposal upon the site provides a clear net community benefit as outlined within Clause 71.02-3, addressing the intent of the MAC, economic, environmental and social well-being of the site and its surrounds.

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APPROPRIATENESS OF LAND USES

The proposed development requires a permit for the use of the land for supermarket, shop, food & drink premises, bottle shop and place of assembly purposes. The proposal includes a full line supermarket, with a bottle shop internal to the store, retail kiosk, café and a Place of Assembly available for community or private use. The subject site is a suitable location for the proposed mixed-use development noting the following:

- ✓ The recent VCAT decision confirms the site is a suitable site for the proposed uses, with the use of the land for a supermarket considered a good planning outcome.
- ✓ The site has access to a range of community facilities, transport options and open space.
- ✓ The site is in the Mixed-Use Zone which encourages a range of land uses.
- ✓ The site is located within a major activity centre, is a key large strategic site, and is within a mixed-use area. The Elsternwick Structure Plan recognises the strategic importance of the site and that it would be an appropriate location for a mixed-use development including retail / cultural / residential uses.
- ✓ The site is in an area that is under supplied with retail facilities, as identified in the background documents to the Elsternwick Structure Plan, in particular, those which meet weekly shopping needs. Convenience retail here will support the existing needs of future residents and provide an anchor to balance and activate the Glen Huntly Road retail strip.
- ✓ The proposed uses will activate the ground plane which is currently dominated by blank facades and a vacant building.
- ✓ The proposed mixed-use development is consistent with the State and Local Planning Policies.
- ✓ The use of a shop (including a supermarket) is complementary to the existing uses in the area and will help service community needs.

- ✓ The Place of Assembly will help enhance the cultural significance of the area whilst providing the benefit a facility which can be used by the community.
- ✓ The bottle shop will provide a secondary service and be accessible via the supermarket and Selwyn Street.
- ✓ The basement access has been positioned away from the surrounding residential streets with access via Selwyn Street. It is noted that Selwyn Street is located within the Mixed-Use Zone and is appropriate for direction of retail traffic from the site to Glen Huntly Road.
- ✓ Loading has been separated from car parking and will be located off Sinclair Street with restricted hours.
- ✓ The Structure Plan recognises the site to be used for mixed use purposes.

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BUILT FORM

As part of the consideration of the development, we submit that it is important to consider the proposed development in the context of the strategic direction for this area with it being a reasonable consideration that much of the traditional housing stock will be redeveloped over time and that the site will be developed with a substantial development comprising a range of uses.

- ✓ The proposal seeks to limit amenity impacts to the abutting property interfaces to the east, as well as to the sensitive heritage interfaces to the south. It is anticipated that the low scale dwellings to the east will also experience change over time, owing to their Residential Growth Zoning.
- ✓ The proposed development has been designed having regard to the existing built form context and the architectural merits of the surrounding area. It is considered the building form delivers a premier design response to the area and is of an appropriate architectural scale.
- ✓ The architecture expresses the distinct separation of functions between the retail / Place of Assembly and the residential components above. The different structural language of the residential component expresses the change in function, with vertical and horizontal elements and the various materials and finishes providing visual interest within the façade.
- ✓ The design response has been well considered to ensure a high-quality contribution is made to the site and surrounds.

Particularly, the proposal:

- ✓ Consists of a podium and tower building aligned with a north-south orientation, surrounding by residential properties on one boundary, and is setback from all boundaries above the podium. This provides each apartment with well-proportioned, open living spaces with adjoining open space areas and good daylight access.
- ✓ Provides access to a basement carpark via a new vehicle crossover in the northern end of the site, away from the higher areas for potential vehicle and pedestrian conflict. This ensures the entry ramp does not dominate the streetscape and encourages pedestrian access to the site.

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- ✔ Provides rooftop and boundary planting.
- ✔ Provides a supermarket and retail uses within the area to address the demand for weekly or daily grocery shopping facilities in the area and to encourage activity within the Elsternwick Major Activity Centre.
- ✔ Responds to the emerging and anticipated intensifying character of the broader area, whereby developments greater than 10 storeys are becoming more prevalent with contemporary built form responses.

This report provides a detailed assessment of the proposal against DDO10 is provided in **Appendix A**, and confirms a high level of compliance with the built form controls.

Street Wall

- ✔ The podium of the built form on Selwyn Street has a height and scale that aligns with the predominant built form and is consistent with that supported by the Tribunal.
- ✔ This element features a textured and layered surface to provide a human scale and diversity at the ground level. It is well-articulated along its length which assist in breaking up the frontage along Selwyn Street and provides a varied form to Sinclair Street. This is particularly important given the large size of the site. This variation is further extended through pilaster forms and infill panels of varying width and treatment, adding variety and intrigue to the streetscape.
- ✔ DDO10 states that proposed buildings within Precinct D should 'reduce the visual impact of taller buildings by providing a consistent street wall height with upper floors recessed'. The proposal complies with this direction.
- ✔ The proposed street wall height to Selwyn Street presents at approximately 10 metres and is consistent as it wraps around to Sinclair Street I.



Picture 12 Western Interface Render – Demonstrating consistent rhythm of street wall and podium

Source: 3daii

Setbacks Above Street Wall

- ✔ 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 setbacks above the street wall ensure that the podium along Selwyn Street is visually prominent in the street, and to the east, off-site amenity impacts are reduced.
- ✔ The Northern Tower's northern facade is progressively recessed to visually lessen the perceived height and bulk of the building at street level. This step-back approach creates transition from the taller element to the podium and street, reducing the perception of the building's overall height, resulting in a development integrated with its surroundings.
- ✔ 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.
- ✔ The proposed Southern Tower is distanced from the southern boundary, increasing the gap between the proposed tower and the

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historic buildings along Glen Huntley Road. This increased setback allows the historical architecture to maintain its prominence and ensuring the area's heritage character is respected and preserved. The developments varied form offer opportunities for more complex and diverse facade designs at various levels. The recessed areas incorporate architectural details, terraces, and greenery, all of which help to fragment the building and enhance its visual appeal.

- VCAT most recent presented that Levels 2, 3, 4 & 5 should adopt a 14.2 metre eastern boundary setback with intent to address visual bulk and overlooking. The increased setback to these levels has been addressed to the Southern Tower with exception of Level 2 as outlined at **Appendix A**.



Picture 13 – Sinclair and Selwyn Interface – demonstrating recession above podium to residential interfaces

Source: 3daii

Building Height

- The proposed development has a maximum building height (excluding plant) of 36.81m, and a maximum of 11 storeys (with the podium representing both the ground floor and mezzanine).
- The proposed building height aligns with the preferred building height and the intensification envisaged by State and Local Planning Policies within core areas of Major Activity Centres.
- The building height is deemed suitable for the context of the existing and emerging built form of the area, particularly considering the 4 to 12-storey existing and approved built form in the area.
- DDO10 proposes a discretionary maximum building height of up to 37m (up to 10 storeys). VCAT has previously concluded that the site can reasonably accommodate new built forms of at least the DDO10 discretionary height limit of 37m / 10 storeys, and that buildings of significantly larger size, height, and intensity are anticipated for the site.
- The development includes recessive elements that will contribute to the architectural articulation, provide an appropriate transition to the residential land to the north and east, and help mitigate visual bulk. The height has been positioned toward the western end of the site, near the Selwyn Street commercial, less sensitive interface.
- The northern tower's design and positioning have been carefully considered to minimise visual bulk impact, and these aspects remain unchanged from VCAT's decision. The additional recessed level on the northern tower has essentially replaced a previous plant and equipment area. as such, this area is of a commensurate scale to the previous approval. We note that within the 2022 decision, visual bulk and other matters which may limit height were noted as not being of a concern. Further to this, the varied material for the upper-most level creates variation and appear more light weight when compared to the lower levels.
- Within the 2022 decision, three levels had previously been recommended to be deleted from the southern tower. These are now proposed to be incorporated into the development. The VCAT recommendation was in large part as a result its visual impact to residential properties located to the east of the site. Whilst there has

been an increase in height, we submit that this is deemed appropriate given:

- Up to Level 5, the southern tower form as is per the approved VCAT proposal.
- The additional levels proposed are setback to a greater extent from the eastern interface than the lower levels. Setbacks are nearly 20m in width. This ensures the upper levels appear as a more recessive element when compared to the remainder of the development.
- No sensitive interfaces are overshadowed as a result of the increased height to the south.
- The proposed tower remains below the preferred overall height within the DDO10. Intensification of built form within this strategic site is an expected long-term outcome.
- Since the issuance of the previous VCAT decision, in September 2023, the Victorian Government released Victoria's Housing Statement. It identified that Victoria's population is growing faster than any other state in Australia. There is a perfect storm of high interest rates, record low vacancy rates and escalating building supply costs. Housing affordability is now at crisis point. Victoria's Housing Statement seeks to facilitate the construction of 800,000 homes including 152,000 regional homes in Victoria over the next decade. Inner-urban areas such as Elsternwick are pivotal in providing housing close to where people work, and employment near where people live.

Victoria's Housing Statement emphasises the need for diverse, affordable, and well-located housing. Elsternwick, with its unique blend of spaces and prime location, is ideally positioned to contribute to these goals.

Accordingly, particularly given the provision of affordable housing, we submit that on balance, given this strategic direction, and the provision of wider setbacks than what had previously been proposed the additional height is acceptable.



Picture 14 Southern site perspective – demonstrating visibility from Glen Huntly Road

Source: 3daii

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Picture 15 Eastern site perspective - demonstrating visibility from May Street an St Georges Road

Source: 3daii

Materials and Design

✓ The materiality of the podium is inspired by the architectural style prevalent in the neighbourhood. The broader context showcases a wide use of polychrome and other types of face brickwork. This brickwork spans various periods, from the style of the existing Fire Station to that of Ripponlea. There are also numerous reinterpretations of brickwork from the 1930s to the present day. The podium's materiality reflects this local architectural style through a modern reinterpretation of polychrome face brickwork and uses the textural properties of brickwork to lend a human scale to the podium. The supermarket entrance is designed as a bluestone-clad element with deep splayed reveals. This continues the use of masonry elements throughout the podium, but the use of bluestone offers a contrasting materiality that aligns with the aim of creating a diverse campus of buildings.

- ✓ The north tower's architectural style is characterized by a straightforward, clean-lined geometry that shapes and scales the building volume through a double-scaled expressed grid.
- ✓ The material palette, which includes concrete, brick masonry, metal, glass, and living greenery, is consistent with the other built elements of the overall precinct. These materials are used in varying proportions with unique façade articulation – large glass expanses, outlined by finely finished concrete frames. Delicate metal palisades and integrated planter boxes add detail and visual appeal, providing a sense of lightness and openness. A single brick monolith contrasts the façade design's delicacy and lightness and converses with the geometric expression of the south tower.
- ✓ The South Tower shares the same materiality of concrete and living green, but its design leans towards a more curvilinear expression, and one that is more solid and textural due to a series of layered planter boxes and vertical textured elements. This design approach is motivated by the aim to create a campus of buildings with diverse expressions, and to prevent a design monoculture on the site. This strategy mirrors the way suburban neighbourhoods evolve through incremental additions to built form, rather than large, singular expressions over one extensive site. This ensures the two towers appear quite visually distinct from each other.
- ✓ In response to the former Elsternwick Fire Station within the south of the site the podium design has been adapted to feature a neutral palette of concrete, subdued glazing, and planted greenery to avoid visually clashing with the fire station's brick palette in the foreground. This approach ensures the silhouette and presence of the fire station remains as a standout, independent element at the site's corner.

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SIGNAGE – CLAUSE 52.05 ASSESSMENT

Area Character

- ✓ The proposed site is situated within the Elsternwick Major Activity Centre, a mixed-use zone. The proposed signage complements the mixed-use character of the area and the anticipated retail use of the site, 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 in the area.
- ✓ The proposed signage types are deemed suitable for the mixed-use nature and major activity centre character of the area. The signs are designed to respect the area's culture and are customised for the site. 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.

Impact on Views and Vistas

- ✓ 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

- ✓ 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 culture and heritage of the fire station and area.
- ✓ 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

- ✓ The signs' size, position, and style are designed to integrate with the building's architecture and 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

- ✓ 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

- ✓ 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

- ✓ 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.

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INTERNAL AMENITY

The quality of the internal spaces has been assessed using Clause 58 and achieves a high level of compliance with these standards and objectives. The proposal provides a high-quality residential apartment product which sets out to achieve a level of internal amenity which satisfies the Better Apartment Design Standards (BADs).

The proposal includes large communal open space areas, including on Level 1 which provides exceptional outlook for a number of apartments, whilst the remainder face out onto street frontages.

This is demonstrated in the summary below, and confirmed within the Clause 58 Assessment contained at **Appendix C**.

In summary, future occupants will enjoy an acceptable level of internal amenity for the following reasons:

- ✔ The 148 dwellings are suitably proportioned apartments, with a range of apartment types suitable to varied residential requirements between one- and three-bedroom typologies. (Standard D3)
- ✔ The pedestrian entrance to the building is situated off Selwyn Street, on the development's west side. The entrance will have a secure door and automated lighting for safety, along with a spacious lobby area, creating a strong sense of arrival. (Standard D9)
- ✔ Lift and stair access are available from the basement parking areas. (Standard D9)
- ✔ Each dwelling's design ensures optimal solar/daylight access and cross-ventilation, where feasible. (Standard D6 & D29)
- ✔ All dwellings are equipped with open space areas that meet Clause 58's objectives and requirements and will receive adequate daylight throughout the day. (Standard D2)
- ✔ The layout of each dwelling has been meticulously designed to prevent unreasonable overlooking within the site. (Standard D7)

- ✔ The building's lift cores connect the basement with all floors, ensuring all dwellings are accessible to mobility-assisted individuals. (Standard D18)
- ✔ Each dwelling will be allocated car parking in accordance with statutory requirements. (Standard D11 & 12)
- ✔ Each dwelling is equipped with generous storage facilities. (Standard D21)
- ✔ The design approach will enhance passive surveillance of Selwyn Street, Sinclair Street, and the southern laneway. (Standard D5)

In summary, the proposed development offers a built form that ensures a high level of internal comfort for future residents.

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EXTERNAL AMENITY

The proposed development offers a high level of external amenity through the following considerations:

Setbacks

The proposal effectively meets the discretionary requirements outlined for setbacks within DDO10, as detailed below:

- ✓ The proposal ensures a uniform street wall height with upper levels set back. This setback of the upper levels not only maintains a consistent street wall height but also distinctly separates the retail and residential land uses.
- ✓ The development will continue to support the operation of designated active and service laneways, and where suitable, new laneways and pedestrian connections between buildings within the area.
- ✓ The northern and southern towers maintain a minimum distance of 7.03m at their nearest point and a maximum distance of 14.88m. The maximum distance is positioned towards the sensitive land uses to the east of the site to help minimise the visual impact of the built form, bulk and massing.
- ✓ The neighbouring dwellings will continue to receive an adequate amount of sunlight in their secluded private open space areas.
- ✓ VCAT under close scrutiny of the former design noted that sensitive interfaces are located primarily to the eastern frontage of the site. Setbacks to this interface have been vastly improved upon from the initial design to reduce areas of conflict and address previous determination.

Overshadowing

The sensitive areas for consideration are the secluded private open spaces (SPOS) of No. 16 Sinclair Street, and Nos. 1 and 3 May Street to the east. We note there are also solar panels located to the rear of 16 Sinclair Street. VCAT had decreed that the former design did not result in any overshadowing concerns to neighbouring sites, the current design closely reflects formerly approved overshadowing levels.

- ✓ The enclosed shadow diagrams illustrate the additional overshadowing on the SPOS zones and rear solar panels of No. 16 Sinclair Street from 2pm to 3pm during the equinox. Despite this, No. 16 Sinclair Street will still enjoy a minimum of 5 hours of sunlight in the SPOS zone that is not subject to additional overshadowing.
- ✓ The enclosed shadow diagrams also show the additional overshadowing on the SPOS zone of No. 1 May Street between 1pm and 3pm during the equinox. However, No. 1 May Street will still receive a minimum of 5 hours of sunlight in a SPOS zone of at least 40m², with a minimum width of 3 metres.
- ✓ The enclosed shadow diagrams further reveal additional overshadowing on the SPOS zones of No. 3 May Street. Currently, the SPOS for No. 3 May Street is limited in size and is situated in the north-east corner of the dwelling and along the dwelling's western boundary. The SPOS located to the north-east of the dwelling is approximately 36m² in area. The enclosed shadow diagrams show that the SPOS to the north-east of the dwelling will receive sunlight between 9am to 2pm (minimum 5 hours) during the equinox. Of further note, the proposed scheme will result in an additional overshadowing of only 2m² at 2pm to that of the endorsed scheme for the site.
- ✓ The enclosed shadow diagrams also indicate additional overshadowing on the SPOS (excluding the tennis court) zone of Glenmoore at 3pm during the equinox, with the SPOS still receiving a minimum of 5 hours of sunlight in an area of at least 40m², with a minimum width of 3 metres.
- ✓ All other existing SPOS zones remain unaffected. The proposal complies with the stipulations of Clause 55.04-5.
- ✓ The proposal will not result in unreasonable overshadowing of the existing PV panels located on the roofs of 1 May Street and 16 Sinclair Street beyond that of the formerly approved scheme.

Overlooking

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 conflict 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.

Noise

The proposal has been assessed by Marshall Day Acoustics, and adheres to relevant Victorian EPA legislation, guidelines, and accepted industry practices.

- ✔ The evaluation 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. The results demonstrate that the proposed development can comply with the relevant legislation, provided the recommended noise controls are successfully implemented.
- ✔ 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.

- ✔ VCAT has demonstrated that being within a higher order activity centre, the addition of retail and further traffic generation can be comfortably increased within the immediate surrounds.

The preliminary assessment concludes that all noise impacts associated with the proposed development can be effectively mitigated, ensuring a harmonious integration of the development into the existing environment. This is a positive step towards the successful realisation of this mixed-use development project.

Equitable Development

The proposed has been thoughtfully designed to ensure equitable development opportunities for neighbouring sites, in the following manner:

- ✔ The site has street interfaces to its north and west;
- ✔ To the south, the tower provides setbacks of 10m above the street wall;
- ✔ The proposed development provides a minimum setback of 3.6m to the east to which the site is directly adjoined to residential interfaces. Above the podium to the eastern interface, the northern and southern tower progressively increase to a setback distance to 13.95 metres and 19.45 metres respectively.
- ✔ Should a permit be approved to the current design, there is no indication that the design of the site would limit development opportunities to the east, should a higher scale structure be proposed.

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WIND IMPACTS

ViPac Engineers and Scientists Ltd (ViPac) have undertaken a Wind Impact Assessment of the proposal. ViPac utilised the wind comfort criteria within Clause 58.04-4 and Standard D32 in their assessment.

Their wind assessment concluded 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.*

Please refer to the Wind Impact Assessment prepared by ViPac for details.

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HERITAGE IMPACTS

The current ABC building, as identified by the Council, does not contribute significantly to the area's heritage. In the site's vicinity, buildings are either non-contributory or contributory. The former fire station and the eastern portion of the land at No. 1 May Street have been identified as significant, excluding the tennis court.

The proposed development is considered suitable for the site and area, considering the following factors:

- ✔ 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. The demolition of the non-contributory ABC buildings is deemed appropriate.
- ✔ The proposal offers a suitable transition to the contributory heritage dwellings, with 16 - 20 Sinclair Street being the only contributory sites immediately adjoining the subject site. The existing interface to these dwellings is robust. The proposal provides a lower built form to the eastern elevation to create a transitional relationship to the nearby dwellings. The development is setback a minimum of 3.59m at level 01, which increases to a minimum of 10.18m at level 03 and 16.88m at level 06 from No. 16 Sinclair Street.
- ✔ The surrounding streetscapes exhibit mixed character in terms of built form characteristics. The proposal represents an acceptable outcome in a part of Elsternwick that already features contrasts of both character and scale, and that is in a phase of further transition and intensification.
- ✔ The southern tower has been designed to enhance and respect the former fire station. The southern tower provides a modern familiarity but does not seek to mimic the fire station. It is considered that the southern tower will act as an appropriate backdrop which will not overwhelm the fire station.
- ✔ The towers have been designed to respect and respond to the character of the area, with the incorporation of brick into the façade treatment.

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- ✔ The development has been designed to appropriately respond to Glenmoore through the provision of substantial setbacks and will not detrimentally impact the heritage significance of the place.
- ✔ The site is located within a mixed-use area central to the activity centre and is identified as a key strategic site in an area which is going to need to locate employment offerings and dwellings which can be easily accessible by the community in an appropriate location. The subject site meets these requirements and provides for intensification in line with what has been anticipated under the state and local planning policy.
- ✔ The abutting residential area is in the Residential Growth Zone which contemplates more intense development and is recognition that the precinct immediately behind Glen Huntly Road has a role in transitioning to the lower scale heritage character neighbourhood to the north.
- ✔ VCAT has formerly determined that the demolition of the ABC site and the construction proposed on the site, which remains vastly similar in its current proposed format, will not be of adverse impact to surrounding heritage as below:
 - The site provides a respectful response to the Former Elsternwick Fire Station and provides a contextual juxtaposition of materiality and form.
 - The proposal being of a lower scale in its current form does not overwhelm the surrounding precinct.
 - In context to heritage dwellings at Glenmoore and on Sinclair Street, the development does not adversely impact their individual significance.
- ✔ The development has been designed so that it will not adversely affect the significance of heritage places. This is achieved through the structural language of the building, its positioning and the materials used.

In conclusion, the development is considered suitable for this location, taking into consideration the environs in their totality as well as the role and function of strategic sites within major activity centres.

LANDSCAPING

The design of this urban development is guided by biophilic principles, aiming to enhance the health and well-being of residents and the local community by providing both direct and indirect access to nature.

- ✔ The design includes tangible experiences of nature through physical contact with natural features and changes in sun patterns and seasons. It also incorporates indirect experiences of nature through materials and geometries that imitate organic forms.
- ✔ The design also focuses on creating spaces that enhance social cohesion and personal comfort and safety. This is achieved through the organisation and layout of communal spaces that balance social connection and cultural attachment with the need for refuge and safety.
- ✔ The development features several podium gardens that serve as green refuges from the urban environment. The level 1 podium is the most significant landscaping area, designed to soften the building edge and create communal spaces for residents to enjoy green spaces and areas of reflection. 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 communal rest areas.
- ✔ 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.
- ✔ 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.
- ✔ The planting schedule to the development has applied due consideration to various Glen Eira City Council documentation within species selection:
 - Glen Eira City Council "Indigenous Plants of Glen Eira"

- Glen Eira City Council "Street Tree Planting Preferred Species Palette"
- Glen Eira City Council "Waterwise Plants"

Refer to the Landscape Plan, prepared by Urbis Ltd for further details.

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Access, Loading and Car Parking

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).

A Transport Impact Assessment, including a car parking demand assessment, has been undertaken by Eukai and concludes that:

- *The proposed development generates a minimum statutory car parking requirement of 402 car spaces. In this instance a permit is being sought to reduce the residential statutory car parking requirement.*
- *A car parking demand assessment for the residential land use indicates a car parking demand in the order of 151 spaces. The proposed resident car parking provision of 157 spaces exceeds the expected demand and is therefore considered appropriate.*
- *The proposed car parking and vehicle access layout is generally consistent with the dimensional requirements as set out in the Glen Eira Planning Scheme, and where appropriate the relevant Australian Standard.*
- *The proposed development provides 127 bicycle parking spaces on-site. The provision for bicycle facilities exceeds the requirements of Clause 52.34 of the Glen Eira Planning Scheme. The bicycle parking layout is considered satisfactory.*
- *The provision of suitably sized loading areas have 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. The loading activity to/from the site is also proposed to be managed by a Loading Dock Management Plan which will specify hours of operation of the dock and required travel routes for loading vehicles.*

- *The revised development is expected to generate similar peak hour and daily vehicle movements as the approved development.*
- *The traffic impacts of the proposed development are considered acceptable from both a peak hour intersection operation and daily traffic volume threshold perspective, with the provision of the traffic signals at Glen Huntly Road / Selwyn Street intersection.*

Bicycle facilities

Clause 52.34 provides requirements for bicycle facilities. Under Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

It is proposed to provide a total of 127 bicycle parking spaces as part of the development, including 8 visitor bicycle parking spaces on along the Selwyn Street frontage and 4 visitor bicycle spaces within the Sinclair footpath.

Additionally, 2 showers and 15 lockers are provided

The proposal has a statutory bicycle space requirement of 58 spaces and 1 shower, therefore the proposal exceeds the minimum requirement of Clause 52.34.

The bicycle facilities are suitably located proximate the entry to the building and accessible via the basement either via the ramps or the lifts.

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ENVIRONMENTALLY SUSTAINABLE DESIGN

Sustainable Design Response

Pace Development Group is committed to delivering a development that demonstrates strong Environmentally Sustainable Design (ESD) credentials and responds positively to relevant State and Local Policies.

Sustainable Design Consultants (SDC) has prepared a Sustainability Management Plan in support of the planning permit application. SDC has utilised the Built Environment Sustainability Scorecard (BESS) tool to benchmark the environmental performance of the development. The BESS Report demonstrates that the proposal achieves 'best practice' with a BESS Score of 61%.

Key initiatives incorporated into the project 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.

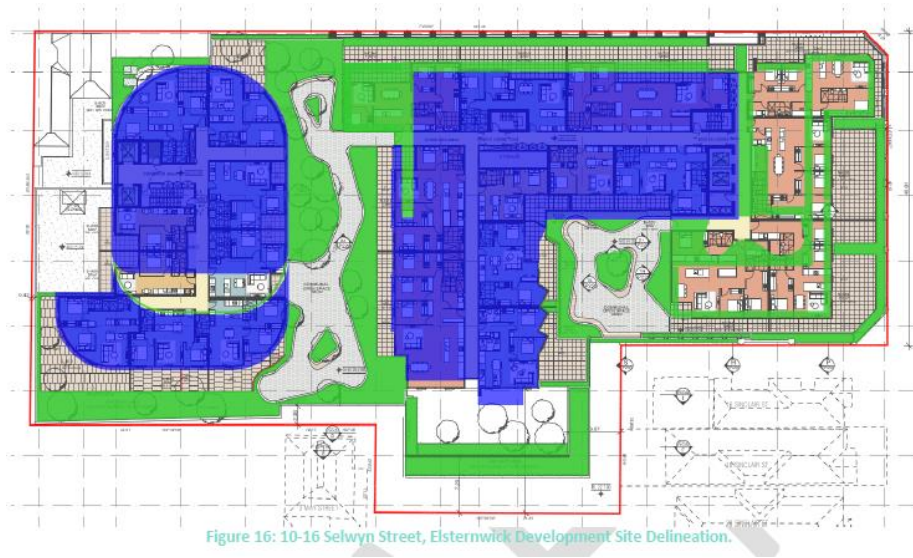
Refer to the Sustainability Management Plan, prepared by SDC for further details.

Stormwater Management

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 provide cooling, local habitat and amenity benefits.

Appendix 3 to the Sustainability Management Plan includes a Water Sensitive Urban Design Response plan and a MUSIC assessment that addresses the requirements of Standard W2.

Figure 1 Mark-up of water catchment and impervious areas



Source: Sustainability Management Plan, Sustainable Design Consultants

The Site Management requirements of Standard W3 can be satisfied via the submission of a Construction Management Plan. It is submitted that it is more practical to require a Construction Management Plan as a condition of approval, rather than as part of the application proper.

WASTE MANAGEMENT

Leigh Design has prepared a Waste Management Plan that outlines the strategy proposed for the proposal. In summary, the report proposes the following waste collection:

- Apartment receptacles for garbage, recycling, glass, and organics
- Tenancy receptacles at internal areas.
- Two Garbage Chutes and two Recycling Chutes (in pairs), each with residential level intakes and Bin Store discharge.
- Two Residential Bin Stores (one located at Basement Level 3 and another one located at Basement Level 3).
- BWS Bin Store located within the tenement.
- Retail Waste Area located within the shared Loading Bay.
- Supermarket Waste Area within the Supermarket Loading Bay.
- Collection bins (kept within the waste storage areas)
- Private collection to be undertaken from within the development.
- Collection to be undertaken up to 3 times per week.
- For further information, please refer to the Waste Management Plan prepared by Leigh Design

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LICENSED PREMISES

Clause 52.27 deals specifically with Licenced Premises. The purpose of this Clause is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Pursuant to Clause 52.27, a planning permit is required to use land to sell or consume liquor as a packaged liquor licence is sought under the *Liquor Control Reform Act 1998*.

The decision guidelines require the Responsible Authority to consider:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Having regard to the decision guidelines contained within Clause 52.27 (Licensed Premises), as well as the broader Planning Policy Framework and nature of surrounding land uses, the proposal is an appropriate outcome for the site as outlined below:

- The outlet will not be licensed for the consumption of liquor on site (other than perhaps for special tastings – standard drinks will not be served). Therefore, the likelihood of anti-social behaviour within the areas immediately adjacent to the site is negligible.

- The characteristics of the licensed premises (floor area, location) indicate that it is a standard packaged liquor outlet associated with the new supermarket and generally caters for customers purchasing liquor as part of their convenience shopping trip.
- The licensed premises will be separated from nearby residences by built form and has been located away from sensitive interfaces as it is fronting Selwyn Street within the proposed development.
- The site is located within an existing mixed use activity centre.
- The proposed hours of operation are in line with the previous approval, being 9am to 10pm, Monday to Sunday. These are typical commercial hours, not being early or late which ensures the impact to the surrounding area is minimised. Further, the separation of the licensed premises from more sensitive areas further reduces any potential adverse impacts. These hours of operation are in-line with the previous planning permit.
- Any loading of goods will form part of the overall supermarket loading area and as such have no additional impact on the surrounding area.

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ELSTERNWICK STRUCTURE PLAN

The Design and Development Overlay – Schedule 10 includes the *Elsternwick Structure Plan, 2018-2031 (February 2018)* as a reference document.

It is noted that in their decision, in terms of height and the discrepancies between DDO10 and the Structure Plan, the Tribunal found DDO10 to carry more weight, with the Structure Plan simply a referral document.

Similarly, as the Elsternwick Structure Plan 2023 has not been through a comprehensive planning scheme amendment process and is therefore not considered to be seriously entertained and carries even less weight.

EASEMENTS

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.

Interest of Affected People

Easements E1 and E2 are located centrally to the site and only benefit the other lots that form part of the site (being to the north and south of the easement). None of the other adjoining sites which are not part of the subject site benefit from the easements.

Once the proposed development has been constructed, and easement will become redundant.

It is therefore considered orderly planning to remove the redundant easements.

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PERMIT CONDITIONS

We have undertaken a review of the conditions of Planning Permit GE DP-314187/2021 to determine their suitability for any planning permit issued as part of this application.

We submit the following changes to the previous permit conditions are suitable:

Early Works and Site Preparation

Any new permit should adopt the Department of Transport and Planning's standard conditions (where relevant) to allow early works prior to submission of documents for endorsement/approval. We understand the following is DTP's current standard wording:

Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land,...

We submit this condition will be relevant for most endorsement related conditions, apart from:

- Demolition Plan
- Demolition Management Plan
- Construction Management Plan
- Tree Protection Management Plan

Amended Plans

We submit the required changes under Condition 1 are no longer relevant to this application and should not be utilised.

Communal Area Management Plan

We submit the requirement to provide a communal area management plan, in accordance with Conditions 4 and 5 is highly unusual. The use of the communal areas will be subject to body corporate requirements and should not be bound by the permit.

If the requirement to prepare Communal Area Management Plan is retained, we respectfully request that it be required prior to occupation of the development, rather than prior to commencement.

Construction Management Plan

We submit the requirement of Condition 15(b) to exclude Sinclair Street from being utilised for trucks haulage is extremely impractical to facilitate the construction of the development and difficult to manage.

Additionally, subsequent to the issuance of the previous Permit, Council have agreed to allow truck haulage routes on Sinclair Street as of 20 August 2024. We respectfully request this requirement not be included in any permit issued as part of this application.

Maintenance of substation

The substation has been relocated so that no longer a potential conflict between the supermarket loading dock and access to the substation. It is therefore submitted Condition 21(k) is no longer relevant.

Public Realm Management

Condition 36 refers to a Public Realm Management Plan. Any future condition to this effect should include a plan which predetermines the area for consideration which has been agreed on by the permit applicant.

May Street

It has already been confirmed that May Street (forming part of Lot 1 of TP896250M) is not a road, therefore the requirements of Condition 38 are no longer relevant.

Additionally, this application proposes to remove Easements E-1 and E-2 from TP972071P as they are no longer required.

Functional Layout Plan

It is submitted that it is not necessary to have the functional layout plan required by Condition 42 approved prior to commencement of the development. We respectfully request this condition require execution prior to occupation of the development.

Car Parking and Bicycle parking Allocation

The proposal includes a detailed allocation of the car parking and bicycle parking provision. It is respectfully requested Conditions 54 and 55 not be included in any permit issued as part of this application as this is an onerous requirement at this early stage of the development.

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7. CONCLUSION

Having regard to the architectural design proposed, the development's response to the Elsternwick Major Activity Centre and the sites key strategic position, the mixed-use character of the area and the key planning controls, it is considered that the proposal provides a positive response to the immediate site and surrounding area, noting the below:

- ✓ The site is a large key strategic within the Elsternwick Major Activity Centre and is in within the core of the activity centre area.
- ✓ The proposal responds to the current housing crisis by providing 148 apartments, of which 10% will be designated for affordable housing. This is an increase of 13 apartments compared to the scheme of the current planning permit.
- ✓ The site is identified as a significant development site with an ability to comprise more intense, higher built form, with strong state and local planning support form more substantial built form onsite.
- ✓ The development has a maximum building height of 36.81m and is less than the discretionary preferred maximum building height of 37m of DDO10.
- ✓ Re-purposes and reinvigorates the currently vacant former fire station.
- ✓ The proposal aligns with the key objectives of State and Local planning policy through the delivery of a high-quality mixed-use development within the Elsternwick Major Activity Centre area.
- ✓ The proposal positively manages its interfaces with Selwyn Street, Sinclair Street and the laneway.
- ✓ The proposal has been designed to sensitively and mitigate its interface with the land east of the site.
- ✓ Provides a well-designed and articulated façade to all interfaces.
- ✓ Will address the community demand and need for a full-line supermarket within the area as well as the residential needs and will

help enhance the cultural precinct through the provision of the place of assembly.

- ✓ The proposal delivers high levels of amenity for future residents through apartment layout, communal open space and private open space.
- ✓ Mitigates potential conflict between foot-traffic and vehicles.
- ✓ Provides appropriate vehicular access, movement and provision of car parking and bicycle facilities.
- ✓ The proposal is consistent with the statutory and strategic frameworks of the Glen Eira Planning Scheme.



8. DISCLAIMER

This report is dated 20 September 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, Pace Development Group (**Instructing Party**) for the purpose of Development Facilitation Program Planning Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject

to the limitations above.

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APPENDIX A DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 10

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8.1.1. Building Height

The table below demonstrates compliance with the preferred building height and outlines the preferred building height for strategic site 5b and the proposed building height with and without plant.

Table 4 – Building height

DDO10 PREFERRED BUILDING HEIGHT	PROPOSED BUILDING HEIGHT (WITHOUT PLANT)	PROPOSED BUILDING HEIGHT (WITH PLANT)
37m, 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 – 36.12m with 10 storeys Southern tower – 33.6m with 9 storeys	Northern tower – 36.81m Southern tower – 36.81m

8.1.2. Setbacks

The table below demonstrates the consistency between and increases in setbacks from the previous application to the current proposal.

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.

The proposal appropriately addresses the discretionary requirements identified for setbacks, noting the below:

- The proposal provides a consistent street wall height with upper levels recessed. The recessing of the upper levels, in addition to ensuring a consistent street wall height, also provides clear delineation between the retail and residential land uses.
- The development will not prejudice the delivery of future public space in allocated spaces.
- The development will still enable the function of designated active and service laneways and for new laneways and pedestrian connections between buildings within the area where appropriate.
- The northern and southern tower have a minimum separation of 7.03m at their closest point and a maximum separation of 15m. The northern and southern tower have a minimum separation of 7.03m at their closest point and a maximum separation of 14.88m. The maximum separation is located toward the sensitive land uses to the east of the site to help reduce the appearance of the built form, visual bulk and massing.
- The adjoining dwellings will still receive an appropriate level of sunlight to their secluded private open space areas.

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Table 5 – Building setbacks

DDO10 BUILDING SETBACK	PREFERRED SETBACK	DISCRETIONARY REQUIRED SETBACK	PREVIOUS APPLICATION	MINIMUM BUILDING SETBACK (CURRENT APPLICATION)	PROPOSED SETBACK
Street setback					
0m to a height of 3 storeys (13m including parapet / balustrade)		0m	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		5m	Selwyn Street – 4m (level 01 upwards) Sinclair Street – Part 1.5m and part 4.7m (level 01). Minimum setback of 7m level 02 upwards. Southern lane – 1.8m (level 01 to level 06). Minimum 6.9m (level 07 to level 09).	Selwyn Street – 4m (level 01 upwards) Sinclair Street – Part 1.62m and part 4m (level 01). Minimum setback of 9.68m level 02 upwards. Southern lane – 10.11m (level 01 to level 06 to level 09)	
Side and rear setbacks (where a site abuts a sensitive interface) (eastern boundary)					
6m setback to a height of two storeys (9m)		6m	0m	0m (16 Sinclair Street) 2.38m (3 May Street) 7.25m (1 May Street)	
A further 5m at the third storey		11m	Northern tower – Part 3.5m and part 7.3m Southern tower – 7.5m	Northern tower – Part 10.18m and part 13.95m Southern tower – 14.26m	
A further 3m at fourth storey		14m	Northern tower – Part 10m and part 13m	Northern tower – Part 10.17m and part 13.95m	

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		Southern tower – 7m	Southern tower – 14.25m
All subsequent levels set back 20m from the property boundary	20m	Northern tower – Part 10m and part 13m	Northern tower – Part 13.95m and part 16.75m
		Southern tower – 7m to level 06. 14m from level 07 upwards.	Southern tower – 19.54m

8.1.3. Building Design

The proposal satisfies the building design discretionary requirements, noting the following:

- **Building Design – All Areas**

- The proposal incorporates high quality materials including textured concrete, metal finishes including charcoal and copper look, bluestone, brick, concrete, black steel picket balustrade and greenery. These materials respect the existing characteristics, heritage and otherwise, of the area and will provide a development which is responsive to the character of the area.
- The development addresses front, side and oblique views, with an appropriate treatment provided to the various viewpoints.
- The proposal provides wide entries to the various uses, which have been clearly delineated, legible and welcoming.
- Services are located within the basement or integrated into the building design as appropriate.
- The proposal does not impact on existing or prevent future open space, does not overshadow the southern footpath of Glen Huntly Road, and still affords appropriate daylight to the surrounding residential land as demonstrated on the shadow diagrams in the enclosed Fender Katsalidis plans.

- **Building Design – Precinct 3-6**

- The development has been designed to comprise a podium and tower form. The podium is designed to be of a human scale and has an active street level experience.
- The towers are recessed behind the podium to provide separation, delineate between the change in the retail and residential land uses use and to enhance the human scale of the podium. The recessive elements will help to reduce the appearance of the built form, visual bulk and the potential for any overlooking.
- The podium has been designed to activate Selwyn Street through the various uses proposed, with multiple pedestrian entry points provided to Selwyn Street and the corner of Selwyn / Sinclair Streets. The variety of materials and finishes proposed, along with the architectural features which will create visual interest within the façade. Weather protection mechanisms, such as canopies have been incorporated as appropriate.
- The proposal does not front a plaza or pedestrian laneway. Irrespective of this, the proposal activates Selwyn Street through the various uses proposed and the various site entries.
- The proposal has been designed to consolidate the upper setbacks, to prevent a tiered form.

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- The development pattern of the street varies, with the site located in a mixed-use area. The proposal incorporates vertical and horizontal components throughout its design to help reduce the appearance of the built form and to create visual interest.
- The site is located within a mixed-use area that has a variety of built form typologies. The development has been designed to respect the existing and preferred future built form within the area and incorporates brick in response to the inclusion of brick throughout the area.
- The site abuts residential land 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.
- The development incorporates a Place of Assembly which will be operated by JCAP and includes a library / museum. 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.
- The proposal provides for employment, residential and community use opportunities.

8.1.4. Outlook, Overlooking and Passive Surveillance

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. As previously discussed, the proposal has an active frontage to Selwyn Street and will encourage interaction along Selwyn Street.

8.1.5. Access and Parking – Commercial / Mixed Use

The proposal satisfies the requirements for access and parking, noting the following:

- The parking is located in a basement, with only one access point provided. The vehicle access is located toward the northern end of the site, away from the conflict point with pedestrians accessing the site from Glen Huntly Road. This design allows for pedestrian access to the site to be maximised with minimal conflict and reduces the physical appearance of the vehicle access when viewed from Glen Huntly Road. The vehicle access has been designed to integrate with the development with the proposed architectural features, materials and finishes consistent with the podium. The visual appearance of the vehicle access is minimal.
- The car parking is provided via a basement, with Selwyn Street activated through the various podium uses and residential lobbies.
- The basement access has been located away from the residential streets and within the existing commercial Selwyn Street. This will help minimise the extent of traffic accessing the site from the neighbouring residential streets and to minimise the impacts to the neighbouring residential land. The enclosed Transport Impact Assessment identifies that it is anticipated that majority of the traffic will come from Glen Huntly Road. By locating the vehicle access where it is, traffic will be encouraged to access the site via Glen Huntly Road and reduce the number of vehicles travelling along 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.
- 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 with an increased provision included to address the Elsternwick Cultural Precinct plan.
- The residential entries are separate to the supermarket, kiosk and place of assembly entries, as well as vehicle accessways, service areas and loading bays.

8.1.6. Site Consolidation

The site is a large strategic site 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 consolidated.

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APPENDIX B PLANNING FRAMEWORK

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ELSTERNWICK STRUCTURE PLAN

The Elsternwick Structure Plan was adopted by Council in February 2018 and sets out the 2018-2031 vision for the Elsternwick area, with Elsternwick identified as a Major Activity Centre.

The vision for the Structure Plan is:

Elsternwick will be a safe, accessible and liveable centre that embraces its historic character and strong cultural and village feel.

The centre will be a destination for its longstanding cultural and entertainment offerings, business and employment opportunities, and a range of quality local retail outlets and community spaces.

The Structure Plan contains four key objectives which include:

- ✔ Place-making
- ✔ Housing
- ✔ Economy
- ✔ Transport

The Structure Plan identifies the site as being located within the entertainment and cultural precinct.

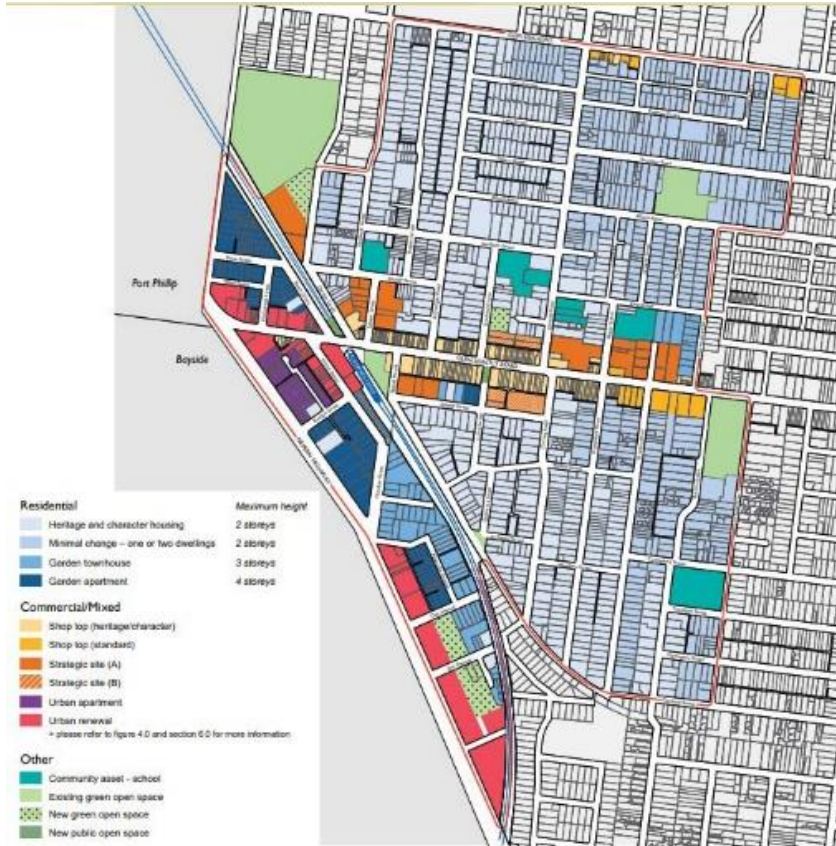
The subject site is identified as Strategic Site A, with the preferred building type identified as comprising a 3-storey podium with a tower(s) above. The preferred building height is identified as being between 6-8 storeys.



Picture 16 Structure Plan land use precincts

Source: Elsternwick Structure Plan

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Picture 17 Structure Plan Buildings: Transitions

Source: Elsternwick Structure Plan



Picture 18 Structure Plan buildings: Preferred setback and height of commercial areas

Source: Elsternwick Structure Plan

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QUALITY DESIGN GUIDELINES

The quality design guidelines were adopted by Council in February 2018 and seek to support quality building design outcomes across the municipality. The quality design guidelines apply to the municipality in its entirety and relate to residential and commercial areas.

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The guidelines contain commentary on quality design principles, building types, responding to site interfaces and general design details. To be able to apply the quality design guidelines the preferred building type must be identified. The quality design guidelines do not contain any guidance on what the preferred building type is for buildings within the municipality and are contrary to DDO10.

GLEN EIRA – PLANNING FOR THE FUTURE: ACTIVITY CENTRE, HOUSING AND LOCAL ECONOMY STRATEGY, JULY 2017

This strategy was adopted by Council in July 2017 and aims to set a new 15-year city vision for the future of Glen Eira. The strategy recognises that Glen Eira is undergoing a time of transition and identifies activity centres as ‘... areas that range in size but usually include both the commercial heart and nearby surrounding residential areas. They provide a focus for housing, commercial, retail, community, employment, transport, leisure, open space, entertainment and are places where people shop, work, meet, relax and live.’

The strategy also recognises that ‘To help build strong local communities, it is important that local household growth is matched by local job growth. Our activity centres are ideal locations to provide for growth in household and job numbers and are therefore considered to be areas for managed change.’

The strategy contains three themes, being: place-making; local economy; and housing, and contains objectives and key actions for the themes.

The subject site is identified as being within a major activity centre with urban renewal opportunities and as having a major employment and residential focus. The strategy identifies offices to be a major focus for employment intensity within major activity centres such as Elsternwick, as well as retail on strategic sites particularly major activity centres around train stations. The Strategy identifies as apartment – mixed use taller buildings with a mix of residential, office and commercial uses as a moderate focus for scale and density for strategic sites within major activity centres.

The strategy sets out the below policy directions for the Elsternwick Major Activity Centre.

Function

- ✔ Centres that provide access to a wide range of goods, services and activities, including commercial, retail, entertainment and community facilities.
- ✔ Includes urban renewal sites in strategic locations that provide opportunity to take advantage of underutilised land close to jobs, services and public transport, infrastructure, to provide new housing, jobs and services.

Employment

- ✔ Major focus for employment growth opportunities, particularly professional employment, retail and hospitality to a lesser degree.
- ✔ 1:1 new jobs to housing ratio.

Economy / retail

- ✔ Retail should provide for the weekly needs of an approximate 800m to two-kilometre residential catchment. Typically, this may include: A minimum of (or demonstrated capacity to accommodate) approximately two supermarkets or similar fresh food market;
- ✔ Business services;
- ✔ Specialty retailing;
- ✔ Hospitality; and
- ✔ Entertainment.

Housing

- ✔ Major focus for housing growth opportunities.
- ✔ Major focus on new family, single, aged care and affordable housing.

Transport

- ✔ Centre should be well serviced by public transport, particularly fixed transport.

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- ✔ Opportunity to create new street networks to ensure a high level of walkability and accessibility.
- ✔ Due to broader catchment, driving to the centre is required, however aim for majority of visits by public transport, foot or bike.

Open space

- ✔ Major focus for implementation of new open space preferably with walking and bicycle linkages.

Liveability

- ✔ Typically, centres should provide services for the wider community, including a range of the following: A library;
- ✔ A community hub;
- ✔ An entertainment complex;
- ✔ Maternal child health care services;
- ✔ Child care;
- ✔ A senior citizen centre;
- ✔ Medical centres; and
- ✔ A chemist.

This document is not incorporated in the Glen Eira Planning Scheme and acts as a high-level guiding document only.

CITY OF GLEN EIRA HERITAGE MANAGEMENT PLAN 1996

The Heritage Management Plan (HMP) was originally undertaken in 1996, with an addendum in 2017, with the aim of identifying, evaluating and documenting the built heritage of the City of Glen Eira; to place the heritage in the context of the history of Melbourne; to assess the heritage importance as a community resource; and to develop a comprehensive program for the conservation of the Study Area's heritage and its integration into the general planning framework.

The HMP identifies the site as being located within the Elsternwick historic area. Only the fire station is identified as a contributory building, with the remainder of the existing built form being non-contributory.

The Elsternwick proposed Urban Conservation Area was considered (in the strategy) locally significant for its nineteenth and early twentieth century building stock and to the extent that it demonstrates a past way of life. The fabric of the area is considered to demonstrate the below historic themes which contribute to its significance:

- Mid nineteenth century formation of country residences for which Caulfield is noted.
- Late nineteenth century 'boom' development of residential subdivisions and shops.
- The collapse of the land boom and of its development schemes and deals which became the subject of criminal charges.
- The Edwardian residential and commercial development associated with the economic revival of that period.
- The pattern of residential development over time leading to a diverse socio-economic profile expressed in the range of house sizes and types.
- The continuing economic strengths of the Shopping Centre during the Inter-war period.
- The development of religious, recreational and social institutions throughout the history of the Area.

The HMP contains recommendations regarding the Elsternwick Urban Conservation Area and guidelines for infill development. The guidelines appear to have been prepared for low-scale single dwelling infill developments, based on the images in the HMP.

An addendum was made to the HMP in 2014. The changes do not affect the subject site.

PART A – HOUSING AND RESIDENTIAL DEVELOPMENT STRATEGY

This strategy was adopted by Council in 2002 and sets out a broad vision for housing and residential development in Glen Eira and contains objectives and strategies to try and help achieve the vision. The strategy seeks to guide how residential development will be planned and managed for the next 20 years (from time of adoption in 2002).

The strategy encourages a range of housing within housing diversity areas, one of which is multi-unit development. Areas for increased housing diversity include the urban village at Elsternwick.

This document is not incorporated in the Glen Eira Planning Scheme and acts as a high-level guiding document only.

GLEN EIRA CITY COUNCIL – REVIEW OF EXISTING HERITAGE PRECINCTS 2017




In 2016 the City of Glen Eira undertook a review of the Glen Eira Planning Scheme, resulting in an internal heritage review of the municipality's existing areas and heritage planning policy. The review identifies the fire station as being a significant building. The remainder of the site is non-contributory. This is consistent with the identification of the site in 1996.

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APPENDIX C CLAUSE 58 (BADS) ASSESSMENT

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Clause 58 (BADS) Assessment

Objectives	Standard	Assessment
Clause 58.02 – Urban Context		
<p>58.02-1 – Urban Context objectives</p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Standard D1</p> <p>The design response must be appropriate to the urban context and the site.</p> <p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p> The proposed development is appropriate to the existing and preferred urban context of the site, with the site being a key strategic development site within the Elsternwick Major Activity Centre which adjoins the retail core. The area is characterised as established mixed use, with building heights ranging from single storey to 11 storeys, with a 12-storey development approved.</p>
<p>58.02-2 - Residential policy objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p>Standard D2</p> <p>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.</p>	<p> The proposal is considered to be consistent with the overarching objectives of the State and Local Planning Policy relating to housing, as detailed further within this report.</p>
<p>58.02-3 - Dwelling diversity objective</p>	<p>Standard D3</p>	<p> The proposal includes a range of dwelling types and sizes for future residents across 148</p>

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To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.



apartments. The proposal comprises the following:

- 45 x 1 Bedroom (30%)
- 62 x 2 Bedroom (42%)
- 41 x 3 Bedroom (28%)

58.02-4 - Infrastructure objectives

Standard D4

To ensure development is provided with appropriate utility services and infrastructure.

Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

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.



The site is in an established area which will ensure all dwellings will be provided with appropriate utility services and infrastructure.

58.02-5 - Integration with the street objective

Standard D5

To integrate the layout of development with the street.

Development should be oriented to front existing and proposed streets.

To support development that activates street frontage.

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.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.



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.

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No front fencing is proposed, and the development is not located next to existing public open space.

Clause 58.03: Site Layout

58.03-1 Energy efficiency 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.

Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwelling or small second 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.

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



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.

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Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

58.03-2 Communal open space objective

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.

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:
 - a. Provide passive surveillance opportunities, where appropriate.
 - b. Provide outlook for as many dwellings as practicable.
 - c. Avoid overlooking into habitable rooms and private open space of new dwellings.
 - d. Minimise noise impacts to new and existing dwellings and existing second small dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.



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, has been incorporated into the design to help prevent overlooking into the habitable room windows or private open space of new dwellings. Where appropriate screening will be used.

58.03-3 Solar access to communal outdoor open space objective

Standard D8



The proposal includes a variety of communal spaces for future residents, most notably the proposed large green areas located on level 1

To allow solar access into communal outdoor open space.

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.



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. 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.

58.03-4 Safety objective

To ensure the layout of 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.



The two towers incorporate distinct lobbies that address Selwyn Street and are not obscured or isolated from the street. Each dwelling is afforded access from the internal hall 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 proposal has been designed to provide good visibility with lighting to be provided as appropriate. Car parking is located within the basement and provides suitable security for the vehicles.

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58.03-5 Landscaping objectives

Standard D10

Development should retain existing trees and canopy cover.



The proposed landscape scheme has been designed to respect the existing landscape

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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.

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:
 - a. 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.
 - b. Consistent with the canopy diameter and height at maturity specified in Table D4.
 - c. 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
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character of the area, with the landscaping responsive to the site context.

The site has an area of approximately 5,700m² and therefore has a requirement to provide 15% of the site to be deep soil area. The equates to 855m². Noting the mixed use nature of the proposal, landscaping at ground level is not possible. As such, deep soil planting cannot be achieved.

The landscape plan demonstrates that a minimum area of 760m² 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.

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1000 sqm or less	5% of site area Include at least 1 Type A Tree	5% of site area or 12 sqm (whichever is the greater)
1001 – 1500 sqm	50 sqm plus 20% of site area above 1,000 sqm Include at least 1 Type B Tree	7.5% of site area
1501 – 2500 sqm	150 sqm plus 20% of site area above 1,500 sqm Include at least 2 Type B trees or 1 Type C Tree	10% of site area
2500+ sqm	350 sqm plus 20% of site area above 2,500 sqm Include at least 2 Type B trees or 1 Type C Tree	15% of site area

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 sqm (min. plan dimension of 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metres
B	49 sqm (min. plan dimension of 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 sqm (min. plan dimension of 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metres

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

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Tree Type	Minimum canopy diameter	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

58.03-6 Access objective

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.

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.



The building provides vehicle access from Selwyn Street, Sinclair Street and the ROW.

The provision of vehicle crossovers along Sinclair Street and ROW are for the use of loading docks, thereby minimising the impact of vehicle movements along Selwyn Street, this enhances the scheme, pedestrian movement and access to the site.

It is considered that the proposed access design does not detract from the urban design response and seeks to minimise any negative impacts to pedestrians and the public realm

58.03-7 Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

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.



The proposal wholly complies with Standard D12. The basement parking is secure, well-ventilated and is convenient for the dwellings.

Standard D13



The development has been designed with integrated water and stormwater management objectives in mind. The proposal is generally

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58.03-8 Integrated water and stormwater management 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 runoff on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

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.

consistent 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.

Clause 58.04 – Amenity Impacts

58.04-1 Building setback 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 and existing small second dwellings.

To ensure the building setbacks 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 and existing small second 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.



The proposal has been designed to provide setbacks to side and rear boundaries. The development will be recessed at the upper levels.

The approximate ground floor site setbacks are identified as:

Northern tower:

- 4m setback to Selwyn Street
- 1.62m to Sinclair Street
- 13.95m to the eastern interface
- 7.03m separation to the southern tower.

Southern tower:

- 4.36m to Selwyn Street
- 7.06m to the eastern interface
- 10.11m to the southern ROW

Adequate daylight will be provided to all new habitable room windows.

There will be no overlooking into new or existing habitable room windows and / or private open space of new and existing dwellings. The proposal has been designed to prevent overlooking with the landscaping to act as a 'green' screen. Screening will be provided as appropriate.

The majority of the dwellings will have an outlook to the external environment.

The proposal has been designed to meet the objectives of Clause 58 as demonstrated in this assessment.

58.04-2 Internal views objective

Standard D15

To limit views into the private open space and habitable room windows of dwellings within a development.

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.



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.

58.04-3 Noise impacts objectives

Standard D16



The development has included relevant design measures to minimise the environmental and building services noise to the Australian

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To contain noise sources in developments that may affect existing dwellings or small second dwellings.

To protect residents from external and internal noise sources.

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second 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 D5 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.

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

Standard levels, ensuring that indoor spaces are comfortable.

The Acoustic Report has assessed the relevant acoustic requirements regarding this proposal 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.

Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
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58.04-4 Wind impacts objective

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

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	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 direction.	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:



A Wind Assessment has been 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.

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	<p>3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas.</p>
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Clause 58.05: On-Site Amenity and Facilities

58.05-1 Accessibility objective

To ensure the design of dwellings meets 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.

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.



As demonstrated within the Architectural Plans, the variety in apartment layouts provides compliance with this standard.

72% 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.

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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.

58.05-2 Building entry and circulation objectives Standard D19

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe,

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.



Entries to the development are visible and easily identifiable, 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

functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

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:
 - a. Include at least one source of natural light and natural ventilation.
 - b. Avoid obstruction from building services.
 - c. Maintain clear sight lines.

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58.05-3 Private open space objective Standard D20

To provide adequate private open space for the reasonable recreation and service needs of residents.

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.

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 sqm	1.7m
South (between south 30 degrees west to south 30 degrees east)	All	8 sqm	1.2m
Any other orientation	Studio or 1 bedroom dwelling	8 sqm	1.8m



All dwellings are afforded private open space in the form of balcony. A minimum area of 8m² 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 12m² with a minimum dimension of 2.4m.

All private open space is conveniently accessible from a living room.

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	2 bedroom dwelling	8 sqm	2m
	3 or more bedroom dwelling	12 sqm	2.4m

Table D9 – Additional Living Area or Bedroom Area

Dwelling Type	Additional area
Studio or 1 bedroom dwelling	8 sqm
2 bedroom dwelling	8 sqm
3 + bedroom dwelling	12 sqm

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58.05-4 Storage objective

To provide 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.

Table D10 – Storage

Dwelling type	Total minimum storage	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



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.

Clause 58.06: Detailed Design

58.06-1 Common property 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.

Standard D22

Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.



The common property, inclusive of the basement, communal open space, entries and internal corridors are clearly delineated and are functional and capable of efficient management.

58.06-2 Site services objectives

To ensure that site services are accessible and can be installed and maintained.

Standard D23

Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.



The development ensure site services and facilities can be installed, are accessible and easily maintained.

The letter boxes are located at ground floor within the residential lobbies and are

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To ensure that site services and facilities are visually integrated into the building design or landscape.

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.

conveniently accessible, waterproof and blend in with the development.

58.06-3 Waste and recycling 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.

Standard D24

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - a. Adequate in size, durable, waterproof and blend in with the development.
 - b. Adequately ventilated.
 - c. 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 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 better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).



In accordance with Standard D23 the proposal demonstrates commitment to ensure the dwellings are encouraged to recycle and manage waste effectively. Waste and recycling storage will be provided within the basement and are in accordance with the Waste Management Plans enclosed. The Waste Management Plan further details the waste collection and management services relating to this proposal.

- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

58.06-4 External walls and materials objective Standard D25

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.

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.



As demonstrated within the Architectural Plans, the proposed architectural design incorporates high quality materiality and articulation. The materiality of the podium is inspired by the architectural style prevalent in the neighbourhood as explained in the town planning report.

The materiality has been proposed with materials considered to be of high quality, not subject to high weathering and of architectural excellence.

Clause 58.07: Internal Amenity

58.07-1 Functional layout objective Standard D26

Bedrooms should:



The proposal meets the objectives and requirements of Standard D26 by meeting the minimum room dimensions and area as

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To ensure dwellings provide functional areas that meet the needs of residents.

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

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Table D11 – Bedroom Dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

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

specified in Table D11. The proposal meets the objectives by allowing adequate daylight into new habitable room windows.

100% of apartments meet the Functional Layout Objective and Standard.

58.07-2 Room depth objective

To 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.



A minor variation is proposed to the standard. All but one of the apartments included in proposal meets the requirements under the standard. Although one apartment (type N-C08) 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.

It is submitted the proposal satisfies the objective through allowing adequate daylight into single aspect habitable rooms.

58.07-3 Windows objective

Standard D28

Habitable rooms should have a window in an external wall of the building.



The proposal meets the objectives and requirements of Standard D28 by allowing adequate daylight into new habitable room

To allow adequate daylight into new habitable room windows.

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.

windows. All habitable rooms as part of the proposal have a window in an external wall of the building therefore no windows are provided from a secondary area.

58.07-4 Natural ventilation objectives Standard D29

To encourage natural ventilation of dwellings.

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.



To allow occupants to effectively manage natural ventilation of dwellings.

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.

81% of dwellings in the proposal have effective natural ventilation and thereby comply with standard D29.

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