Planning Assessment Report

Planning permit application PA2604393
7-15 Horne Street, Elsternwick



Planning Assessment Report
Development Assessment

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Executive Summary

Key Information	Details		
Application No:	PA2604393		
Received:	11 May 2026		
Applicant:	Auyin Property Development Pty Ltd		
Planning Scheme:	Glen Eira		
Land Address:	7-15 Horne Street, Elsternwick		
Proposal:	The application proposes the development of 13-storey building, the use of the land for accommodation (dwellings), and a reduction in car parking requirements.		
Development Value:	$57,114,000		
Why is the Minister responsible?	In accordance with the Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for use or development to which Clause 53.23 (Significant Residential Development with Affordable Housing) applies.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 34.01	Commercial 1 Zone (C1Z)	*To use the land for accommodation (dwellings)* *To construct a building or construct or carry out works.*
Overlays:			
	Clause 43.06-9	Built Form Overlay Schedule 9	*Transitional provisions apply that apply the requirements of DDO10*
Note: applied via transitional provisions of *Amendments GC285*	**Clause 43.02-2**	**Design and Development Overlay Schedule 10 (DDO10)**	***To construct a building or construct or carry out works.***
	Clause 52.06	Car Parking	*Reduce the number of car parking spaces*
Cultural Heritage:	The subject land is located within an area identified for cultural heritage sensitivity.		
Total Site Area:	1,239 square metres (sqm)		
Height:	45.91 metres (13 storeys) (excluding plant)		
Land Uses / Parking:	**Dwellings**	**Cars**	**Bicycles**
	40	60	52
Advice sought:	VicTrack (s52 – Notice) Glen Eira City Council (s52 – Notice)		
Public Notice:	The application is **not exempt** from the notice requirements of Section 52(1)(a), (b) and (d) of the Act pursuant to the C1Z.		
Submissions:	At the time of writing **11 submissions** have been received in response to the application (10 objections, 1 in support).		
Delegates List:	The application was presented at the Minister's Delegates Meeting on 21/09/2026, where delegation was confirmed.		
Recommendation:	The application is recommended for approval, and it is recommended that a planning permit		

be issued subject to conditions as discussed in this report.

Background

1. The subject site (the site) has been through an extensive planning process since 2018 as summarised below.

2. Planning Permit Application GE/DP-32409/2018/C was lodged with Glen Eira City Council in 2018 proposing the following (in summary):

   Construction of a 14-storey mixed-use development at 7-15 Horne Street, Elsternwick, comprising apartments above commercial uses and basement car parking

3. Council officers supported the proposal in principle and recommended approval of a 12-storey building with a maximum height of 46.3 metres above natural ground level (excluding plant), recognising the site's urban renewal context.

4. The council determined to issue a Notice of Decision to Grant a Permit on 24 April 2019, however, imposed a condition requiring the building to be reduced from 14 storeys to 8 storeys. A subsequent appeal against Council's permit conditions was made to VCAT by the permit applicant (*Auyin Property Development Pty Ltd v Glen Eira CC [2019] VCAT 1614)*.

5. VCAT ultimately upheld the council's height reduction condition, finding that the proposed 14-storey building was an inappropriate built form outcome in the circumstances.

6. As such, Planning Permit GE/DP-32409/2018/C (the council permit) was issued at the direction of the VCAT on 15 October 2019. The approved planning permit allows for:

   Construction of a multi storey mixed use building comprising dwellings, food and drink premises, offices and shops, use of the land for the purpose of dwellings and reduction of the car parking requirements for food and drink premises, offices and shops in accordance with the endorsed plans.

7. Conditions under Planning Permit GE/DP-32409/2018/C have since been discharged by the council (endorsed on 1 December 2023) including the following:

   - Condition 1 (Architectural Drawings)
   - Condition 7 (Sustainability Management Plan)
   - Condition 8 (Waste Management Plan)

8. The council permit was amended by the council in November 2024 to allow a 9-storey building within a maximum height of 34 metres above natural ground level (44 metres AHD).

9. The council permit (GE/DP-32409/2018/C) is valid until April 2027, following the approval of an extension of time.

10. The proponent has decided not to act on the council permit and to instead seek a new planning permit via the DFP process.

Application Process

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

Milestone	Date
Development Facilitation Program (Pre-	The proposal was submitted through the Victorian Government's Development Facilitation Program (DFP) on 28 August 2025 which provides an expedited planning process for eligible projects, that inject investment into the Victorian Economy, keep people in jobs, and create homes for people. All DFP applications are determined by the Minister for Planning or the Department of Transport and

lodgement)	Planning (DTP) under delegated authority. In a letter dated 14 April 2026, Invest Victoria confirmed that the project would likely be feasible subject to the normal considerations required as the project progresses. In a letter dated 6 May 2026, the Department of Transport and Planning confirmed that the proposal has been assessed against the requirements of Clause 53.23 of the Glen Eira Planning Scheme and was eligible to apply for a planning permit under this provision.
Application lodgement	11 May 2026
Section 50 amendment application lodgement	12 June 2026
Decision Plans	• Architectural plans prepared by CBG Architects, dated 5 June 2026
Other Assessment Documents	• Current Certificates of Title • Planning Report prepared by Urbis, dated 12 June 2026 • Urban Context Report prepared by CBG Architects, prepared June 2026 • Massing Studies prepared by CBG Architects, prepared March 2026 • Architectural Plans including Development Summary, BADS Analysis and Shadow Diagrams prepared by CBG Architects, dated 5 June 2026 • Urban Design Memo prepared by Urbis, dated 12 June 2026 • Community Benefits Report prepared by Urbis, dated 6 March 2026 • Affordable Housing Report prepared by Urbis, dated February 2026 • Economic Benefits Assessment prepared by Urbis, dated March 2026 • Landscape Concept Plan prepared by Urbis, dated 2 June 2026 • Traffic Impact Assessment prepared by Urbis, dated 12 June 2026 • Waste Management Plan prepared by Urbis, dated 12 June 2026 • Sustainability Management Plan prepared by Waterman, dated 4 June 2026 • Acoustic Report prepared by O'Callaghan Consulting Engineers, dated 5 June 2026 • Wind Impact Assessment prepared by Vipac, dated 10 June 2026 • Preliminary Aboriginal Heritage Test (PAHT) approved on 7 March 2019 • Environmental Audit Report prepared by Environmental Earth Sciences dated 20 April 2021 • QS Report prepared by Wattle Construction Cost Consultants, dated June 2026 • DFP Eligibility Confirmation Letter dated 6 May 2026. • MPL Certificate MPL003199 pertaining to the proposed development. • Copy of Planning Permit GE/PP-32409/2018 and endorsed documents

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

Proposal Summary

13. As outlined in the application, the proposal seeks the use and development of land at 7-15 Horne Street for a 13-storey residential mixed-use development with ground floor retail above two levels of basement. The proposal incorporates a widened surrounding laneway network and publicly accessible space.

14. The proposed development extends on the development approved under Planning Permit GE/DP-32409/2018/C, through a new application under the Development Facilitation Program, with the following key changes:

    - Increased provision of apartments by total of 10, from 30 to 40 dwellings
    - Provision of a 130 sqm publicly accessible area
    - Increased maximum building height from 9-storeys (34.1 metres, excluding plant) to 13-storeys (45.91 metres, excluding plant)
    - Increased provision of communal open space by 228 sqm.

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

    - 13-storey building (45.91 metres, excluding plant) containing 40 Apartments in total comprised of 25 x two bedroom and 15 x three bedroom;
    - communal open space comprised of 85 sqm of a residential health facility on the ground floor and 337 sqm of communal indoor and outdoor space on level 3;
    - ground floor retail (food and drink premises and shop) of 198 sqm;
    - a landscaped publicly accessible plaza of 130 sqm on the north-east corner of the site;
    - car parking will be distributed across two basement levels with the provision of 58 residential car parking spaces and 2 retail car parking spaces provided at the rear laneway at ground level;
    - 52 bicycle spaces, provided on the ground level and upper ground level, comprising 44 residential bicycle parking spaces (including visitor spaces) and 8 retail bicycle parking spaces (also including visitor spaces);
    - loading and unloading activities associated with the ‘Food and drink premises’ and ‘Shop’ tenancies is proposed via Horne Street.
    - vehicular access to the proposal will be provided via an expanded right of way located at the rear of the subject site, via the existing laneway network and Horne Street.
    - The external materials of the proposed development include the following elements:
        - dark charcoal brickwork
        - textured concrete elements
        - dark bronze metal finishes
        - clear and bronze tint glazing.
    - Landscaping including at Level 3 podium which features high-quality paving and planters with capacity for groundcover, shrubs and trees.

- Consolidation of three separate land parcels to create an overall site area of approximately 1,239 square metres.

16. The following concept images of the proposal have been submitted:



Figure 1: *Architects impression of the public plaza fronting Horne Street*



Figure 2*: Architects impression of the proposed public open space from Horne Street*



Figure 3: *Architects impression of the podium as viewed from Horne Street*



Figure 4: *Architects impression of the proposed building as viewed from Horne Street*

Subject Site and Surrounds

Site Description

17. The subject site (the site) is formally known as 7-15 Horne Street, Elsternwick. As described in the application, it is rectangular in shape, with a total site area of approximately 1239 sqm. The site has a primary frontage to Horne Street of approximately 44.13 metres and secondary frontages to adjoining laneways to the north-west of 28.04 metres and south-west of 44.21 metres.

18. The site is comprised of 3 separate land parcels, being the Certificates of Title:

- 7-12 Horne Street, Elsternwick: Land in Plan of Consolidation 163463Y, Certificate of Title Volume 09709, Folio 911
- 13 Horne Street, Elsternwick: Lot 5 Section 1 on Plan of Subdivision 001423, Certificate of Title Volume 02746, Folio 145
- 15 Horne Street, Elsternwick: Lot 6 Section 1 on Plan of Subdivision 001423, Certificate of Title Volume 10962, Folio 580

19. 7-12 Horne Street is currently occupied by a double-storey commercial building, 13 Horne Street is currently occupied by a three-storey commercial building and 15 Horne Street is currently occupied by single-storey commercial building.

20. The site forms part of the area known as the Elsternwick Major Activity Centre. The site is a large, strategically located site within the activity centre and is adjacent to the retail core of Elsternwick which runs along Glen Huntly Road in an east / west direction.

21. Vehicle access is provided via the side and rear of the site via a sealed laneway



Figure 5: *Aerial photograph showing the subject site and surrounds (Source: Urbis planning report)*





Figure 4 & 6: *Photos of the site viewed from Horne Street including adjoining laneway (Source: CBG Context Analysis)*





Figure 7 & 8: *Photos of site viewed from adjacent laneways to the north-west and southwest (Source: CBG Context Analysis)*

Site Context

Elsternwick Major Activity Centre

22. The site is located within Elsternwick Major Activity Centre, which is currently undergoing major urban renewal. This urban renewal, identified in the *Elsternwick Structure Plan 2023* prepared by the Council will facilitate large scale character and built form changes within Elsternwick. As a result, the context of the area is becoming increasingly varied demonstrating residential dwellings, apartment buildings, retail, education, community and commercial buildings of a mix of densities.

23. Built form throughout the area ranges from single-storey detached dwellings, up to multi-storey buildings comprising a mix of uses including commercial and residential. The emerging built form includes a range of developments rising 8-12 storeys, such as:

    - 11 storey building at 24-28 Riddell Parade (approved and constructed);
    - 10 & 11 storey (33.6m - 36.12m) development at 10-16 Selwyn Street (approved); and
    - 12 storey building at 233-247 Glen Huntly Road (approved pre-2019 VCAT decision, constructed post-2019 VCAT decision);

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

25. The site is also well serviced by public transport links. Elsternwick Train Station is approximately 80 metres from the site, providing transport links to the CBD and south to Sandringham, with the connecting tram stop serving line 67 between Melbourne University and Carnegie. It is also well serviced by local health and education facilities, being 800 metres from Caulfield 1.25 km from Caulfield Hospital.

North-east

26. Northeast of the subject site is Horne Street, a local street with indented parallel kerbside parking in both directions. Further northeast is 242 Glen Huntly Road, a five-storey mixed-use apartment complex, and Elsternwick Railway Station. 242 Glen Huntly Road includes a pedestrian passageway linking Horne Street directly to the railway station.

South-East

27. To the south-east of the subject site is 16 Horne Street, a single-storey commercial building. Further southeast are numerous buildings on the southwestern side of Horne Street, ranging from single-storey commercial buildings to residential buildings up to five storeys high.

South-west

28. To the southwest of the subject site is a 3.15 m-wide laneway, which provides vehicular access to the subject site and Ross Street. Further southwest is numerous single and double storey detached and semi-detached dwellings facing Ross Street.

North-West

29. Northwest of the subject site is a 3.445 m-wide laneway, which connects Horne Street and Ross Street, providing vehicle access. Further northwest is Glen Huntly Road, a traditional shop strip which acts as the major retail and commercial spine to the activity centre.

Planning Provisions

Municipal Planning Strategy

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

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

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

Planning Policy Framework

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

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

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

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

Zoning and Overlays

Clause 34.01 – Commercial 1 Zone

The site is located within the C1Z (Clause 34.01) which has the following purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

34. Under the provisions of the Commercial 1 Zone at Clause 34.01 of the Scheme, a planning permit is required to:

- Use of the land for accommodation (dwellings) where the ground floor level frontage exceeds 2 metres (Clause 34.01-1).

- Construct a building or construct or carry out works (Clause 34.01-4).

35. The Decision Guidelines under the C1Z include the MPS and PPF and the objectives, standards and decisions guidelines of Clause 58.

36. The 'Assessment' section of this report includes a discussion of how the proposal responds to the requirements of the C1Z.

Clause 43.02 Design and Development Overlay – Schedule 10

37. Pursuant to Clause 43.02 of the Glen Eira Planning Scheme, the subject site is affected by Schedule 10 to the Design and Development Overlay (DDO10), relating to the Elsternwick Activity Centre.

38. The Overlay seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

39. The design objectives of DDO10 are:

- *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.*

40. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

41. The above design objectives are assessed in detail in the assessment section of this report.

42. The requirements of this overlay cease to have effect after 30 September 2026. At the time of writing this report, the requirements of this overlay have ceased. While DDO10 has ceased, it remains a relevant consideration due to the applicable transitional provisions of the Clause 43.06 (BFO9) which states (in summary):

The requirements of Clause 43.06 and this schedule do not apply to:

- *An application made before the approval date of Amendments GC285 to this planning scheme…*

The following provisions, as in force in relation to relevant land immediately before the approval date of Amendments GC285, continue to apply to applications which this transitional provision applies:

- *Schedule 10 to Clause 43.02.*

Clause 45.09 Parking Overlay

43. Pursuant to Clause 45.09 of the Glen Eira Planning Scheme, the subject site is affected by Schedule 2-2 to the Parking Overlay (PO2), relating to 'Student Housing in Specific Areas'. The Overlay seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To facilitate an appropriate provision of car parking spaces in an area.*

- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

44. The number of parking spaces required by the Overlay only applies to student housing. Noting this land use is not proposed, the requirements of Clause 52.06 continue to apply.

Environmental Audit Overlay

45. Pursuant to Clause 45.03 of the Glen Eira Planning Scheme, the subject site is affected by the Environmental Audit Overlay (EAO). The Overlay seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

46. The overlay applies whether or not a permit is required. Pursuant to Clause 45.03-1, before construction in association with a sensitive use (including a residential use) commences:

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
- *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

Particular and General Provisions

Clause 52.06 Car Parking

47. Clause 52.06 sets out the requirements for the number of car parking spaces to be provided in association with new use and development along with statutory provision for their design.

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

49. A total of 60 car parking spaces will be accommodated across the development, comprising 58 residential car parking spaces and two (2) retail car parking spaces. The 58 residential car parking spaces will be spread across the two levels of basement, and the two retail spaces will be located at ground level with access from the rear laneway.

50. Car parking is assessed under Clause 52.06 of the Glen Eira Planning Scheme. Parking Overlay Schedule 2 – Precinct 2-3 (PO2-3) only applies to student housing, which is not relevant to this application.

51. Due to VC277 transitional provisions, the proposal is assessed against the former Column B rates of Clause 52.06-5.

52. The proposed development has a statutory carparking requirement of 55 spaces under Clause 52.06-5 for the residential component, resulting in a surplus of 3 spaces.

53. The proposal has a statutory requirement of 6 car spaces for the food and drink premises and shop under Clause 52.06-5, resulting in a statutory shortfall of 4 spaces for non-residential uses.

54. All loading and unloading activities associated with the 'Food and drink premises and 'Shop' tenancies are proposed to be undertaken via Horne Street.

55. A Transport Impact Assessment has been undertaken by Urbis and is discussed in further detail under the 'Car and Bicycle Parking, Loading, and Other Services' section of this report.

56. The relevant design standards associated with car parking set out at Clause 52.06-9 are applicable and discussed in the assessment section of this report.

Clause 52.34 Bicycle Facilities

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

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

59. Under the provisions of Clause 52.34 of the Scheme, bicycle parking is required for the food and drink premises, shop and dwelling uses which form part of the proposed development.

60. The development has a statutory bicycle parking requirement of 12 spaces, with a total of 52 spaces proposed on site, representing a significant surplus to the minimum requirements under this Clause. The submitted Transport Impact Assessment provides further discussion of bicycle parking and is discussed in further detail under the 'Car and Bicycle Parking, Loading, and Other Services' section of this report.

General Requirements and Performance Standards

Clause 53.18 Stormwater Management in Urban Development

61. Clause 53.18 applies to the buildings and works of this application under the C1Z and sets out standards and objectives to be met for new development.

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

Clause 53.23 Significant Residential Development with Affordable Housing

63. The application has been submitted under Clause 53.23 of the planning scheme. (Significant Residential Development with Affordable Housing). Clause 53.23 seeks to facilitate residential development that incorporates affordable housing to meet existing and future needs.

64. The development was confirmed as eligible under Category 1 of Clause 53.23 of the Glen Eira Planning Scheme as part of the Development Facilitation Program's pre-application process. Specifically, the application is supported by:

- A quantity surveyor report confirming the estimated cost of works (residential component).
- A letter from Invest Victoria.

- A report outlining how the proposal will contribute to the provision of affordable housing contribution. In this regard, a cash contribution to the Social Housing Growth Fund is proposed.

65. The affordable housing contribution is discussed in the assessment section of this report. Pursuant to Clause 53.23-5 an application under any provision of the planning scheme is exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of sections 82 (1) of the Act.

Clause 58 (Better Apartment Design Guidelines)

66. Clause 58 applies to the residential apartments proposed as part of this application. A detailed assessment of the proposed development against Clause 58 is contained at Appendix A of this report and is also discussed in the assessment section.

Clause 65.01 Decision Guidelines

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

Planning Scheme Amendments

68. Amendment GC285 was gazetted on 22 July 2026. The amendment introduces new built form controls for 23 train and tram zone activity centres, grouped as Stage 2 of the Train and Tram Zone Activity Centre Program. The amendments do this by introducing new built form and height controls and applying those controls to the core of each activity centre, generally through new schedules to the Built Form Overlay (BFO). The amendments also apply the Housing Choice and Transport Zone (HCTZ) to the catchments of each activity centre.

69. While the subject site is located within the geographic area affected by Amendment GC285, this application benefits from transitional provisions and is therefore assessed under the planning controls that applied prior to the approval of the amendment. Accordingly, the new Built Form Overlay provisions introduced by Amendment GC285 are not determinative of the assessment of this application.

70. Notwithstanding this, the recently gazetted BFO9 which replaced the DDO10, provides some strategic context for the built form aspirations and guidance within the precinct. Notably, the BFO9 does not incorporate any new mandatory controls applicable to the site.

Strategic Plans

Elsternwick Structure Plan 2018-2031

71. The *Elsternwick Structure Plan 2018–2031* was adopted by the council in February 2018 and gazetted on 24 July 2019. While that plan informed interim planning controls introduced through Amendment C157 in 2019, it has since been superseded by the *Elsternwick Structure Plan 2023* adopted by Council in August 2023, and subsequently by the State-led planning framework implemented through Amendment GC285.

72. Under the *Elsternwick Structure Plan 2018–2031*, the site was located within the Urban Renewal North Precinct, a precinct intended to accommodate substantial growth and redevelopment. The plan contemplated taller built form outcomes in these locations, including a discretionary preferred height of up to 12 storeys (43

metres) for the subject site, subject to appropriate design quality, management of interface impacts and the achievement of broader strategic objectives.

Elsternwick Structure Plan 2023

73. The *Elsternwick Structure Plan 2023*, adopted by Glen Eira City Council at the 15 August 2023 Ordinary Council Meeting, established a 15-year vision for the future growth of the Elsternwick Major Activity Centre. It sought to accommodate additional housing and employment while protecting heritage character, public spaces, and local amenity.

74. The council subsequently prepared Amendment C256 to implement the Structure Plan through permanent planning controls. Subsequently, the Victorian Government incorporated Elsternwick into its Activity Centres Program, with the implementation of revised planning controls ultimately occurring through Amendment GC285. This amendment introduced the State Government's planning framework for the Elsternwick activity centre and surrounding residential areas.

75. For the subject site, the Structure Plan identifies the land as within an Urban Renewal area but suggests a reduced discretionary preferred maximum height of 8 storeys (31 metres). The Structure Plan also identifies a housing opportunity area in the Ross Street precinct, located to the east of the subject site.

Referrals and Notice

Referrals

76. Pursuant to Clause 66 of the Glen Eira Planning Scheme, no mandatory referral authorities apply to the proposal. Accordingly, the application is not required to be referred under Section 55 of the Planning and Environment Act 1987.

77. The application is **not exempt** from the notice requirements of Section 52(1)(a), (b) and (d) of the Act pursuant to the Commercial 1 Zone.

Notice

78. Notice under Section 52 of the Planning and Environment Act 1987 was provided to the following organisations:

Provision / Clause	Organisation	Response and date received
Section 52(1)(b)	Glen Eira City Council	27 July 2026 – Objection
Section 52(1)(d)	VicTrack	No response

79. **Glen Eira City Council (the council)** lodged a submission on the proposed development on 27 July 2026. The council resolved to not support the application, based on a series of grounds which are contained and assessed at Appendix B of this report.

80. **VicTrack** did not lodge a submission to the Minister for Planning.

81. Under Section 52(1)(a), notice was provided to owners and occupiers of adjoining land

82. At the time of writing **11 submissions** have been received in response to the application (10 objections, 1 in support). Key issues include (but are not limited to the following):

- Building height, scale and perceived overdevelopment.
- Consistency with the Elsternwick Structure Plan and emerging planning controls.
- Previous Council and VCAT decisions relating to the site.
- Overshadowing and loss of solar access.
- Residential amenity impacts, including overlooking, privacy, visual bulk and loss of outlook.
- Public benefits and whether they justify the additional height sought.
- Affordable housing outcomes.
- Neighbourhood character impacts.
- Traffic, parking and pedestrian safety impacts.
- Waste collection, servicing and operational impacts.
- Wind and microclimate impacts.

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

Key Considerations

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

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

Strategic Direction and Land Use

Municipal Planning Strategy

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Policy Framework

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

Settlement

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

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

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

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

102. The proposal is located within the Elsternwick Activity Centre and is consistent with its role as a focus for growth and urban renewal. The development delivers higher-density housing in very close proximity to shops, services, open space and public transport, incorporates active ground-floor retail uses to support the vitality of the centre, and provides a publicly accessible space that contributes to the civic focus and vitality of the area. The scale and form of development respond to the activity centre context and urban renewal opportunity.

Environmental Risks and Amenity

103. The objective of Clause 13.05-1S (Noise management) is to assist the management of noise effects on sensitive land uses. Strategies are implemented to ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions. The applicant has submitted an Acoustic Assessment prepared by O'Callaghan Consulting Engineers which is discussed in the following sections of this report.

104. Clause 13.07-1S (Land Use Capability) seeks (amongst other considerations) to ensure that use or development of land is compatible with adjoining and nearby land uses. The proposed retail uses are appropriately located relative to existing non-residential uses including the Glen Huntly Road commercial shopping strip and the residential areas to the south-west of the site.

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

Built Environment and Heritage

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

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

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

109. Clause 15.01-2L-01 (Building Design) seeks to ensure that new development delivers a high standard of architectural design, responds to its surrounding context, and provides a high level of amenity for residents and neighbouring properties.

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

- The development provides active frontages at ground level, supporting pedestrian activity and passive surveillance.
- The proposal provides a publicly accessible open space at the corner of the site, improving amenity, legibility and community benefit.
- Articulated built form and massing has been implemented to respond to the surrounding streets and interfaces, while responding to the site area itself and its ability to accommodate a marginally taller building than that preferred 12 storey building height under the DDO10.
- The building incorporates appropriate setbacks and design measures to manage overlooking, overshadowing and visual bulk.
- The proposal supports safety, accessibility and high-quality pedestrian environment.

- Privacy for existing between existing and proposed dwellings is achieved through a combination of setbacks and screening (where required).
- The development utilises sustainable and durable building materials that respond to local characteristics, create visual interest and reduce the impacts of the upper floors of the tower. Building services are consolidated and concealed within the building at the rear of the site and roof plant will be screened from view.
- Service infrastructure is appropriately sited at the rear of the building and suitably incorporated into the design of the building limited visibility from the public realm and primary frontage to Horne Street.
- Acoustic attenuation will be incorporated into the design of the development to protected existing properties and future residents as discussed in the later sections of this report.
- The design and layout of the development allow for interaction and passive surveillance of the surrounding streets.
- The proposed 3-4 storey street wall (podium) is respectful of the height of existing commercial buildings within Horne Street.
- Setbacks provide for a visually recessive upper levels above the street wall when viewed from Horne Street, adjoining residential properties. Upper levels setbacks are consolidated to avoid a tiered building profile. These matters are discussed in further details in the later sections of this report.
- The ground level layout provides separate and clearly defined building entries for the retail uses and the residential lobby.
- A fixed canopy is proposed along the Horne Street frontage, while the building is cantilevered over the laneways to the west and north-west boundaries, providing weather protection for pedestrians, customers and residents accessing the development.
- As discussed in the later sections of this report, the proposed building setbacks to respond to the existing or preferred urban context.

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

112. Clause 15.03-2S (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. A key strategy of this policy is to ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006.* The application is accompanied by a Preliminary Aboriginal Heritage Test assessment which determined that a mandatory CHMP has not been triggered for the proposal, as there is sufficient evidence to conclude that the proposed development will be undertaken in an area that has been subject to significant ground disturbance (in its entirety).

Housing

113. Clause 16.01-1S (Housing supply) seek to facilitate well-located, integrated and diverse housing that meets community needs and subsequent strategic directions. Strategies to achieve this objective include increasing the proportion and density of housing in designated urban areas and encouraging high density housing development on sites that are well located in relation to jobs, services and public transport. It is also

encouraged under this policy to facilitate diverse and well-designed housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types. Well-designed housing should provide a high level of internal and external amenity. The proposal has strong alignment with these strategies by delivering a range of dwelling types and layout to suit diverse housing needs.

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

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

116. Clause 16.01-2S and Clause 16.01-1L (Housing affordability) seek to facilitate well-located, integrated and diverse housing that meets current and future community needs, with higher-density housing encouraged in activity centres and urban renewal areas with good access to public transport, jobs and services. Clause 16.01-1L-01 directs substantial housing growth to substantial change areas, including Elsternwick, and supports mixed-use development with dwellings above retail and commercial uses. Clause 16.01-2S further encourages increased housing affordability through greater choice in dwelling type, tenure and cost, and through the delivery of affordable housing in well-located areas.

117. The proposal strongly aligns with these objectives by:

- Delivering additional housing supply within a designated substantial change area.
- Providing apartments in a highly accessible location, reducing reliance on private vehicles.
- Supporting housing diversity through a mix of dwelling sizes and layouts suitable for different household types.
- Locating residential uses above ground-floor retail, consistent with the preferred mixed-use outcomes for activity centres and the commercial zoning of the site.
- Contributing to affordable housing outcomes in line with State policy objectives, via the DFP process.

Employment

118. Clause 17.01-1S and Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne) seek to strengthen and diversify the economy by strengthening and facilitating growth in existing employment areas and improving access to jobs closer to where people live. Strategies to achieve these objectives include redevelopment of urban renewal precincts to deliver high quality, distinct and diverse neighbourhoods offering a mix of uses. The proposal incorporates active ground-floor retail uses that contribute to local employment opportunities, enhance convenience for existing and future residents, and reinforce the role of the activity centre as a focal point for daily needs.

Transport

119. Clause 18.01-1S (Land Use and Transport Integration) encourages integrated land use and transport outcomes, prioritising development in locations well served by public transport The site has excellent access to public transport with train, tram and bus services all conveniently located within close walking distance.

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

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

122. Clause 18.02-4L-02 (Car Parking) To ensure an adequate supply of car parking that is appropriately designed and located. The proposal provides adequate car parking (notwithstanding the excellent public transport available) as discussed in the later sections of this report.

Infrastructure

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

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

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

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

Land use/s

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

- Accommodation (dwellings) – a planning permit is required as the ground level frontage associated with the dwelling (lobby/entry) exceeds 2 metres
- Retail premises (Food and Drink Premises) – planning permit not required
- Shop (other than an Adult Sex Product Shop) – planning permit not required.

128. The Commercial 1 Zone seeks to provide for residential uses at densities complementary to the role and scale of the commercial centre. The proposed dwellings respond to the mixed-use location where further residential intensification is supported and encouraged. Accommodation will further support and enhance the commercial function of the precinct and is therefore appropriate for inclusion on the site.

129. The balance of uses are commercial and provided at ground level to the site's frontage, ensuring that the development appropriately balances the provision of accommodation (i.e. dwellings) in the Elsternwick Activity Centre.

Buildings and Works

Building Height

130. As discussed in the earlier sections of this report, height controls applicable to the site are prescribed within the DDO10 which specifies discretionary maximum building height of 12 storeys or 43 metres. The proposal has a maximum building height of 13 storeys or 45.91 metres (above the lowest point of the site) and therefore exceeds the discretionary height limit under the DDO10. Due to the site's fall across Horne Street, the perceived height as experienced from the public realm ranges between approximately 44.2 metres and 45.39 metres.

131. While the proposal exceeds the preferred maximum building height identified in DDO10, it has been designed to minimise visual bulk through the use of setbacks, articulation and building modulation. The proposal also responds to the surrounding built form context and seeks to appropriately transition to neighbouring development through its massing and architectural treatment.

132. In considering the proposed height, weight is given to the site's strategic location within the Activity Centre and the Urban Renewal Precinct, where taller built form is anticipated. The proposed height is also broadly consistent with the emerging character of the centre, which includes existing and approved developments of a comparable scale, notably the recently completed building at 233-247 Glen Huntly Rd (12 storeys)

133. The proposed building height will not result in unreasonable off-site amenity impacts. As detailed later in this report, subject to the recommended mitigation measures, the proposal will result in safe and adequately comfortable wind conditions in the surrounding public realm and publicly accessible areas on site. Additionally, for the reasons outlined later in this report, the overshadowing impacts of the proposal to both public realm and private realm are acceptable.

134. It is further noted that the council officers previously supported, through Planning Permit GE/DP-32409/2018, a development on the site with a building height of approximately 46.3 metres, plus rooftop services extending up to 50.3 metres. While that proposal was considered in a different planning context and incorporated specific public benefits, it demonstrates that a building of a similar scale has previously been considered appropriate for this site (by the council) without resulting in unacceptable amenity impacts.

135. The proposed building height exceeds the preferred DDO10 control by approximately 2.9 metres. Having regard to the strategic role of the site, the Urban Renewal Precinct designation, the emerging built form character of the Activity Centre, and the design response which appropriately manages visual bulk and amenity impacts, the height variation is considered acceptable.

136. The proposal includes a suite of public benefits which in DTP's view are commensurate to the degree of uplift proposed. The public benefits are described below:

- In line with the requirements of Clause 53.23, an affordable housing contribution is proposed to the Social Housing Growth Fund in the form of a cash contribution equivalent to 3% of the residential development cost. The estimated value of the contribution equates $1.7 million.
- Creation of a well-designed new public plaza, incorporating a retail terrace area, DDA through access, and terraced landscaping with seating and trees.
- Setbacks for the building at ground and lower levels from the respective side and rear laneways to provide widened vehicle access and improved pedestrian conditions linking through to Ross Street to the south.

Street wall height and setbacks

137. DDO10 identifies a preferred street setback of 0 metres to a podium height of three storeys (13 metres, including parapet or balustrade) within Precinct F (Urban Renewal Precinct).

138. The proposal incorporates a three to four-storey podium ranging from 11.9 to 16 metres in height along the Horne Street frontage. While portions of the podium exceed the preferred three-storey street wall height, the development achieves the broader built form objectives of DDO10 by presenting a strong and continuous street edge that reinforces the urban character of the activity centre, holds the corner with Lois Lane and provides an appropriate pedestrian-scale interface. The podium responds to the existing and emerging character of Horne Street, where a number of buildings present a robust built form to the street frontage.

139. Above the podium, the tower element is recessed from the street frontage by 4.7 metres. Although marginally less than the preferred 5-metre setback specified by DDO10, the variation is negligible and is not considered to result in any discernible visual impact. The setback provides a clear distinction between the podium and tower components, reducing the visibility of upper levels from the public realm and ensuring the additional building height is appropriately moderated. This assists in reducing perceptions of visual bulk and maintaining a comfortable pedestrian environment.

140. The upper-level setback above the podium to Horne Street is also greater than what was approved under the council permit for the site (directed by VCAT) as shown in the table below.

141. A further setback of 2.3 metres is provided at Level 12, creating an additional recess at the uppermost level of the building. This design response consolidates the visual separation of the tower form and avoids the appearance of a bulky or tiered building profile, consistent with the design objectives of DDO10.

Setbacks – Precinct F (Urban Renewal Site)		
DDO10 requirement	Council permit (directed by VCAT)	Proposed
0 m to a height of three storeys (13 m including parapet/balustrade).	3 storey podium (13.2-15.3 m)	3-4 storey podium (11.9-16 m)
Upper-level setbacks — 5 m	Setback 4 metres above the podium.	Setback 4.7 m above the podium
Side and rear setbacks (where a site abuts a commercial/mixed use site)		
3 m setback to a height of three storeys (13 m), to provide a laneway connection between buildings (overall width 6 m).	South-west: Ground floor setback of 2.4 m, levels 1 and 2 setback 1 m. North-west: Ground floor setback of 4.05 m, levels 1 and 2 setback 2.5 m South-east: Ground floor to Level 3 setback 0 m	South-west: Ground floor setback of 2.4 m, levels 1 and 2 setback 1 m. North-west: Ground floor setback of 4.05 m, levels 1 and 2 setback 2.5 m. South-east: Ground floor to Level 3 setback 0 m
Upper level setbacks — 3 m.	Above the podium, the tower is setback from all title boundaries as follows (Levels 3–12): North-west (Lois Lane): 5.5 m South-west (rear lane): 5 m South-east (to 16 Horne Street): 6 m	Above the podium, the tower is setback from all title boundaries as follows (Levels 4–12): North-west (Lois Lane): 4.7 m South-west (rear lane): 5.1 m South-east (to 16 Horne Street): 5.3 m

142. DDO10 seeks side and rear setbacks that facilitate laneway connections, support activation of service and pedestrian laneways, provide adequate separation between tower forms, and reduce the

appearance of continuous built form within the activity centre.

143. At podium level, the proposal generally reflects the setback arrangement approved under the existing permit. The development provides setbacks to the north-west and south-west boundaries that accommodate the adjoining laneway interfaces, while maintaining a zero setback condition to the south-east boundary where the site adjoins another commercial property. This outcome is consistent with the urban renewal character envisaged by DDO10.

144. Above the podium, the tower is setback from all side and rear boundaries by between 4.7 metres and 5.3 metres. These setbacks exceed the preferred 3-metre upper-level setback identified by DDO10 and are generally consistent with, or comparable to, those approved under the existing permit. The setback arrangement provides a generous degree of separation between the tower and adjoining properties, reducing visual bulk, allowing access to light and outlook, and preserving opportunities for the future redevelopment of surrounding sites.

145. Overall, the setback strategy is considered to achieve the objectives of DDO10 for Precinct F. The recessed upper levels reduce the visual prominence of the tower, reinforce a consistent street wall presentation and avoid the appearance of a continuous wall of development. The proposed setbacks also provide appropriate separation from adjoining development and contribute to a well-articulated built form that responds positively to its activity centre context while accommodating increased density within the Urban Renewal Precinct.

Podium Design and Street Activation

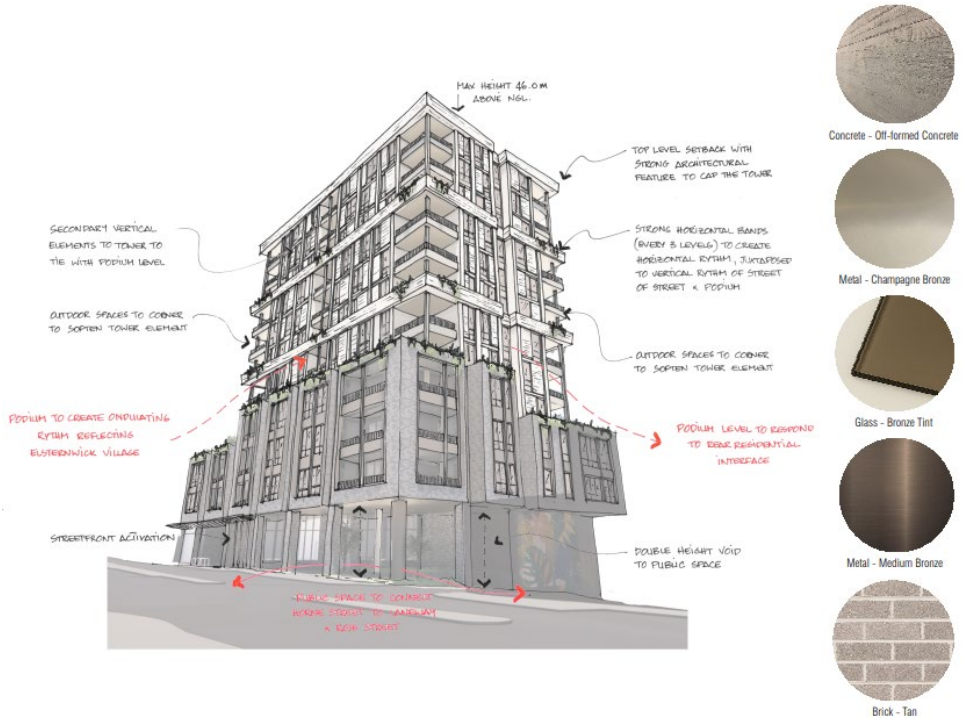
146. The proposal responds positively to the podium design and street activation objectives of DDO10 by providing an active and engaging interface with the public realm. Active retail tenancies are proposed at ground level, addressing both Horne Street and the publicly accessible plaza, contributing to pedestrian activity and supporting the commercial function of the Activity Centre.

147. The development incorporates weather protection along key pedestrian routes through the provision of a canopy and covered plaza areas adjoining the building entrance and commercial tenancies. These elements are expected to improve pedestrian comfort and encourage activity throughout the day.

148. The podium has been designed with a high degree of articulation through the use of varied building elements, recessed openings and a strong vertical and horizontal expression. This assists in breaking down the scale of the development at street level and reflects the finer grain character sought within the Activity Centre. The podium is also stepped in sections and adopts a brick treatment to the façade of the lower levels to reduce perceptions of visual bulk and reinforce a pedestrian-scaled streetscape.

149. The proposal includes a chamfered building line at the north-eastern corner of the site, creating a publicly accessible plaza that incorporates landscaping, seating opportunities and an accessible pedestrian through-link. This space is expected to improve pedestrian permeability by softening the corner with the laneway, create an active gathering area, and enhance the public realm outcome for the site. The plaza, in conjunction with the active ground-floor uses, delivers a significant streetscape and community benefit that aligns with the objectives of DDO10 for strategic redevelopment sites within the Urban Renewal Precinct.

Building Design

Design Guideline	Assessment
Buildings should: • *Incorporate high quality materials, textures and colours that respond to the residential or commercial characteristics of the streetscape, as appropriate.*	**Satisfactory** The submitted Urban Context Report prepared by CBG provides a detailed explanation of the design response including the proposal to incorporate high quality materials, textures and colours that complement the surrounding context and contribute to a cohesive and high quality built environment. DTP supports the design response described in Figure 9 below which is consistent with this guideline.  ***Figure 9:*** *Proposed schedule of materials and finishes (Source: CBG Urban Context Report)*
• *Be designed to address front, oblique and side views.*	**Satisfactory** The development has been designed to be read 'in the round' and provides a high-quality design presenting to front, oblique and side views.
• *Provide wide entries that are clearly visible, legible and welcoming, where appropriate.*	**Satisfactory** The development provides clearly visible, legible and welcoming entries which distinguish between the commercial tenancies and the residential lobby.
• *Ensure building services, including domestic services, utilities and waste management*	**Satisfactory** Building Services are well placed, concealed and integrated into the building design where possible. The plant equipment on the rooftop will be appropriately screened.

	facilities, are well-placed, concealed and integrated into building design.	Ground level services are concealed and designed with appropriate materials to integrate with the building façade.
•	*Minimise overshadowing impacts on existing and future open spaces, commercial footpath-trading areas and existing residential sites.*	**Satisfactory** There are no existing or future open spaces that will be impacted by the development. Shadow diagrams submitted with the application assess conditions between 9 am and 3 pm on 22 September and compare the proposed development against the existing conditions, the approved permit, a DDO10-compliant built form and the 12-storey development previously supported by council officers. The assessment demonstrates that the overshadowing impacts generated by the proposal are generally comparable to those associated with the strategic built form outcomes anticipated for the site and do not result in a material increase beyond the 12-storey form previously recommended by the council. The proposal is not expected to unreasonably impact the amenity of surrounding streets or the public realm. Shadowing of Ross Street is limited to a relatively small section of the street during the morning period, with footpaths continuing to receive sunlight throughout much of the day. Similarly, overshadowing of Horne Street is largely confined to the afternoon period after 2 pm, with substantial areas of the footpath and street frontage retaining solar access. Additional shadow impacts to secluded private open space within the Ross Street precinct are limited in extent and duration. The affected properties experience only minor increases in shadowing, generally in the order of 20 to 30 minutes between 9 am and 12 pm, with solar access restored during the afternoon period. The additional shadows are confined to relatively small areas and, in many instances, do not directly affect secluded private open space. Overall, the overshadowing impacts are considered reasonable when balanced against the strategic objectives for increased development intensity within the activity centre. The proposed setbacks and recessed upper levels assist in reducing shadow impacts, and the development achieves an acceptable outcome having regard to the overshadowing objectives of DDO10.
•	*Incorporate a podium and tower form with detailing emphasised at ground floor to achieve a human scale with an active street level experience.*	**Satisfactory** The proposal incorporates a podium and tower form with detailing and materials at ground level to achieve a human scale with an active street level experience consistent with the council permit.
•	*Provide separation between a low-scale podium and upper levels to assist in integration with traditional low-scale streetscapes and to assist in mitigating building bulk and overlooking (without reliance on privacy*	**Satisfactory** The podium to the built form on Horne Street has a height and scale to match the predominant built form in the surrounding area. This podium has been treated with a textured and layered surface (brickwork) to give human scale and variety to ground level and the interfaces with the public realm. The podium also responds to the character of Horne Street, where examples of robust and taller form to the street edge can be observed. Above the podium, the tower is clearly separated and visually receded, ensuring the additional height is not perceived as excessive from the pedestrian network.

screens).	
• *Provide active edges at ground floor, with weather protection (awnings), openings and architectural detailing providing activity and interest for people.*	**Satisfactory** The proposal responds to these objectives by: • Incorporating active retail uses at ground level, addressing Horne Street and the new landscaped plaza. • Providing weather protection through the covered plaza which incorporates a through-connection and a canopy to Horne Street serving the main entry and commercial tenancies along key pedestrian frontages. • Articulating the podium with punched openings and strong vertical and horizontal elements that reflect the rhythm and fine-grain character of surrounding development. • Stepping the podium to reinforce street proportions and reduce perceived bulk.
• *Create new active frontages to new plazas and active laneways and conceal services in these locations.*	**Satisfactory** The proposal creates active frontages to both Horne Street and the proposed landscaped plaza through the provision of ground-floor retail tenancies and a publicly accessible pedestrian connection. These uses will promote pedestrian activity, passive surveillance and activation of the public realm, contributing to the function of the plaza as a key gathering and movement space within the activity centre. The covered plaza and associated canopy further enhance the usability and amenity of these areas by providing weather protection and encouraging pedestrian movement through the site. Service areas are discreetly integrated within the building and do not present prominently to the plaza or active pedestrian frontages, ensuring that the primary interfaces are characterised by active uses and high-quality urban design outcomes.
• *Consolidate upper setbacks to avoid a visible tiered form.*	**Satisfactory** The development has been designed with consolidated upper setbacks to avoid a visible tiered form.
• *Where the street proportions and character are strongly defined, respond to those key features (such as setbacks, parapets, cornices, awnings or colonnade heights).*	**Satisfactory** The proposal is considered to respond appropriately to the established street proportions and character of Elsternwick Village, which are defined by a consistent street wall, articulated shopfronts, continuous weather protection and a strong vertical façade rhythm. The podium incorporates a built form expression that reflects these characteristics through a clearly defined street wall and a façade composition that references the fine-grain pattern of surrounding development. The podium is articulated into a series of vertically expressed bays and incorporates masonry elements, punched openings and varied building heights that echo the established rhythm and proportions of the streetscape. The stepped podium form further reinforces the prevailing street proportions, reducing the perceived scale and bulk of the development while providing a clear transition to the recessed tower above. This approach maintains the prominence of the podium within the street view and ensures the upper levels remain visually subordinate.

• *Use vertical and horizontal architectural elements and spacings that match the development pattern of the street (for example, match the fine grain character of surrounding buildings by matching vertical alignments in the podium of a building).*	**Satisfactory**. The proposal is considered to respond positively to this guideline through the design and articulation of the podium, which draws directly from the established development pattern of Elsternwick Village. The Urban Design assessment notes that the podium has been designed as a series of modules generally reflecting the prevailing 6-7 metre lot widths characteristic of the surrounding fine-grain commercial streetscape. The podium also incorporates strong horizontal elements, including the awning and defined separation between ground and upper podium levels, reflecting the traditional shopfront character of Horne Street where upper levels are visually distinguished from the ground floor. The combination of vertical modulation, recessed façade elements and varied podium heights creates a well-articulated street wall that responds to the established rhythm and proportions of the surrounding streetscape.
• *Where adjacent to sensitive interfaces, provide a transition in scale from larger buildings to areas of smaller scale.*	**Satisfactory** While the site is not affected by the sensitive interface controls of DDO10, the site is adjacent to residential properties to the south-west. The proposal demonstrates a considered response to surrounding lower-scale residential development through setbacks, articulation and massing. This is further discussed in the following sections of this report.
• *In Precincts C, D, E and F shown on Map 1 to this Schedule, buildings should support a range of employment, residential and community spaces.*	**Satisfactory** The development incorporates employment (food and drink premises, shop) uses, and residential apartments as well as a community space through the provision of a publicly accessible plaza. The provision of these spaces as part of the proposal aligns with the strategic direction for Precinct F within the Elsternwick Major Activity Centre.

Outlook, overlooking and passive surveillance

Buildings should:

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

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

Satisfactory

The proposal is considered to respond appropriately by providing a high level of internal amenity for future occupants while ensuring adverse privacy impacts on surrounding properties are appropriately managed.

Active living areas are designed to maximise outlook, access to natural daylight and ventilation. Potential overlooking has been addressed through a combination of building setbacks, angled balcony returns, highlight windows and limited use of frosted glazing, thereby avoiding the need for excessive screening that can compromise resident amenity. This approach enables residents to retain views and outlook while ensuring reasonable levels of privacy for adjoining properties.

The design encourages passive surveillance of the public realm through the inclusion of windows, balconies and active frontages overlooking Horne Street, the proposed landscaped plaza and laneway interfaces. These elements contribute to an active and visually permeable building edge, increasing opportunities for casual surveillance and supporting a safe and activated pedestrian environment.

The proposal also responds appropriately to adjoining properties through the provision of setbacks to the rear laneway and the incorporation of a three-storey podium form adjacent to the lower-scale residential development within the Ross Street precinct. The setback arrangement increases separation between buildings and limits opportunities for direct overlooking. While some balconies and habitable room windows are oriented towards side interfaces, these have been carefully designed and screened through architectural measures to prevent unreasonable overlooking and maintain privacy outcomes.

Importantly, the development does not rely on the amenity, outlook or separation afforded by adjoining sites. The proposed tower setbacks of between 4.7 and 5.3 metres provide an appropriate degree of separation from surrounding properties, ensuring the building can achieve acceptable levels of outlook, daylight access and internal amenity independently of any future redevelopment on neighbouring land. .

Access and parking

Buildings should:

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

Satisfactory

The proposal is considered to respond positively to these guidelines through a parking and access arrangement that prioritises an active and high-quality public realm at the primary interfaces while minimising the visual and functional impacts of vehicle infrastructure.

Vehicle access is provided via the existing side and rear laneway rather than from Horne Street, ensuring the primary street frontage remains focused on active pedestrian-oriented uses. The laneway is proposed to be widened to 5.45 metres and upgraded to include a dedicated pedestrian path separated from vehicles by bollards, together with traffic calming measures and improved surface treatments. This approach enhances pedestrian safety and amenity while supporting the continued function of the laneway as an important connection between Ross Street and Horne Street.

Consistent with the objective of maintaining active frontages, the majority of vehicle parking is accommodated within two basement levels, comprising 58 residential car parking spaces. This ensures that parking infrastructure does not dominate the building's presentation to Horne Street or detract from the activation of the public realm. Only two retail car parking spaces are provided at ground level adjacent to the rear laneway, where their visual impact is limited.

The proposal appropriately utilises the side and rear laneway for vehicle access, thereby avoiding additional crossovers to Horne Street and minimising interruptions to pedestrian movement and active street frontages. The access arrangement consolidates vehicle movements into a single location and limits the extent of vehicular infrastructure visible from the public realm.

Bicycle parking is provided in the form of 52 bicycle spaces, comprising residential, visitor and retail bicycle facilities. These spaces are located at ground and upper-ground levels with convenient access from the rear laneway, providing a secure, accessible and practical alternative transport option for residents, employees and visitors.

The development also incorporates a clear separation between pedestrian, residential and commercial functions. Active retail tenancies and the principal public entries are located along Horne Street and the landscaped plaza, while vehicle access is confined to the laneway. Loading and servicing activities associated with the commercial tenancies are accommodated from Horne Street using the existing nearby loading zone, ensuring they do not conflict with resident access arrangements or compromise the operation of the internal pedestrian environments.

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

Satisfactory

The proposal consolidates three separate land parcels to create a 1,239 sqm development site within the Elsternwick Activity Centre. This consolidated site area enables a more efficient built form outcome that can accommodate increased density while managing amenity impacts through appropriate setbacks, building articulation, tower separation and a podium-and-tower design response. The proposal concentrates visual bulk within the site and provides sufficient separation from adjoining development, ensuring impacts can be appropriately managed.

Despite the consolidated site area, the building design continues to respond to the established rhythm and fine-grain character of Elsternwick Village. The façade composition breaks down the perceived scale of the building and maintains the visual rhythm and proportions characteristic of the surrounding streetscape.

The proposal also facilitates an improved laneway network through the widening of the existing side and rear laneways and the creation of a dedicated pedestrian connection between Ross Street and Horne Street. the upgraded laneway network significantly enhances connectivity, accessibility and public realm outcomes for the site and surrounding area.

Overall, the proposal appropriately leverages the opportunities presented by site consolidation by delivering an efficient built form, maintaining the fine-grain character of the streetscape, and improving laneway connectivity and pedestrian permeability within the precinct.

Decision Guideline	Assessment
• *Whether development responds to the design objectives set out in Clause 1.0 to this schedule.*	**Satisfactory** The development responds to the design objectives under the DDO10 as discussed in the sections above.
• *The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.*	**Satisfactory** The proposed development respects the scale and form of existing buildings, particularly when viewed from the surrounding pedestrian network as discussed throughout this report.
• *Whether the design and form of buildings supports the housing and economic needs of the Elsternwick Activity Centre.*	**Satisfactory** The design and form of the proposed building supports the housing and economic needs of the Elsternwick Activity Centre as discussed throughout this report.
• *Whether proposed*	**Satisfactory**

buildings on sites that are in the vicinity of a heritage place are respectful of that heritage place.	The site is not within a Heritage Overlay and is distanced from heritage buildings on Glen Huntly Road.
• *Whether proposed buildings are sensitively designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjacent land.*	**Satisfactory** The proposed building has been designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjoining land to the south-west (to the extent reasonable and practical having regard to the planning requirements as they apply). Refer further discussions under the 'Overlooking' assessment section of this report.
• *The impact of overshadowing to the public realm.*	**Satisfactory** The shadow diagrams submitted with the application assess overshadowing between 9 am and 3 pm on 22 September and compare the proposed development against existing conditions, the approved permit, a DDO10-compliant built form and the 12-storey development previously supported by Council officers. The assessment demonstrates that the overshadowing effects of the proposal are generally consistent with the scale and density outcomes anticipated for the site within the Urban Renewal Precinct. Additionally, the proposal does not result in a material increase in overshadowing when compared to the 12-storey built form previously recommended by Council officers. The proposal is not expected to unreasonably affect the amenity of surrounding streets or the public realm. Shadowing of Ross Street is limited to a relatively small section of the street during the morning period, with the majority of footpath areas continuing to receive sunlight for much of the day. Similarly, additional overshadowing of Horne Street is largely confined to the period after 2 pm, with substantial sections of the street frontage and footpaths retaining access to sunlight. While DDO10 does not prescribe specific overshadowing standards, it seeks to ensure that development does not result in unreasonable amenity impacts. Having regard to the submitted shadow analysis and the strategic development outcomes envisaged for the precinct, DTP is satisfied that the proposal will not result in unreasonable overshadowing of the public realm and that the amenity of surrounding streets and pedestrian areas will be appropriately maintained.
• *Whether development in Precinct C, D, E or F demonstrates a high level of architectural quality and makes a positive contribution to the public realm.*	**Satisfactory** The proposal is considered to demonstrate a high level of architectural quality and make a positive contribution to the public realm. The podium responds to the fine-grain character of Elsternwick Village through its articulated façade, vertically expressed bays, masonry detailing and strong street wall presentation, while the recessed tower form reduces visual bulk and reinforces the pedestrian scale of Horne Street. The development contributes positively to the public realm through active ground-floor retail frontages, a landscaped plaza, a publicly accessible pedestrian connection and weather protection canopies that enhance pedestrian amenity and activation. The upgraded

	laneway network further improves connectivity between Horne Street and Ross Street.
• *Whether any building in Precinct C, D, E or F that exceeds the maximum preferred building height:* - *Demonstrates that the development includes the provision of significant community benefit; and* - *Does not create unreasonable impacts on the amenity of sensitive interfaces as a result of additional height; and* - *Demonstrates architectural design excellence.*	**Satisfactory** While the proposal exceeds the preferred maximum building height identified by DDO10 by one storey and approximately 2.9 metres, the variation is not considered to result in unreasonable planning outcomes having regard to the design response, public benefits and amenity impacts of the development. The proposal delivers a number of community benefits, including a publicly accessible landscaped plaza, a through-site pedestrian connection between Horne Street and Ross Street, upgrades to the existing laneway network, active ground-floor retail frontages and enhanced pedestrian amenity through weather protection and improved public realm interfaces. These elements will contribute to the vitality, accessibility and functionality of the Elsternwick Activity Centre. The additional height above the preferred 12 storeys is not considered to create unreasonable impacts on the more sensitive residential interfaces to the south-west. The development incorporates a well-defined podium and recessed tower form, generous upper-level setbacks, and design measures that appropriately manage overlooking and overshadowing impacts. The submitted assessments demonstrate that any additional amenity impacts are limited and generally consistent with the strategic development outcomes anticipated for the Urban Renewal Precinct. The proposal also demonstrates a high degree of architectural quality. The building adopts a contemporary podium-and-tower composition that responds to the fine-grain character of Elsternwick Village through articulated façades, strong vertical and horizontal expression, high-quality materials and a clearly defined street wall with a brick finish to give the podium a human scale and appearance. The recessed tower, stepped podium form and integrated public realm outcomes contribute to a visually distinctive and well-resolved architectural response. Overall, although the proposal exceeds the preferred maximum height, it is considered that the development delivers significant public benefits, appropriately manages amenity impacts, and exhibits architectural design excellence. As such, support for the proposed height variation is warranted in this instance.

Public Realm

Ground Level Activation / Building program

150. The proposed development prioritises the activation of pedestrian activity along the primary Horne Street frontage. The ground floor is programmed with retail and food and drink premises that address both Horne Street and the proposed landscaped plaza, ensuring active uses are concentrated along key pedestrian frontages and contribute to the vitality of the activity centre.

151. The development creates a strong relationship between the building and the public realm through extensive glazing, active commercial frontages and direct pedestrian access to these premises. These elements will promote pedestrian activity, passive surveillance and visual interest, strengthening the role of Horne Street as a vibrant commercial environment.

152. The landscaped plaza will expand the pedestrian network within the activity centre, improve permeability through the site and create opportunities for informal gathering, outdoor dining and increased pedestrian

movement. The covered plaza and canopy along the Horne Street frontage provide weather protection and further enhance the comfort and usability of the public realm.

153. The location of vehicle access, parking and servicing functions to the side and rear laneway ensures that active uses occupy the primary street frontages. By accommodating the majority of car parking within basement levels and relying on laneway access, the proposal minimises the visual impact of vehicular infrastructure and allows the ground floor to be dedicated to pedestrian-oriented uses.

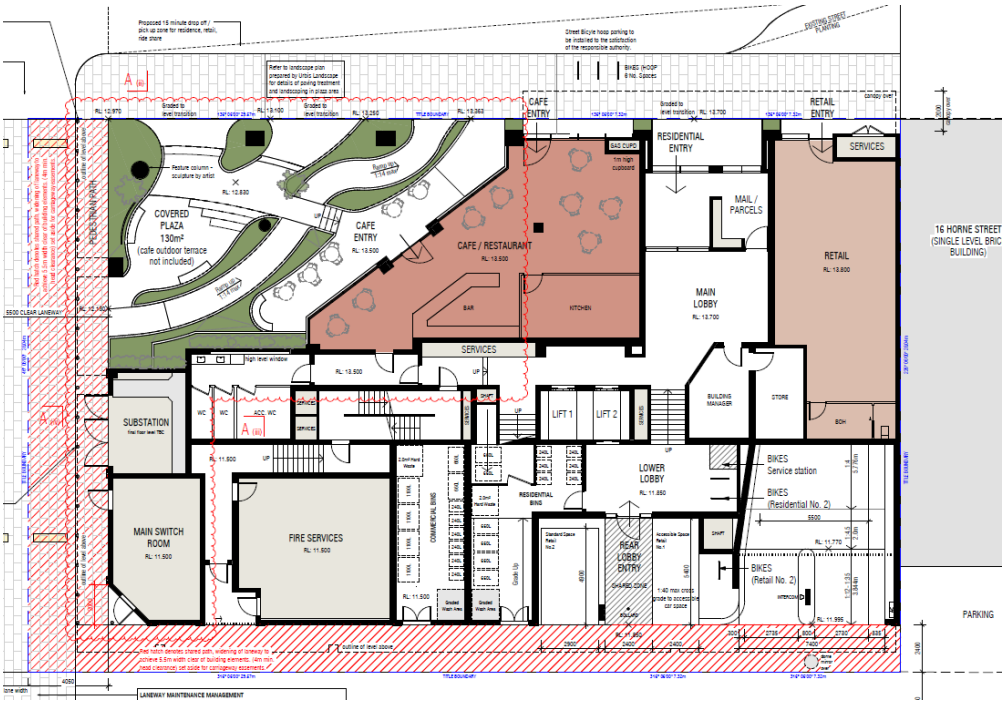


Figure 10: *Proposed ground floor layout (Source: Architectural plans prepared by CBG)*

Amenity Impacts (Internal and offsite)

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

Overlooking and Internal Views

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

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

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

157. This objective is accompanied by the following components of Standard D14 and Decision Guidelines that relate to the issue of overlooking:

Standard D14

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

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

Decision Guidelines

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

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

158. In assessing overlooking impacts, it is important to note that Clause 58 does not contain the prescriptive 9-metre overlooking standard found in Clause 55. Rather, the focus is on limiting direct views and achieving reasonable privacy outcomes through appropriate built form and design responses. Nevertheless, the 9-metre overlooking provisions under Clause 55 (Clause 55.04-4 (Standard B4-4 – Overlooking objective)) provide a useful benchmark in assessing the reasonableness of potential overlooking impacts.

159. The submitted architectural plans and sectional diagrams demonstrate that the proposal incorporates a range of integrated design measures to manage overlooking, particularly at the south-western interface with the residential properties in Ross Street where the potential for privacy impacts is greatest. These measures include the provision of privacy shelves, frosted glass balustrades, elevated parapets and increased setbacks, which reduce opportunities for direct downward views into adjoining secluded private open space areas while maintaining outlook and amenity for future occupants.

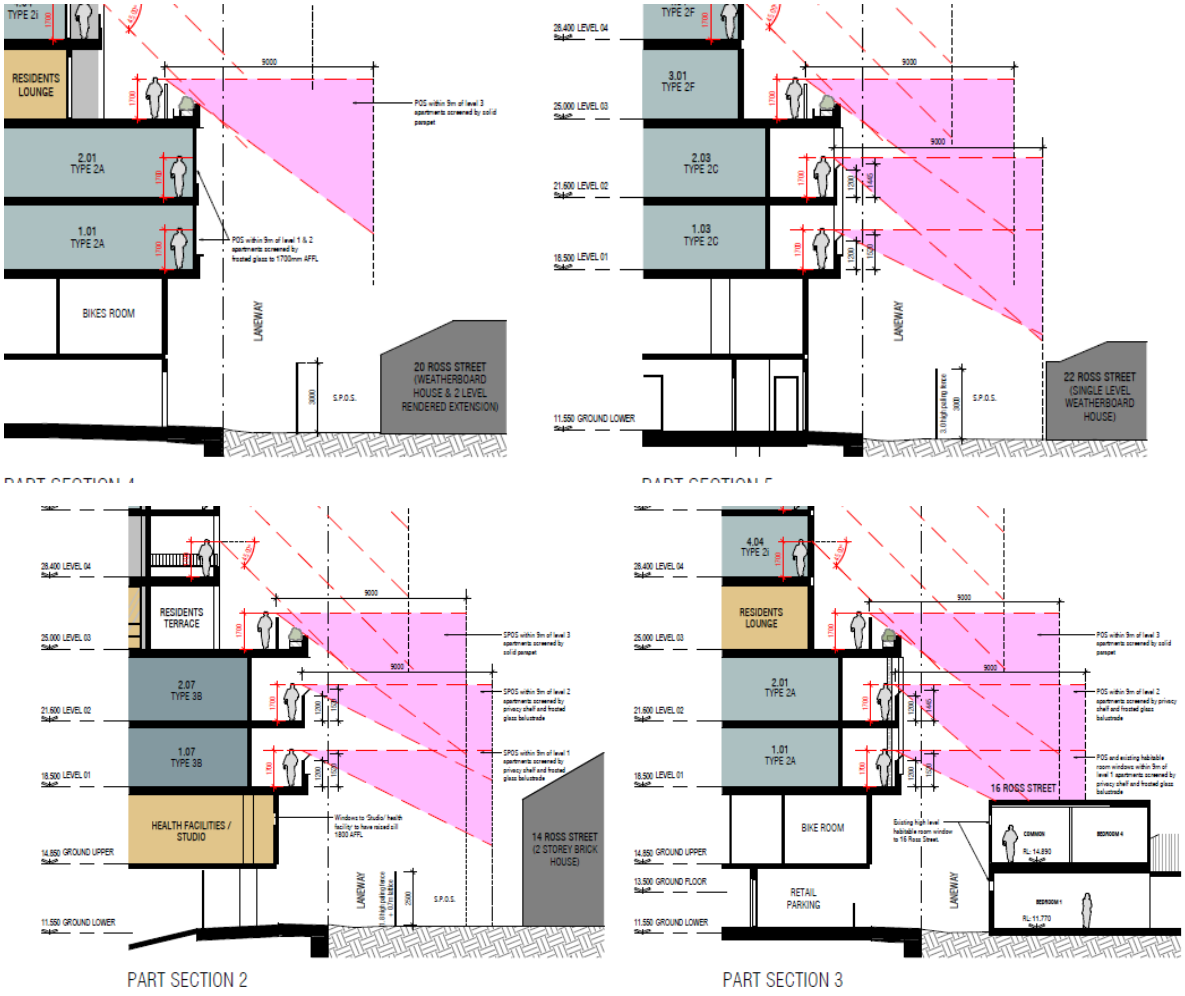


Figure 51: *Adjoining sensitive areas of private open space (Source: Urban Context Report prepared by CBG)*

160. Apartments 1.07 and 2.07, facing 14 Ross Street, and Apartments 1.01 and 2.01, facing 16 Ross Street, incorporate privacy shelves and frosted glass balustrades to screen downward views into adjoining secluded private open space areas within close proximity of the development. In addition, Apartments 1.01 and 2.01 include frosted glass to a height of 1.7 metres above finished floor level to further limit potential overlooking towards adjoining residential properties. The communal open space area at Level 3 is similarly screened by a solid parapet to prevent direct views into the rear yards of nearby dwellings.

161. Notably, this approach is consistent with the findings of *Auyin Property Development Pty Ltd v Glen Eira CC [2019] VCAT 1614*, where the Tribunal required screening to upper-level windows and terraces facing the rear laneway to limit downward views into nearby residential properties, while maintaining opportunities for passive surveillance of the laneway.

162. Above Level 3, the tower component is setback more than 9 metres from adjoining private open space and habitable room windows, substantially reducing the potential for unreasonable overlooking from the upper levels of the development.



Figures 12 - 15: *Sections showing potential views and proposed screening (Source: Architectural Plans prepared by CBG)*

163. Having regard to the building setbacks, separation distances and integrated privacy measures proposed, it is considered that the development appropriately balances resident outlook and amenity with the need to protect the privacy of neighbouring properties. The proposal is therefore considered to satisfy the objectives of Clause 58 and the relevant decision guidelines of DDO10 relating to overlooking and internal views.

Overshadowing

164. The objectives and decision guidelines of DDO10 seek to minimise unreasonable overshadowing of the public realm and existing residential properties. While the overlooking and setback provisions of Clause 58 apply to the proposal, it is noted that neither Clause 58 nor DDO10 prescribe specific overshadowing standards for adjoining properties. Accordingly, the assessment focuses on whether the resulting shadow impacts are reasonable having regard to the site's strategic role within the Urban Renewal Precinct and the anticipated built form outcomes for the activity centre.

165. Shadow diagrams submitted with the application assess overshadowing between 9 am and 3 pm on 22 September (Spring Equinox). The assessment demonstrates that the proposal has been designed to appropriately manage shadow impacts on surrounding streets, the public realm and adjoining residential properties.

166. In relation to the public realm, shadowing of Ross Street is limited to a relatively small section of the street during the morning period between 9:00 am and 11:00 am, with footpaths continuing to receive sunlight throughout much of the day. Similarly, overshadowing of Horne Street is largely confined to the period after 2:00 pm, with substantial sections of the street frontage and footpaths retaining solar access. DTP is satisfied that the proposal will not unreasonably diminish the amenity of either street and is consistent with the objectives of DDO10.

167. Additional shadow impacts to residential properties within the Ross Street precinct are limited in both extent and duration. The shadow analysis indicates that the following properties experience only minor increases in overshadowing:

- Nos. 15 and 17 Ross Street: minor additional shadowing for approximately 30 minutes at 9:00 am.
- Nos. 15, 17, 19 and 21 Nepean Highway: minor additional shadowing for approximately 20 minutes at 9:00 am.
- No. 12 Ross Street: minor additional shadowing for approximately 30 minutes at 11:00 am.
- No. 8 Ross Street: minor additional shadowing for approximately 20 minutes at 12:00 pm.

168. The additional overshadowing is generally confined to small areas and, in many instances, does not directly affect secluded private open space. Where secluded private open space is affected, the impact is limited to approximately 20 to 30 minutes during the morning period, with solar access restored to these areas during the afternoon. By approximately 1 pm to 2 pm, any additional shadowing generated by the proposal has largely moved beyond the affected secluded private open space areas.

169. In assessing the reasonableness of the overshadowing impacts, regard has been had to *Auyin Property Development Pty Ltd v Glen Eira CC [2019] VCAT 1614*, where the Tribunal recognised that some additional overshadowing is an inevitable consequence of redevelopment within the Elsternwick Activity Centre. The Tribunal accepted that such impacts should be considered in the context of the site's strategic role as an Urban Renewal Site, where increased height and density are anticipated. Consistent with this approach, the additional overshadowing generated by the proposal is considered reasonable having regard to its limited extent and duration and the strategic planning objectives for the activity centre.

170. The shadow diagrams demonstrate that the additional overshadowing generated by the proposal beyond both the approved development and a DDO10-compliant built form is limited and remains within what is considered a reasonable planning outcome.

171. Overall, DTP is satisfied that the proposal appropriately balances the strategic objectives for urban renewal and increased housing density with the protection of residential amenity. The resulting overshadowing impacts are limited in extent, do not unreasonably affect the public realm, and are considered acceptable having regard to the activity centre context.

Noise

172. The application is supported by an Acoustic Report prepared by O'Callaghan Consulting Engineers (dated 5 June 2026) which provides an assessment of the proposed development. The assessment was informed by attended and unattended noise monitoring undertaken between 28 January and 6 February 2026 and considered the requirements of Clause 58.04-3 (Standard D16), the Environmental Protection Regulations 2021 and EPA Publication 1826.4.

173. The report assesses the impacts associated with the ground floor café/bar, retail tenancies, outdoor dining area, communal resident facilities, waste collection, deliveries and rooftop mechanical plant. The nearest noise-sensitive receivers were identified as residential properties in Ross Street and apartments at 242 Glen Huntly Road. The assessment predicts that patron noise associated with the café and outdoor dining area

would comply with relevant acoustic criteria without the need for physical noise controls. Background music associated with the commercial tenancies is also expected to be inaudible at nearby residential receivers. Landscaping within the plaza area and the relatively limited outdoor patron numbers are expected to further assist in reducing noise emissions.

174. The assessment also considers noise associated with deliveries and waste collection from the rear laneway. While these activities are predicted to comply with daytime noise limits, exceedances could occur during evening periods if undertaken outside recommended operating times. The report therefore recommends that waste collection and delivery activities be restricted to EPA-recommended hours and that operational measures be implemented, including minimising roller door operation, avoiding high-noise pavement treatments and adopting best-practice noise management measures. Subject to these measures, the proposal is not expected to result in unreasonable amenity impacts on surrounding residential properties.

175. The detailed design of mechanical services has not yet been completed. Accordingly, the report recommends further assessment once plant selection has occurred. Nevertheless, the acoustic consultant advises that compliance with the applicable EPA noise limits is achievable through appropriate plant selection, acoustic screening, vibration isolation, silencers and the siting of equipment away from sensitive receivers. Importantly, the report notes that noise impacts to residents within the development itself can be appropriately managed through detailed design to ensure plant noise, lift operation, ventilation systems and commercial activities do not adversely affect nearby apartments. A detailed mechanical plant assessment and post-installation compliance testing are recommended as part of the final design process.

176. The acoustic assessment concludes that the proposal can achieve compliance with the relevant acoustic standards and EPA requirements, subject to implementation of the recommended building envelope treatments, noise attenuation measures and operational management practices. It is therefore considered that the proposal will provide an acceptable level of acoustic amenity for future occupants while avoiding unreasonable noise impacts on surrounding residential properties.

Clause 58 (Apartment Developments)

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

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

Landscaping

179. A variation is sought to Standard D10 which requires 97.8 sqm of canopy cover and 92.9 sqm of deep soil. The amount of canopy coverage or deep soil proposed to be provided by the proposal has not been specified in the application package. This information will be required to be provided in the updated landscape plan for endorsement before the development starts. Refer to discussion under ‘Landscaping’ below.

Building Setbacks

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

Energy Efficiency

181. A variation is sought to Standard D6 (Energy Efficiency). The development is oriented to maximise solar access, with a predominantly north-eastern aspect and north-facing living areas provided where practicable. The design incorporates habitable rooms with good access to natural light and ventilation, supporting a high level of internal amenity. The site is located within Climate Zone 21 (Melbourne), and the energy modelling demonstrates that the majority of apartments achieve cooling loads below the applicable target, with only a small number recording minor exceedances. Having regard to the overall building orientation, solar access, ventilation outcomes and the limited extent of the exceedance, the proposal is considered to achieve an acceptable level of thermal performance and energy efficiency.

Landscaping

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

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

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

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

Table D2 Canopy cover and deep soil requirements

Site area	Canopy cover	Deep soil
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area

185. The applicant submitted a 'Landscape Concept Report' prepared by Urbis.

186. DTP agrees with the applicant submission that the proposed landscape scheme has been designed to enhances the amenity of public interfaces, publicly accessible spaces, communal areas within the development and the building architecture.

187. The site has an area of approximately 1,239 sqm in total and therefore has a requirement to provide 7.5% of the site to be deep soil area under Table 2. The equates to 92.925 sqm.

188. Noting the proposed development occupies the entirety of the site, there is no ability to provide deep soil planting at ground level.

189. The landscape concept incorporates street trees (English Oaks) along the Horne Street interface

190. The landscape concept report has not provided the total canopy coverage proposed.

191. The development features a landscaped publicly accessible plaza on the north-east corner of the site which includes high-quality paving, terracing, planters with capacity for ground cover, shrubs and trees, and integrated seating.

192. A landscaped communal terrace on the podium rooftop (Level 3), incorporating high-quality paving and planters with capacity for ground cover, shrubs and trees is proposed.

193. Conditions will require the submission and endorsement of a detailed Landscape Plan, generally in accordance with the Landscape Concept Plans prepared by Urbis (June 2026). The plan must provide comprehensive details of proposed species selection, planting and mature heights, canopy spread, planting densities, irrigation measures and ongoing maintenance requirements. While the submitted landscape concept demonstrates a commitment to urban greening through landscaping within communal spaces and the incorporation of extensive planter boxes throughout the development, the information provided is not sufficiently detailed to enable a full assessment of the landscaping outcomes. In particular, further detail is required regarding the quantity, distribution and maturity of planting, together with the extent of tree canopy coverage proposed across the site. Subject to the submission of a detailed Landscape Plan that demonstrates satisfactory urban greening outcomes, including meaningful canopy cover, visual relief and high-quality landscape amenity, it is considered that an appropriate balance can be achieved between communal and private open space, resident amenity, functional building design and the landscaping objectives of the planning scheme.

Car and Bicycle Parking, Loading, and Other Services

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

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

195. The proposed development is supported by the submitted Transport Impact Assessment (TIA) prepared by Urbis which responds to these matters. Notably, the proposed access and car parking arrangements remain generally consistent with the Council permit as discussed in the following sections.

Traffic generation and impacts

196. The TIA prepared by Urbis assesses the transport implications of the proposal, which seeks to increase the approved development yield from 30 apartments to 40 apartments whilst retaining the approved access arrangements, car parking provision and general basement layout.

197. The submitted assessment concludes that the proposal is anticipated to generate approximately 10 vehicle movements during both the AM and PM peak periods. Importantly, the assessment finds that the proposal would generate fewer peak hour vehicle trips than the approved development due to updated trip generation

data for high-density residential development. The proposal is therefore not expected to result in any additional traffic impacts on the surrounding road network.

198. The assessment also notes that Horne Street and the surrounding activity centre road network are capable of accommodating the expected traffic associated with the development and that the approved traffic mitigation measures, including laneway widening works, are retained. Given the modest traffic generation anticipated, the strategic location of the site and the absence of any identified road safety concerns, the proposal is not expected to adversely affect the operation of the surrounding transport network.

Vehicle Access

199. No changes are proposed to the approved vehicle access arrangements. Vehicle access to the basement parking areas and ground-floor car parking spaces will continue to be obtained via the laneway along the south-western boundary of the site. The proposal retains the approved widening of the adjoining laneways to provide a minimum 5.5 metre clear width, enabling two-way vehicle movement and improving operational safety

200. The submitted swept path analysis demonstrates that vehicles can safely enter and exit the site and manoeuvre within the development. The retention of the approved access arrangement ensures that vehicle movements are concentrated away from Horne Street, minimising potential conflicts with pedestrian activity along the primary frontage.

201. The proposal retains the approved 15-minute parking spaces along Horne Street to facilitate resident drop-off, pick-up activity and rideshare use. These measures support the efficient operation of the development whilst reducing pressure on surrounding streets.

Car Parking Provision

202. The proposal provides a total of 60 car parking spaces comprising 58 resident spaces and two spaces allocated to the ground-floor commercial uses. This is unchanged from the approved development.

203. The Traffic Impact Assessment notes that, while the proposal results in a statutory requirement of 61 spaces under the current provisions of Clause 52.06, the site benefits from an existing planning permit that has already approved a reduction in parking requirements and establishes minimum parking allocations for the development. The proposal complies with the parking allocations specified under the existing permit, including provision of at least one space for each one and two-bedroom dwelling, two spaces for each three-bedroom dwelling and two spaces for the commercial uses.

204. Given the site's location within a Major Activity Centre, its exceptional access to public transport and active transport infrastructure, and the fact that the parking provision remains consistent with the approved development, the proposed car parking supply is considered adequate to meet the anticipated demand generated by the development.

Car Parking Design

205. The proposal retains the approved basement layout with only minor modifications to improve functionality. The Transport Impact Assessment advises that the revised parking layout results in spaces that comply with the design requirements of Clause 52.06-9 and relevant Australian Standards. Two previously approved garage spaces have been replaced with conventional parking spaces, improving usability and manoeuvrability.

206. The swept path assessment demonstrates satisfactory vehicle circulation throughout the basement levels and confirms that vehicles can enter, exit and manoeuvre within the parking areas in a safe and efficient manner.

Subject to detailed design and compliance with the endorsed plans, the parking layout is considered capable of accommodating the anticipated vehicle demands of the development.

Bicycle Facilities

207. The provision of bicycle parking has increased from the approved development and now comprises a total of 52 bicycle parking spaces, including:

- 40 resident bicycle parking spaces;
- 4 residential visitor bicycle parking spaces;
- 2 bicycle spaces for commercial uses; and
- 6 publicly accessible bicycle spaces along Horne Street.

208. The proposed bicycle parking exceeds the statutory requirement under Clause 52.34. The provision of secure resident bicycle storage, visitor bicycle facilities and public bicycle parking supports sustainable transport outcomes and encourages cycling as a practical transport option for residents, visitors and employees.

209. Design details of the proposed bicycle parking spaces are recommended to be secured by condition.

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

Loading

211. The Traffic Impact Assessment addresses loading and servicing requirements associated with the ground-floor retail and food and drink premises. The commercial uses are expected to generate only limited servicing requirements, predominantly through small and medium rigid vehicle deliveries.

212. The assessment concludes that loading activities can be appropriately accommodated from the existing loading zone on Horne Street located approximately 20 metres from the site. This arrangement reflects the approved development outcome and avoids the need for additional on-site loading facilities. Having regard to the scale of the commercial tenancies and the availability of existing loading infrastructure, the proposed servicing arrangement is considered acceptable and is unlikely to create adverse traffic, safety or amenity impacts.

Waste Collection and Servicing

213. The ground-floor plans identify dedicated residential and commercial waste storage areas accessed from the rear laneway network. The approved development includes the widening of adjoining laneways to facilitate servicing and waste collection activities and the swept path assessment demonstrates access by a mini rear-loader waste collection vehicle.

214. The proposal retains these approved servicing arrangements and no changes are proposed that would compromise waste collection operations. The laneway network is specifically identified within the Elsternwick Structure Plan Transport Study as functioning as a service lane, supporting ongoing servicing and waste collection activity. Accordingly, it is considered that waste collection can occur efficiently and without unreasonable impacts on surrounding roads or properties.

Sustainable Transport

215. The proposal strongly supports sustainable transport objectives through its location within a highly accessible activity centre, close proximity to rail, tram and bus services, provision of bicycle parking in excess of statutory requirements, and retention of pedestrian-friendly frontage treatments and public realm improvements.

216. The combination of excellent public transport accessibility, substantial bicycle parking provision, limited commercial parking supply and convenient access to local services is likely to reduce private vehicle dependency and encourage a shift towards active and public transport modes.

217. A permit condition will require the preparation and implementation of a Green Travel Plan to further encourage the use of public transport, walking, cycling, car-share and rideshare services by future occupants.

Environmental Risks

Wind

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

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

Table D6 Wind conditions

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

219. A wind impact assessment has been prepared by Vipac Engineers and Scientists Ltd to assess the potential pedestrian-level wind effects associated with the proposed development at 7-15 Horne Street, Elsternwick. The assessment considers the site's exposure, surrounding built form, regional wind climate and the design response incorporated into the proposal.

220. The report identifies that the site is exposed to prevailing north-westerly winds which may be channelled along Horne Street and adjacent laneways. Given the proposed building exceeds the height of the surrounding built form, there is potential for localised downwash and corner acceleration effects, particularly around the northern corner of the building. However, the assessment notes that the proposed tower setbacks from Level 3 and above assist in mitigating these impacts by reducing the extent of wind being redirected to ground level.

221. The assessment has been undertaken against the wind comfort and safety criteria contained in Clause 58.04-4 of the Planning Scheme, which requires publicly accessible areas to achieve acceptable walking, standing and sitting comfort outcomes while also avoiding unsafe wind conditions.

Ground Floor

222. The report concludes that all ground-level footpaths and accessways surrounding the development are expected to satisfy the walking comfort criterion. Similarly, the primary building entrances fronting Horne Street and the rear laneway are anticipated to achieve the more stringent standing comfort criterion due to their recessed location within the building envelope.

223. Particular attention was given to the proposed covered plaza and outdoor dining areas located at the northern corner of the site. The assessment concludes that the covered plaza will achieve both standing and sitting comfort criteria through a combination of structural columns, a proposed 1.5-metre-high solid windscreen and landscape planting. The outdoor dining area is also expected to satisfy the sitting comfort criterion, ensuring an acceptable level of comfort for patrons and enhancing the usability of these publicly accessible spaces.

Communal Terrace

224. The communal terrace at Level 3 is expected to achieve the standing comfort criterion through the incorporation of 1.5-metre-high solid balustrades.

Private Balconies

225. Private balconies and terraces throughout the building, including those at the uppermost levels, are expected to satisfy the walking comfort criterion, with the Level 12 terraces relying on solid balustrades to achieve acceptable wind conditions.

226. Importantly, the assessment concludes that the proposal is expected to satisfy the relevant wind safety criterion and is not anticipated to generate unsafe wind conditions within the public realm or on private open space areas. The report recommends that occupants be made aware of potentially elevated wind conditions during severe weather events and that lightweight furniture on terraces and balconies be appropriately secured.

227. While the assessment is based on Vipac's experience with comparable developments and does not include wind tunnel testing or computational fluid dynamics (CFD) modelling, the consultant concludes that the proposed design incorporates sufficient mitigation measures to achieve acceptable wind comfort and safety outcomes. A more detailed wind study at the detailed design stage is recommended to validate performance and confirm whether any additional mitigation measures are required.

228. Overall, the assessment demonstrates that, subject to the implementation and retention of the recommended wind mitigation measures, including the proposed windscreens, balustrades and landscaping, the development is expected to provide acceptable wind conditions for pedestrians, visitors and residents. The proposal is therefore considered to achieve an acceptable outcome in respect of wind impacts and pedestrian comfort.

Sustainability

Environmentally Sustainable Development (ESD)

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

230. A Sustainability Management Plan prepared by Waterman Group (AUS) Pty Ltd has been submitted in support of the application and assesses the proposal against the sustainable design objectives of the Glen Eira Planning Scheme. The SMP demonstrates that sustainability principles have been integrated into the design of the development through a range of initiatives addressing energy efficiency, water conservation, stormwater management, indoor environmental quality, waste reduction and sustainable transport.

231. The SMP includes a BESS assessment achieving an overall score of 61%, exceeding best-practice benchmarks and confirming the proposal's strong environmental performance.

232. The development incorporates a range of initiatives to reduce energy consumption, including high-performance glazing, improved insulation, energy-efficient lighting, heat pump hot water systems and a minimum 10 kW rooftop solar photovoltaic array. Preliminary NatHERS modelling indicates the dwellings can achieve an average energy rating of 7.2 stars, exceeding minimum regulatory requirements.

233. Water efficiency measures include high-efficiency fittings, an 18,000-litre rainwater tank for toilet flushing and irrigation, and a water-sensitive urban design system that achieves best-practice stormwater treatment outcomes. The proposal also incorporates measures to improve indoor environmental quality, including access to natural daylight, low-VOC materials and improved ventilation.

234. The SMP further promotes waste minimisation through dedicated recycling and food waste facilities, construction waste diversion targets and the use of environmentally preferable materials. Sustainable transport initiatives include bicycle parking in excess of statutory requirements, end-of-trip facilities and a Green Travel Plan.

235. Overall, the proposal demonstrates a strong commitment to environmentally sustainable development and is considered to appropriately respond to the sustainability objectives of the Planning Scheme.

Water Sensitive Urban Design (WSUD) / Stormwater Management

236. As noted in the policy section of this report, Clause 53.18 (Stormwater Management in Urban Development) applies to the buildings and works of this application under the C1Z and sets out standards and objectives to be met for new development. Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

237. The proposal incorporates a comprehensive Water Sensitive Urban Design (WSUD) strategy that responds to the stormwater management objectives of the Planning Scheme and seeks to minimise the development's impact on the receiving drainage network. The SMP proposes the collection and reuse of rainwater via an 18,000-litre rainwater tank, with harvested water to be used for toilet flushing and landscape irrigation, reducing reliance on potable water supplies.

238. Stormwater treatment will be achieved through an integrated WSUD system comprising rainwater harvesting and a proprietary filtration treatment device prior to discharge from the site. MUSIC modelling submitted with the SMP demonstrates that the proposal is capable of achieving best-practice stormwater quality targets, including reductions in total suspended solids, total nitrogen, total phosphorus and gross pollutants, consistent with the requirements of Clause 53.18 and contemporary integrated water management principles.

239. The proposal also incorporates extensive landscaping and planting throughout communal areas, podium levels and planter boxes, which will assist in reducing stormwater runoff, improving water retention and contributing to urban cooling outcomes. The reuse of captured rainwater for irrigation further supports the long-term health and viability of the proposed landscaping.

240. Overall, the proposed WSUD measures demonstrate a strong commitment to integrated water management and are expected to achieve best-practice stormwater quality outcomes, reduce potable water consumption and contribute to the environmental sustainability of the development. Subject to the implementation of the measures outlined in the Sustainability Management Plan, the proposal is considered to satisfactorily address the stormwater management and WSUD objectives of the Planning Scheme.

Other Matters

Cultural Heritage

241. A Preliminary Aboriginal Heritage Test prepared by Biosis Pty Ltd has been submitted in support of the application to assess the requirements of the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018.

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

243. The site is located within an area of Cultural Heritage Significance. The assessment confirms that the proposed mixed-use development constitutes a high impact activity and that the site is located within an area of cultural heritage sensitivity associated with sand sheets. However, the assessment concludes that the site has been subject to extensive significant ground disturbance resulting from historical urban development, including building construction, demolition, excavation, service installation and surface concreting.

244. Accordingly, it is considered that the proposal appropriately addresses Aboriginal cultural heritage requirements and no cultural heritage constraints have been identified that would prevent the development from proceeding.

Affordable Housing

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

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

247. The applicant's submission acknowledges this requirement and commits to a cash contribution to the Social Housing Growth Fund of 3% of the development cost. This equates to $1.7 million based on a contribution of 3% of the $57.1 million residential development cost, verified by the submitted QS report.

248. This aligns with the requirements of the requirements of Clause 53.23 and will be secured by the mandatory permit condition at Clause 53.23-4 which requires a Section 173 Agreement to be entered into for the provision of an affordable housing.

Site contamination

249. The site is affected by an Environmental Audit Overlay (EAO) and is the subject of an environmental audit undertaken by Mark Stuckey of Environmental Earth Sciences. The audit, dated 20 April 2021, was prepared in support of the development approved under Permit GE/DP-32409/2018. The audit was undertaken to satisfy the requirements of the EAO prior to the commencement of buildings and works.

250. The environmental assessment identified residual contamination associated with historic land uses and fill material but concluded that these risks could be appropriately managed through the implementation of the audit recommendations. Importantly, the assessment found that there were no unacceptable vapour intrusion risks associated with the approved development, including a basement extending to groundwater level.

251. The Environmental Auditor concluded that the site is suitable for high-density residential and commercial uses, subject to the conditions contained within the Statement of Environmental Audit. These conditions require residual contaminated soils to be isolated from future occupants through permanent physical barriers,

including building slabs, pavements and other hardstand areas. The audit also restricts the use of groundwater and requires any future groundwater use to be subject to further investigation and assessment. In addition, the audit notes that any significant changes to the development layout, basement configuration, site coverage or other aspects relevant to the environmental risk assessment may require further review by an Environmental Auditor.

252. While the existing Statement of Environmental Audit confirms the suitability of the land for the approved development, it was prepared having regard to the previously approved scheme. Given the current application proposes amendments to the approved development, an updated environmental audit review and, if required, an amended Statement of Environmental Audit should be provided to confirm that the revised development remains consistent with the assumptions and conditions relied upon by the Environmental Auditor and that the site continues to be suitable for the proposed use and development.

253. Subject to confirmation from the Environmental Auditor that the amended development remains consistent with, or can be accommodated under, the existing Statement of Environmental Audit, it is considered that land contamination does not present a constraint to the orderly development and use of the land.

Objections

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

Submission matter	DTP Response
Building height, scale and perceived overdevelopment.	The site is identified as an urban renewal site within the Elsternwick Activity Centre and has consistently been recognised through strategic planning policy and built form controls as a location capable of accommodating substantial redevelopment and housing growth. The proposal has been assessed against DDO10, which identifies a preferred building height of 12 storeys while enabling additional height where a development delivers community benefit, demonstrates architectural excellence and achieves acceptable amenity outcomes. The proposed development adopts a well-resolved podium-and-tower form with generous tower setbacks and a recessed upper level, which assists in reducing visual bulk and maintaining an appropriate relationship with the surrounding public realm and adjoining development. Importantly, the proposed building height remains below the 46.3-metre building height previously supported by Council officers under the 2018 permit application. The proposal also provides a meaningful increase in housing supply within a highly accessible location directly opposite Elsternwick Railway Station and within the Major Activity Centre, consistent with State and local policy objectives that encourage urban consolidation and housing intensification in locations with excellent access to public transport, services and employment opportunities.
Consistency with the Elsternwick Structure Plan and emerging planning controls.	It is noted that the application was lodged under the Development Facilitation Program prior to the implementation of Amendment GC285 and is therefore assessed against DDO10, being the applicable statutory control at the time of lodgement. While the site's planning history and the 2019 VCAT decision are acknowledged, the current application is a new proposal that must be assessed on its merits against the operative planning controls and contemporary policy context. Council officer assessment of the 2018 application previously supported a built form of up to 12 storeys and 46.3 metres in height. While a lower built form was ultimately approved, that assessment demonstrates that a substantially taller development was previously considered capable of achieving acceptable planning outcomes on the site. The current proposal seeks a maximum building height of 45.91 metres, which is below the height previously supported by Council officers.

	The site continues to be identified as an urban renewal location within the Elsternwick Activity Centre and occupies a highly accessible position directly opposite Elsternwick Station. Since the 2019 VCAT decision, the strategic planning context has evolved significantly, with increased policy emphasis on housing delivery in activity centres and locations with excellent access to public transport, employment and services. Although the 2023 Structure Plan identifies a preferred height of 8 storeys, that height remains discretionary and does not preclude consideration of taller development where an appropriate planning outcome can be achieved. Accordingly, the proposal has been assessed against the operative planning controls and current strategic policy objectives rather than solely by reference to earlier strategic planning work.
Previous Council and VCAT decisions relating to the site.	The previous permit history is acknowledged and forms part of the broader planning context for the site. However, the VCAT proceeding relied upon by objectors occurred in 2019 and related to a different development proposal assessed under a materially different strategic policy environment. The proceeding was also an appeal to permit conditions rather than a merits assessment of a new proposal. Since that time, substantial changes have occurred within the planning system, including implementation of the Victorian Housing Statement & Plan for Victoria, the expansion of housing supply objectives, establishment of housing targets, and creation of pathways specifically intended to deliver strategically located, significant residential development. The current application has been developed following extensive pre-application consultation with the Department of Transport and Planning and includes design changes, public benefit outcomes and affordable housing contributions not considered through earlier applications. The proposal must therefore be assessed on its own merits having regard to current statutory controls, policy settings and associated technical assessments. While the planning history remains a relevant consideration, it cannot be treated as determinative of the future development potential of a strategically significant Urban Renewal site.
Insufficient transition to Ross Street and excessive visual bulk	The proposal recognises the importance of the Ross Street interface and incorporates a range of measures to manage the transition between the Urban Renewal precinct and the lower-scale residential properties beyond the rear laneway. The built form adopts a podium-and-tower configuration rather than a continuous vertical façade. The podium is generally three to four storeys in height and establishes a lower scale element before the tower is recessed above. The tower incorporates setbacks of approximately 4.95 metres to the south-west boundary, resulting in approximately 6.5 metres separation from the centreline of the rear laneway. Additional articulation, massing breaks, façade recesses and an upper-level setback further reduce the perceived scale of the development when viewed from surrounding residential properties. Privacy treatments including privacy screening, frosted glazing and high-level windows also minimise overlooking where it has been deemed required under the Glen Eira Planning Scheme. The planning assessment must also consider preferred future urban conditions rather than only existing built form. The Ross Street area is identified within broader strategic planning work as a housing opportunity area located within the activity centre (recently zoned within the HCTZ-1), allowing consolidated sites to achieve up to six (6 storeys) in this location. Accordingly, the proposal responds not only to the current context but also to the strategic planning intention for continued urban renewal and housing growth within central Elsternwick.
Overshadowing and loss of solar access.	Detailed shadow modelling has been undertaken comparing the proposal against existing conditions, the approved 9 storey permit, a DDO10-compliant 12-storey outcome and the 12-storey/46 metre scheme previously supported by council officers. The modelling demonstrates that additional shadow beyond the approved permit is limited and generally confined to isolated portions of private open space for short durations. Specifically: – A minor area of additional shadow will be experienced by 15 Ross Street and 17 Ross Street for 30 minutes at 9 am – A minor area of additional shadow will be experienced by 15, 17, 19 and 21 Nepean Highway for 20 minutes at 9am – A minor area of additional shadow will be experienced by 12 Ross Street for 30 minutes at 11am – A minor area of additional shadow will be experienced by 8 Ross Street for 20 minutes at 12pm Importantly, the submitted shadow diagrams identify no additional shadow impacts beyond the approved permit at 10:00 am, 1:00 pm,

	2:00 pm or 3:00 pm. By the afternoon period, additional shadow has moved beyond affected private open space areas and continued solar access is maintained, complying with the Planning Scheme requirements. The assessment further concludes that the proposal generates no additional shadow beyond the 12-storey, 46 metre scheme previously supported by council officers, notwithstanding the inclusion of a recessed 13th level. Accordingly, the additional impacts are limited in duration, affect only small portions of private open space and are considered acceptable when balanced against the strategic role of the site and the public benefits delivered.
Residential amenity impacts, including overlooking, privacy, visual bulk and loss of outlook.	The proposal incorporates a number of design measures to manage off-site amenity impacts, including a clear podium and-tower form, tower setbacks exceeding minimum expectations, façade articulation, upper-level recesses, privacy screening, frosted glazing, privacy screening and high-level windows within communal areas. The Architectural Plans demonstrate that overlooking to adjoining secluded private open space areas is appropriately managed through a combination of setbacks and built-form responses rather than excessive screening. While planning controls do not protect private views, the proposal has been designed to minimise perceptions of visual bulk and maintain appropriate separation to adjoining development.
Public benefits and whether they justify the additional height sought.	DDO10 expressly contemplates height discretion where a proposal delivers significant community benefit. In this case, the proposal provides substantially more than standard redevelopment outcomes. The development includes a publicly accessible landscaped plaza, widened laneways, enhanced pedestrian connectivity, public realm upgrades, undergrounding of electrical infrastructure, active retail frontages and additional housing supply within a highly accessible activity centre location. In addition, the proposal includes an affordable housing contribution of approximately $1.7 million to the Social Housing Growth Fund. This contribution forms part of the basis upon which the project qualified for assessment under Clause 53.23. The Planning Report quantifies the collective public benefits associated with the proposal at approximately $4.5 million. While we acknowledge a sentiment that individual development components (i.e. laneway improvements or landscaping) to be characterised as expected redevelopment outcomes, the planning framework requires the overall package of benefits to be considered collectively. When viewed holistically, the proposal delivers substantial public realm, affordability and housing supply outcomes beyond those associated with the existing permit and commensurate with the modest height variation sought.
Affordable housing outcomes.	The proposal is being assessed under the Significant Residential Development with Affordable Housing pathway pursuant to Clause 53.23. The application includes an affordable housing contribution of approximately $1.7 million to the Social Housing Growth Fund, which will facilitate the delivery of affordable housing, and was deemed eligible under the Development Facilitation Program on that basis. The Planning Scheme expressly permits affordable housing contributions to be provided through financial mechanisms rather than dedicated on-site affordable housing dwellings.
Neighbourhood character impacts.	The site is located within the core of the Elsternwick Activity Centre and has consistently been identified as an Urban Renewal site intended to accommodate substantial change. The proposal retains active ground-floor uses, introduces public realm upgrades, new landscaping, publicly accessible open space and improved pedestrian connectivity. When compared with the existing condition on site (which includes no street activation), the proposal represents a substantial urban realm improvement. The proposal responds to the preferred future character envisaged for a strategically significant activity centre site rather than preserving the existing low-scale built form currently occupying the land.
Traffic, parking and pedestrian safety impacts.	A Traffic Impact Assessment concludes that the proposal is expected to generate approximately 10 vehicle trips per peak hour, compared with approximately 15 peak-hour vehicle trips associated with the approved permit. Accordingly, the proposal is not expected to generate additional traffic impacts beyond what has already been approved. The development retains the approved 60 car parking spaces, exceeds the statutory residential requirement and maintains approved access arrangements. The rear laneway will be widened to 5.5 metres and incorporates a dedicated pedestrian path separated from vehicle movements together with traffic calming features. The Traffic Impact Assessment concludes

	there are no traffic, parking or road safety grounds that would warrant refusal of the application. We also note that the council has no objection to the car parking provided.
Waste collection, servicing and operational impacts.	A Waste Management Plan has been prepared and confirms that all waste will be stored within dedicated on-site waste rooms and collected by private contractors from the widened rear laneway. No bins will be presented to the kerb or stored within the public realm. Swept path analysis confirms collection vehicles can safely enter, manoeuvre and exit the site, and waste servicing arrangements remain consistent with the approved development.
Wind and microclimate impacts.	A pedestrian wind assessment prepared by Vipac concludes that wind conditions across surrounding footpaths, entrances, communal areas and the publicly accessible plaza satisfy applicable walking, standing and sitting comfort criteria and meet relevant safety standards. Any additional detailed refinement can be addressed through permit conditions and detailed design.

Recommendation

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

256. The proposal responds to the purpose of the C1Z and meets the objective and decision guidelines of the DDO10 and Clause 58 of the Glen Eira Planning Scheme.

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

258. It is recommended that Planning Permit **PA2604393** for the proposed development at **7-15 Horne Street, Elsternwick** be issued, subject to conditions.

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

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Planner, Planning Facilitation

Signed: [redacted]

Phone: [redacted]

Dated: 13/10/2026

Peer reviewed by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Senior Planner, Planning Facilitation

Signed: [redacted]

Phone: [redacted]

Dated: 19/10/2026

Reviewed by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [redacted]

Title: Manager Development Assessment

Signed: [redacted]

Phone: [redacted]

Dated: 19/10/2026

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

Application requirements

Clause 58.01-1	Assessment

• *An application must be accompanied by:*
  ○ *An urban context report.*
  ○ *A design response.*
	Satisfied
	The submitted application was accompanied by an Urban Context Report prepared by CBG and Design Response prepared by Urbis.

Urban context report

Clause 58.01-2	Assessment

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

Design response

Clause 58.01-3	Assessment

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

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

Urban context objectives

Clause 58.02-1	Assessment
Objectives • *To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.* • *To ensure that development responds to the features of the site and the surrounding area.*	**Meets Objective** An Urban Context Report has been prepared by CBG Architects and forms part of this lodgement package. It is considered that the proposal provides a design response that is reflective and appropriate to the urban context in Elsternwick, which is an evolving activity centre where increased heights and scale are encouraged.
Standard D1 • *The design response must be appropriate to the urban context and the site.* • *The proposed design must respect the existing or preferred urban context and respond to the features of the site.*	**Complies with Standard** As above.

Residential policy objectives

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

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings*	**Meets Objective** The development comprises a range of dwellings sizes and types to meet a range of housing needs.
Standard D3 • *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.*	**Complies with Standard** The proposal incorporates a total of 40 apartments with a mix of two and three-bedroom apartments. Specifically, the proposal includes: - 25 two-bedroom apartments (62.5%) - 15 three-bedroom apartments (37.5)

	This is considered to be an appropriate mix of apartments that accurately responds to market trends.

Infrastructure objectives

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

Integration with the street objective

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

Standard D5
• *Developments should be oriented to front existing and proposed streets.*
• *Along street frontage, development should:*
  ○ *Incorporate pedestrian entries, windows, balconies or other active spaces.*
  ○ *Limit blank walls.*
  ○ *Limit high front fencing, unless consistent with the existing urban context.*
  ○ *Provide low and visually permeable front fences, where proposed.*
  ○ *Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
• *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*
	Complies with Standard
	A key element of the overall design of the proposal is ensuring that the development integrates with the street. The proposal is oriented towards Horne Street with a public covered plaza. There are also two tenancies (one retail tenancy and one restaurant) proposed facing towards Horne Street to provide street activation.

Energy efficiency objectives

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

Standard D6
• *Buildings should be:*
  ○ *Oriented to make appropriate use of solar energy.*
  ○ *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
• *Living areas and private open space should be located on the north side of the development, if practicable.*
• *Developments should be designed so that solar access to north-facing windows is optimised.*
• *Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.*
	Variation to Standard
	The proposal is appropriately orientated to the northeast to maximise solar access, with living areas orientated north where possible. The design also incorporates habitable areas that will allow for adequate ventilation and good solar access. The subject site is located in Climate zone 21 Melbourne. On average, apartments are under the cooling load target, noting only a small number of apartments (4) are above this. Given the balance of internal amenity provided and noting the exceedance is only on a small number of apartments, this is considered to provide for adequate thermal efficiency.

Table D1 Cooling load

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

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

Communal open space objective

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

Standard D7
• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
• *Each area of communal open space should be:*
  ○ *Accessible to all residents.*
  ○ *A useable size, shape and dimension.*
  ○ *Capable of efficient management.*
  ○ *Located to:*
  - *Provide passive surveillance opportunities, where appropriate.*
  - *Provide outlook for as many dwellings as practicable.*
  - *Avoid overlooking into habitable rooms and private open space of new dwellings.*
  - *Minimise noise impacts to new and existing dwellings.*
• *Any area of communal outdoor open space should be landscaped and include canopy cover and trees.*
	Complies with Standard
	There is a statutory requirement for a total communal open space area of 130 square metres is to be provided in accordance with Standard D7 (30 square metres + 2.5 x 40 square metres). The proposal provides 337 square metres of total communal open space area, satisfying this requirement.

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective • *To allow solar access into communal outdoor open space*	**Meets Objective** The development will allow solar access into the proposed communal outdoor open space.
Standard D8 • *The communal outdoor open space should be located on the north side of a building, if appropriate.* • *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*	**Variation to standard** Standard D8 encourages communal outdoor open space to be located on the north side of a building, if appropriate. Noting the orientation of the proposed communal outdoor space on the podium rooftop on the south-east side of the tower, the space will receive morning and afternoon sun. Shadows tested on 22 September demonstrate two clear hours of morning sun (9am and 10am), and afternoon sun moves onto the communal area after 3pm. This allows solar access onto the communal outdoor space, while also providing for balance of shaded areas to maximise year-round use of the space. While winter shadows

	(at 21 June) will reduce the amount of sunlight received, the space will continue to receive an acceptable amount of solar access given its activity centre context, noting outdoor areas are balanced by climate-controlled interiors.

Safety objective

Clause 58.03-4	Assessment
Objective • *To ensure the layout of development provides for the safety and security of residents and property*	**Meets objective** The layout of the development provides for the safety and security of residents and property.
Standard D9 • *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	**Complies with Standard** The entrance to the development and the apartments can be clearly identified from Horne Street. The main entry leads to a lobby, which is secure and accessible to residents only. The entrance will provide good lighting to ensure safety is provided at night and will be secure for residents with swipe access in place. The ground floor tenancies will also provide passive surveillance and will increase the level of safety throughout the area.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives • *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*	**Meets objective** The landscape layout and design has been carefully considered and is responsive to the site context. The proposal will include the addition of new street trees, which will provide canopy cover for the public realm. There are no significant trees or canopy cover located on the site or immediate surrounds which will be impacted by the proposed development.

Standard D10
• *Development should retain existing trees and canopy cover.*
• *Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.*
• *Development should:*
  ○ *Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.*
  ○ *Provide canopy cover through canopy trees that are:*
  - *Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.*
  - *Consistent with the canopy diameter and height at maturity specified in Table D4.*
  - *Located in communal outdoor open space or common areas or street frontages.*
	Variation to Standard
	The new publicly accessible corner plaza will include a mix of planting including groundcover, shrubs and smaller trees, and on-structure planters within the podium and tower will provide for softening of the building while supporting biodiversity, wellbeing and enhancing amenity.
	A variation is sought to Standard D10 which requires
	97.8sqm of canopy cover and 92.9sqm of deep soil. The amount of canopy coverage or deep soil proposed to be provided by the proposal has not been specified in the application package. This information will be required to be provided in the updated landscape plan for endorsement before the

- *Comprise smaller trees, shrubs and ground cover, including flowering native species.*
- *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
- *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
- *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
- *Protect any predominant landscape features of the area.*
- *Take into account the soil type and drainage patterns of the site.*
- *Provide a safe, attractive and functional environment for residents.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

Table D2 Canopy cover and deep soil requirements

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

Table D3 Soil requirements for trees

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

Note:

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

Table D4 Tree type

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

development starts.

Access objectives

Clause 58.03-6	Assessment
Objectives	**Meets 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.*	The development incorporates vehicle crossovers designed and located to provide safe access for pedestrians, cyclists and other vehicles and have been designed 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.*	**Complies with Standard** The widened laneway will provide a dedicated pedestrian path delineated from vehicle access, along with new speed humps in accordance with Council Asset Engineering Department requirements.

Parking location objectives

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

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

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives • *To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.* • *To facilitate stormwater collection, utilisation and infiltration within the development.* • *To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*	**Meets Objective** The development achieves the objectives of this Clause through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.
Standard D13 • *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.* • *Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.* • *The stormwater management system should be:*	**Complies with Standard** As detailed in the submitted Stormwater Management Plan and WSUD Response Report, the development will meet the best practice standard for urban stormwater management.

○ *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.*	

Building setback objectives

Clause 58.04-1	Assessment
Objectives • *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.* • *To allow adequate daylight into new dwellings.* • *To limit views into habitable room windows and private open space of new and existing dwellings.* • *To provide a reasonable outlook from new dwellings.* • *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*	**Meets Objective** The development has been designed with setbacks from the respective boundaries which appropriately respond to the existing context and preferred future development in the Elsternwick Major Activity Centre. The orientation and layout of the apartments within the podium levels and northern and southern towers above will allow adequate daylight into the new dwellings. The design also limits views into habitable room windows and private open spaces of new and existing dwellings as discussed under the 'Overlooking' section of this report.
Standard D14 • *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.* • *Buildings should be set back from side and rear boundaries, and other buildings within the site to:* ○ *Ensure adequate daylight into new habitable room windows.* ○ *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.* ○ *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.* ○ *Ensure the dwellings are designed to meet the objectives of Clause 58.*	**Variation to Standard** The variation to Standard D14 is discussed in detail under the 'Assessment' section of this report. DTP is satisfied that the proposed building setbacks will maintain adequate daylight into new habitable room windows, avoids direct views into habitable room windows (where possible), provides an outlook that creates a visual connection to the surrounding environment and appropriately responds to the objectives of Clause 58.

Internal views objective

Clause 58.04-2	Assessment
Objective • *To limit views into the private open space and habitable room windows of dwellings within a development.*	**Meets Objective** The development is design to limit views into the private open space and habitable room windows of dwellings within the development.
Standard D15 • *Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.*	**Complies with Standard** The design of this proposal ensures that internal overlooking within the development is minimised. Balconies are located below each level, which prevents the opportunity for overlooking from balconies above. Where balconies abut one another, appropriate screening has been incorporated to maintain privacy for both residents. Where podium terraces are proposed, covered areas have been

	provided to ensure there are areas not impacted by internal overlooking.

Noise Impacts objectives

Clause 58.04-3	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.* • *To protect residents from external and internal noise sources.*	**Meets Objective** The Acoustic report prepared by O'Callaghan Consulting Engineers, demonstrates that the development will contain noise sources which may affect existing dwellings and will protect residents from external and internal noise sources.

Standard D16
• *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.*
• *The layout of new dwellings and buildings should minimise noise transmission within the site.*
• *Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.*
• *New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.*
• *Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:*
  ○ *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
  ○ *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
• *Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.*
• *Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.*
	Complies with Standard
	Building services are located throughout each level of the development but are appropriately located away from the habitable rooms of the residential apartments to ensure residents are protected from external and internal noise sources. The proposal will be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.
	The proposal is within 80 metres of the Sandringham Railway Line, which is identified as a noise influence area in Table D5 of Clause 58.04-3. The site is also proximate to major roads and a tram line. Attenuation measures will also be provided to ensure internal noise levels meet the requirements of Table D5.

Table D5 Noise influence area

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

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

Wind Impacts objective

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

Standard D17
• *Development of five or more storeys, excluding a basement should:*
  ○ *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
  ○ *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*
within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.
• *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
• *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*
	Complies with Standard
	Wind impacts to and from the development have been assessed to ensure safe wind and comfortable wind conditions can be expected by the development. Vipac have undertaken a desktop analysis for all relevant areas, which is to be verified by wind tunnel testing during the detailed design stage, post permit. All current mitigation measures identified in the report are to be implemented at the endorsement stage, alongside the further wind testing.

Table D6 Wind conditions

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

Accessibility objective

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

Standard D18
• *At least 50 per cent of dwellings should have:*
  ○ *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
  ○ *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
  ○ *A main bedroom with access to an adaptable bathroom.*
  ○ *At least one adaptable bathroom that meets all of the*
	Complies with Standard
	As demonstrated within the Architectural Plans (TP-600), 60% of dwellings achieve appropriate accessibility layouts and adaptable bathroom compliance, surplus to the 50% requirement.

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

Building entry and circulation objectives

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

Standard D19
• *Entries to dwellings and buildings should:*
  ○ *Be visible and easily identifiable.*
  ○ *Provide shelter, a sense of personal address and a transitional space around the entry.*
• *The layout and design of buildings should:*
  ○ *Clearly distinguish entrances to residential and non-residential areas.*
  ○ *Provide windows to building entrances and lift areas.*
  ○ *Provide visible, safe and attractive stairs from the entry level to encourage use by residents.*
  ○ *Provide common areas and corridors that:*
  - *Include at least one source of natural light and natural ventilation.*
  - *Avoid obstruction from building services.*
  - *Maintain clear sight lines.*
	Complies with Standard
	The entry is made clearly visible and personal from the street using the awning above the footpath. The entrance also provides shelter for residents and can act as a transitional space. Within the development, the entrances to each apartment provide for safe, functional and efficient movement of the residents. The layout ensures that entrances are well laid out.

Private open space objective

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

	services needs of residents.

Standard D20
• *A dwelling should have private open space consisting of at least one of the following:*
  ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.*
  ○ *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*
• *If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.*
• *If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.*
	Complies with Standard
	The development complies with the requirements of Standard D20 noting all dwellings are afforded private open space in the form of balcony.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4	Assessment
Objective • *To provide adequate storage facilities for each dwelling*	**Meets Objective** The development provides adequate storage facilities for each dwelling.

Standard D21

- *Each dwelling should have convenient access to usable and secure storage space.*
- *The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.*

Table D10 Storage

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

Complies with Standard

All dwellings contain storage space within the dwelling and meet the 'minimum storage volume within the dwelling' requirements specified in Table D10.

Common property objectives

Clause 58.06-1	Assessment
Objectives • *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.* • *To avoid future management difficulties in areas of common ownership.*	**Meets Objective** Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Standard D22 • *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	**Complies with Standard** The residential component is clearly delineated from the retail spaces through the incorporation of separate entrance points for the retail tenancies. Access to dwellings is provided via lift access to the centre of the building with security measures (i.e. swipe access) in place to ensure residents security. Any areas of common property will be managed by the appointed Body Corporate.

Site services objectives

Clause 58.06-2	Assessment
Objectives • *To ensure that site services are accessible and can be installed and maintained.* • *To ensure that site services and facilities are visually integrated into the*	**Meets Objective** Site services are accessible and can be installed and maintained. Site services and facilities are located on

building design or landscape.	the ground floor and easily accessible via the rear laneway. Mailboxes will be located within the shared lobby on the ground floor of the development, with access via Horne Street and the internal lifts and stairs.
Standard D23 • *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.* • *Meters and utility services should be designed as an integrated component of the building or landscape.* • *Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.*	**Complies with Standard** The development will be appropriately serviced, with service and plant areas clearly demarcated on the architectural plans and integrated into the building design and screened from external view. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance. Mailboxes are integrated into the building entrance areas for the residential lobbies and are secure and weather protected for convenient access and security.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives • *To ensure dwellings are designed to encourage waste recycling.* • *To ensure that waste and recycling facilities are accessible, adequate and attractive.* • *To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.*	**Meets Objective** The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan prepared by Urbis. Communal waste and recycling facilities are accessible, adequate and attractive and located securely in the ground level 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:*
  - *Adequate in size, durable, waterproof and blend in with the development.*
  - *Adequately ventilated.*
  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
  ○ *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
  ○ *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
  ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
• *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
  ○ *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by*
	Complies with Standard
	The proposed development is well equipped with waste and recycling facilities. The bin room will be located on the ground floor. Residents will be responsible for sorting their own waste through the available bin chutes located in the hallway of each floor, with waste streams other than general waste and recycling taken down to the bin rooms via the lift and internal connections. Commercial tenancies will store waste within the tenancy before transferring to the dedicated waste room as needed. Private collections are proposed and can be accommodated via the expanded side and rear laneways.

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

External walls and materials objectives

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

Functional layout objective

Clause 58.07-1	Assessment
Objective • *To ensure dwellings provide functional areas that meet the needs of residents*	**Meets Objective** The design and layout of apartments within the development provides functional areas that will meets the needs of residents.
Standard D26 • *Bedrooms should:* ○ *Meet the minimum internal room dimensions specified in Table D11.* ○ *Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.* Table D11 Bedroom dimensions **Bedroom type** / **Minimum width** / **Minimum depth** Main bedroom / 3 metres / 3.4 metres All other bedrooms / 3 metres / 3 metres • *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.*	**Complies with Standard** Each bedroom within the proposed development meets or exceeds the minimum width requirement of 3m and minimum depth requirement of 3m stipulated in Table D11 under Clause 58.07-1. All main bedrooms meet or exceed the minimum width requirement of 3m and minimum depth requirement of 3.4m. Each living area exceeds the minimum width requirement of 3.6m and minimum area requirement of 12sqm stipulated Table D12 under Clause 58.07-1.

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

Room depth objective

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

Standard D27
• *Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.*
• *The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:*
  ○ *The room combines the living area, dining area and kitchen.*
  ○ *The kitchen is located furthest from the window.*
  ○ *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*
• *The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*
	Complies with Standard
	The proposed development meets the minimum requirements stipulated by this Standard. All habitable rooms allow adequate access to daylight with all dwellings meeting the appropriate room depths for single aspect habitable rooms, noting all room depths are less than 9 metres, and ceiling heights are greater than 2.7 metres.

Windows objective

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

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

Natural ventilation objectives

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

	individual apartments.

Standard D29
• *The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.*
• *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*
	Complies with Standard
	The architectural plans include a 'D29 compliance ventilation' table which shows that 73% of the dwellings have nominated breeze paths of a minimum of 5 metres and maximum of 18 metres, complying with the standard.
	DTP is satisfied that the submitted architectural plans demonstrate that at least 40% of apartments are provided with effective cross ventilation in accordance with the requirements of this Standard.

Appendix 2: Glen Eira grounds of objection

Council Grounds	DTP Response
The proposed building height will result in an unreasonably dominant built form within the Elsternwick Activity Centre and will result in unreasonable amenity impacts on nearby residential properties	DTP acknowledges that the proposal exceeds the preferred building heights envisaged by the current planning framework. However, the site occupies a strategically significant Urban Renewal site directly opposite Elsternwick Railway Station within a Major Activity Centre specifically identified for substantial housing growth and urban consolidation. The proposal must be assessed having regard to the applicable transitional provisions, State planning policy objectives and the strategic role of the site. While taller than the preferred height framework, the building incorporates a podium and tower form, upper-level setbacks and articulated built form elements that assist in reducing visual bulk when viewed from surrounding streets and public spaces. The proposal also benefits from a large site area and separation from neighbouring development, allowing the additional height to be accommodated without creating an unacceptable built form outcome. In relation to amenity impacts, the submitted assessments demonstrate that overlooking, overshadowing, wind and acoustic impacts can be appropriately managed. The additional upper level is recessed from the building edges and does not result in material additional amenity impacts beyond those previously considered acceptable through earlier iterations of the redevelopment of the site. Accordingly, the proposal is considered to appropriately balance strategic housing objectives with acceptable amenity outcomes.
The omission of any affordable housing, the oversized apartment designs and layouts and lack of diversity fails to contribute to affordable housing and housing choice in the Elsternwick Activity Centre.	The proposal delivers a substantial increase in housing supply within a highly accessible activity centre location. Moreover, the applicant has committed to a financial contribution equivalent to 3% of the residential development cost to the Social Housing Growth Fund. This contribution was a key factor in establishing eligibility under the Development Facilitation Program and represents a meaningful contribution towards housing affordability objectives and the delivery of social housing outcomes. While the development does not include one-bedroom apartments, it provides a mix of two and three-bedroom dwellings that contribute to housing diversity within Elsternwick. The proposed apartments are capable of accommodating a broader range of household types, including families, downsizers and owner-occupiers, groups that are often underrepresented in apartment developments. Housing diversity is not solely dependent on the provision of smaller dwellings, and the proposed apartment mix assists in addressing demand for larger dwellings in well-serviced locations. Accordingly, the proposal is considered to make a positive contribution to both housing supply and housing choice within the Elsternwick Activity Centre.
The ground floor plaza results in an unsafe and unpleasant urban environment	DTP does not agree that the public plaza represents a poor urban outcome. The plaza has been intentionally designed to create a publicly accessible open space that improves pedestrian permeability through the site, strengthens connections between Horne Street and Elsternwick Station, and provides opportunities for passive recreation and informal gathering. These outcomes are uncommon within privately redeveloped activity centre sites and represent a significant public realm benefit. The space is surrounded by active uses, including retail tenancies, the residential lobby and café/bar activities, which will generate regular pedestrian movement and passive surveillance throughout the day and evening. The proposal also incorporates landscaping, seating opportunities and improved pedestrian access arrangements that will contribute to the amenity and usability of the space. While a more traditional retail frontage may increase the length of active frontage at ground level, DTP considers the public benefits delivered by the plaza, including improved connectivity, activation and public realm enhancement, outweigh the reduction in retail floor area. The plaza is therefore considered to make a positive contribution to the urban environment and the broader functioning of the Elsternwick Activity Centre.