PA2604448 16 MURRAY STREET ELSTERNWICK



Planning Assessment Officer Report
Development Assessment

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VICTORIA State Government | Department of Transport and Planning

Executive Summary

Key Information	Details		
Application No:	PA2604448		
Statutory days:	66		
Received:	8 May 2026		
Applicant:	EDK Murray Street Pty Ltd C-/ Tract		
Planning Scheme:	Glen Eira		
Land Address:	16 Murray Street, Elsternwick		
Proposal:	Development for a three-storey apartment building comprising eight dwellings and a basement carpark, construction of a 1.7m high front fence, and demolition of a front fence.		
Development Value:	$10,200,000		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for matters to which clause 53.25 (Great Design Fast Track) applies.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 32.09-7	Neighbourhood Residential Zone, Schedule 1	A permit is required to construct two or more dwellings on a lot. A permit is required to construct or extend a front fence within 3 metres of a street.
Overlays:	Clause 43.02-2	Design and Development Overlay, Schedule 4	A permit is required to construct a front fence that exceeds 1.2m and is less than 25% transparent.
	Clause 43.05-2	Neighbourhood Character Overlay, Schedule 4	A permit is required to demolish or remove a building. A permit is required to construct a building or construct or carry out works
Particular Provisions:	Clause 52.06	Car Parking	Clause 52.06-3 – Applies to this development – No permit trigger. - Land is located within category 2 of the car parking requirements maps.
	Clause 52.34	Bicycle Parking	Applies to this development – No permit trigger.
General Requirements and Performance Standards:	**Clause**	**Provision**	
	Clause 53.03	Residential Reticulated Gas Service Connection	Applies to this development – No permit trigger. Must include a mandatory condition.
	Clause 53.25	Great Design Fast Track	Applies to this development – No permit trigger.
	Clause 55	Two or more dwellings on a lot	Applies to this development – No permit trigger.
Cultural Heritage:	The subject site is not located within an area of cultural heritage sensitivity therefore a Cultural Heritage Management Plan (CHMP) is not required.		
Total Site Area:	Approximately 1,022 sqm.		

Referral Authorities	N/A – no statutory referrals triggered.
Public Notice:	In Response to notification pursuant to s.52(1)(a,c & d) a total of 8 objections were received. In Response to notification pursuant to s.52(1)(b) Glen Eira City Council objected to the proposal.
Delegates List:	Approval to determine under delegation received on **10 August 2026**.
Recommendation:	Grant planning permit PA2604448

Proposal

Application Process

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

Milestone	Date
OVGA Review	21 April 2026
DFP Eligibility Letter	13 May 2026
Application lodgement	3 June 2026
Further information requested	N/A
Further information received	N/A

Decision Plans	• Development Plans prepared by Studio McCue, dated 1 June 2026.
Assessment Documents	• Application Form. • Certificate.Titles, produced 14 May 2026. • Letter of Eligibility from the Department of Transport and Planning, dated 13 May 2026. • Letter of Eligibility from Invest Victoria, dated 13 May 2026. • Great Design Fast Track Advice Report prepared by the OVGA, dated 21 April 2026. • Design Statement prepared by Studio McCue, dated 1 June 2026. • Planning Report and Clause 55 Assessment prepared by Tract, dated 2 June 2026. • Landscape Plan prepared by Phillip Withers, dated 25 May 2026 • Traffic Impact Assessment prepared by Traffix Group, dated 25 May 2026. • Waste Management Plan prepared by Traffix Group, dated 22 May 2026. • Sustainable Design Assessment prepared by GIW Environmental Solutions, dated 26 May 2026. • Metropolitan Planning Levy (MPL).

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. Development for a three-storey apartment building comprising eight dwellings and a basement carpark, construction of a 1.7m high front fence, and demolition of a front fence.

Demolition

4. The subject site is currently occupied by two former tennis courts associated with the former St Johns Uniting Tennis Club and is enclosed by a chain-link mesh fence. The site is otherwise devoid of buildings and significant vegetation.

5. The application proposes demolition works limited to the removal of the existing chain-link mesh fencing along the Murray Street and Foster Street frontages.

6. The demolition works will facilitate the redevelopment of the site with a three-storey apartment building comprising eight dwellings, basement car parking, associated landscaping and the construction of new front fencing.

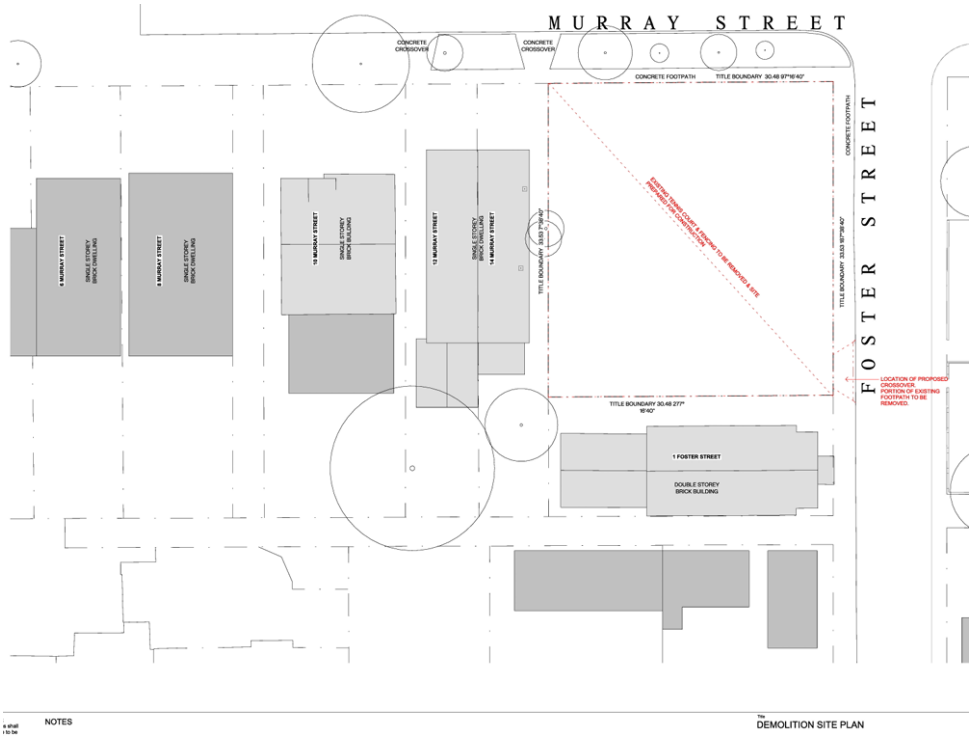

Figure 1: Proposed demolition plan

Buildings and Works

7. The application proposes the construction of a three-storey apartment building comprising eight dwellings. Dwelling sizes are split between 3 bedrooms (7) and two bedrooms (1). The development achieves a NatHERS rating of 8.0 stars and a minimum BESS rating of 70%.

8. The building achieves a maximum height of 11.96 metres and is characterised by a contemporary architectural design incorporating articulated façades, recessed balconies and pitched roof forms.

9. The built form is setback a minimum of 4.53 metres from Murray Street and 2.0 metres from Foster Street.

10. A central pedestrian entrance and lobby are proposed from Murray Street, whilst direct street access is provided to the ground-floor dwellings.

11. A basement level is proposed beneath the building and contains 18 car parking spaces, bicycle parking, waste storage areas, plant and resident storage facilities.
12. Vehicle access to the basement is provided via a new crossover and ramp from Foster Street.
13. A new front fence with a maximum height of 1.7 metres is proposed along the Murray Street and Foster Street frontages.

Landscaping

14. Landscaping is proposed throughout the site, including within the Murray Street and Foster Street setbacks, communal entrance areas, private open space areas and upper-level balconies.
15. The landscape design includes canopy tree planting within the street frontages, additional tree planting along the western boundary, understorey planting and garden beds throughout the site.
16. Landscaped communal spaces, seating areas and a feature water element are proposed adjacent to the main pedestrian entrance from Murray Street. Planter boxes and climbing vegetation are proposed on upper levels to provide vertical greening and assist in softening the appearance of the built form.
17. The development is proposed to achieve approximately 357.7 square metres of garden area and approximately 316 square metres of canopy cover.



Figure 2: Proposed development render

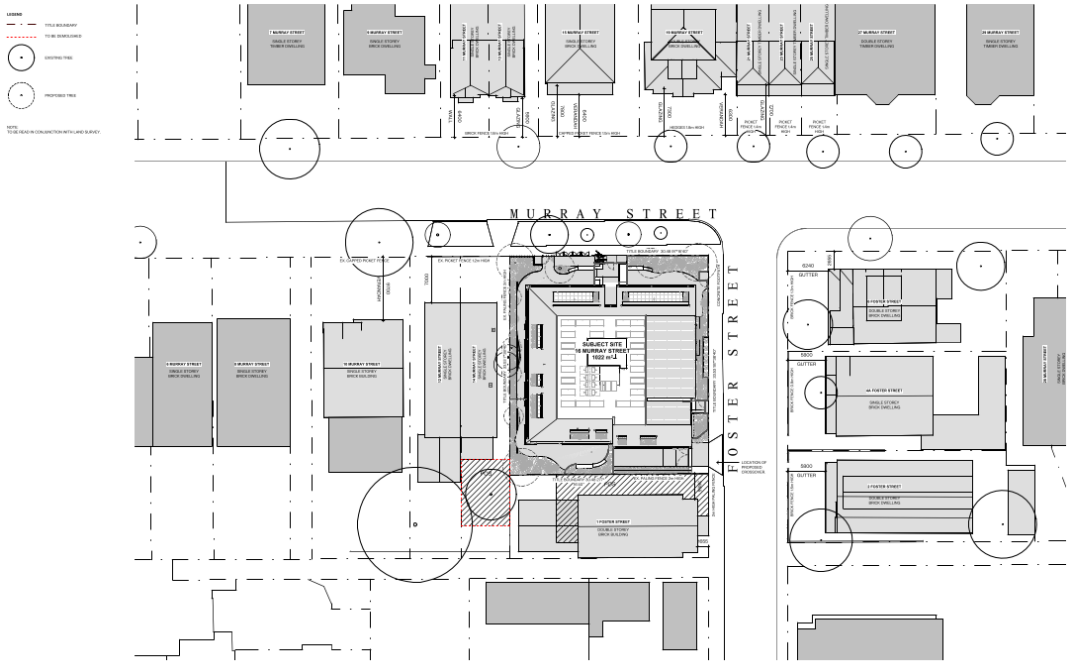

Figure 3: Proposed development site plan



Figure 4: Proposed development render



Figure 5: Proposed development elevation extract

Subject Site and Surrounds

Site Description

18. The site is located at 16 Murray Street, Elsternwick. The site is legally identified as Lot 1 on Plan of Subdivision 902383C.

19. The Site is not affected by any registered easements or encumbrances.

20. It is rectangular in shape, with an area of approximately 1,022m2. The Site is situated on the south-west corner of the intersection of Murray Street and Foster Street. It has a frontage to Murray Street of 30.4m and to Foster Street of 33.6m.



Figure 6: Existing site conditions – Source: Application

Existing Conditions

21. The Site currently contains two tennis courts, previously used for St Johns Uniting Tennis Club. It is devoid of any buildings or vegetation and is enclosed by a circa 3.8m high chain wire mesh fence.

Locational Context:

22. The subject site is approximately 200 metres north of the Caulfield South Neighbourhood Activity Centre and approximately 1.1 kilometres east of the Elsternwick Major Activity Centre.

23. It is furthermore noted that the subject site is located within proximity to Elsternwick Station, which has been identified as one of the State Government's Train and Tram Zone Activity Centres. As part of the Activity Centre Program, the area at time of application lodgement was being investigated for future housing and development opportunities, with new planning controls anticipated following completion of the program. It is noted that throughout the duration of this applications assessment process, this initiative was formally introduced into the planning scheme under amendment GC285.

24. The site is well serviced by public transport, including tram services along Glen Huntly Road (140m away), bus services (Route 604, 605 and 625) operating within the surrounding road network and Elsternwick Railway Station to 1.1km the west.

25. The site benefits from convenient access to a range of community infrastructure and services, including retail and commercial services, public open space, educational facilities, healthcare services and community facilities. Some key amenities in close proximity to the site are as follows:

    - Public open space (Hopetoun Gardens, Elsternwick Station Reserve, Elsternwick Park).
    - Retail services, including:
        - Restaurants, cafes and small retail premises within the Caufield South Neighbourhood Activity Centre.
        - More Essential services, including banks, health services, a post office, and a Coles supermarket within the Elsternwick Major Activity Centre.
    - Health Facilities (Caufield Hospital, Graceland Manor Aged Care).
    - Education (Adass Israel School, St Joeseph's Primary School, Sholem Aleichem College, Wesley College).

26. Overall, the site is situated within an established residential area that provides future residents with access to a broad range of daily services and amenities.

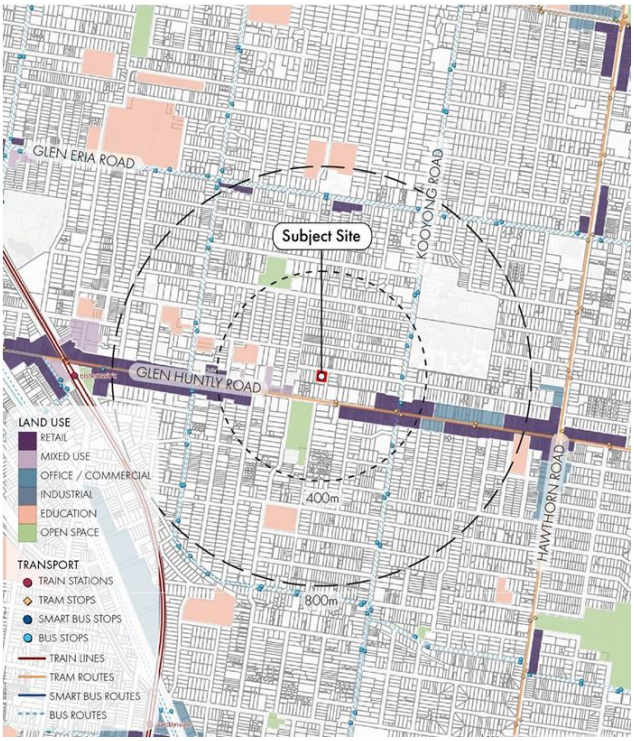

Figure 7: Subject site locational context - Source: Applicant planning submission

Surrounding Built Form Context:

27. Development within the immediate area is predominantly residential in nature and is characterised by a mix of single and double-storey detached dwellings exhibiting Victorian, Edwardian, inter-war and contemporary architectural styles.

28. Front fencing within the surrounding streetscape is varied, comprising timber picket, brick, masonry and vegetated fencing, generally ranging between approximately 1.2 metres and 1.8 metres in height.

29. Immediately surrounding the subject site is the following:

- **To the north,** opposite Murray Street, are a series of detached and semi-detached dwellings generally ranging between one and two storeys in height.
- **To the east,** opposite Foster Street, are detached dwellings situated within landscaped garden settings.
- **To the south** is a former church hall building and a two-storey apartment building further beyond.
- **To the west** is a single-storey attached dwelling fronting Murray Street.
- The surrounding streetscape is characterised by landscaped front setbacks, street tree planting, low to moderate scale built form and a strong residential garden setting.

Planning Permit GE/DP-38012/2025

30. The subject site benefits from an existing planning permit, Planning Permit GE/DP-38012/2025, which was issued by Glen Eira Council on 28 November 2025, allowing:

    Demolition of the existing tennis courts and associated fencing; construction of a two storey apartment development on land affected by the Neighbourhood Character overlay; and construction of a fence in a Design and Development Overlay.

31. Specifics of the planning permit include:

    - Demolition of the existing tennis courts and associated fencing.
    - Construction of a two-storey apartment building.
    - Provision of five dwellings.
    - Construction of a front fence requiring approval under the Design and Development Overlay.

32. While the current proposal differs in design and scale, the existing permit demonstrates that the principle of medium density residential redevelopment of the site has previously been accepted. Accordingly, the key issue is not whether apartment development is appropriate on the site, but whether the revised design, increased yield and built form outcomes continue to appropriately respond to neighbourhood character and amenity considerations.

Planning Provisions

Planning Policy Framework

33. 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 the state. The following policies are considered relevant to this assessment:

- **Clause 02 – Municipal Planning Strategy**
  - Clause 02.01 Context
  - Clause 02.01-3 Growth
- **Clause 02.02 Vision**
  - Clause 02.03 Strategic Directions
    - Clause 02.03-1 Settlement and Activity Centres
    - Clause 02.03-2 Environment and Amenity
    - Clause 02.03-3 Built Environment and Heritage
    - Clause 02.03-4 Housing
  - Clause 02.04 Strategic Framework Plans
  - Clause 02.04-1 Strategic Framework Plan
- **Clause 15 – Built Environment and Heritage**
  - Clause 15.01-1S Urban Design
  - Clause 15.01-1L Landscaping
  - Clause 15.01-2S Building Design
  - Clause 15.01-2L-01 Building Design
  - Clause 15.01-2L-02 Environmentally Sustainable Development
  - Clause 15.01-5L Neighbourhood Character
- **Clause 16 – Housing**
  - Clause 16.01-1S Housing Supply
  - Clause 16.01-1L-01 Housing Supply

Zoning and Overlays

34. At time of application lodgement, the site was zoned 'Neighbourhood Residential Zone – Schedule 1' and is affected by a Design and Development Overlay – Schedule 4' and a 'Neighbourhood Character Overlay – Schedule 4'

Neighbourhood Residential Zone – Schedule 1

35. The site at time of application was located within the Neighbourhood Residential Zone (NRZ1).

Permit Triggers:

36. Pursuant to clause 32.09-2 the proposed use of land for a dwelling is a section 1 (permit not required) use.

37. Pursuant to clause 32.09-7 a permit is required to Construct two or more dwellings on a lot.

38. Pursuant to clause 32.09-7 a permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with two or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in clause 55.02-8.

Zone Purpose, requirements and decision guidelines:

39. The purpose of the NRZ1 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*

- *To manage and ensure that development is responsive to the identified neighbourhood character, heritage, environmental or landscape characteristics.*

40. The zone outlines that a minimum garden area of 35% must be provided for sites greater than 650sqm.

41. The zone outlines a requirement for a maximum height of 9m (2 storeys).

42. Clause 32.09-7 states that *a development of three storeys or less, excluding a basement, must meet the requirements of clause 55.*

43. Clause 32.09-8 states that a schedule to this zone may specify the requirements of:

    - *Standards B2-1, B2-5, B2-8 and B3-5 of Clause 55 of this scheme.*

    If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies. It is noted that schedule 1 of the NRZ does not outline any variations to the requirements of clause 55.

44. The assessment section of this report provides a detailed assessment against the requirements and decision guidelines of the zone.

Design and Development Overlay – Schedule 4 (Fences)

45. The subject site is affected by a Design and Development Overlay – Schedule 4 (DDO4).

Permit Trigger:

46. Clause 32.02-2 states that a permit is required to construct a building or construct or carry out works, but does not apply:

    - If a schedule to this overlay specifically states that a permit is not required.

47. Part 2.0 of DDO4 states that:

    - A permit is not required to construct a building or construct or carry out works.
    - A permit is required to construct a front fence or side fence within the front setback unless it meets the following requirements:
        - It is a front fence within 3 metres of a street that is at least 25% visually permeable to allow views to front gardens and dwellings and does not exceed 1.2 metres in height; or
        - It is a solid fence that does not exceed 0.8metres in height; or
        - It is a side fence forward of the dwelling not greater than 1.2 metres in height.

48. As the proposed front fences exceed 1.2m in height, a planning permit is required under DDO4.

Overlay purpose, requirements and decision guidelines:

49. The design objectives of DDO4 is as follows:

    - To maintain the character of low front fences that allows unimpeded views to front gardens and dwellings.
    - To ensure that front and side fences within the building frontage complement the design and materials of the preferred neighbourhood character, prevailing style and scale in the overlay area and the building on the lot.

50. The assessment section of this report provides a detailed assessment against the objectives and decision guidelines of DDO4.

Neighbourhood Character Overlay – Schedule 4

51. The subject site is affected by a Neighbourhood Character Overlay – Schedule 4 (NCO4).

Permit Trigger:

52. Pursuant to clause 43.05-2 a permit is required to:

- Construct a building or construct or carry out works.

53. Part 3.0 of NCO4 states that A permit is required to:

- Construct or extend an outbuilding normal to a dwelling.
- Demolish or remove a building.

Overlay purpose, requirements and decision guidelines:

54. The neighbourhood character objectives of NCO4 are as follows:

- *To ensure that new buildings and works reflect the statement of neighbourhood character of the area.*
- *To encourage retention of older dwellings that contribute to the valued character of the area.*
- *To maintain the established pattern of front and side setbacks in the street.*
- *To ensure that new dwellings or extensions to existing dwellings respect the dominant building height, form, façade articulation, materials and roof forms of the streetscape.*
- *To ensure that the use of design detail in new buildings complements, rather than mimics, that of the predominant building styles in the street.*
- *To maintain the pattern of low or visually permeable front fencing that creates a sense of openness in the streetscape and allows views of dwellings and into front gardens, and complements the building era and style.*
- *To minimise the loss of front garden space due to car parking and driveways, and minimise the dominance of car parking structures in the streetscape.*

55. The statement of neighbourhood character for NCO4 is as follows:

*'The Victorian and Edwardian Era Significant Character Areas are **distinct streetscapes** representing this era of Glen Eira's development. The neighbourhood character of these areas is formed by the groups of Edwardian and Victorian homes set in leafy streetscapes. While **later infill development is evident, it is generally respectful of the form and setbacks of original buildings** and the streets retain a strong neighbourhood character as a result.*

*The streetscapes have a consistency of character in the landscaped frontage and side setbacks and the form, scale and articulation of buildings. The character of these areas is defined by the consistency of the single storey building scale, the **use of a range of construction materials and pitched roof forms**. The streets have a **strong landscape character** due to mature street planting and well established gardens. In addition, the mature canopy trees in private gardens and street planting create a leafy garden suburban environment. These areas include Clarinda Street Caulfield South, the Downshire Road Area Elsternwick and Murray Street, Elsternwick.*

*The preferred future neighbourhood character will be defined by the many intact Victorian and Edwardian era dwellings with their highly consistent building form, scale, materials, setbacks and established gardens. New dwellings **will respect the key characteristics of the streetscape**, comprising of:*

- *Established garden settings with substantial planting.*
- *A single storey scale of buildings, with upper levels well recessed from the front façade.*
- *Consistent front and side setbacks that maintain the distinct spatial rhythm of the street and provide space for planting.*
- *Pitched roof forms with eaves to reinforce existing building forms.*
- *Use of render and textured brickwork.*
- *Articulated building form and façade achieved through variations in plan form with a projecting front room, front porch or a front verandah.*
- *Simple architectural detailing typical of the era of development.*
- *Low front fences constructed of permeable materials that complement the dwelling design and retain the sense of openness in the streetscape.*
- *Garages set back towards the rear of the dwelling.*

56. Part 4.0 of NCO4 outlines the following modification to following clause 55 standards:

- Standard B2-1 (Street setback)
- Standard B2-4 (Walls on boundaries)
- Standard B2-8 (Front fences)

57. An assessment against all clause 55 standards (including the NCO4 varied standards) is provided within the annexures section of this report. The variations for key themes are addressed within the assessment section of this report.

58. The assessment section of this report provides a detailed assessment against the objectives and decision guidelines of NCO4

Particular Provisions

Clause 52.06 (Car Parking)

59. Clause 52.06-2 specifies that before a new use commences, the number of car parking spaces required by Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.

60. VC277 (gazetted on 18 December 2025) recently updated the car parking rates within Clause 52.06. Car parking requirements are now based on the Category afforded to a site within the associated car parking maps. The categories are allocated based on the accessibility of land to public transport and amenities.

61. The subject site is located within Category 2 where no maximum onsite carparking requirement applies. Pursuant to the table in clause 52.06-5 a minimum of one carparking space to each dwelling is required for dwellings in category 2 areas.

62. As the proposal provides a total of 18 spaces, exceeding the requirement of 8 spaces, a permit for a carparking shortfall is not triggered.

63. An assessment of the proposed carparking layout is provided within the assessment section of this report, which includes regard for clause 52.06-9 design standards.

Clause 52.34 (Bicycle Facilities)

64. Clause 52.34-5 specifies that bicycle carparking requirements do not apply to dwelling developments that are less than four storeys.

65. Notwithstanding the requirements of clause 52.34 not applying to the project, a total of 14 bicycle spaces are provided (12 residents + 2 visitor spaces).

General Requirements and Performance Standards

Clause 53.03 (Residential Reticulated Gas Service Connection)

66. Clause 53.03 applies to the construction of a new dwelling or a new apartment development.

67. Clause 53.03-2 requires the inclusion of the following mandatory condition be included in any permit to issue for a dwelling and for an apartment development:

    '*Any new dwelling or apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Glen Eira Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.'*

Clause 53.25 (Great Design Fast Track)

68. The purposes of the GDFT is to:

- *To facilitate innovative dwelling, apartment and mixed-use residential development.*
- *To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth.*
- *To facilitate the development of dwellings with convenient access to public transport, and community, retail and other services.*
- *To facilitate development that is of a high quality in its design, liveability and sustainability.*

69. The provisions of Clause 53.25 apply to this development given that all of the application requirements under clause 53.25-1 have been met as summarised within the table

Application requirement	DTP assessment
The applicant submits written confirmation that the application is an application to which this clause applies.	The applicant has provided a comprehensive planning report which confirms that the application is an application to which this clause applies. **Complies – requirement met.**
The application includes the construction of at least eight dwellings.	The application involves 8 dwellings. **Complies – requirement met.**
Any proposed building contains at least two storeys and not more than eight storeys.	The application is for a 3 storey building. **Complies – requirement met.**
The proposed development achieves a minimum NatHERS rating of: • *8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments.* • *7.5 stars for all other dwellings.*	The submitted sustainability design assessment (SDA) confirms that the dwellings achieve a NatHERS 8.0 star average, and no individual dwelling will achieve less than 6.5 stars. This is noted to have been reaffirmed by the applicant in response to councils comments on same. **Complies – requirement met.**
Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.	The submitted SDA report confirms that each of the dwellings provides effective natural cross ventilation in accordance with the requirements of standard B3-10. **Complies – requirement met.**
The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to: • *The purpose of clause 53.25.* • *Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of clause 53.25 ('the design principles').* • *The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities.*	By way of DTP eligibility letter issued on 13 May 2026, the letter confirms that: • The proposed development is consistent with the purpose of Clause 53.25 – Great Design Fast Track. • The proposed development has convenient access to jobs, services, infrastructure and community facilities. • The quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning, as advised by the Office of the Victorian Government Architect (OVGA) on 21/04/2026. • Information demonstrating the likely feasibility of the proposal has been provided to the satisfaction of the Minister for Planning, including written advice from the Chief Executive Officer (or delegate) of Invest Victoria dated 13 May 2026.
Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for	

Planning.	**Complies – requirements met.**
Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria (Department of Jobs, Skills, Industry and Regions) to the satisfaction of the Minister for Planning.	

70. On this basis, the provisions of Clause 53.25 are applicable to this application.

71. Furthermore, it should be noted that Clause 53.25-2 allows the responsible authority to waive or vary any of the following:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.

Clause 55 (Two or more dwellings on a lot)

72. As outlined above, an application to construct or carry out works associated with two or more dwellings on a lot within the NRZ must comply with the objectives and standards of Clause 55.

73. The purpose of Clause 55 is:

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

74. The provisions of this clause contain:

- Objectives – An objective describes the desired outcome to be achieved in the completed development
- Standards – A standard contains the requirements to meet the objective.

75. A standard should typically be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, then this design solution may be considered. As such, a development:

- Must meet all of the objectives of the clause.
- Should meet all of the standards of the clause.

76. If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard in the schedule to the overlay applies.

77. An assessment against the objectives and standards of Clause 55 has been undertaken and is provided within the annexures section of this report.

Planning Scheme Amendments

78. On 22/7/2026 planning scheme amendment GC285 was gazetted, which rezoned the subject site to ‘Housing Choice and Transport Zone – Schedule 1’. The ‘Housing Choice and Transport Zone’ (clause 32.10-13) includes a transitional provision outlining that the zoning controls affecting the land at time of application continue to apply to an application lodged prior to GC285.

79. As such the proposal has been assessed under the applicable zoning control of the NRZ.

Referrals and Notice

Referrals

81. The application did not trigger any statutory referrals.

82. It is noted that a referral to HTfV was not triggered for the subject proposal pursuant to clause 66.02-11 as the residential development comprises less than 60 dwellings. Furthermore, no alteration of access onto a TRZ2 or TRZ3 is proposed.

OVGA Advice

83. The OVGA provided a GDFT report for the proposal on 21 April 2026. The report recommended that the proposal is eligible to enter the clause 52.35 pathway for assessment. A summary of the OVGA advice is as follows:

84. *The location and typology of the proposal is supported. The three-storey height and articulation of the building mass is appropriate to the scale and character of the neighbourhood. The building form is reinforced by an architectural expression and a material palette that contribute to a strong building identity. Landscape is well integrated into the design with gardens and canopy planting providing a buffer to the street, and planters integrated across all levels.*

85. *Key recommendations to address*

- *Provide a larger Type B tree within the north-eastern front setback.*
- *Increase the space dedicated to the central circulation void and lobby landings to provide a more welcoming and social space for residents and guests.*
- *Decrease the height of part of the fencing along Murray Street and seek to reduce the extent of services along this boundary to provide a more welcoming interface.*
- *Provide at-grade bicycle parking for visitors near the main entry, and improve the visibility of the bicycle store and basement lobby.*
- *Continue to refine the arrangement of Apartment 03 to provide better outlook and natural light to the study.*
- *Confirm window treatment to Apartment 04 and 06 living rooms where overlooking neighbouring properties.*
- *The building expression relies on a considered palette of external materials and detailing. It is critical that the quality and detailing shown is delivered through construction.*

86. The annexure section of this report provides a response to recommendations of the OVGA.

Notice

87. The application **was not explicitly exempt** from the notice requirements of section 52(1)(a), (b) and (d), pursuant to the following provisions of the scheme at the time when notice was given.

- Clause 32.09-7 – NRZ
- Clause 43.02-2 – DDO4
- Clause 43.05-2 – NCO4

88. It is noted that **clause 53.25-4** (GDFT) of the Scheme **exempts** the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act for an application under any provision of the Scheme.

89. The applicant was directed to give notice by way of erecting signs on the site and notifying adjoining and nearby owners and occupiers.

90. Department of Transport and Planning (DTP) gave notice to the relevant municipal Council (Glen Eira City Council).

91. A total of 8 objections (excluding the Council) were received at the time of this report raising key concerns with the following themes:

- Neighbourhood Character
- Building Height

- Garden Area
- Dwelling Density
- Overshadowing
- Front fence heights

92. A response to objection themes is provided throughout the assessment section of this report, and within the annexure section of this report

Municipal Council Comments

93. Glen Eira City Council (the Council) was notified of the application under section 52(1)(b) of the *Planning and Environment Act 1987*.

94. The Council considered the application and provided an objection to the proposal. The key matters raised by the Council are addressed within the assessment section of this report, with an additional detailed tabular response to all items outlined by council provided within the annexures section of this report.

Permit Triggers

Planning scheme clause	Matter for which the permit has been granted
32.09-7	A permit is required to construct two or more dwellings on a lot.
32.09-7	A permit is required to construct or extend a front fence within 3 metres of a street.
43.02-2	A permit is required to construct a front fence that exceeds 1.2m and is less than 25% transparent.
43.05-2	A permit is required to demolish or remove a building.
43.05-2	A permit is required to construct a building or construct or carry out works

Strategic Direction

96. The Planning Policy Framework 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. It is noted that the provision of greater density in an activity centre location builds upon the principles for Plan for Victoria and adds to the vibrancy and economic vitality of the major activity centre.

97. Importantly, the site already benefits from an extant planning permit for apartment development, demonstrating that the principle of medium-density residential redevelopment has previously been accepted. The key consideration is therefore whether the revised design and increased yield of the proposal continue to respond appropriately to neighbourhood character and amenity outcomes.

98. The proposal is considered to be consistent with the relevant various policy directions outlined within the MPS and PPF of the Glen Eira Planning Scheme on the basis of the following:

- The proposal will facilitate the redevelopment of an underutilised site for residential purposes and contribute an additional eight dwellings to the municipality's housing stock.
- The site is located within an established residential area with access to public transport, open space, community facilities, education facilities and neighbourhood shopping opportunities.
- The proposal provides a diversity of housing choice through the provision of both two and three-bedroom dwellings, supporting changing household needs and demographic trends.
- The development incorporates a high standard of internal amenity through generous dwelling sizes, access to private open space, natural daylight and cross ventilation.
- The proposal includes a substantial landscape response, incorporating canopy tree planting and deep soil areas that will enhance the garden character of the area and improve the environmental performance of the site.
- The development incorporates environmentally sustainable design initiatives, including high NatHERS ratings, solar photovoltaic infrastructure, rainwater harvesting and electric vehicle charging provision.
- The architectural design adopts a contemporary built form whilst drawing reference from the prevailing character of the surrounding neighbourhood through its articulated form, material palette, roof form and landscape response.
- Vehicle access and parking are appropriately accommodated within a basement level, reducing the visual prominence of car parking and maintaining active street interfaces.
- The proposal is considered to provide an appropriate balance between facilitating additional housing opportunities and responding to the preferred neighbourhood character outcomes sought by the planning scheme.

While the site is located within proximity to the Elsternwick Train and Tram Zone Activity Centre investigation area, limited weight has been afforded to this matter as the associated planning controls had not been implemented into the planning scheme at the time the application was lodged. Instead, the assessment has been undertaken having regard to the planning controls and policy framework currently applying to the land.

Zone & Overlays Response

99. The proposal is considered to appropriately response to the provisions of NRZ1, NCO4 and DDO4 on the basis of the following:

- The proposal adopts a contemporary architectural expression that draws reference from the prevailing Victorian and Edwardian character of the surrounding area through the use of pitched roof forms, articulated façades, brickwork and terracotta-inspired materials.
- The development presents as a highly articulated built form, incorporating recessed elements, balconies, varied roof forms and a central entry void that visually breaks down the overall scale of the building and reduces perceptions of bulk.
- The corner site location allows the building to address both Murray Street and Foster Street, providing active frontages and an improved interface with the public realm.
- While the proposal exceeds the preferred building height outcomes sought by NRZ1 and NCO4, the upper level is recessed within the roof form and the building has been designed to minimise visual dominance when viewed from adjoining streets.
- The proposed roof form provides a contemporary interpretation of the pitched and gabled roof forms that are a defining characteristic of the surrounding neighbourhood character precinct.
- Generous front and side setbacks have provided opportunity for substantial landscaping (which is accommodated for in the proposed landscape plan) and assist in maintaining a landscaped presentation to both street frontages.
- The proposal incorporates a substantial landscape response, including canopy tree planting, deep soil areas, planter boxes and vertical greening, which assists in softening the appearance of the built form and reinforcing the garden character of the area.
- Vehicle parking, bicycle parking, storage areas, waste facilities and plant equipment are appropriately accommodated within a basement level, reducing the visual impact of ancillary services and ensuring active street interfaces are maintained.
- The development provides a high standard of internal amenity for future residents through generous dwelling sizes, access to natural daylight, cross ventilation, adaptable design outcomes and functional internal layouts.
- All dwellings are provided with access to private open space in the form of ground-level secluded private open space areas or upper-level balconies, ensuring adequate opportunities for outdoor recreation.
- The proposal has been designed to achieve effective natural ventilation throughout the development, with all dwellings benefiting from cross-ventilation opportunities.
- Appropriate separation distances, building setbacks, screening treatments and balcony design have been incorporated to minimise unreasonable overlooking of adjoining residential properties and secluded private open space areas.
- The corner site context and the presence of road frontages to the north and east further reduce the potential for adverse overlooking impacts.
- The building envelope, articulation and setback treatment assist in minimising overshadowing impacts to neighbouring properties and are considered to provide an acceptable balance between increased housing provision and the protection of residential amenity.
- The proposal responds positively to the neighbourhood character objectives of NCO4 through its articulated form, landscaped setting, contemporary interpretation of traditional architectural elements and limited visual prominence of car parking infrastructure.
- The proposed front fence, whilst exceeding the preferred height outcome, incorporates permeable brickwork detailing which allows views into the landscaped front setback and contributes to passive surveillance of the public realm.

- Overall, the proposal is considered to provide an appropriate response to the objectives of the NRZ1, NCO4 and DDO4 by balancing increased housing density with a high-quality design outcome that respects the character and amenity attributes of the surrounding area.



Figure 8: Typical front fences within surrounding streetscape - Source: Application design statement



Figure 9: Proposed front fence render - Source: Application design statement

Neighbourhood Character

100. The proposal is considered to respond to the objectives and preferred character outcomes of NCO4 in an acceptable manner through its articulated architectural form, landscape response, material palette and considered interface with the surrounding streetscape, notwithstanding identified variations to certain built form requirements.

Characteristic	Assessment
Established garden settings with substantial planting.	The proposal provides a strong landscape response through the introduction of substantial canopy tree planting, deep soil areas and extensive understorey planting throughout the site. The landscaped treatment of the Murray Street and Foster Street frontages will significantly improve the presentation of the site and contribute positively to the established garden character of the precinct.
A single storey scale of buildings, with upper levels well recessed from the front façade.	While the proposal exceeds the preferred single-storey scale identified within the statement of neighbourhood character, the uppermost level is recessed and integrated within the roof form. The articulation of the building and recessive treatment of upper levels assists in reducing the visual prominence of the third storey and moderating the overall scale of the development.
Consistent front and side setbacks that maintain the distinct spatial rhythm of the street and provide space for planting.	The development incorporates generous setbacks to both Murray Street and Foster Street which provide adequate opportunities for landscaping and maintain a landscaped interface with the public realm. Whilst variations to the preferred setback pattern are proposed, the development retains sufficient separation from the street boundaries to contribute to the established rhythm of development within the locality.
Pitched roof forms with eaves to reinforce existing building forms.	The building incorporates a contemporary interpretation of the pitched and gabled roof forms that are characteristic of the surrounding neighbourhood. The proposed roof design assists in breaking down the scale of the development and provides a built form response that references the established character of the area.
Use of render and textured brickwork.	The proposed material palette incorporates brickwork and complementary finishes that draw reference from the traditional materials evident within the surrounding streetscape. The materials are considered to provide a high-quality architectural outcome whilst avoiding direct replication of neighbouring development.

Articulated building form and façade achieved through variations in plan form with a projecting front room, front porch or a front verandah.	The development achieves an articulated façade through the inclusion of recessed and projecting elements, balconies, varied materials, fenestration and a central entry feature. These design elements assist in reducing the visual bulk of the building and provide visual interest to both street frontages.
Simple architectural detailing typical of the era of development	The proposal does not seek to replicate the architectural detailing of Victorian or Edwardian dwellings. Rather, it adopts a contemporary architectural expression that draws upon key characteristics of the surrounding built form, including roof form, materials and façade articulation, whilst remaining clearly identifiable as a modern development.
Low front fences constructed of permeable materials that complement the dwelling design and retain the sense of openness in the streetscape.	Whilst the proposed front fence exceeds the preferred height outcome, it incorporates permeable hit-and-miss brick detailing that allows views into the landscaped front setback and maintains passive surveillance opportunities. The fence design is well integrated with the architectural character and materiality of the building and is supported by substantial landscape planting behind.
Garages set back towards the rear of the dwelling.	The proposal avoids the visual dominance of garages and vehicle accommodation by locating all car parking within a basement level. As a result, the street frontages are able to be devoted to landscaping, pedestrian access and dwelling presentation, ensuring that vehicle infrastructure does not detract from the character of the streetscape.

Clause 55 Design Standard

101. An assessment against clause 55 is provided as an annexure within this report. The balance of standards within clause 55 are complied with, except for the below variations required.

Clause 55 Standard	Variation	Assessment
Standard B2-1 Clause 55.02-1 **(Street Setback) – varied by NCO4**	Variation Sought – Outcome appropriate Front Street (Murray St) - 7m required. 4.535m proposed. Side Street (Foster St) – 6.4m required. 2m proposed.	The variation is acceptable on the basis of the following: • The Murray St setback appropriately balances the neighbouring setbacks to the east and west. • The Foster St setback transitions with the 0m setback established by the southern neighbour.
Standard B2-2 – Clause 55.02-2 **(Building height)**	Variation Sought – Outcome appropriate NRZ1 zone specifies a mandatory control of 9m max building height (2 storeys). The proposed building has a maximum height of 11.96 metres (3 storeys) (excluding lift overrun).	The variation is acceptable on the basis of the following: • The sites strategic capacity to accommodate a three-storey building, • The raked roof form which accommodates an appropriate transition in height from surrounding building. • The high-quality architectural response which seeks to ensure unreasonable off-site amenity impacts are not caused as a result of the height variation. • Whilst the mandatory height control would ordinarily limit development to 9 metres, Clause 53.25 expressly contemplates consideration of alternative building heights where a development demonstrates design excellence, sustainability leadership and strategic locational advantages
Standard B2-8 – Clause 55.02-8 **(Front fences) – Varied by the NCO4**	Variation Sought – Outcome appropriate A masonry front fence should not exceed a 0.8m height (1.2m for non-masonry) and be at least 25% permeable. The proposal seeks approval for a masonry front fence with a height of 1.5m to 1.71m to Foster St, and 1.71m to Murray St.	The outcome is acceptable on the basis of the following: • There is a pattern of existing tall fences in the vicinity. • The hit and miss brickwork provides openness (transparency) to the fence. • Council approved a similar fence in GE/DP-38012/2025.
Standard B3-2 – Clause 55.02-8 **(Parking Location)**	Variation Sought – Outcome appropriate Habitable room windows at ground level are required to be setback 1.5m from accessways and carparks. Apartment 3 proposes a study room directly abuts the basement carpark	The variation is accepted as the study room within apartment 3 will incorporate obscured glazing, and the room's use as a study make the variation acceptable

	entrance.	
Standard B3-6 – Clause 55.03-6 **(Solar access to open space)**	Variation Sought – Outcome appropriate A minor variation is required for apartment 03 which features an 'L-shaped' secluded private open space in the southern and western portion of the Site. The standard requires a 8.3m-12.58m setback, with a 4.9m setback proposed.	The outcome is acceptable on the basis of the following: • The wall on the northern side of apartment 3 SPOS has a maximum height of between 7m and 11.75m (raked roof form), technically requiring a setback of 8.3-12.58m. • The variation is supported the generous SPOS area (94sqm) provided.
Standard B5-4 – Clause 55.05-4 **(Solar Protection to new north facing windows)**	Variation Sought – Outcome appropriate The standard requires north facing windows to be shaded. APT-01, APT02, APT-4, APT-05, APT-07 and APT-08 all feature north facing windows to habitable rooms	The outcome is acceptable on the basis of the following: • The windows have been designed with solar protection in mind – through purposeful selection of window size, balcony overhangs and external shading devices. • The efficiency of the building, including in limiting solar heat gain, is demonstrated in the accompanying SDA.

Response to Great Design Fast Track Design Principles

102. A response against the 7 'design principles' and how the proposed development achieves the principles is provided below.

Design principle	Assessment
Principle 01: Neighbourly homes Enhancing local identity by embracing change and generating lasting social value.	The proposal demonstrates an appropriate response to the surrounding neighbourhood through a built form that draws reference from the prevailing character of Murray Street whilst presenting a contemporary architectural outcome. The use of articulated façades, varied roof forms, landscaping and active street frontages assists in integrating the development into its residential context. Ground floor dwellings provide a direct interface to the public realm and upper-level balconies offer passive surveillance opportunities, contributing to a safe and active streetscape. The proposal is considered capable of making a positive contribution to the evolving character of the area
Principle 02: Welcoming homes Creating welcoming and safe homes that promote a sense of family and community.	The development has been designed to create a welcoming residential environment through a clear and legible building entrance, high quality communal areas and opportunities for resident interaction. The provision of communal seating areas, landscaping and accessible pedestrian connections supports social interaction whilst maintaining an appropriate balance between communal and private spaces. Secure bicycle parking, storage facilities and convenient access arrangements further contribute to a functional and welcoming residential development.
Principle 03: Landscaped homes Enhancing local biodiversity, natural systems and connections to nature.	The proposal incorporates a comprehensive landscape response that introduces substantial vegetation to a site that is currently largely devoid of landscaping. Canopy tree planting, deep soil areas, garden beds, climbing vegetation and integrated planters are provided throughout the development. The landscaping assists in softening the built form, improving visual amenity, increasing canopy cover and supporting biodiversity outcomes. The development achieves a strong landscape character that contributes positively to both the site and surrounding streetscape
Principle 04: Sustainable homes Enduring and high performing, embedding climate resilience and minimising environmental impacts.	The proposal demonstrates a strong sustainability response through the incorporation of energy-efficient design measures, renewable energy generation and water-sensitive design initiatives. The development achieves the required NatHERS outcomes, incorporates rooftop solar panels, facilitates natural cross-ventilation and includes rainwater harvesting infrastructure. These measures will assist in reducing operational energy demands, improving environmental performance and supporting climate resilience.
Principle 05: Healthy Homes Enhancing health and wellbeing through integrating the natural and built environment.	The proposed dwellings provide a high level of residential amenity through generous internal layouts, access to natural daylight, cross-ventilation and outlook. Private open space is provided to all dwellings, complemented by landscaped communal areas that encourage outdoor activity and recreation. The provision of quality indoor and outdoor living environments is considered to support the health and wellbeing of future occupants.

Principle 06: Adaptable homes Housing that meets the diverse and changing needs of households and families.	The proposal provides a range of dwelling types capable of accommodating changing household needs over time. The predominance of larger dwellings, adaptable layouts and accessible design features supports a diverse range of occupants, including families, downsizers and residents with reduced mobility. The inclusion of adaptable design measures supports ageing in place and contributes to the long-term functionality of the development.
Principle 07: Good value homes Supporting more affordable housing through innovative housing development and delivery models that respond to changing housing markets.	The proposal contributes to housing supply through the delivery of eight additional dwellings in a well-serviced location with access to public transport, employment opportunities and community infrastructure. The provision of a mix of dwelling sizes and layouts assists in broadening housing choice within the area. The efficient redevelopment of an underutilised site in a location with strong access to services is considered consistent with the objective of facilitating well-located housing opportunities.

103. The above assessment demonstrates alignment with each of the design principles of the GDFT.

Landscaping

104. The proposal incorporates a comprehensive landscape response across the site, including canopy tree planting within the Murray Street and Foster Street setbacks, understorey planting, communal landscaped areas, deep soil planting zones, private open space landscaping and upper-level planter boxes. Climbing vegetation is also proposed along sections of the building façades to provide vertical greening and soften the appearance of the development.

105. The proposed landscaping is considered an appropriate response to both the site and surrounding neighbourhood character. The landscape design will significantly improve the presentation of the site, which is currently devoid of meaningful vegetation, and will contribute to the established garden character of the area through substantial canopy tree planting and generous landscaping within the street setbacks. The integration of landscaping throughout the development will assist in softening the built form, enhancing residential amenity, increasing canopy cover and delivering a positive interface with the public realm.

Sustainability

Environmentally Sustainable Design (ESD)

106. The proposal incorporates a comprehensive range of environmentally sustainable design initiatives, including:

- An average 8**.0 Star NatHERS rating, with no dwelling achieving less than 6.5 stars**.
- A **70% BESS score**, representing an excellent sustainability outcome.
- A fully electric development with no gas connection proposed.
- Installation of a 10kW rooftop solar PV system.
- High-performance building fabric including enhanced insulation, double glazing and external shading measures.
- Effective natural ventilation to all dwellings, with 100% of apartments achieving natural ventilation outcomes.
- A **20,000-litre rainwater tank** connected to toilet flushing and landscape irrigation.
- Water efficient fittings and fixtures throughout the development.
- Best practice stormwater treatment outcomes, with a Blue Factor/STORM score exceeding benchmark requirements.
- Dedicated resident and visitor bicycle parking facilities.
- Provision for future electric vehicle charging infrastructure.
- Facilities for recycling, food organics and green waste collection.
- Green walls, canopy planting and substantial landscaping throughout the site.

107. The proposed development incorporates a robust and integrated ESD response that exceeds minimum statutory requirements and aligns with the sustainable development objectives of the Glen Eira Planning Scheme.

108. The development demonstrates strong performance across energy efficiency, water conservation, stormwater management, indoor environmental quality and urban ecology.

109. The achievement of an average 8-star NatHERS rating, together with a 70% BESS score and an all-electric building design, represents a high standard of environmental performance.

110. The incorporation of rooftop solar generation, rainwater harvesting infrastructure, energy efficient services and high-performance building materials will reduce operational energy consumption, potable water demand and greenhouse gas emissions.

111. The proposal will provide environmentally sustainable housing that enhances occupant comfort, supports climate resilience and contributes positively to the long-term environmental performance of the site.

112. As such, the proposal provides an acceptable ESD outcome subject to conditions requiring delivery of proposed ESD initiatives.

Stormwater Management

113. Clause 53.18 (Stormwater Management in Urban Development) does not apply to this proposal as it relates to the construction of dwellings on land within a residential zone. For residential development, stormwater management requirements are instead addressed through Clause 55, including the relevant standards relating to integrated water and stormwater management.

114. Notwithstanding that Clause 53.18 is not applicable, the proposal has appropriately addressed stormwater management through the submitted Sustainable Design Assessment. The assessment outlines measures to manage stormwater runoff and improve water quality, ensuring the development incorporates best practice water sensitive urban design principles consistent with the objectives of Clause 55. As such, stormwater impacts have been adequately considered and managed notwithstanding the non-applicability of Clause 53.18.

WSUD

115. The proposal incorporates Water Sensitive Urban Design measures to reduce stormwater runoff volumes and improve stormwater quality prior to discharge from the site. These measures include a 20,000-litre rainwater tank for stormwater capture and reuse, deep soil planting areas, permeable landscaping, and stormwater treatment measures designed to reduce runoff volumes and improve water quality before discharge from the site, which are designed to achieve best practice stormwater treatment outcomes.

116. The WSUD response is considered acceptable as it appropriately integrates stormwater treatment within the development, supports the objectives of Clause 55 relating to integrated water management, and contributes to improved water quality outcomes and reduced impacts on the downstream drainage network.

117. The proposed WSUD response will be secured via a conditional requirement to endorse the ESD assessment provided.

Car Parking, Bicycle Parking, Vehicle Access and Waste

Car Parking and Vehicle Access

118. The development provides a basement car park containing 18 resident car spaces for the eight three-bedroom dwellings. Two car spaces are allocated to each dwelling, with Dwellings 7 and 8 each provided with three spaces. Vehicle access is provided via a new single-width crossover and accessway from Foster Street, which connects directly to the basement level. Bicycle parking is also provided, comprising 12 resident spaces and 2 visitor spaces.

119. The proposal exceeds the statutory car parking requirement under Clause 52.06, which requires a minimum of 8 resident parking spaces, and therefore no parking dispensation is sought.

120. The car parking and access arrangements are considered to satisfy the relevant design standards of Clause 52.06-9 based on the submitted traffic assessment. The basement layout provides appropriately sized parking

spaces, manoeuvring aisles and headroom clearances, enabling vehicles to access and exit parking spaces safely and efficiently. Vehicles are able to enter and leave the site in a forward direction, while pedestrian visibility at the Foster Street accessway is facilitated through visibility splays and a convex mirror. The accessway width and ramp design accord with Planning Scheme requirements, and swept path assessments demonstrate satisfactory vehicle manoeuvring within the basement. Accordingly, the proposal provides a functional, safe and efficient parking and access outcome with no adverse traffic or road safety impacts anticipated.

121. Overall, the proposal provides an acceptable car parking and vehicle access arrangement.



Figure 10: Proposed basement carparking layout

Waste

122. A Waste Management Plan (WMP) was submitted as part of the application material.

123. The development incorporates a comprehensive on-site waste management system for the eight dwellings, with waste stored within a dedicated 22.6m² basement bin room. The waste management strategy provides for the separation of general waste, commingled recycling, food and garden organics (FOGO), and glass recycling, supporting contemporary resource recovery practices.

124. The basement bin store accommodates one 660L general waste bin, one 1,100L recycling bin, two 240L FOGO bins and one 240L glass recycling bin, with all waste streams collected weekly. Residents will separate waste within individual dwellings before transferring material to the communal waste facility.

125. Waste collection will be undertaken by a private contractor using a waste vehicle of up to 6.4 metres in length. The vehicle is able to enter the site, service bins on-site within the basement accessway, turn within the basement aisle, and exit the site in a forward direction, avoiding the need for bins to be presented to the street frontage.

126. The waste management arrangements also include dedicated hard waste storage, bin washing facilities, waste signage and ongoing management by the Owners Corporation. Overall, the proposal provides adequate waste storage capacity and efficient on-site collection arrangements that minimise impacts on the public realm and residential amenity.

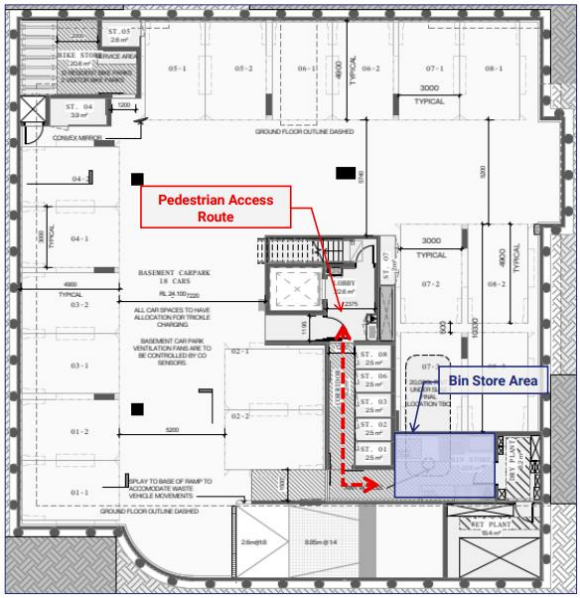

Figure 11: Proposed Bin Access Arrangement

Other matters

Clause 53.25 – Great Design Fast Track

127. As stated earlier, the application is made pursuant to Clause 53.25 (Great Design Fast Track). The provision seeks to facilitate innovative dwelling, apartment and mixed-use development that increases the density and diversity of dwellings to respond to Victoria's population growth, with convenient access to public transport and that is high quality design and sustainable.

128. The application requirements have been met.

Recommendation

129. The proposal is generally consistent with the relevant planning policies of the Glen Eira Planning Scheme and will contribute to the provision of high quality housing within the Elsternwick area.

130. It is **recommended** that:

- Planning permit No. **PA2604448 for the land at 16 Murray Street, Elsternwick** be issued subject to conditions.
- The applicant, the Council, and those who provided a submission be notified of the above in writing.



Appendix A: OVGA Comments Response

Recommendations Made 21 April 2026	Assessment/response
Provide a larger Type B tree within the north-eastern front setback.	This has been provided. A Kurrajong tree is proposed in the north-east front setback (instead of a River Birch Tree), providing a wider canopy.
Increase the space dedicated to the central circulation void and lobby landings to provide a more welcoming and social space for residents and guests.	The circulation space of Level 01 and Level 02 lobby landings were slightly increased in response to this recommendation.
Decrease the height of part of the fencing along Murray Street and seek to reduce the extent of services along this boundary to provide a more welcoming interface.	The Murray Street front fence has a consistent maximum height of 1.7 metres high, with hit and miss brick proposed above 1 metre to improve the interface treatment. DTP is satisfied the proposed front fence design is acceptable.
Provide at-grade bicycle parking for visitors near the main entry, and improve the visibility of the bicycle store and basement lobby.	One double sided bicycle-parking hoop has since been provided in the front entry.
Continue to refine the arrangement of Apartment 03 to provide better outlook and natural light to the study.	Apartment 03's window size has been increased to improve natural light. Glazing (GL02) is provided up to 1.7 metres to mitigate any impacts to outlook while still providing improved daylight access.
Confirm window treatment to Apartment 04 and 06 living rooms where overlooking neighbouring properties.	Both windows are now glazed to prevent overlooking (GL02 glazing to 1.7m).
The building expression relies on a considered palette of external materials and detailing. It is critical that the quality and detailing shown is delivered through construction.	Detail outlined on plan will be required to be delivered via permit condition.

Appendix B: Objection Themes

Key Objection Themes Raised	Assessment response
Neighbourhood Character	Refer to assessment section of this report.
Building Height	The building has a maximum height of 11.96 metres (3 storeys) (excluding lift overrun). The proposed variation to the maximum building height is considered appropriate given the scale of the Site and its capacity to accommodate a three-storey building, the raked roof form which accommodates an appropriate transition in height from surrounding buildings, and the considered architectural response which seeks to ensure unreasonable off-site amenity impacts are not caused as a result of the height variation.
Garden Area	The proposal complies with the minimum garden area requirement of 35%.
Dwelling Density	The dwelling density is considered entirely appropriate when considering the site size, location adjacent to an activity centre and proximity to public transport. It is noted that the density proposed is commensurate with state government aspirations for increased density within identified Train and Tram Zone activity centres such as Elsternwick, and their surrounding catchments, which did get gazetted in July 2026. The traffic analysis confirms that the surrounding network can accommodate the increase in density without adverse impact.
Overshadowing	The proposal complies with Standard B4-3 as indicated within the Clause 55 assessment submitted with the application. The future (proposed) dwelling at 1 Foster Street and the adjoining dwelling at 14 Murray Street will enjoy solar access in accordance with Standards B4-3. The proposed dwelling at 1 Foster Street has a secluded private open space area of 105 sqm. This would require a minimum of 52.5sqm of SPOS not being overshadowed by the development for a minimum of five hours between 9 am and 3pm on 22 September. The accompanying shadow diagrams demonstrate that the secluded private open space of the proposed dwelling at 1 Foster Street would continue to enjoy at least 52.5 sqm of unshadowed area between 11am and 3pm on 22 September in accordance with the standard.
Front fence heights	It is acknowledged that a variation is sought to the front fence height standard of the NCO4 and DDO4. It is considered that this is appropriate having regard to the immediate context of the Site. As outlined in the assessment section of this report, there is an established pattern of high, solid front fences (up to 1.8m) around the subject Site and along Murray Street. The proposed hit and miss brick component of the front fence will ensure passive surveillance of the street, while maintaining sufficient privacy for residents of the dwellings, recognising that their private open space is to be provided within the setback.

Appendix C: Council Objection

Matters raised in council submission/objection	Assessment/response
Feasibility of the proposal One of the eligibility requirements for an application to be assessed under Clause 53.25 is: • Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from a Deputy Secretary of the Department of Jobs, Skills, Industry and Regions or delegate to the satisfaction of the Minister for Planning. Accordingly, the applicant has received a letter from the Executive Director of Invest Victoria in order to satisfy this eligibility requirement. This letter however does not describe the proposal as being feasible, and in fact highlights concerns about the sponsor's funding strategy. Council notes the following: • Based on our review of your submitted documentation, Invest Victoria considers that there is **some likelihood that the 16 Murray Street, Elsternwick project could be feasible**. We have concerns about the sponsor's funding strategy , which we have highlighted with the Department of Transport and Planning. There is nothing in the above statement that can be considered as demonstrating this project is feasible. Rather, the above statement clearly demonstrates that it is at best unlikely, or improbable. In the absence of definitive support for the feasibility of the project, Council submits that the application does not satisfy any of the key purposes of Clause 53.25. The purpose of this control is to facilitate development, which cannot be achieved if the project is not going to be feasible	Refer to GDFT section of this report outlining the projects response to clause 53.25 eligibility criteria. The development has been confirmed as eligible through the Minister's eligibility assessment process and a Letter of Eligibility issued on 13 May 2026. The letter from Invest Victoria also reflects general advice that the project is feasible, as is typical for such responses.
OVGA OVGA report Another eligibility requirement for an application to be assessed under Clause 53.25 is: • *Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.* One of the key recommendations to address, listed within the OVGA's report supplied within the application material, is: • *The building expression relies on a considered palette of external materials and detailing. It is critical that the quality and detailing shown is delivered through construction.* • Emphasis added It is common practice for developments of this scale that following the issuing of a permit, further design work is undertaken, including final costings to ensure it is viable. During this process, the project will require modification to address engineering or structural issues as well as cost saving changes which often include changing materials or design details to lower quality and cheaper options. Due to the quality of the materials now being a threshold issue for this applications qualification under this process pathway, it is critical that any permit issued by the Minister ensures strict quality control over the materiality used by the developer. **It must be made clear in the permit that any further amendments made post approval must not reduce the quality of the material palette chosen.** It is common for applications that propose a higher quality build to support variations to otherwise expected compliance, **that the project architect be retained for the development through a condition on the permit.** It is also common for standard conditions regarding endorsement of material schedule and any changes to be to the satisfaction of the responsible authority. However, given the higher burden imposed on this development through its choice to seek approval under this assessment pathway, the bar is much higher and stricter conditions and post-permit processes must be embedded	A response to the OVGA comments is provided above. DTP agrees to the recommendation for the project architect to be retained as a conditional requirement, as is typical for this class of development. DTP does not agree with the recommended condition for post permit consultation with the OVGA, and notes that the OVGA has not recommended such. Any changes proposed in the future for the development are required to resemble a quality of design that is in accordance with the objectives of clause 53.25.

through conditions.

In addition to standard conditions discussed, Council strongly recommends that the following condition also be placed on any permit issued:

- ***The material finishes and design details shown on the endorsed plans must not be altered or modified except with the prior written consent of the Office of the Victorian Government Architect.***

In the absence of such condition, Council submits that any post-permit approvals made by the Minister to the materials or design details would be non-compliant with mandatory requirements of Clause 53.25 and prohibited.

Environmentally sustainable design

Another eligibility requirement for an application to be assessed under Clause 53.25 is:

- *The proposed development achieves a minimum NatHERS rating of: - 8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments. - 7.5 stars for all other dwellings.*
- *Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation*

Developments assessed under Clause 53.25 must achieve a high level of sustainable design, as per one of the key purposes of the provision. Accordingly, Councill's ESD officer has reviewed the application material to ensure the development is achieving a high-quality sustainable design response.

The application material includes an SDA report, which sets out six sustainable homes principles. Council's ESD officer has provided commentary on the development's ability to achieve fiveof these principles as follows:

- **Sustainable Homes Principle 01** - Decarbonisation: There should be EV charging in the basement carpark as an increasing number of people are buying electric cars. It should at least be given as an option for potential purchasers and the infrastructure set up during construction. This is in alignment with the decarbonisation principle. The apartments are relatively large and the need for three bathrooms when there are only 3 bedrooms in most of the apartments is questionable. This requires more materials, fixture and fittings and more cleaning and cleaning products.
- **Sustainable homes Principle 02 -** Material Circularity: Structural steel with a recycled content is listed. It is common construction practice however to use recycled content reinforcing in concrete slabs and this is not considered to be achieving a sustainable design response higher than normal processes. Are there any other aspects of the development where recycled content steel will be used?
- **Sustainable homes Principle 03 -** Net Positive energy: A 10kWp PV array is very common on apartment buildings across Melbourne and has been for 5 to 8 years. The solar PV system should be doubled at a minimum and there is ample space if the panels are grouped together and panels that are at least 400W are installed. Hot water is listed as instantaneous systems which are not energy efficient. Heat pump hot water should be specified.
- **Sustainable homes Principle 04** - High -performing thermal envelope: The shading is not the correct type for the east and west windows and glazed doors and will not reduce heat gain. In summer, the sun is low in the sky in the morning and in the afternoon from around 2pm to sunset. Only external adjustable shading that covers the glazing will stop the sun from entering the building.
- **Sustainable homes Principle 05** - Water resilience: Water efficient fittings and a water tank are listed, which are standard inclusions for all apartments in Melbourne since 2018. There is nothing outstanding proposed from an ESD excellence perspective.

Clause 55.05 -1 – Permeability and stormwater management objective:

- The Blue Factor report confirms that the development does not achieve a minimum of 100% for all relevant categories and does not

Council's ESD comments are respectfully acknowledged, however it is reiterated that the proposal achieves a BESS score of 70% which is considered ESD 'excellence' and substantially above the 'pass' score of 50%.

SHP01: The SDA Rev E includes a commitment to provide future provision for the installation of EV charging stations to all car parking spaces. This will allow occupants the option to install an EV charger. This has also been annotated on the basement plan (TP-102). With respect to bathroom numbers, the target demographic of the area for the development is families, that would be best suited to additional bathrooms for practicality and adaptability.

SHP02: There are no other aspects where recycled content steel will be used. However, the terracotta tiles and brick façade present a long-term low to no maintenance solution over the life of the building. Terracotta tiles and bricks are recyclable post life of the building.

SHP03: The 10kW solar PV system is appropriate for the size of the development and meets the BESS threshold for the associated credit. The current proposal is based on the installation of a 420Wp panel. There is no mandatory requirement for the installation of a heat pump hot water system. The development achieves a compliant BESS Energy score based on the combination of energy initiatives proposed.

SHP04: The east and west facing windows are shaded by generous overhangs and adjacent buildings. As these windows are limited in size and are generally to bedrooms, we deem this is a suitable shading strategy. Further to the above, the development achieves the performance requirements (i.e. cooling load and star rating requirements). This demonstrates that the development overall achieves a compliant outcome.

SHP05: The proposed rainwater tank is to be connected to all WCs and landscape irrigation and will, in combination with the proposed fittings and fixtures, contribute to a potable water reduction of 29% compared to a reference building. Based on the scale of the development this an appropriate response.

Clause 55.05-1 Response:

Refer below for guidance provided by GIW':

- "*For small low-risk sites, Total Nitrogen has been used as a proxy for other pollutants indicating compliance has been adequately met for many years. This has meant that if the Blue Factor score meets 100% based on Nitrogen, the Responsible Authority has the discretion to accept stormwater management design responses that do not meet all the individual pollutant load reduction targets on small low-risk sites."*

This development would be classified as a small low-risk site and therefore only a 100% Blue Factor score will need to be achieved, which is directly linked to the 45% reduction of Nitrogen. This is similar to the STORM tool which has now been superseded.

meet all the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021). This is specifically in relation to suspended solids 80% reduction in mean annual load. This has not been achieved and is expected for an apartment building. • Blue factor irrigation – the report states 200m2 of garden will be irrigated by the water tank. As the gardens are private how will this be possible? How will water access be monitored or shared equally so all residents have access to the water tank and how will the supply not be used up in summer? • For the rainwater tanks, a clear note should be included on the ground floor plan stating the tanks will collect rainwater from the proposed area of roof in m2 and will be connected to all toilets in each dwelling as committed to in the Blue Factor report. • Provide a copy of the WSUD Plan and Blue Factor report as part of the development plans to be endorsed. **Other ESD issues/recommendations:** • Clearly draw and label on the plans all ESD features and commitments. Provide a table for any features that cannot be drawn such as NatHERS Energy ratings, double glazing to all windows and doors to habitable rooms, etc. Change the layout of Apartment 03 so the living area has access to direct sunlight and cross ventilation in alignment with Clause 53.25. Ideally this living area would be dual -aspect as opposed to each corner of the floor plan belonging to the bedroom areas.	There will always be a potable water back-up connection available for landscape irrigation and toilet flushing as it is not deemed feasible to rely on rainwater only. However, the rainwater tank will be the primary source for both uses and only in the event of prolonged periods of drought will there be a small reliance on potable water. The applicant has also confirmed that the landscape irrigation connection will be limited to the ground floor landscaping only. Notes already included on the ground floor plan (TP-101) confirm that the plans are to be read in conjunction with the SDA. The SDA will also become an endorsed document under the Planning Permit. Accordingly, it is considered no further notations are required. **Other ESD Response:** The WSUD Plan and Blue Factor report have been provided within the SDA. The SDA will be endorsed together with the development plans and as such will form part of the approved documentation. The private open spaces and terraces are located away from the neighbouring areas for noise and privacy reasons. The siting and layout of the proposal has been supported by the OVGA. Cross ventilation can be achieved via operable doors and windows positioned on the east and south facades, as shown in the architectural plans.
<u>Neighbourhood Character Overlay</u> Neighbourhood Character Overlay Schedule 4 (NCO4) contains various modifications to clause 55 standards. This includes the following modified standards: • Street setback (B2-1), walls on boundaries (B2-4), and front fences (B2-8). • The schedule also contains a design detail requirement which prescribes various design aspects for buildings in order to respect the preferred neighbourhood character of the area. Council recently approved planning permit GE/DP-38012/2025 on 28 November 2025 for a two storey apartment building containing 5 dwellings on the subject site(attached). In comparison to the previous approval granted, the current 3-storey proposal represents a further departure from the NCO4 siting and design requirements. NCO4 has the following street setback requirements: 	Development context	Minimum setback from street	Minimum setback from side street
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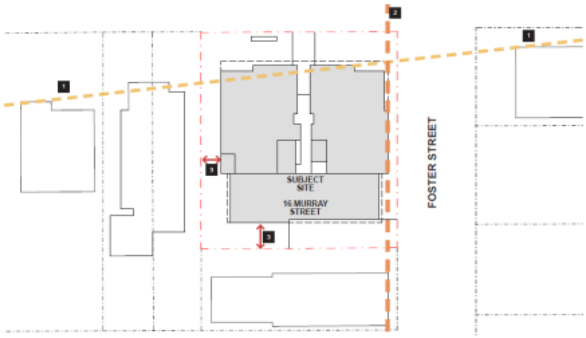
All buildings	Equal to the greater setback from the front street of adjacent dwellings within the same Overlay area.	Equal to the greater setback from the side street of all dwellings on a corner allotment within the same Overlay area. | The adjoining dwelling at 14 Murray Street is set back 7.6 metres from the street. Whilst the GE/DP -38012/2025 approval proposed a departure to this standard, noting the ground floor is setback 5.15m and the first floor balconies are setback 4.65m from Murray Street. This variation to the standard was considered acceptable by Council as the proposal still provided an appropriate transition between the shallower setbacks to the east, deeper setbacks to the west, as demonstrated within the excerpt below:	Refer to assessment section of this report for detailed assessment response. It is considered that although the proposal is a three-storey building in an area where the prevailing scale comprises one to two storeys, the building has been designed to ensure the lower two-storey volume remains the most prominent within the Murray Street streetscape, and the top level is integrated into a raked roof profile. The intentional break in the building form also allows the proposal to replicate the spacing of dwellings along Murray Street. This design response, which is accompanied by generous setbacks from boundaries which allow for canopy tree planting along all site edges, is considered to successfully strike the balance between delivering increased residential densities on a large site within proximity to an activity centre and delivering a respectful and high-quality response to the objectives of the Neighbourhood Character Overlay. The reduced front setback is considered appropriate as it will deliver a transition in setbacks along Murray Street, acknowledging the setback of 6 Foster Street is 2.66 metres, and makes efficient use of a large site adjacent to an activity centre.



Further, it is noted that the upper floor walls were proposed to be considerably setback behind the street facing balconies, with a proposed first floor wall setback of 8.06m. The first floor fronting Murray Street also provided a significantly more sympathetic design response through it presenting as a gable roof form, consistent with that seen throughout the NCO Precinct. The visual break at first floor along Murray Street also achieve suitable separation to ensure the form presented as two distinct forms, not too dissimilar from existing single storey dwellings on 15.24m wide lots. In contrast, the proposed 3-storey development has a proposed ground and first-floor street setback of only 4.53m (measured from the walls), and a second-floor street facing balcony setback of 4.62m from Murray Street. In effect, the proposal seeks to adopt a concept used in the two storey approval, however bring it even closer to the Murray Street frontage, and introduce a robust, sheer and foreign design response, completely at odds with the purpose of this NCO and theexisting and preferred character sought for this area. The design response in the Council approved two storey development is sympathetic to its context, the proposed three storey design response has complete disregard to this. In relation to the Design Detail aspect of the NCO4 requirements, the design of the buildings should respect the preferred neighbourhood character of the area, specifically in relation to various design parameters. These include the scale and form, and number of storeys proposed. The original GE/DP - 38012/2025 approval proposed a two storey building, with design articulation in the roofing and street facing walls reflective of some of main design elements seen within the Murray Road streetscape, covered by the NCO4. The applicant submits that the proposal responds to the streetscape built form and massing as follows:

A single storey scale of buildings, with upper levels well recessed from the front façade.	Although the proposed development consists of three-storeys, it responds sensitively to the streetscape and has been designed to integrate with the surrounding two-storey development, providing a suitable visual transition in height. The integrated, raked roof form has been carefully designed to transition to adjoining dwellings and includes recessed balconies on the Murray Street interface. The recessed balconies reduce the prominence of the third storey and echoes the surrounding distinct roof forms within the streetscape.

As will be evident when the assessing officers conducts their inspection of the site and surrounds, Murray Street is predominantly single storey, with any two storey elements being additions to existing dwellings that are well recessed ensuing the single storey scale is maintained, a key objective of this NCO. The current proposal by contrast proposes an imposing 3-storey form with visually dominant and intrusive two storey scale, whilst somewhat recessed thesecond floor street setback will still be immediately visible from Murray Streetand adds further to the imposing and visually dominant form o the proposal within the predominant single storey scale of Murray Street . It is acknowledged that Clause 53.25-2 allows the Ministerto waive or vary any maximum building height or setback requirement.This power does not equate to complete disregard to matters set out in the relevant planning controls. Weight must also be given to the purpose of the NCO and design requirements, the matters set out in the relevant built form and character policies of Clause 15.01 that further support Council's submissions set out above. As the proposal only achieves three more dwellings from that already approved by Council, consistent with the operation of Clause 71.02-3 and balancing competing objectives, Council submits that the departures sought by the proposal and significant negative effect it will have on an intact highly important character area of the Municipality does not achieve net community benefit, certainly not to the extent of the departures sought.

Garden Area	The garden area plan submitted with the application is correct, and

Based on the size of the land (1,021.9sqm), the minimum garden area required in accordance with the Neighbourhood Residential Zone is 35% (357.7sqm). Despite the Responsible Authority's ability to waive/vary the minimum Garden Area requirement in accordance with Clause 52.25-2, the permit applicant has stated that the current development proposal meets the garden area requirements, which has supposedly been demonstrated within the architectural drawings on sheet TP110. Sheet TP110 shows that the development achieves a garden area reading right on the minimum 357.7sqm requirement. When reviewing the architect's garden area plan however, it is evident that areas that shouldn't be included within the garden area calculation have actually been included. This includes covered areas over the pedestrian entrance and areas underneath the cantilevered parts of the upper floors of the building. Based on Council's calculations, the development proposal achieves a Garden Area calculation of only 339sqm approximately, which falls short of compliance.	confirms the proposal achieves the required 35%. Areas underneath awnings or building overhangs are classified as eaves and have been included where the projection is less than 600mm. Where the projection is greater than 600mm, the area has been excluded.
Achieving the purpose of Clause 52.25: Some of the key purposes of Clause 53.25 are to: • To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth. • To facilitate development that is of a high quality in its design, liveability and sustainability. The current design proposal will offer 8 dwellings, which is only 3 dwellings more than approved GE/DP -38012/2025 permit. Will the number of dwellings delivered be adequate justification for all the significant departures to the relevant character controls, as well as non-compliances to the mandatory height control and garden area provision within the zoning? The proposed development only results in a net increase of 3 dwellings over an approved building envelope, which similarly offers medium density housing with large apartments aimed at a high-end market. Both designs offer similar materiality and detailing towards Murray Street, with high quality terracotta roofing finishes implemented in response to the prevailing character of the area. The level of 'quality' in the design of a development beyond the metrics listed within existing character controls can be subjective. In this instance, the quality of the proposed design does not appear to be any higher the existing approval, based on the materiality and presentation of the building, with neighbourhood character considerations set aside. In relation to the key purpose of facilitating high quality sustainable development, there are clearly shortcomings with this too, as discovered by Council's Sustainable Design Officer and discussed in detail above.	The proposal demonstrates a high-quality, medium density residential development that achieves architectural, landscape and ESD excellence beyond standard planning scheme requirements. The additional three dwellings being contemplated at the Site will be delivered through a built form outcome which continues to balance the existing and emerging character of the precinct, takes advantage of the Site's location within the inner catchment of the Elsternwick Train and Tram Zone Activity Centre, and importantly does not result in any further unreasonable off-site amenity impacts. The proposal offers an alternative design approach to that achieved by the existing approval, in a manner which has been supported by the OVGA.
Active planning permit GE/DP-38012/2025 As planning permit GE/DP -38012/2025 was issued only 7 months ago, the permit remains valid. Council is currently assessing plans and documents lodged by the applicant as part of conditional requirements of the permit, including architectural plans, a lands cape plan, waste management plan and a construction management plan. A problem could emerge however if the applicant receives endorsement for these various condition of permit items and begins to start work. Noting the similarities of the basement footprint, they may seek to make a start on excavation and construction of the basement before a permit is issued. This will create potential breaches in the event that start under the provisions of one permit and complete under the provisions of another. To avoid any confusions as to which permit is being acted upon, a condition must be included requiring the cancellation of planning permit GE/DP-38012/2025 before the development starts, including excavation (note: which is a permit trigger under the NCO) to avoid complications.	The proponent intends to lawfully redevelop the Site, and will commence construction in accordance with an approved planning and building permit. This matter is not a planning merits issue, and it is considered that the cancellation of the existing planning permit is not necessary and will result in unnecessary administrative burden for all parties involved.
Train and Tram Zone Activity Centre Program Within the applicant's planning report, they appear to have put weight into the upcoming changes to be introduced to Elsternwick as part of the train and tram activity centre program. Under this program, the site has been potentially earmarked for development up to 6 storeys as part of potential rezoning	The land was rezoned to the Housing Choice and Transport Zone-Schedule 1 (HCTZ) on 23 July 2026. This would allow for a building of up to six storeys in height at the Site. All land immediately interfacing the Site, and along Murray Street, has also been rezoned to the HCTZ1. Whilst the application is considered

changes. No statutory weight can be given to this however as there are no planning scheme amendments associated with the Activity Centre program which impact the subject site that are currently at a 'seriously entertained' level. It is noted that even if a planningscheme amendment was gazetted whilst the current application was still live, the application will be burdened by transitional provisions. Notwithstanding, if the site is rezoned to Housing Choice and Transport Zone, Council submits that this would only resolve the issues relating to a mandatory 2 storey height limit as well as garden area requirements. All other Neighbourhood Character Overlay and ESD based issues will still remain valid.	a 'transition application' under the HCTZ1 and as such will be assessed against the previous controls, the rezoning of the surrounding land and identification of the Site and broader precinct within the 'inner catchment' demonstrates a change in future context of the Site and surrounds, acknowledging this will still need to be balanced with the NCO objectives. While limited weight can be given to the HCTZ due to the transitional provisions applying to this application, the recent rezoning nonetheless provides useful context regarding the broader strategic direction identified for the precinct..
Conclusion: In conclusion, Council objects to the issue of a permit for the matters set out in this submission, summarised through the following grounds: 1. The application fails to meet the application requirements under Clause 53.25-1, as the Executive Director of Invest Victoria is not satisfied that the projects feasibility is likely. 2. The proposal is inconsistent with the purpose of the Neighbourhood Character Overlay and the neighbourhood character objectives of the Schedule 4, as it will result in a visually dominant and discordant built form that will overwhelm and fail to respond to the predominant single storey scale of this precinct. 3. The increase of only eight dwellings (or three from that already approved) on the land fails to provide an appropriate increase in dwelling density when balanced against its failure to comply with the Neighbourhood Character Overlay and does not result in sufficient net community benefit. The proposal does not demonstrate a high quality design with respect to sustainability. 5. The application does not comply with the garden area requirements of Clause 32.09-4.	A detailed response to items raised by council is provided above. DTP considers the proposal to represent a development that is of great design, appropriately responds to the sites strategic context, of which will deliver high quality housing within a strategic location.

Appendix D: Clause 55 Assessment

The following tables comprise an assessment of the proposed dwellings against clause 55 of the planning scheme.

Neighbourhood and site description

Clause 55.01-1	Assessment

• *The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:*
  ○ *In relation to the neighbourhood:*
  - *The pattern of development of the neighbourhood.*
  - *The built form, scale and character of surrounding development including front fencing.*
  - *Architectural and roof styles.*
  - *Any other notable features or characteristics of the neighbourhood.*
  ○ *In relation to the site:*
  - *Site shape, size, orientation and easements.*
  - *Levels of the site and the difference in levels between the site and surrounding properties.*
  - *The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.*
  - *The use of surrounding buildings.*
  - *The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.*
  - *Solar access to the site and to surrounding properties.*
  - *Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.*
  - *Any contaminated soils and filled areas, where known.*
  - *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.*
  - *Any other notable features or characteristics of the site.*
• *If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.*
Satisfactory neighbourhood and site description
• *If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.*
• *The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.*
• *This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.*
	Complies with requirement.
	The application includes a comprehensive neighbourhood and site description that accurately identifies the site's physical characteristics, surrounding residential context, built form character, adjoining interfaces, streetscape conditions, access arrangements, vegetation, solar orientation, public realm relationships and proximity to services, public transport and open space.
	The information provided is sufficient to support a full assessment of the proposal against the relevant provisions of Clause 55.

Design response

Clause 55.01-2	Assessment

• *The design response must explain how the proposed design:*
  ○ *Derives from and responds to the neighbourhood and site description.*
  ○ *Meets the objectives of Clause 55.*
  ○ *Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.*
	Complies with requirement.
	The application includes a comprehensive design response that demonstrates how the proposal derives from and responds to the site context and surrounding neighbourhood character. The design response addresses the relevant objectives of Clause 55, including built form, amenity, landscaping, access, sustainability

• *If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.* • *The design response must include correctly proportioned street elevations or photographs showing the development in the context of 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.*	and environmental performance considerations. The proposal also responds to the character objectives of the applicable Neighbourhood Character Overlay through its siting, landscaping, streetscape presentation and architectural form. Supporting plans, elevations, streetscape material and accompanying specialist reports provide sufficient information to assess the design response and its integration within the surrounding context.

Neighbourhood character objectives
Street setback objectives

Clause 55.02-1	Assessment
Objectives • *To ensure that the setbacks of a buildings form a street respond to the existing or preferred neighbourhood character and make efficient use of the site.*	
Standard B2-1 *Walls of buildings are set back from streets:* • *At least the distance specified in a schedule to the zone if the distance specified in Table B2-1; or* • *If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.* *Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.*	Complies with objective. The proposal provides a minimum setback of 4.535 metres to Murray Street, which is less than the adjoining dwelling at 14 Murray Street and therefore does not meet the modified NCO4 standard. However, the setback is considered to appropriately respond to the corner site context, including the substantially lesser setback of development opposite the site on Murray Street. The proposed setback provides an appropriate transition between neighbouring built form outcomes, maintains a consistent streetscape presentation and allows for the efficient development of the site without compromising neighbourhood character. The 2 metre setback to Foster Street is consistent with the prevailing pattern of development along the western side of the street and responds appropriately to the corner allotment context.

Table B2-11 Street setback (NCO4 Varied

Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
All buildings	*Equal to the greater setback from the front street of adjacent dwellings within the same Overlay area.*	Equal to the greater setback from the front street of adjacent dwellings within the same Overlay area.

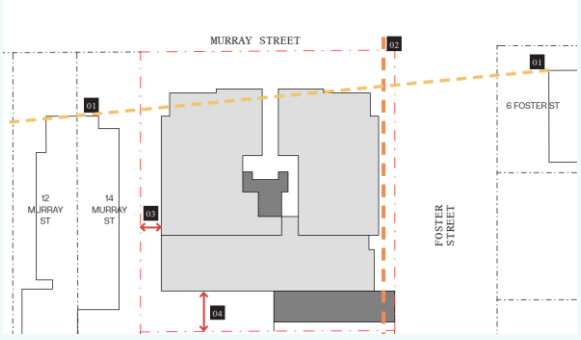


Figure 12: Street setback transition diagram - Source: Applicant design statement

Building height objectives

Clause 55.02-2	Assessment
Objectives	

• *To ensure that the height of buildings respond to the existing or preferred neighbourhood character.*	
Standard B2-2 • *The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.* • *If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross-section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.*	Complies with objective. The building reaches a maximum height of approximately 11.96 metres and exceeds the standard height limit. Notwithstanding, the additional height is appropriately accommodated on the site through a well-considered architectural response, including a raked roof form that reduces visual bulk and assists in transitioning to adjoining development. The scale of the site is capable of accommodating a three-storey form and the design has been developed to minimise unreasonable amenity impacts on neighbouring properties.

Side and rear setbacks objective

Clause 55.02-3	Assessment
Objective • *To ensure that the height and setback of a building from a boundary responds the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.*	

Standard B2-3
• *A new building not on or within 200mm of a boundary should be set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.*
• *Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions:*
  ○ *B2-3.1:*
  The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
  ○ *B2-3.2*
  If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.
• *Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.*
• *Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.*
	Complies with standard.
	
	The side and rear setbacks satisfy the requirements of Standard B2-3.1 and provide appropriate separation from adjoining properties, contributing to neighbourhood character outcomes while limiting impacts on adjoining residential amenity.

Walls on boundary objective

Clause 55.02-4	Assessment
Objective • *To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.*	
Standard B2-4	Not applicable.

• *A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot does not abut the boundary for a length that exceeds the greater of the following distances:* - *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or* - *The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.* • *A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.* • *A building on a boundary includes a building set back up to 200mm from a boundary.* • *The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.*	No walls are proposed on or adjacent to a boundary.

Site coverage objective

Clause 55.02-5	Assessment
Objective • *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*	
Standard B2-5 • *The site area covered by buildings should not exceed:* ○ *The maximum site coverage specified in a schedule to the zone; or* ○ *If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.* • *If the maximum site coverage is specified in a schedule to the zone, it must be greater than the percentage specified in Table B2-5.*	Complies with standard. The proposal provides site coverage generally consistent with the maximum 60% site coverage requirement, ensuring adequate opportunities for landscaping, permeability and open space while maintaining an appropriate built form response.

Table B2-5 Site Coverage

Zone	*Area*
Neighbourhood Residential Zone *Township Zone*	*60 per cent*
General Residential Zone	*65 per cent*
Residential Growth Zone *Mixed Use Zone* *Housing Choice and Transport Zone*	*70 per cent*

Access objective

Clause 55.02-6	Assessment
Objectives • *To ensure the number and design of vehicle crossovers responds to the neighbourhood character.*	
Standard B2-6 • *The width of accessways or car spaces (other than to a rear lane) does not exceed:* ○ *33 per cent of the street frontage, or* ○ *40 per cent of the street frontage if the width of the street frontage*	Complies with standard. A single 3.6 metre wide crossover is proposed to Foster Street, representing approximately 10.7% of the street frontage and remaining well below the maximum permitted width. No impacts on retained

is less than 20 metres. • *The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.* • *The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.*	street trees are identified and the access arrangement appropriately responds to neighbourhood character.

Tree canopy objective

Clause 55.02-7	Assessment
Objective • *To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.*	

Standard B2-7
• *Provide a minimum canopy cover as specified in Table B2-7.1.*
 	
Table B2-7.1
Site area / **Canopy cover**
1000 square metres or less / 10% of the site area
More than 1000 square metres / 20% of the site area
 	
• *Existing trees to be retained meet all the following:*
  ○ *Has a height of at least 5 metres,*
  ○ *Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,*
  ○ *Has a trunk that is located at least 4 metres from proposed buildings.*
• *The minimum canopy cover is met using any combination of trees specified in Table B2-7.2*
• *Existing trees that are retained can be used in calculating canopy cover.*
 	
Table B2-7.2 Tree type, canopy cover, deep soil planter requirements
 	
Tree type / **Minimum canopy diameter at maturity** / **Minimum height at maturity** / **Minimum mature canopy cover** / **Tree in deep soil Area of deep soil** / **Tree in planter Volume of planter** / **Minimum depth of planter soil**
A / 4 metres / 6 metres / 12.6 sqm / 12 cubic metres (min. plan dimensions 2.5 metres) / 12 cubic metres (min. plan dimensions 2.5 metres) / 0.8 metre
B / 8 metres / 8 metres / 50.3 sqm / 49 cubic metres (min. plan dimensions 4.5 metres) / 28 cubic metres (min. plan dimensions 4.5 metres) / 1 metre
C / 12 metres / 12 metres / 131.1 sqm / 121 cubic metres (min. plan dimensions 6.5 metres) / 64 cubic metres (min. plan dimensions 6.5 metres) / 1.5 metre
 	
• *Provide at least one new or retained tree in the front setback and the rear setback.*
• *Trees are located in either:*
  ○ *An area of deep soil as specified in Table B2-7.2; or*
  ○ *A planter as specified in Table B2-7.2.*
	Complies with standard.
	The proposal achieves a canopy cover outcome significantly exceeding the minimum required by the standard, with three Type A trees and two Type B trees located within deep soil areas. The landscaping response contributes meaningfully to neighbourhood character, biodiversity, urban cooling and long-term canopy outcomes.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.	

Front fences objective

Clause 55.02-8	Assessment
Objective • *To encourage front fence design that responds to the existing or preferred neighbourhood character.*	
Standard B2-8 (NCO4 Varied) • *The design of front fences within 3 metres of a street in the Downshire Road Area Elsternwick and Murray Street Elsternwick should:* • *not exceed a height of 1.2 metres and have at least 25% permeability, or not exceed a height of 0.8 metres if constructed in brick/masonry.*	Complies with objective. While the proposed 1.7 metre high perforated brick fence exceeds the preferred NCO4 height, it responds appropriately to the established character of Murray Street where higher front fences are evident. The permeable design maintains passive surveillance opportunities while providing an appropriate balance between resident privacy and streetscape presentation. The fence forms part of an integrated architectural and landscape response rather than a standalone boundary treatment.

Liveability

Dwelling diversity objective

Clause 55.03-1	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings.*	

Standard B3-1
• *Developments include at least:*
  ○ *One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at round floor level for every 10 dwellings.*
  ○ *One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.*
  ○ *One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.*
	Not applicable.
	The standard does not apply as the development contains fewer than 10 dwellings.

Parking location objectives

Clause 55.03-2	Assessment
Objectives • *To minimise the impact of vehicular noise within developments on residents.*	

Standard B3-2
• *Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:*
  ○ *1.5 metres; or*
  ○ *If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or*
  ○ *1 metre where window sills are at least 1.5 metres above ground level.*
• *This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable*
	Complies with objective.
	A study window associated with Apartment 3 interfaces with the vehicle accessway and varies from the standard setback requirement. However, the window incorporates obscure glazing to mitigate potential amenity impacts and serves a study rather than a primary habitable room. Given the small scale of the development and limited vehicle movements associated with eight dwellings, the variation is acceptable and residential amenity is maintained.

room.	

Street integration objectives

Clause 55.03-3	Assessment
Objectives • *To integrate the layout of development with the street to support the safety and amenity of residents.*	

Standard B3-3
• *Where a development fronts a street, a vehicle accessway or abuts public open space:*
  ○ *Passive surveillance is provided by a direct view from a balcony or a habitable room windows to each street, vehicle accessway and public open space.*
  ○ *The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.*
• *Lighting is provided to all external accessways and paths.*
• *Mailboxes are provided for each dwelling and can be communally located.*
	Complies with standard.
	The proposal provides passive surveillance to Murray Street, Foster Street and the internal accessway through the strategic placement of habitable room windows and balconies. Site services are appropriately integrated and screened, external accessways are illuminated and mailboxes are conveniently located within the front setback, resulting in a safe and well-integrated development.

Entry objective

Clause 55.03-4	Assessment
Objective • *To provide each dwelling, apartment development or residential building with its own sense of identity.* • *To provide entries with weather protection, safe design, natural light and ventilation.*	

Standard B3-4
Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings
• *Each dwelling and each residential building has a ground level entry door that:*
  ○ *Has a direct line of sight from a street, accessway or shared walkway.*
  ○ *Is not accessed through a garage.*
  ○ *Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.*
 	
Apartment development and residential building with a shared entry
• *An apartment development and each residential building has:*
  ○ *A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway.*
  ○ *An external covered area of at least 144 square metres with a minimum dimension of at least 1.2 metres over the entry door of the building.*
  ○ *Shared corridors and common areas have at least one source of natural light and natural ventilation.*
	Complies with standard.
	The building entry is clearly identifiable from Murray Street and the shared pedestrian path and is provided with adequate weather protection. Natural light and ventilation are provided to common circulation areas through a light court and skylight, resulting in a functional and welcoming entry experience.

Private open space objective

Clause 55.03-5	Assessment
Objective • *To provide adequate private open space for the reasonable recreation*	

and service needs of residents.	

Standard B3-5
• *A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone.*
• *If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:*
  ○ *An area of 25 square metres of secluded private open space with a minimum dimension of 3 metres width;*
  ○ *A balcony with at least the area and dimensions specified in Table 3-5; or*
  ○ *An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or*
  ○ *An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.*
• *If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;*
  ○ *The area and dimensions specified in the schedule must be 25 square metres or less; and*
  ○ *The area and dimension specified for a podium, balcony or an are on a roof must be less than the area and dimensions specified in this standard.*
• *If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.*
• *Where ground level private open space is provided an area for clothes drying is provided.*
	Complies with standard.
	Each dwelling is provided with private open space that exceeds the minimum area and dimension requirements of the standard, providing appropriate opportunities for recreation and residential amenity.

Table B3-5 Private open space for a balcony

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 20 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 bedroom dwelling	12 square metres	2.4 metres

Solar access to open space objective

Clause 55.03-6	Assessment
Objective • *To allow solar access into the secluded private open space of new dwellings and residential buildings.*	
Standard B3-6 • *The southern boundary of secluded private open space is set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.*	Complies with objective – variation required. A minor variation is required for part of the secluded private open space associated with Apartment 3. Notwithstanding, the dwelling benefits from a generous secluded private open space area of approximately 93.9m², including a substantial western component that receives suitable solar access. The overall quantity and usability of open space ensure the objective of the standard is achieved.

Functional layout objective

Clause 55.03-7	Assessment
Objectives • *To ensure dwellings provide functional areas that meet the needs of residents.*	

Standard B3-7
• *Bedrooms:*
  ○ *Meet the minimum internal room dimensions specified in Table B3-7.1; and*
  ○ *Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.*
 	
Table B3-7.1 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) meet the minimum internal room dimensions specified in Table B3-7.2.*
 	
Table B3-7.2 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
	Complies with standard.
	All bedrooms and living areas satisfy the minimum room dimension requirements, providing functional and practical living environments capable of accommodating the needs of future residents.

Room depth objective

Clause 55.03-8	Assessment
Objective • *To allow adequate daylight into single aspect habitable rooms.*	

Standard B3-8
• *The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.*
  ○ *The room combines the living area, dining area and kitchen; and*
  ○ *The kitchen is located furthest from the window; and*
  ○ *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; and*
  ○ *An overhang extends no more than 2m beyond the window of the single aspect habitable room.*
	Complies with standard.
	The depth of all single-aspect habitable rooms complies with the standard, ensuring satisfactory daylight penetration and internal amenity.

• *In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.*	

Daylight to new windows objective

Clause 55.03-9	Assessment
Objective • *To allow adequate daylight into new habitable room windows.*	

Standard B3-9
Dwelling (other than a dwelling in or forming part of an apartment development)
• *A window in an external wall of the building is provided to all habitable rooms.*
• *Habitable rooms in a dwelling have a window that faces:*
  ○ *An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or*
  ○ *A verandah provided it is open for at least one third of its perimeter, or*
  ○ *A carport provided it has two or more open sides and is open for at least one third of its perimeter.*
Dwelling in or forming part of an apartment development
• *A window in an external wall of the building is provided to all habitable rooms.*
• *Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:*
  ○ *A minimum width of 1.2 metres.*
  ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*
  ○ *A window clear to the sky.*
	Complies with standard.
	All habitable rooms are provided with windows to external walls and do not rely on secondary borrowed-light arrangements, ensuring adequate daylight access throughout the development.

Natural ventilation objectives

Clause 55.03-10	Assessment
Objectives • *To encourage natural ventilation of dwellings.* • *To allow occupants to effectively manage natural ventilation of dwellings.*	

Standard B3-10
 	
Dwelling (other than a dwelling in or forming part of an apartment development)
• *Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide;*
  ○ *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.*
 	
Dwelling in or forming part of an apartment development
• *At least 40 percent of dwellings have openable*
	Complies with standard.
	The dwelling layouts facilitate natural ventilation and provide effective breeze paths through the apartments, resulting in improved occupant comfort and reduced reliance on mechanical systems.

windows, doors or other ventilation devices in external walls of the building that provide: ○ *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.*	

Storage objective

Clause 55.03-11	Assessment
Objectives • *To provide adequate storage facilities for each dwelling.*	
Standard B3-11 **Dwelling (other than a dwelling in or forming part of an apartment development)** • *Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.* **Dwelling in or forming part of an apartment development** • *Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table B3-11.*	Complies with standard. All dwellings exceed the minimum internal storage requirements, with additional storage facilities provided within the basement, resulting in a high level of residential functionality.

Table B3-11 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

Accessibility for apartment developments objective

Clause 55.03-12	Assessment
Objective • *To ensure the design of dwellings meets the needs of people with limited mobility.*	
Standard B3-12 • *At least 50 per cent of dwellings in or forming part of an apartment development 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 on adaptable bathroom that meets all of the*	Complies with standard. More than 50% of dwellings incorporate adaptable design features and accessible bathroom layouts in accordance with the standard. The remaining dwellings have also been designed to meet liveable housing principles and can accommodate the needs of residents with limited mobility.

requirements of either Design A or Design B specified in Table B3-12.

Table B3-12 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.

External Amenity

Daylight to existing windows objective

Clause 55.04-1	Assessment
Objective • *To allow adequate daylight into existing habitable room windows.*	
Standard B4-1 • *Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.* • *Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.* • *Where the existing window is above ground floor level, the wall height*	Complies with standard. Appropriate setbacks are provided opposite existing habitable room windows at 14 Murray Street, ensuring adequate daylight access is maintained and the requirements of the standard are satisfied.

is measured from the floor level of the room containing the window.	

Existing north-facing windows objective

Clause 55.04-2	Assessment
Objective • *To allow adequate solar access to existing north-facing habitable room windows.*	

Standard B4-2
• *Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:*
  ○ *A new building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.*
  ○ *For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.*
• *For this standard a north facing window is a window with an axis perpendicular to its surface orientated from north 20 degrees west to north 30 degrees east.*
	Complies with standard.
	No relevant north-facing habitable room windows exist on adjoining land. The building setbacks nonetheless satisfy the requirements of the standard.

Overshadowing secluded open space objective

Clause 55.04-3	Assessment
Objective • *To ensure buildings do not significantly overshadow existing secluded private open space.*	
Standard B4-3 • *The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.* • *If existing sunlight to the secluded private open space of an existing dwelling or a small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.*	Complies with standard. Shadow modelling demonstrates that adjoining secluded private open spaces, including the approved dwelling at 1 Foster Street and neighbouring property at 14 Murray Street, retain the required levels of solar access.

Overlooking objective

Clause 55.04-4	Assessment
Objective • *To limit views into existing secluded private open space and habitable room windows.*	
Standard B4-4 • *In Clause 55.04-4 a habitable room does not include a bedroom.* • *A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9*	Complies with standard. Potential overlooking opportunities are appropriately mitigated through a combination of obscure glazing, screening treatments and balcony design. These measures effectively prevent unreasonable views into adjoining secluded private open spaces and habitable

metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.
• *A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:*
  ○ *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or*
  ○ *Has sill heights of at least 1.7 metres above floor level; or*
  ○ *Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level.*
  ○ *Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.*
  ○ *Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.*
• *Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.*
• *Screens used to obscure a view are:*
  ○ *Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.*
  ○ *Permanent, fixed and durable.*
  ○ *Designed and coloured to blend in with the development.*
• *This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.*
	room windows.

Internal views objective

Clause 55.04-5	**Assessment**
Objective • *To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.*	

Standard B4-5
• *In Clause 55.04-5 a habitable room does not include a bedroom.*
• *Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:*
  ○ *Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or*
  ○ *Has a sill height of at least 1.7 metres above floor level; or*
  ○ *Has a fixed, visually obscure balustrade to at least 1.7 metres above floor level; or*
  ○ *Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.*
• *Direct views are managed at a height of 1.7 metres above floor level and within:*
  ○ *A 45 degree horizontal angle from the edge of the new window or balcony.*
  ○ *A 45 degree angle in the downward direction.*
• *Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.*
	Complies with standard.
	The layout and orientation of dwellings ensure there are no unreasonable direct views into the secluded private open spaces of other dwellings within the development.

Sustainability

Permeability and stormwater management objective

Clause 55.05-1	Assessment
Objectives • *To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.* • *To facilitate on-site stormwater infiltration.* • *To encourage stormwater management that maximises the retention and reuse of stormwater.* • *To contribute to urban cooling.*	

Standard B5-1
• *The site area covered by the pervious surfaces is at least 20 percent of the site.*
• *The development includes a stormwater management system designed to:*
  ○ *Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:*
  ○ *Suspended solids 80% reduction in mean annual load.*
  ○ *Total phosphorus and Total Nitrogen 45% reduction in mean annual load.*
  ○ *Litter 70% reduction of mean annual load.*
  ○ *Allow for intended vegetation growth and structural protection of buildings.*
  ○ *In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.*
  ○ *Provide a safe, attractive and functional environment for residents.*
Note:
A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective – Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.
• *Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.*
	Complies with standard.
	The proposal achieves approximately 23% permeability and incorporates WSUD measures that exceed best practice stormwater objectives.
	Rainwater harvesting, deep soil planting and stormwater treatment initiatives contribute to improved stormwater quality, runoff reduction and urban cooling outcomes.

Overshadowing domestic solar energy systems objective

Clause 55.05-2	Assessment
Objectives • *To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.*	
Standard B5-2 • *Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every meter of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.* • *This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.*	Complies with standard. No existing domestic solar energy systems are affected by the development and the siting of the building is consistent with the intent of the standard.

- *In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.*

Rooftop solar energy generation area objective

Clause 55.05-3	Assessment
Objectives • *To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.*	

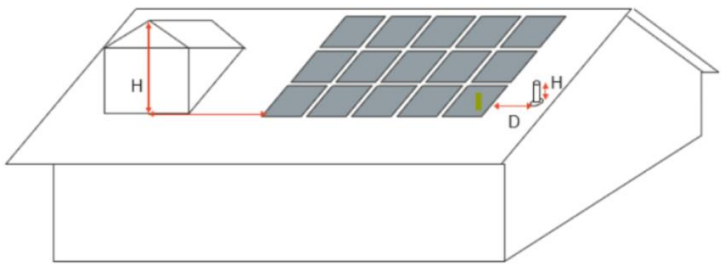
Standard B5-3
• *In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.*
• *An area on the roof is capable of siting on a rooftop solar energy area for each dwelling which:*
  ○ *Has a minimum dimension of 1.7 metres.*
  ○ *Has a minimum area in accordance with Table B5-3*
  ○ *Is orientated to the north, west or east.*
  ○ *Is positioned on the top two thirds of a pitched roof.*
  ○ *Can be a contiguous area or multiple smaller areas*
  ○ *Is free from obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.*
Diagram B5-3 Allowable distance between obstructions and the rooftop solar energy area

 	
• *Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.*
	Not applicable.
	The standard does not apply to apartment developments. Notwithstanding, the proposal includes rooftop solar energy infrastructure.

Table B5-3 Minimum rooftop solar energy generation area	
Number of bedrooms	**Minimum roof area**
1 bedroom dwelling	15 square metres
2 or 3 bedroom dwelling	26 square metres
4 or more bedroom dwelling	34 square metres

Solar protection to new north-facing windows objective

Clause 55.05-4	Assessment
Objective • *To encourage external shading of north facing windows to minimise summer heat gain.*	
Standard B5-4 • *North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.*	Complies with objective. While not all north-facing windows are provided with shading devices prescribed by the standard, the design incorporates balcony overhangs, external shading elements and carefully considered window sizing. The Sustainable Design Assessment demonstrates that solar heat gain is appropriately managed and the objective is achieved.

Waste and recycling objectives

Clause 55.05-5	Assessment
Objectives • *To ensure dwellings are designed to facilitate waste recycling.* • *To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.* • *To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.*	
Standard B5-5 **Dwelling (other than a dwelling in or forming part of an apartment development)** • *The development includes an individual bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.*	Complies with standard. The development includes a 22.6m² communal bin store, substantially exceeding the minimum storage requirement. The facility incorporates washing facilities, accessible paths of travel and accommodates all required waste streams, resulting in an efficient and well-managed waste system.

Table B5-5.1 Bin storage			
Type of bin storage area	**Minimum area**	**Minimum depth**	**Minimum height**
Individual bin storage area for a dwelling.	1.8 square metres	0.8 metre	1.8 metres
Shared bin storage area for 3 dwellings or less.	5.4 square metres	0.8 metre	1.8 metres
Shared bin storage area for 4 or more dwellings.	1 square metre per dwelling plus 4 square metres	0.8 metre	1.8 metres

- *If the development includes a shared bin storage area:*
  - *The shared bin storage area:*
    - *Is located within 40 metres of a kerbside collection point.*
    - *Includes a tap for bin washing.*
  - *There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.*
- *Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.*
- *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*

Dwelling in or forming part of an apartment development

- *The development includes a shared bin storage area for by each dwelling of at least the applicable area, depth and height specified in Table B5-5.2.*

Table B5-5.2 Apartment bin storage			
Number of dwellings	**Minimum area**	**Minimum depth**	**Minimum height**
15 or less dwellings	0.7 square metres per dwelling in a shared waste storage area	0.8 metres	2.7 metres
16 to 55 dwellings	0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area.	1 metre	2.7 metres
56 or more dwellings	0.5 square metres per dwelling in a shared waste storage area.	1 metre	2.7 metres

- *Enclosed bin storage areas are ventilated by:*
  - *Natural ventilation openings to the external air with an area of at least 5 per cent of the area for the bin storage area; or*
  - *A mechanical exhaust ventilation system.*
- *A tap and drain is provided to wash bins.*
- *A continuous path of travel is provided from each dwelling to bin storage areas.*
- *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*

Noise impacts objective

Clause 55.05-6	Assessment
Objectives • *To minimise the impact of mechanical plant noise located in the development.*	
Standard B5-6 • *Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new of existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.*	Complies with standard. Mechanical plant and lift infrastructure have been appropriately located to minimise potential noise impacts on bedrooms within the development and adjoining residential properties.

Energy efficiency for apartment development objectives

Clause 55.05-7	Assessment
Objectives • *To achieve energy efficient dwellings and buildings.* • *To ensure dwellings achieve adequate thermal efficiency.*	
Standard B5-7 • *Dwellings in or forming part of an apartment development located in a climate zone identified Table B5-7 do not exceed the maximum NatHERS annual cooling load.*	Complies with standard. The Sustainable Design Assessment confirms that the development satisfies applicable NatHERS cooling load requirements and incorporates a range of energy efficiency measures that support high environmental performance and occupant comfort.

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).*