

**Glen Eira Planning Scheme Amendment C220glen
Municipal Planning Strategy and Planning Policy Framework**

Panel Report

Planning and Environment Act 1987

22 June 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Glen Eira Planning Scheme Amendment C220glen

Municipal Planning Strategy and Planning Policy Framework

22 June 2022



Alison McFarlane, Chair

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Glossary and abbreviations

Council	Glen Eira City Council
DELWP	Department of Environment, Land, Water and Planning
ESD	Environmentally sustainable design
GRZ	General Residential Zone
GRZ1	General Residential Zone Schedule 1
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MAC	Major Activity Centre
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
PO	Parking Overlay
PPF	Planning Policy Framework
RGZ	Residential Growth Zone
SBO	Special Building Overlay

Overview

Amendment summary

The Amendment	Glen Eira Planning Scheme Amendment C220glen
Common name	Municipal Planning Strategy and Planning Policy Framework
Brief description	The Amendment proposes to translate the Local Planning Policy Framework including the Municipal Strategic Statement into the new format Planning Policy Framework and Municipal Planning Strategy.
Planning Authority	Glen Eira City Council
Authorisation	2 September 2021
Exhibition	11 November to 23 December 2022
Submissions	Number of Submissions: 15 Opposing: 10

Panel process

The Panel	Alison McFarlane (Chair)
Directions Hearing	Video conference, 12 April 2022
Panel Hearing	Video conference, 18 May 2022
Parties to the Hearing	See Appendix B
Citation	Glen Eira PSA C220glen [2022] PPV
Date of this report	22 June 2022

Executive summary

Glen Eira Planning Scheme Amendment C220glen seeks to replace the Municipal Strategic Statement and the Local Planning Policy Framework at Clause 21 and Clause 22 with a Municipal Planning Strategy, local policies within the Planning Policy Framework and revised local schedules to zones, overlays, particular, operational and general provisions, consistent with the structure introduced by Amendment VC148.

While much of the Amendment translates existing policies into this new VC148 format, the Amendment also introduces new policy content for open space, sustainability, social and affordable housing, transport and parking based on policies and strategies recently adopted by Council.

A six week exhibition of the Amendment in November and December 2021 attracted fifteen submissions, including three submissions from government agencies that did not oppose the Amendment. The remaining submissions raised issues about the impact of growth and change on:

- housing density
- neighbourhood character
- road use, congestion and carparking
- public open space
- sustainability.

The Panel considers the Amendment is broadly consistent with the *Planning and Environment Act 1987*, is supported by and implements the relevant sections of the Planning Policy Framework and has generally been prepared in accordance with relevant Ministerial Directions and Practice Notes. The Amendment is consistent with the principles of net community benefit as it will provide streamlined and updated policy into the Glen Eira Planning Scheme.

Redrafting of some local policies is required to improve clarity and meet relevant practice guidance. In addition, significant changes to the Planning Policy Framework have been made since preparation of the Amendment, necessitating changes to align the exhibited content with Amendment VC204 (Transport) and VC216 (Climate Change) reforms.

On the issues raised by submitters, the Panel concludes:

- Any future revision of neighbourhood character policies should be considered in the context of a housing strategy.
- It is appropriate to include City Plan as a background document to the Glen Eira Planning Scheme.
- Local policies for transport and open space are well founded and aligned with the Planning Policy Framework.
- Policy guidelines proposed for solar access to public open space in Clause 15.01-2L (Building design) are not appropriate and do not meet relevant tests in the Practitioner's Guide to Victoria's planning schemes.
- Climate change and sustainable development are adequately addressed by the Amendment and through additional changes to the Planning Policy Framework introduced by Amendment VC216.
- Restricting building height in the Special Building Overlay is beyond the scope of the Amendment.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C220glen be adopted as exhibited subject to the following changes:

1. Amend Clause 11.03-1L (Activity centres), as shown in Appendix E, to:
 - a) delete 'in residential areas' from the third strategy under the 'General' sub-heading to read 'Supporting housing growth to provide a transition in building scale and height from the commercial core to the lower scale residential built form within and adjoining activity centres'
 - b) replace under the '*Elsternwick major activity centre*' sub-heading the second and forth strategies with '*Support opportunities to enhance arts and cultural offerings within the centre including a new cultural precinct in Selwyn Street*'.
2. Amend Clause 13.07-1L (Non residential uses in residential areas), as shown in Appendix F, to:
 - a) amend the title to '*Non-residential uses and development in residential areas*'
 - b) delete 'plan' and adding '*map to this clause*' in the first strategy
 - c) delete 'overlooking' from the list under the fourth strategy
 - d) amend the sixth strategy to '*avoid car parking within front setbacks where the use is not located on a preferred road abuttal as identified in the map to this Clause*'
 - e) insert '*Sundays and Public Holidays – not preferred*' in the list under the first policy guideline.
3. Amend Clause 15.01-1L (Landscaping), as shown in Appendix G, to:
 - delete '*and courtyards*' from the sixth strategy
 - delete '*in and around activity centres and*' from the seventh strategy
 - replace the list of the third policy guideline with:
 - *The provision of a minimum of one 8 metre high canopy tree for every 8 metres of the front boundary. If the result is not a whole number, round to the nearest whole number.*
 - *The provision of a minimum of one 6 metre high canopy tree for every 8 metres of rear boundary in the Neighbourhood Residential Zone and the General Residential Zone. If the result is not a whole number, round to the nearest whole number.*
4. Amend Clause 15.01-2L (Building design), as shown in Appendix H, to:
 - delete the fourth policy guideline
 - revise the first dot point under the fourth 'General' strategy to '*Orientate living and private open space areas towards the front of the site and any abutting roads/streets, laneways, or areas of public open space*'
 - replace '*significant*' with '*unreasonable*' in the second dot point of the fourth strategy under '*Impact on the streetscape, public realm and public open space*'

- deleting the third dot point *‘minimal load bearing walls in opportune locations to facilitate future consolidation and adaptable reuse of buildings’* under the third policy guideline.
- 5. Delete Clause 15.02-1L (Environmentally sustainable design) and reposition local policy content under Clause 15.01-2S (Building design) where it does not duplicate policy recently introduced by Amendment VC216.
- 6. Amend Clause 15.03-1L (Heritage), as shown in Appendix I to:
 - a) replace *‘discourage demolition’* with *‘avoid demolition’* in the second strategy under ‘Demolition’.
- 7. Amend Clause 16.01-1L-01 (Housing supply), as shown in Appendix J, to:
 - a) revise the second, third and fourth strategies under ‘Location of residential development’ as:
 - *Direct substantial housing growth into substantial change areas identified on the Housing Change Area map to this clause*
 - *Support incremental housing growth outside of activity centres in Incremental Change Areas identified on the Housing Change Area map to this clause.*
 - *Support minimal housing growth outside of activity centres in Minimal Change Areas identified on the Housing Change Area map to this clause.*
- 8. Amend Clause 16.01-1L-02 (Student accommodation), as shown in Appendix K, to:
 - a) delete *‘their immediate family’* from the fourth policy guideline.
- 9. Amend Clause 16.01-5L (Residential aged care and community care accommodation), as shown in Appendix L, to:
 - a) delete *‘and sites that are relatively flat’* from the first strategy.
- 10. Amend Clauses 18.02-1L (Sustainable personal transport), 18.02-2L (Public transport), 18.02-3L (Road system and access) and 18.02-4L (Car parking) to align with the Amendment VC204 policy structure at Clauses 18.02-1S (Walking), 18.02-2S (Cycling) and 18.02-3S (Public transport) and 18.02-4S (Roads).
- 11. Amend Clause 18.02-3L (Road system and access), as shown in Appendix M, to:
 - a) replace *‘Road Zone Category 1’* with *‘Transport Zone 2’* in the fifth strategy.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of Glen Eira Planning Scheme Amendment C220glen (the Amendment) is to restructure the Glen Eira Planning Scheme (the Planning Scheme) consistent with reforms introduced as part of the Smart Planning Program through Amendment VC148.

The Amendment replaces the existing Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS), with a new Municipal Planning Strategy (MPS) and local policies within the Planning Policy Framework (PPF). The MPS and local PPF take forward a mix of existing policy within the LPPF as well new policy from recently adopted council strategies as set out in Appendix D.

1.2 Background

The Amendment has been initiated to implement Smart Planning reforms and a range of other reviews and strategic projects led by Council.

(i) Smart Planning reforms

Amendment VC148 was approved in July 2018 as part of the Victorian Government's Smart Planning Program to simplify and modernise Victoria's planning policy and rules to make planning schemes more efficient, accessible and transparent. The Amendment made changes to the Victoria Planning Provisions clarify, simplify and improve the structure, function and operation of planning schemes, and to remove unnecessary regulation.

More specifically, Amendment VC148:

- introduced a new PPF
- enabled the future introduction of a MPS
- introduced a new State, regional and local integrated policy structure
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content
- created new operational provisions.

Amendment C220glen implements these Smart Planning reforms into the Planning Scheme.

(ii) Glen Eira Planning Scheme Review

The *Glen Eira Planning Scheme Review, 2018* was initiated to meet obligations under section 12B of the *Planning and Environment Act 1987* (PE Act). It considered recommendations of an earlier 2016 Planning Scheme Review that was based on extensive community consultation.

The review informed a work plan for Council's strategic planning program and future amendments to the Planning Scheme. Specific recommendations from the review to be implemented through the Amendment are summarised in Table 1.

Table 1 Planning Scheme Review Initiatives

Initiative	Activity
Planning Scheme restructure	Translate local content in the scheme into the new PPF structure, as facilitated by Amendment VC148.
MSS rewrite	Review and update the MSS and translate into the new MPS
Policy rewrite	Review and update local planning policy, zone and overlay schedules and other local content as required, to ensure it is current and reflects adopted land use and development strategies and plans, and is consistent with Smart Planning reform initiatives facilitated by Amendment VC148
Planning Scheme Amendment	Prepare a planning scheme amendment to implement the rewrite of the Planning Scheme.
Implementation of Council strategies	Prepare a Planning Scheme Amendment to implement recently adopted Council strategies into the Planning Scheme.
Environmentally Sustainable Development (ESD) Policy	Development of an ESD Policy to be included within the Planning Scheme rewrite.

(iii) Glen Eira City Plan

The Glen Eira City Plan: Activity Centre, Housing and Local Economy Strategy, 2020 (City Plan) sets out a plan to manage growth in Glen Eira over a 20-year period and provides a planning policy link to *Plan Melbourne 2017-2050* (Plan Melbourne). The technical background reports that informed City Plan are:

- *Glen Eira Economic Analysis, 2018*
- *Glen Eira Housing Opportunity Analysis, 2017*
- *Glen Eira Housing and Local Economy Growth Assessment, 2018.*

City Plan was originally adopted in July 2017 (under the former name of Activity Centre, Housing and Local Economy Strategy) following community consultation. Further amendments were made in February 2020, incorporating updated population and housing projections and responding to *Planning Practice Note 90: Planning for Housing* (PPN90) and *Planning Practice Note 91: Using the Residential Zones* (PPN91).

City Plan is built around three themes: place-making, local economy and housing. Objectives, strategies and actions are identified for each theme.

City Plan is a policy and background document for proposed Clauses 11.03-IL, 16.01-1L-01 and 17.02-IL. It is also a background document for proposed Clauses 16.01-2L, 16.01-5L, 19.02-1L and 19.02-2L and to the MPS.

(iv) City of Glen Eira Open Space Strategy Refresh

The City of Glen Eira Open Space Strategy Refresh, 2020 (Open Space Strategy) guides further planning, provision, design and management of public open space in Glen Eira until 2035. It includes plans to address the open space needs of the existing and forecast population and aims are for open space to be:

- located within an easy walking distance of the community

- designed to be accessible for people of all ages, abilities, health, gender and cultural background
- a system of spaces that in combination meet the recreational, environmental and social needs of Glen Eira
- provide a diversity of character and sizes of open space to maximise accessibility to the community and contribute to sustainability
- maximise opportunities to mitigate climate changes, implement sustainable design and management practices and, where feasible, achieve improved ecological outcomes.

The Open Space Strategy is a policy and background document for proposed Clauses 11.03-1L, 12.01-1L, 15.01-1L and 19.02-6L, and a background document to the MPS.

(v) Glen Eira 2040 Community Vision

The *Glen Eira 2040 Community Vision, 2021* (Community Vision) is:

Our Glen Eira: A thriving and empowered community working together for an inclusive and sustainable future.

The Community Vision is a background document for the MPS and proposed Clauses 11.03-1L, 12.01-1L, 15.01-1L and 19.02-6L.

(vi) Glen Eira Climate Emergency Response Strategy 2021-2025

Glen Eira Climate Emergency Response Strategy 2021-2025, 2021 (Climate Emergency Strategy) sets out how Council will respond to climate change in its own operations, support the community to take action and work with government to drive stronger action. The six goals of the strategy are:

- We embed climate change action in everything that we do
- Our community is active and mobilised on climate action
- Council-owned buildings and infrastructure are resilient and safe for our staff and community
- Our community is protected from the worst impacts of climate change
- Net zero Council emissions by 2025
- Net zero community emissions by 2030.

The Climate Emergency Strategy is a policy and background document for the proposed Clauses 12.01-1L and 19.02-6L, and a background document to the MPS.

(vii) Glen Eira Social and Affordable Housing Strategy 2019-2023

The *Glen Eira Social and Affordable Housing Strategy 2019-2023, 2019* (Social and Affordable Housing Strategy) describes the extent of need for more social and affordable housing in Glen Eira and provides strategies and actions that Council will pursue to address this need. The strategy identifies several opportunities to address unmet need through the planning system, direct investment and through provision, advocacy, partnerships and collaborations.

The Social and Affordable Housing Strategy is a policy and background document for proposed Clause 16.01-2L and is a background document to the MPS.

(viii) Integrated Transport Strategy 2018-2031

The goal of the *Integrated Transport Strategy 2018-2031, 2018* (Transport Strategy) is to strive for a 50:50 mode share of car and non-car trips by 2031. The nine principles underpinning the Transport Strategy are:

- Transport is for people — a range of options is needed to suit our busy lives
- The majority of the community currently relies on the car to undertake their daily activities
- Continued growth of car use will contribute to further traffic congestion and parking concerns
- Parking will continue to play an important role and complement our transport system
- Not all residents within Glen Eira experience the same access to transport
- Peak hour travel movements should be as efficient and fast as possible
- Our streets are the defining feature of our neighbourhoods
- Car alternatives can improve our health and the environment.

The Transport Strategy is a policy and background document for proposed Clauses 18.02-1L, 18.02-2L, 18.02-3L and 18.02-4L. It is also a background document to the MPS.

(ix) Parking Policy

The *Parking Policy 2020* (Parking Policy) outlines Council's approach to equitably address increasing demands for access and parking, and to help reduce traffic congestion across Glen Eira. It focusses on the following five elements:

- On-street parking.
- Off-street parking (publicly accessible).
- Off-street parking (private).
- Parking permits.
- Parking enforcement.

The Parking Policy is a policy and background document for proposed Clauses 18.02-1L, 18.02-3L and 18.02-4L. It is also a background document to the proposed MPS and Clause 18.02-2L.

(x) Living Melbourne Our Metropolitan Urban Forest (April 2019)

The vision of *Living Melbourne Our Metropolitan Urban Forest, 2019* (Living Melbourne) is '*our thriving communities are resilient, connected through nature*'. The following six actions will be pursued to achieve this vision:

- Protect and restore species habitat, and improve connectivity
- Set targets and track progress
- Scale up greening in the private realm
- Collaborate across sectors and regions
- Build a toolkit of resources to underpin implementation
- Fund the protection and enhancement of the urban forest.

Living Melbourne is a policy and background document for proposed Clauses 15.01-1L and 19.02-6L, and a background document to the MPS.

(xi) Glen Eira Urban Forest Strategy

The *Glen Eira Urban Forest Strategy, 2021* (Urban Forest Strategy) aims to increase tree cover from 12.5 per cent to 22 per cent across the municipality by 2040. The Urban Forest Strategy is a policy for proposed Clauses 12.01-1L, 15.01-1L and 19.02-6L, and a background document to Clauses 15.01-1L, 19.02-6L and the MPS.

1.3 Authorisation

DELWP authorised Council to prepare the Amendment on 2 September 2021 subject to conditions. Council advised that conditions of authorisation were satisfied before the Amendment was exhibited.¹

1.4 Summary of issues raised in submissions

Key issues raised in opposing submissions were the impacts of change and growth on:

- increased housing density
- neighbourhood character
- road use, congestion and carparking
- public open space
- sustainability and climate change.

Council considered the submissions received on the Amendment on 15 March 2022 and resolved to refer all submissions to the Panel.

Before the Hearing, Mr Gore (Submission 12) advised that his concerns had been satisfactorily resolved by Council and he no longer objected to the Amendment.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Managing growth
- Form and content of the Amendment.

¹ Document 4

1.6 Limitations

Opposing submissions raise limited issues relative to the scope of the Amendment. The Panel has not reviewed the entire Amendment in detail or specifically considered detailed drafting issues across the full suite of Amendment documents, other than those provisions related to submissions.

Some submissions raised issues that are not relevant to the Amendment and have not been considered by the Panel. Examples of these issues include road repairs, penalties for road users, and governance of council funded development.

2 Planning context

2.1 Planning policy framework

(i) Victorian planning objectives

The following objectives of planning in Victoria, set out in section 4(1) of the PE Act are relevant to the Amendment.

- (a) To provide for the fair, orderly, economic and suitable use, and development of the land.
- (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- (c) To ensure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- (e) To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
- (f) To facilitate development in accordance with the objectives of planning in Victoria.

The Amendment Explanatory Report sets out that these objectives will be implemented by:

Restructuring local policy content into the MPS, PPF and local schedules through clarifying, condensing and modernising the planning scheme into a contemporary and relevant set of strategic directions, policies and provisions that reflects Council's vision for land use and development.

Facilitating the orderly use and development of land by improving the quality, accuracy, consistency and operation of existing planning policy and provisions.

Providing certainty to all users of the planning scheme with clear strategic directions that will inform decision making, consistent with the PE Act's objectives.

Providing a strategic framework in the planning scheme to manage growth and change in Glen Eira over the next two decades in a balanced and sustainable manner.

Strengthening policy for activity centres, housing and employment to support the municipality's growth directions and facilitate new jobs, vibrant activity centres and diverse housing opportunities.

Retaining policies to protect biodiversity and natural values.

Retaining policies to protect areas of identified heritage significance.

Improving policy that facilitates increases in green open spaces and canopy trees across the municipality to support a range of liveability, sustainability, amenity, health and wellbeing, climate change and urban heat island outcomes.

Improving policy around environmentally sustainable development, neighbourhood character and urban design to improve built form outcomes, maintain the character of Glen Eira's local areas, and support liveable and sustainable communities.

(ii) Planning policy framework

Council submitted that the Amendment responds to the key policy considerations as follows:

Clause 11 (Settlement)

The Amendment supports Clause 11 by focussing housing and employment growth into a network of vibrant activity centres, close to jobs, transport and services and with improved public realm opportunities.

Clause 13 (Environmental risks and amenity)

The Amendment supports Clause 13 by introducing guidance for non-residential uses to manage interfaces with residential areas.

Clause 15 (Built environment and heritage)

The Amendment supports Clause 15 by promoting a liveable and sustainable city, supporting quality landscaping and design outcomes, environmentally sustainable development, and protecting heritage and neighbourhood character.

Clause 16 (Housing)

The Amendment supports Clause 16 by directing the most substantial housing growth into activity centres and along major transport routes, close to jobs, services and public transport.

Clause 17 (Economic development)

The Amendment supports Clause 17 by promoting diverse and affordable housing provision and provide guidance for the location and design of student housing and accommodation for older persons and community care accommodation.

Clause 18 (Transport)

The Amendment supports Clause 18 by promoting an integrated transport system and sustainable travel options to support 20-minute neighbourhoods.

Clause 19 (Infrastructure)

The Amendment supports Clause 19 by promoting well located health and education facilities and a quality open space network, and to sustainably manage infrastructure and waste, contributing to the creation of liveable and sustainable communities.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 provides strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Council submitted that the outcomes and directions set out in Table 2 are relevant to and have been taken into account in the preparation of the Amendment.

Table 2: Relevant parts of Plan Melbourne

Outcome	Directions
1 Melbourne is a productive city that attracts investment, innovation and creates jobs	<p>Create a city structure that strengthens Melbourne's competitiveness for jobs and investment</p> <p>Improve access to jobs across Melbourne and closer to where people live</p> <p>Create development opportunities at urban renewal precincts across Melbourne.</p>
2 Melbourne provides housing choice in locations close to jobs and services	<p>Deliver more housing closer to jobs and public transport</p> <p>Increase the supply of social and affordable housing</p> <p>Provide greater choice and diversity of housing.</p>
3 Melbourne has an integrated transport system that connects people to jobs and services and goods to market	<p>Transform Melbourne's transport system to support a productive city</p> <p>Improve local travel options to support 20-minute neighbourhoods.</p>
4 Melbourne is a distinctive and liveable city with quality environments	<p>Create more great public places across Melbourne</p> <p>Achieve and promote design excellence</p> <p>Respect Melbourne's heritage as we build for the future.</p>
5 Inclusive, vibrant and healthy neighbourhoods	<p>Create a city of 20-minute neighbourhoods</p> <p>Create neighbourhoods that support safe communities and healthy lifestyles</p> <p>Deliver social infrastructure to support strong communities</p> <p>Deliver local parks and green neighbourhoods in collaboration with communities.</p>
6 Melbourne is a sustainable and resilient city	<p>Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050</p> <p>Integrate urban development and water cycle management to support a resilient and liveable city</p> <p>Make Melbourne cooler and greener</p> <p>Protect and restore natural habitats</p> <p>Improve air quality and reduce the impact of excessive noise</p> <p>Reduce waste and improve waste management and resource recovery.</p>

Source: Glen Eira City Council

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the MPS and the PPF.

(i) Zones

The purposes of the Zones relevant to the Amendment are set out in Table 3.

Table 3 Zone purposes

Zone	Purposes
Clause 32.07 RGZ	<p>To provide housing at increased densities in buildings up to and including four storey buildings.</p> <p>To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</p> <p>To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</p> <p>To ensure residential development achieves design objectives specified in a schedule to this zone.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
Clause 32.08 GRZ	<p>To encourage development that respects the neighbourhood character of the area.</p> <p>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
Clause 32.09 NRZ	<p>To recognise areas of predominantly single and double storey residential development.</p> <p>To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>

(ii) Overlays

The purposes of the Overlays relevant to the Amendment are set out in Table 4.

Table 4 Overlay purposes

Overlay	Purposes
Clause 43.01 HO	<p>To conserve and enhance heritage places of natural or cultural significance.</p> <p>To conserve and enhance those elements which contribute to the significance of heritage places.</p> <p>To ensure that development does not adversely affect the significance of heritage places.</p> <p>To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.</p>
Clause 43.05 Neighbourhood Character Overlay (NCO)	<p>To identify areas of existing or preferred neighbourhood character.</p> <p>To ensure that development respects the neighbourhood character.</p> <p>To prevent, where necessary, the removal of buildings and vegetation</p>

Overlay	Purposes
	before the neighbourhood character features of the site and the new development have been evaluated.
Clause 45.09 PO	<p>To facilitate an appropriate provision of car parking spaces in an area.</p> <p>To identify areas and uses where local car parking rates apply.</p> <p>To identify areas where financial contributions are to be made for the provision of shared car parking.</p>

2.4 Ministerial Directions and Practice Notes

Ministerial Directions and Planning Practice Notes

The Explanatory Report and Council's submission discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 9 – Metropolitan Planning Strategy
- Ministerial Direction 11 - Strategic Assessment of Amendments
- Ministerial Direction 15 – The Planning Scheme Amendment Process
- Ministerial Direction – The Form and Content of Planning Schemes
- *Planning Practice Note 46: Strategic Assessment Guidelines, August 2018* (PPN46)
- *Planning Practice Note 90: Planning for Housing, December 2019* (PPN90)
- *Planning Practice Note 91: Using the Residential Zones, December 2019* (PPN91).²

That discussion is not repeated here.

2.5 Discussion and conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

² Document 4

3 Managing growth

3.1 Neighbourhood character

(i) The issue

The issue is whether the approach to managing and protecting neighbourhood character is appropriate.

(ii) Relevant policies, strategies and studies

The State policy objective for neighbourhood character (Clause 15.01-5S) is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”*.

The strategic direction for neighbourhood character in the proposed MPS is to support high quality and responsive built form outcomes where minimal, incremental change or substantial change is the preferred development outcome. The Amendment proposes to introduce local policy at Clause 15.01-5L (Neighbourhood character) to provide strategies for land in the GRZ and NRZ.

The State policy objective for housing supply at Clause 16.01-1S is to *“facilitate well-located and diverse housing that meets community needs”*. Strategies to achieve this objective include:

- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Further strategies for housing supply in Metropolitan Melbourne include:

- Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:
 - Metropolitan activity centres and major activity centres.
 - Neighbourhood activity centres - especially those with good public transport connections.
- Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.
- Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
- Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

Council’s approach to meeting the housing needs of a growing and changing community is set out in the proposed MPS. This provides that Glen Eira needs to accommodate approximately 40,000 more people and provide 18,000 new dwellings by 2036 (Clause 02.01-3) and that there is adequate capacity with Glen Eira’s activity centres and major precincts to meet the housing of needs of the community for the medium to long term (Clause 02.03-1). Further, consistent with City Plan, new housing will be accommodated as follows (Clause 02.03-4):

- directing the highest intensity of new housing to substantial change areas, where activity centres will accommodate 80 per cent of future housing growth

- accommodating some housing growth and diversity within incremental change areas where amenity and neighbourhood character considerations will be key determinants of built form outcomes
- providing minimal opportunity for housing growth and change in residential areas outside of activity centres where the Heritage Overlay or NCOs apply.

(iii) Evidence and submissions

Opposing submissions raised various issues in relation to neighbourhood character, and called for assorted changes to the Amendment including:

- introducing the Heritage Overlay to additional sites
- specifying locations where one or two dwellings are appropriate in Clause 15.01-5L
- strengthening controls by extending neighbourhood character statements beyond NRZ areas.

Council submitted Clause 15.01-5L is drawn from existing policy that has been updated and refined from Clause 22.07 (Housing Diversity Area Policy) and Clause 22.08 (Minimal Change Area Policy). It addressed the issues raised by submitters as follows:

- Inclusion of additional heritage sites falls outside the scope of the Amendment.
- Limiting some land to one or two dwellings only will not address neighbourhood character concerns, as for instance some lots may be large and able to comfortably accommodate three dwellings, whilst also having an adequate neighbourhood character response.
- Capping all development at a maximum of two dwellings would directly contradict Clause 02.03-4 (Housing) and would not create a cohesive amendment.
- Clause 15.01-5L will assist in protecting neighbourhood character, cultural identity, and sense of place and will supplement the assessment requirements of Clauses 54, 55 and 58.³

More broadly, Council submitted:

- ... matters related to neighbourhood character are also proposed to be more comprehensively considered as part of the work Council is presently undertaking as regards the preparation of the Housing Strategy ...
- A considerable body of analysis and policy development on neighbourhood character is a significant component of the Housing Strategy, and the initial stages of that work is contained within the *Neighbourhood Character Assessment and Built form Assessment* document prepared for Council by Tract in 2021 ...
- This strategic work is not mature at this time, and will be the subject of further amendment to the Scheme at the time of implementation of the Housing Strategy commencing in 2023.⁴

(iv) Discussion

The Panel agrees with Council's characterisation of the Amendment as a translation of existing policy into a new format. The Panel also agrees with Council that including additional heritage sites falls outside the scope of the Amendment.

³ Document 4

⁴ Document 6

The Panel observes that to meet the housing needs of a growing and changing community, including accommodating 18,000 new dwellings by 2036, there will be change across Glen Eira. Proposals to manage the impact of that change, through methods like the density limit suggested by submitters, must be considered in the context of the growth equation. This is the work now underway and is best placed to inform any future revision of neighbourhood character policy.

(v) Conclusion

The Panel concludes:

- Any future revision of neighbourhood character policies should be considered in the context of a housing strategy.

3.2 Built form controls

(i) The issue

The issue is whether City Plan should be a background document to the Planning Scheme.

(ii) Relevant policies, strategies and studies

Section 1.2 (iii) sets out the background to City Plan.

(iii) Evidence and submissions

The submissions from Sullivan Property relates to built form guidance for the Carnegie Major Activity Centre (MAC). It submitted:

Aside from the current interim DDO, there is no qualitative guidance for building heights or form applying to the Carnegie MAC. If included as a background document through the Amendment, City Plan's building height controls would therefore provide building height guidance by default.

We submit that it is inappropriate for built form guidelines, which have been concluded to lack the methodology necessary to protect Council's housing supplies, to be positioned to influence decision making. Decisions made to align with City Plan would risk compromising the development potential of sites in the MAC and as a result limit the potential to meet housing demand.

We accordingly submit that City Plan should either be excluded from the Amendment or amended to omit its built form guidelines.⁵

In response, Council referred to the role of background documents described in the Practitioner's Guide. This states:

A background document provides information that helps to understand why a particular policy or provision has been included in the planning scheme. Background documents were previously referred to as 'reference documents'.

A background document is not part of the planning scheme and must not be directly relied on for decision making. If a background document contains content that is necessary for decision making (such as strategies or decision guidelines) then these must be extracted and placed in the relevant policy or control.⁶

On the specific controls that apply to the Carnegie MAC, Council submitted:

⁵ Document 7

⁶ Document 11

The determinant on the height, scale and form of any redevelopment of sites such as described in the submitter's submission within the Carnegie MAC is, in fact, a detailed DDO that applies to the MAC.

The built form guidance in City Plan cannot, by reason of the background document role of City Plan per the Amendment, override the DDO9 (or even meaningfully guide) as to height, setbacks, design or other features of redevelopment in Carnegie.

Even if DDO9's interim operation came to an end prior to the gazettal of a permanent built form control, Council does not accept the submission...that there would be a 'policy vacuum'. There is ample policy to guide decisions about more intensive higher scaled development in the Carnegie MAC in the Planning Scheme in its exhibited form. No necessary recourse to City Plan would have to be made...⁷

Mr Glossop's evidence noted:

'... the Panel will be aware that the Council is undertaking the preparation of a Draft Housing Strategy and that this document is still open for consultation. In my view, that strategic process is better placed to deal with the issues raised by the submitter in respect of growth, capacity and so on in the Carnegie Activity Centre.'⁸

(iv) Discussion

The Panel agrees with Council that as a background document, City Plan performs no role in determining the height, scale and form of development in MACs. As is expressly stated in the Practitioner's Guide, content necessary for decision making must be extracted from a background document and placed in the relevant policy or control. That has not occurred as part of this Amendment.

The Panel also observes that City Plan is not referenced as a background or policy document to any of the Clause 15 built environment or heritage local policies proposed by the Amendment, reinforcing that it is not intended to guide built form outcomes in MACs or elsewhere.

City Plan provides useful background context for the MPS, particularly in relation to growth projections, as well as other key areas of policy including transport and open space. For this reason, the Panel is satisfied that City Plan should be listed as a background and policy document to select provisions of the Planning Scheme.

(v) Conclusion

The Panel concludes:

- It is appropriate to include City Plan as a background document to the Glen Eira Planning Scheme.

3.3 Traffic congestion and carparking

(i) The issue

The issue is whether traffic congestion and carparking demand has been adequately addressed by the Amendment.

⁷ Document 11

⁸ Document 5

(ii) Relevant policies, strategies and studies

The planning objective for transport (Clause 18) is to ensure a safe, integrated and sustainable transport system that:

- Provides access to social and economic opportunities to support individual and community wellbeing.
- Facilitates economic prosperity.
- Actively contributes to environmental sustainability.
- Facilitates network-wide efficient, coordinated and reliable movements of people and goods.
- Supports health and wellbeing.

Additional state and regional transport objectives relevant to the Amendment are:

- Clause 18.01-1S (Land use and transport integration) – To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.
- Clause 18.01-2S (Transport system) – To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.
- Clause 18.01-3R (Sustainable and safe transport – Metropolitan Melbourne) – To improve local travel options for walking and cycling to support 20 minutes neighbourhoods.
- Clause 18.01-3S (Sustainable and safe transport) – To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.
- Clause 18.02-1S (Walking) – To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.
- Clause 18.02-2S (Cycling) – To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.
- Clause 18.02-3S (Public transport) – To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.
- Clause 18.04-4S (Roads) – To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

The Amendment, at Clause 02.03-7 (Transport), sets out Council's approach to key transport issues. This approach is drawn from background work in the Integrated Transport Strategy, Parking Policy and Glen Eira City Plan.

The Amendment proposes to introduce new local policies as follows:

- Clause 18.02-1L (Sustainable personal transport) with strategies and policy guidelines for pedestrian access and cycling infrastructure including bicycle parking.
- Clause 18.02-2L (Public transport) with strategies that support improved accessibility and new infrastructure for public transport.
- Clause 18.02-3L (Road systems and access) with strategies that manage interaction of development with the road system as mapped in the transport framework plan drawn from the Integrated Transport Strategy.
- Clause 18.02-4S (Car parking) with strategies to manage the design and provision of car parking areas.

(iii) Evidence and submissions

Five opposing submissions expressed the view that traffic congestion and carparking demand had not been adequately addressed by the Amendment. Concerns raised include increased traffic congestion as a result of increased housing density and the lack of visitor carparking available for new and existing residential development, and conflict between different road users, mainly cyclists and vehicles.

The Department of Transport advised that it had no comment and no submissions to make on the Amendment.

Council submitted:

The proposed policy recognises key issues relating to parking and road congestion and provides a policy basis for these to be addressed through prioritising more sustainable modes of travel with an eventual target of a 50:50 mode split between car and non-car trips by 2031.

... while increasing traffic congestion, diminished availability of parking and pressure on infrastructure including community facilities may be something many residents of Glen Eira are experiencing, those things are a result of the general growth of Melbourne encouraged at a State level (and underpinning Plan Melbourne) and are not directly related to the Amendment.

Amongst other things, the Amendment supports and directs growth around stations and areas with good access to community services. Council submits directing growth to these areas will be integral to the creation of 20-minute neighbourhoods and reduced reliance on car based travel, which in turn seeks to reduce the impact of increased vehicle and parking congestion, as the population increases.⁹

(iv) Discussion

Submissions raise broad issues that were not elaborated on through the Hearing.

Notwithstanding, the Panel observes strong alignment between state policy and the MPS and local policies proposed by the Amendment to address the transport challenges of Glen Eira within the Plan Melbourne policy setting.

The Panel notes since the Amendment was exhibited, the PPF structure for transport has been changed by Amendment VC204. Proposed local policies require revision to fit within this new structure. For example, content exhibited as a policy for 'sustainable personal transport' should be split under the new 'walking' and 'cycling' policies.

(v) Conclusion and recommendation

The Panel concludes:

- Local policies for transport are well founded and aligned with the Planning Policy Framework.

The Panel recommends:

Amend Clauses 18.02-1L (Sustainable personal transport), 18.02-2L (Public transport), 18.02-3L (Road system and access) and 18.02-4L (Car parking) to align with the Amendment VC204 policy structure at Clauses 18.02-1S (Walking), 18.02-2S (Cycling) and 18.02-3S (Public transport) and 18.02-4S (Roads).

⁹ Document 6

3.4 Public open space

(i) The issues

The issues are:

- whether the policy guidelines for solar access to public open space in Clause 15.01-2L (Building design) are appropriate.
- whether open space has been adequately addressed by the Amendment.

(ii) Relevant policies, strategies and studies

Clause 15 (Built environment and heritage) provides that planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.

The Amendment proposes to implement the following policy guideline at Clause 15.01-2L (Building Design):

The development to result in no increase in overshadowing of any existing or proposed public open space from 10am to 3pm on 21 June beyond the shadow cast by a 9 metre high built form immediately adjoining the public open space, unless other overshadowing standards are specified elsewhere in this scheme.

The content of Clause 15.01-2L is drawn from the Open Space Strategy as well as the *Glen Eira Quality Design Guidelines Commercial and Mixed Use Areas, 2018* and *Glen Eira Quality Design Guidelines Residential Areas, 2018* (refer Appendix D). However, none of these documents are listed as policy or background documents to Clause 15.01-2L.

The broad objective for open space at Clause 19.02-6S is *“to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community”*.

The Amendment proposes to introduce new strategies and policy guidelines at Clause 19.02-6L, informed by existing Clause 21.13 (Open Space) and Clause 22.12 (Public open space contribution policy) and as well as the Open Space Strategy and *Glen Eira Environmental Sustainability Strategy 2016-2021*.

(iii) Evidence and submissions

Sullivan Property submitted that while it agreed with the intent of local policy at Clause 15.01-2L to maintain solar access to public open spaces at the winter solstice, the policy should be linked to public open spaces identified on the Strategic Framework Plan at Clause 02.04-1.

In response, Council submitted:

Council opposes the addition of the words proposed because the Strategic Framework Plan does not show all open space areas as will be located in the City into the future. The Open Space Strategy anticipates that Council will be acquiring a range of new areas to create the open space needs for the growing population of parts of the City anticipated to accommodate substantial growth over the next 15 years. As such, limiting reference to only existing open space as shown on the Strategic Framework Plan would potentially result in important public open space areas needed for the incoming residents of the City not

receiving the same amenity protections as existing open space areas. This is not considered to represent orderly or proper planning.

Submissions addressing open space more broadly submitted that the Amendment does not sufficiently address public open space and exacerbates public open space issues through facilitating increased densities.

Council submitted:

Proposed policy at Clause 02.03-7 (Public Open Space, Community Facilities and Infrastructure) and Clause 19.02-6L (Public Open Space) addresses matters of public open space. These policies recognise the deficiencies and gaps in public open space throughout the municipality and note that development of community and recreation hubs will be a priority for Council.

Council is very much alive to the fact that the pace of growth in Glen Eira is going to lead to significant demand on open space areas within the City

To this end, Council has prepared and has adopted two key documents: the Open Space Strategy and the *City of Glen Eira Open Space Strategy Refresh 2020 Update of the Public Open Space Contributions Program, November 2020*.

The first of these documents is proposed by this Amendment to become a background document (at clause 72.08).

Full implementation of these two documents is being pursued through Amendment C218glen, an amendment that has received submissions following exhibition that will be heard at a Panel.

(iv) Discussion

The Panel agrees with Sullivan Property that it would be problematic for a policy guideline to be attached to 'proposed' areas of public open space. It would not meaningfully assist decision making as is required by the Practitioner's Guide for a policy guideline.

The Panel observes that the *Quality Design Guidelines Commercial and Mixed Use Areas, 2018* describes public open space as including parks, plazas, malls and forecourts, well beyond the land identified in the Strategic Framework Plan, or that might be identified by a public land zone or on a property title. The proposed policy guideline is not a direct translation of content in any of the three document that are said to have informed it.

Having regard to these factors combined, that Panel is not satisfied that this policy guideline is based on appropriate data or research or is sufficiently clear to warrant inclusion in the PPF. The Panel acknowledges that the impact of development on the solar access of public open spaces is an important design consideration and is satisfied that the strategies proposed in Clause 15.01-2L are sufficient for this purpose.

On the broader open space issues raised by submitters, the Panel notes that local policy introduced by the Amendment largely replicates existing content at Clause 21.13 (Open space). The Panel notes that Amendment C218glen has a more direct role in setting open space contribution rates for subdivision, which will respond to concerns about growth impacts on open space availability.

(v) Conclusion and recommendation

The Panel concludes:

- Policy guidelines proposed for solar access to public open space in Clause 15.01-2L (Building design) are not appropriate and do not meet relevant tests in the Practitioner's Guide to Victoria's planning schemes.

- Local policy for public open space is well founded and aligned with the Planning Policy Framework.

The Panel recommends:

Amend Clause 15.01-2L (Building design), as shown in Appendix H, to delete the fourth policy guideline regarding solar access.

3.5 Sustainability and climate change

(i) The issues

The issues are:

- whether the sustainability and climate change issues have been adequately addressed by the Amendment
- whether building height should be restricted in residential areas including in the SBO.

(ii) Relevant policies, strategies and studies

Clause 15 (Built Environment and Heritage) provides:

- Planning should promote development that is environmentally sustainable and minimise determinantal impacts on the built and natural environment
- Planning should facilitate development that:
 - Is adapted and resilient to climate related hazards.
 - Supports the transition to net zero greenhouse gas emissions.
 - Minimises waste generation and supports resource recovery.
 - Conserves potable water.
 - Supports the use of, and access to, low emission forms of transport.
 - Protects and enhances natural values.
 - Minimises off-site detrimental impacts on people and the environment.

Clause 15.01-1S (Urban Design) seeks *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and culture identity”*. Relevant strategies include requiring *“development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate”*.

Clause 15.01-2S (Building design) seeks *“to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development”* through various strategies to improve energy performance of buildings, efficient use of materials and sustainable water use.

(iii) Evidence and submissions

Six opposing submissions expressed the view that climate change was not sufficiently addressed in the Amendment. Submissions noted that insufficient environmentally sustainable design measures (ESD) had been included, that development was prioritised over sustainability, that urban heat island effect was not addressed, and that climate change and biodiversity had not been addressed sufficiently. One submission called for the introduction of further overlays to protect existing vegetation.

Ms Eccleston (Submitter 11) submitted that a building height restriction should be imposed on GRZ1 zoned land in the Special Building Overlay (SBO), noting flash flood overland flow patterns have changed due to substantial high-density development in topographically higher ground.

Council cited the clauses to be introduced by the Amendment to address sustainable development, transport and urban heat island effects including Clauses 02.03-2 (Environment and amenity), 15.01-1L (Landscaping), 15.02-1L (Environmentally sustainable design), 18.02-1L (Sustainable personal transport), 18.02-2L (Public transport) and 19.06-2L (Public open space).

It further submitted that matters related to climate change have been adequately addressed through the policy proposed to be introduced by the Amendment, including:

- policies requiring adoption of best practice in ESD at Clause 15.02-1L, consistent with other Council's in metropolitan Melbourne
- policies supporting improvement in tree canopy cover.

On overland flooding issues, Council submitted:

In part, an improved policy response to these issues will be introduced through the proposed policy at Clause 15.02-1L (Environmentally Sustainable Design), which includes stormwater treatment objectives. This compliments the existing requirements of the particular provisions at Clause 53.18 (Stormwater Management in Urban Development) and is separate to the application of the SBO.

Alterations to the requirements of Clause 53.18 or the application of the SBO are outside of the scope of the Amendment.

More generally ... Council notes this Amendment is not intended to introduce wholesale change or new policy responses in relation to the management of inundation risks in the City.

A separate body of strategic work is required to properly examine these matters, informed by detailed engineering assessment including updated flood modelling. To this end, Council wishes to advise the Panel that these matters are presently under review and, following the updated strategic work to inform a reconsideration of the application of the SBO across the City, there is likely to be a separate amendment advanced by Council and/or Melbourne Water with Council in due course.

(iv) Discussion

Amendment VC216, gazetted on 10 June 2022, introduced significant changes to the PPF to strengthen how it addresses ESD in key areas such as climate change, energy, water and waste. This is a fresh context to consider submissions within, given it was not available at the time the Amendment was prepared and exhibited. That Panel observes that many of the issues raised by the submitters are now purposefully addressed through various objectives and strategies of the PPF.

Amendment VC216 has revised the structure of the PPF so that proposed Clause 15.02-1L (Environmentally sustainable design) should now be positioned under Clause 15.01-2S (Building design). Objectives and strategies will require careful review to eliminate duplicate content with new state policy. Policy guidelines proposed by the Amendment requiring a sustainable design assessment for residential and non-residential developments are not yet replicated at a state policy level and should continue to be taken forward by the Amendment.

The Panel agrees with Council's submission that changes to flood policy or provisions, including the restriction on building height suggested by the submitter, are beyond the scope of the Amendment. The Panel notes the proposed MPS addresses infrastructure constraints on future development at Clause 02.03-7 and commits to a continued review and upgrading of drainage systems to ensure they have the capacity to support new development. Amendments that flow from this continued review will provide the opportunity to examine the issues raised by the submitter in more detail. In the meantime, the referral provisions in the SBO prevail, and

Melbourne Water will continue to have a role in the assessment of permit applications for all development requiring a planning permit in SBO areas.

(v) Conclusions and recommendation

The Panel concludes:

- Climate change and sustainable development are adequately addressed by the Amendment and through additional changes to the Planning Policy Framework introduced by Amendment VC216.
- Restricting building height in the Special Building Overlay is beyond the scope of the Amendment.

The Panel recommends:

Delete Clause 15.02-1L (Environmentally sustainable design) and reposition local policy content under Clause 15.01-2S (Building design) where it does not duplicate policy recently introduced by Amendment VC216.

4 Form and content of the Amendment

4.1 General drafting issues

The Ministerial Direction on the Form and Content of Planning Schemes, issued under section 7(5) of the PE Act, requires that planning scheme or planning scheme amendment must be prepared and presented in accordance with the style guide set out in Annexure 1 of the Ministerial Direction. Rules for writing a planning scheme provision are provided in the Practitioner's Guide.

4.2 Submissions

Mr Glossop's evidence was that the MPS has been prepared in accordance with relevant practice guidance, noting in particular:

- The sub-headings that are adopted within Clauses 02.03 are generally consistent with the Ministerial Direction.
- The Context section at Clause 02.01 provides a concise description of the municipality's regional settings. It outlines its high level geographic, demographic and economic qualities. The language within this section is largely descriptive. The Practitioner's Guide encourages the Context clause to "represent both the opportunities and challenges". I consider Clause 02.01-3 'Growth' as representing the opportunities and challenges facing the municipality.
- The Vision outlined at Clause 02.02 provides a concise statement and vision for the municipality. It is consistent with the guidance in the Practitioner's Guide which says that any vision be 'narrower' than a broader Council vision. The vision appropriately 'narrows' the focus of the Glen Eira Council Plan 2021-2025 and Glen Eira 2040 Community Vision and focuses on land use and development consistent with relevant guidance.
- The Strategic Directions at Clause 02.03 outline the strategic context for policy areas. The high-level policy intentions are set out at this section. The statements within the Strategic Directions clause are appropriately broken into relevant subject areas by sections. These sections appropriately align with PPF headings, which is the preferred approach outlined in the Practitioner's Guide.
- The Strategic Framework Plans at Clause 02.04 are consistent with expectations outlined in the Practitioner's Guide to spatially show how the municipality is expected to change because of the implementation of the planning scheme.

In relation to the LPPs, Mr Glossop stated:

- The PPF structure for each sub-clause generally follows the requirements of the Ministerial Direction.
- The PPF either generally translates relevant content from the existing MSS or adopted or endorsed strategic documents proposed to be implemented by this Amendment.
- At a broad level, local policy does not contradict or repeat State or regional policy.
- The amendment is consistent with State and regional policy. Largely, the amendment provides relevant local guidance that builds on State and regional policy.
- Broadly, I consider that the PPF is consistent with relevant practice guidance.

Turning to the specifics of the LPP clauses, Mr Glossop considered that overall, the exhibited proposed policies of the PPF meet the relevant practice guidance, subject to the following changes:

- at Clause 11.03-1L (Activity centres):

- amend the general strategy *'Supporting housing growth in residential areas to provide a transition in building scale and height from the commercial core to the lower scale residential built form within and adjoining activity centres'* by deleting the words *'in residential areas'* because it is confusing
- under the Elsternwick major activity centre, either delete or revise the strategy to facilitate a new cultural precinct because it is overly vague. If a new cultural precinct is envisaged for Selwyn Street, combine this and the second strategy for the Elsternwick major activity centre to read *'Support opportunities to enhance arts and cultural offerings within the centre including a new cultural precinct in Selwyn Street'*.
- at Clause 13.07-1L (Non residential uses in residential areas):
 - under the strategy *'support development that is consistent with the design and siting requirements that would apply to a dwelling'* delete *'overlooking'* because the decision guidelines of the zone already require consideration of Clause 54 and 55 requirements
 - amend the strategy *'direct car parking to the side or rear of the site or in a basement where practical'* to *'avoid car parking within front setbacks'* for simplicity
 - delete *'to any car parking areas'* from the policy guideline that seeks to provide a minimum landscape buffer of 3 metres from the street frontage to any car parking area, for consistency with strategy that seeks to avoid use of front setback areas for carparking
 - include in the policy guidelines that operations on Sundays and Public Holidays are not preferred, consistent with existing Clause 22.02.
- at Clause 15.01-1L (Landscaping):
 - delete the final words *'and courtyards'* from the strategy *'Support urban landscaping opportunities, including green roofs, planter boxes...'* as landscaping within courtyards would ordinarily be expected and does not need to be highlighted as a *'urban landscaping opportunity'*
 - delete *'in and around activity centres'* from the strategy reading *'Ensure structure plans and other place-based plans...'* to avoid interpretation that an activity centre structure plan should provide for landscaping opportunities outside the boundaries of the activity centre/structure plan
 - revise the policy guidelines to recognise that the provision of canopy trees could be either new or existing, specify minimum height based on Standards B38/D10 and rounds provision to the nearest whole number whether that be up or down.
- at Clause 15.01-2L (Building design):
 - amend the strategy encouraging the design of residential apartments to orientate living areas towards the front and rear of the site and avoid side facing balconies (except for side streets or laneways) to *'Orientate living areas towards the front of the site and any abutting roads/ streets, laneways, or areas of public open space'* as there will be times when it may be preferable to have side facing balconies as opposed to rear facing balconies e.g. from an interface or energy efficiency perspective.
 - replace the word *'significant'* with *'unreasonable'* in the strategy and policy guideline relating to development adjacent to public open space
 - delete the policy guideline relate to minimal load bearing walls, as it is too broad and beyond what would or could reasonably be expected to be considered as part of a permit application.
- at Clause 15.03-1L (Heritage):

- replace '*discourage demolition*' with '*avoid demolition*' in the strategies, and clarify if the policy intent is to allow demolition if the replacement building or works positively contributes to the ongoing significance of the heritage place.
- at Clause 16.01-1L-02 (Student accommodation):
 - delete '*immediate family*' from the policy guideline limiting occupancy of student housing, as it is not appropriate that accommodation designed for students also be allowed to potentially support other family members and is inconsistent with current Clause 22.09 (Student housing policy)
- at Clause 16.01-5L (Residential aged care and community care accommodation):
 - amend the strategy directing accommodating in part to sites that are relatively flat, as sloped sites can potentially be managed in a number of ways.
- at Clause 18.02-3L (Road system and access):
 - update the reference to Road Zone Category 1 requires updating to Transport Zone 2.
- at Clause 18.02-4L (Car parking):
 - correct the formatting for the words "*Policy guidelines*".

Mr Glossop was satisfied that proposed changes to the residential zone schedules, overlays and operational provisions all meet relevant practice guidance. Mr Glossop noted that he is not a heritage expert and is not qualified to comment on the content of the proposed Statements of Significance.

In response to Mr Glossop's evidence Council submitted:

In each instance, Council officers commend Mr Glossop's opinion to the Panel and, while no opportunity has arisen to have sought a resolution from Council, Council officers adopt and support Mr Glossop's proposed wording in lieu of the exhibited wording. No strategic policy change results from any suggested change set out in Mr Glossop's statement, and to the extent that the refinement to the wording is intended to reduce ambiguity, Council officers agree that this results.

In response to questions from the Panel during cross examination, Mr Glossop advised:

- at Clause 13.07-1L (Non residential uses in residential areas):
 - the policy could be renamed to '*Non residential use and development in residential areas*' given the scope of the content
- at Clause 15.01-1L (Landscaping):
 - the strategies '*Integrate landscaping, including canopy trees, into development design*' and '*Support urban landscaping opportunities, including green roofs, planter boxes, green walls and landscaping within building entries and courtyards*' could be grouped together, not combined, for more logical sequencing.
- at Clause 15.01-2L (Building design):
 - 'balconies' could be added to the strategy '*Orientate living areas towards the front of the site and any abutting roads/streets, laneways or areas of public open space*'.
- at Clause 16.01-01L (Student accommodation):
 - it would not be appropriate to substitute '*dependents*' for '*immediate family*' in the policy guideline.
- at Clause 16.01-1L-01 (Housing supply):
 - selecting the correct map to reference in the clause (Strategic Framework Plan map at Clause 02.04-1 or Housing Change Area map in the exhibited clause) requires further consideration to ensure that changing the map has no unexpected consequences

- in general drafting, the use of the verb 'support' is consistent with the Practitioner's Guide and is supported.

Content and consistency of terminology between maps in City Plan and Clause 16.01-1L was also raised in Submission 13 as follows:

Clause 16.01 contradicts the City Plan in relation to where new housing will be directed – the City Plan notes new housing is to be directed to substantial housing change areas as identified, yet Clause 16.01 notes housing growth will be directed into innovation and education precincts, activity centres, local centres and along transport routes.

In its closing submission, council advised:

- amending the title of Clause 13.07-1L was supported
- a more appropriate term to insert into the strategy at Clause 15.01-2L is 'private open space' rather than 'balcony'
- it is unnecessary to reference to tertiary students' immediate family in Clause 16.01-1L, as the operative clauses of a section 173 agreement between Council and a student housing provider can be worked out at the planning permit stage
- while the 'Strategic Framework Plan' map and the 'Housing Change Areas' map could be compared to verify that the same information is shown in both maps with a view to deleting the 'Housing Change Areas' map and relying only on the Strategic Framework Map, on balance there is benefit in retaining (as exhibited) the separate 'Housing Change Areas' map to clearly explain the strategies set out at clause 16.01L-01
- while 'support' is used several times in PPF strategies, its use is favoured by the Department of Environment, Land, Water and Planning (DELWP).

4.3 Discussion

The exhibited Amendment has been refined through Mr Glossop's review and recommended edits. The Panel largely supports these changes because they will aid in improving clarity of the provisions.

The Panel agrees that the full extent of Mr Glossop's suggested refinement to the sixth strategy in Clause 13.07-1L (Non residential uses in residential areas). Retaining '*where the use is not located on a preferred road abuttal as identified in the map to this Clause*' is necessary to maintain the intent of the exhibited provision. The graphic included in this clause is referred to as both a 'map' and a 'plan'. The Panel prefers use of a consistent term and 'map' would appear to align with requirement 13 of the *Ministerial Direction on the Form and Content of Planning Schemes*.

Council has not formed a definitive view on whether a single map could perform the role of the 'strategic framework plan' at Clause 02-04-1 and the 'housing change area map' at Clause 16.01-1L-01. The Panel considers that at a minimum, the two maps should use consistent terminology. This might be simply achieved by amending the legend of the strategic framework plan map to label the '*Activity Centre Network*' locations as '*Activity Centre Network - Substantial Change Areas*'. The Panel has not made a specific recommendation on this matter.

The Panel notes that the Practitioner's Guide provides:

Maps can be an important part of understanding the locational aspects of a local policy. Maps are required where a policy application refers to a geographic area not already mapped elsewhere in a planning scheme. Where a policy area is adequately mapped elsewhere (such as all land within the General Residential Zone Schedule 1) or it can be identified by an address, a map is not required.

Maps complement a policy and can be important in providing the spatial understanding of a policy. They cannot be a substitute for policy. Any policy content (such as a strategy or an objective) must be in the text of the policy.

The Panel considers that the housing change area map would better complement the policy in Clause 16.01-1L-01 if the terminology used in strategies aligned with the terms used in the map legend. The rationale for each category of housing change is described in the MPS at Clause 02.03-4 (Housing) and does not need to be replicated in LPP.

As discussed in Chapter 3.3, the PPF structure for movement networks at Clause 18.02 was amended by Amendment VC204. In response, the Panel has recommended that Clauses 18.02-1L (Sustainable personal transport), 18.02-2L (Public transport), 18.02-3L (Road system and access) and 18.02-4L (Car parking) be amended to align with this new structure. As there is no longer a specific 'car parking' policy at Clause 18.02 of the PPF, the Panel has not made specific recommendations to give effect to Mr Glossop's recommended formatting correction to Clause 18.02-4L.

4.4 Conclusion and recommendations

The Panel concludes:

- Clauses 11.03-1L (Activity centres), 13.07-1L (Non residential uses in residential areas), Clause 15.01-1L (Landscaping), 15.01-2L (Building design), 15.03-1L (Heritage), 16.01-1L-01 (Housing supply), 16.01-1L-02 (Student accommodation), 16.01-5L (Residential aged care and community care accommodation), 18.02-3L (Road system and access) and 18.02-4L (Car parking) require changes to ensure drafting is clear and meets relevant practice guidance.

The Panel recommends:

Amend Clause 11.03-1L (Activity centres), as shown in Appendix E, to:

- a) delete 'in residential areas' from the third strategy under the 'General' sub-heading to read 'Supporting housing growth to provide a transition in building scale and height from the commercial core to the lower scale residential built form within and adjoining activity centres'
- b) replace under the '*Elsternwick major activity centre*' sub-heading the second and forth strategies with '*Support opportunities to enhance arts and cultural offerings within the centre including a new cultural precinct in Selwyn Street*'.

Amend Clause 13.07-1L (Non residential uses in residential areas), as shown in Appendix F, to:

- a) amend the title to '*Non-residential uses and development in residential areas*'
- b) delete 'plan' and adding '*map to this clause*' in the first strategy
- c) delete 'overlooking' from the list under the fourth strategy
- d) amend the sixth strategy to '*avoid car parking within front setbacks where the use is not located on a preferred road abuttal as identified in the map to this Clause*'
- e) insert '*Sundays and Public Holidays – not preferred*' in the list under the first policy guideline.

Amend Clause 15.01-1L (Landscaping), as shown in Appendix G, to:

- a) delete '*and courtyards*' from the sixth strategy

- b) delete *'in and around activity centres and'* from the seventh strategy
- c) replace the list of the third policy guideline with:
 - *The provision of a minimum of one 8 metre high canopy tree for every 8 metres of the front boundary. If the result is not a whole number, round to the nearest whole number.*
 - *The provision of a minimum of one 6 metre high canopy tree for every 8 metres of rear boundary in the Neighbourhood Residential Zone and the General Residential Zone. If the result is not a whole number, round to the nearest whole number.*

Amend Clause 15.01-2L (Building design), as shown in Appendix H, to:

- a) revise the first dot point under the fourth 'General' strategy to 'Orientate living and private open space areas towards the front of the site and any abutting roads/streets, laneways, or areas of public open space'
- b) replace 'significant' with 'unreasonable' in the second dot point of the fourth strategy under 'Impact on the streetscape, public realm and public open space'
- c) delete the third dot point 'minimal load bearing walls in opportune locations to facilitate future consolidation and adaptable reuse of buildings' under the third policy guideline.

Amend Clause 15.03-1L (Heritage), as shown in Appendix I, to:

- a) replace *'discourage demolition'* with *'avoid demolition'* in the second strategy under 'Demolition'.

Amend Clause 16.01-1L-01 (Housing supply), as shown in Appendix J, to:

- a) revise the second, third and fourth strategies under 'Location of residential development' as:
 - *Direct substantial housing growth into substantial change areas identified on the Housing Change Area map to this clause*
 - *Support incremental housing growth outside of activity centres in Incremental Change Areas identified on the Housing Change Area map to this clause.*
 - *Support minimal housing growth outside of activity centres in Minimal Change Areas identified on the Housing Change Area map to this clause.*

Amend Clause 16.01-1L-02 (Student accommodation), as shown in Appendix K, to:

- a) delete *'their immediate family'* from the fourth policy guideline.

Amend Clause 16.01-5L (Residential aged care and community care accommodation), as shown in Appendix L, to:

- a) delete *'and sites that are relatively flat'* from the first strategy.

Amend Clause 18.02-3L (Road system and access), as shown in Appendix M, to:

- a) replace *'Road Zone Category 1'* with *'Transport Zone 2'* in the fifth strategy.

Appendix A Submitters to the Amendment

No.	Submitter
1	Joe Stosser
2	Rose Ciampoli
3, 4	Christian Andrews
5	John Saunders
6	Belinda Poole
7	Dr John Stehle
8	Department of Environment, Land, Water and Planning
9	South East Water Corporation
10	Sullivan Properties
11	Carolyn Eccleston
12	Kerry Gore
13	Warren Green
14	Rosetta Manaszewicz
15	Department of Transport

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Glen Eira City Council	Adeline Lane of Jackson Lane Legal, who called expert evidence on: town planning from John Glossop of Glossop Town Planning.
Sullivan Properties	Joe Fisher of Human Habitats
Ms Eccleston	

Appendix C Document list

No.	Date	Description	Provided by
1	13/04/22	Panel Directions and Timetable	PPV
2	19/04/22	Ms Eccleston submission with attached documents: Excerpt from Elster Creek Catchment: Planning for the Catchment, Planning Schemes Review and Analysis, Hansen Partnership 2018 Excerpt from Glen Eira Neighbourhood Character Assessment and Future Character Framework, Volume 2 Revision 3, Tract 2022 Excerpt from Amendment C220glen Explanatory Report Video footage of flood event (undated)	Ms Eccleston
3	06/05/22	Ms Eccleston further submission with attached documents: Excerpt from Elster Creek Catchment: Planning for the Catchment, Planning Schemes Review and Analysis, Hansen Partnership 2018 Glen Eira Planning Scheme Map 3SBO, 3 July 2007 Excerpt from Glen Eira Neighbourhood Character Assessment and Future Character Framework, Volume 2 Revision 3, Tract 2022 Excerpt from Amendment C220glen Explanatory Report Summary of Clearwater Online Training	"
4	11/05/22	Council Part A submission	Council
5	"	Evidence Statement of John Glossop	"
6	16/05/22	Council Part B submission	"
7	17/05/22	Sullivan Property submission	Sullivan Property
8	18/05/22	DELWP request for further information before authorisation	Council
9	"	Minister letter of authorisation	"
10	"	Local Planning Policy Framework Translation Manual	"
11	23/05/22	Council closing submission	"

Appendix D Source of the Amendment content

Clause	Source
Clause 20 (LPPF)	Deleted
Clause 21 (MSS)	
Clause 22 (LPP)	
Clause 23 (Operation of the LPPF – Transitional)	
MPS	New MPS derived from adopted Council strategies and other strategic work endorsed by Council that reflects community priorities and is aligned to Plan Melbourne and State policy.
Clause 02.01 Context	
Clause 02.02 Vision	uses 2016 ABS data and .id community profiles to inform community context.
Clause 02.03 Strategic directions	uses Victoria in Future 2019 to inform growth projections.
Clause 02.04 Strategic framework plans	introduces two new maps, Strategic Framework Plan and Activity Centre Hierarchy Plan, sourced from Council, but with all boundaries aligned to existing policies.
11.03-1L Activity centres	New policy from: Existing Clause 22.05 Urban Villages Policy 22.07 Housing Diversity Area Policy Glen Eira City Plan (Implementation of adopted structure plans will occur via separate amendment processes)
12.01-1L Biodiversity	New policy from: Glen Eira Environmental Sustainability Strategy 2016-2021 Glen Eira Open Space Strategy Refresh 2020
13.07-1L Non-residential uses in residential areas	Redrafts existing policy from: Clause 21.01 Municipal profile Clause 22.02 Non residential uses in residential zones policy Clause 22.11 Child care centre policy
15.01-1L Landscaping	New policy from: existing Clause 21.04 Housing and Residential Development existing Clause 22.08 Minimal Change Area Policy Glen Eira Open Space Strategy Refresh Quality Design Guidelines- Commercial and Mixed Use Areas Quality Design Guidelines- Residential Areas
15.01-2L Building design	New policy from: Glen Eira Open Space Strategy Refresh Quality Design Guidelines- Commercial and Mixed Use Areas Quality Design Guidelines- Residential Areas

Clause	Source
15.01-5L Neighbourhood character	Existing policy, updated and refined from: existing Clause 22.07 Housing Diversity Area Policy existing 22.08 Minimal Change Area Policy
15.02-1L Environmentally sustainable development	New policy from: Council Alliance for a Sustainable Built Environment
15.03-1L Heritage	Redrafts existing policy from: Clause 21.10 Heritage Clause 22.01 Heritage policy
16.01-1L-01 Housing supply	New policy from: Clause 22.05 Urban villages policy Clause 22.06 Phoenix precinct policy Clause 22.07 Housing diversity area policy Glen Eira City Plan
16.01-1L-02 Student accommodation	Redrafts existing policy from: Clause 22.09 Student housing policy
16.01-2L Housing affordability	New policy from: Glen Eira City Plan Glen Eira Social and Affordable Housing Strategy 2019 -2023
16.01-5L Residential aged care and community care accommodation	New policy from: Clause 22.10 Aged persons housing policy and expanded to include development that does not meet as of right criteria in Clause 52.22-2.
17.02-1L Business	New policy from: Existing Clause 22.05 Urban villages policy Existing Clause 22.07 Housing diversity area policy Glen Eira City Plan
17.02-2L Out of centre development	Redrafts existing MSS content
18.02-1L Sustainable personal transport	New policy from: Existing Clause 21.12-2 Transport
18.02-2L Public transport	Integrated Transport Strategy 2018-2031
18.02-3L Road system	Parking Policy
18.02-4L Car parking	New policy from: Existing Clause 21.12-2 Transport Integrated Transport Strategy 2018-2031 Parking Policy Glen Eira City Plan
19.02-1L Health facilities and 19.02-2L Education facilities	Existing MSS Glen Eira City Plan

Clause	Source
19.02-6L Open space	Updated policy content: Existing Clause 21.13 Open Space Existing Clause 22.12-3 Glen Eira Open Space Strategy Refresh Glen Eira Environmental Sustainability Strategy 2016-2021.
19.03-2L Infrastructure	Redrafts existing policy from: Clause 21.11 Infrastructure
19.03-5L Waste management	New policy from: Glen Eira Climate Emergency Response Strategy 2021-2025
NRZ1	Amends title from 'minimal change area' to 'neighbourhood residential area' Inserts neighbourhood character objective Reworks table requirement for site coverage and permeability Reformatted
HO	Make minor corrections Adds statements of significance
PO	Corrects description of background document
72.04	Adds 19 new statements of significance which apply to existing heritage precincts
72.08	Inserts: Glen Eira City Plan Glen Eira Open Space Strategy Refresh Glen Eira 2040 Community Vision Glen Eira Council Plan 2021-2025 Glen Eira Climate Emergency Response Strategy 2021-2025 Integrated Transport Strategy 2018-2031 Glen Eira Social and Affordable Housing Strategy Glen Eira Urban Forest Strategy Living Melbourne: Our Melbourne Forest Parking Policy
74.01	Provides explanation of how the zone and overlay controls have been applied to support the strategic direction of the Planning Scheme
74.02	Identifies further strategic work to be undertaken to support the strategic directions of the MPS

Source: Planning Panels Victoria adapted from Amendment Explanatory Report

Appendix E Panel preferred version of Clause 11.03-1L

11.03-1L Activity Centres

Policy application

This policy applies to all education and innovation precincts, activity centres and local centres identified on the Strategic Framework Plan and the Activity Centre Hierarchy Plan in Clause 02.04.

Strategies

General

Support a transition of employment and housing growth across the activity centre network by:

- Directing growth of the most substantial scale into urban renewal precincts identified on the Activity Centre Hierarchy Plan in clause 02.04-2.
- Directing growth into opportunity sites identified in local structure plans with a building scale that reflects the opportunities and constraints of the site.

Supporting growth in all other commercial and mixed-use zones within activity centres that reflects local opportunities and context while also maintaining the street presentation of the shopping strip.

- Supporting housing growth **in residential areas** to provide a transition in building scale and height from the commercial core to the lower scale residential built form within and adjoining activity centres.

In urban renewal precincts identified on the Activity Centres Hierarchy Plan in Clause 02.04-2:

- Support the integrated development of land to deliver employment and housing growth of significant urban density and scale.
- Support land use and development that delivers community outcomes, including social and affordable housing, public open space, community facilities, public realm improvements and publicly accessible parking.
- Facilitate new pedestrian connections and laneways to create high levels of walkability and accessibility within the precinct and to connect with adjoining retail areas.

Ensure activity centre structure planning identifies opportunities to:

- Support new employment opportunities from a range of commercial uses within mixed-use developments.
- Support diverse housing, including aged care, student and social and affordable housing. Facilitate improved open space, public realm improvements and community outcomes.

Support land use and development in commercial and mixed-use zones that: Prioritises retail and community uses at ground floor.

- Provides for commercial uses on the first floor above ground level.
- Provides for residential uses on upper floors, above the retail and commercial uses.

Support lot consolidation where it will contribute to an efficient built form to manage the visual and amenity impact of larger developments within the site and avoid narrow unconsolidated lots that cannot achieve desired built form outcomes.

Discourage development that represents a significant under-development of land.

Support activities that contribute to a night-time and weekend economy in locations where amenity impacts are minimised.

Support land use and development that activates adjoining streets and laneways.

Facilitate opportunities for new or improved public open space and public spaces, including opportunities for canopy tree planting and urban greening.

Facilitate land use, building and streetscape design and public realm improvements that foster social interaction and support community life.

Support public art in public spaces.

Support the provision of community facilities and services, focussed in accessible community hubs.

Neighbourhood activity centres

Support development that provides commercial uses, retail, entertainment and community facilities to meet the day to day needs of the local community and support community life.

Support housing and employment growth in neighbourhood activity centres at a lower scale and intensity than in major activity centres.

Support development that transitions in scale to the surrounding residential areas outside the activity centre.

Local centres

Reinforce the local convenience role and function of local centres to meet the needs of the immediate area and support community life.

Support housing and employment growth in local centres at a lower scale and intensity than in neighbourhood activity centres.

Support land use and development that reflects each centre's unique amenity and local character.

Support development that transitions in scale to the surrounding residential areas.

Bentleigh major activity centre

Strengthen the role of the Bentleigh activity centre as a regional centre for shopping, services, and community life.

Support an integrated network of activated streets and shared community and open spaces.

Integrate new retail floorspace with the established retail strip along Centre Road.

Support development along Centre Road that complements and preserves the fine grain and heritage streetscape character of the traditional shopping strip.

Support the redevelopment of existing car parks behind Centre Road for new open space, multi-level car parking, community spaces and employment and housing uses.

Support passenger amenities and modal interchange connections at the Bentleigh Station transport hub.

Carnegie major activity centre

Strengthen the role of Carnegie activity centre as a regional destination for entertainment, shopping, dining, employment and a place for the community to meet.

Support development that complements and preserves the heritage features and distinctive fine-grained character of the Koornang Road retail strip.

Protect existing canopy trees along the railway corridor.

Support the establishment of a new public meeting space in Carnegie.

Increase publicly accessible car parking in partnership with a future supermarket redevelopment in Kokaribb Road.

Support an integrated network of activated streets and shared community and open spaces.

Caulfield Station Precinct major activity centre

Strengthen the role of the Caulfield Station precinct as a regional destination for education, employment and events.

Support land use and development that supports the roles of Monash University and Caulfield Racecourse.

Support the growth of Monash University's Caulfield Campus as an education and research employment hub.

Support extended trading hours and other land use and built form improvements to support night time trading.

Support improved passenger amenities and modal interchange connections at the Caulfield Station transport hub.

Facilitate improved pedestrian and cycling access to the Caulfield Station transport hub.

Support an integrated approach to development of land within the urban renewal precinct to deliver new employment and housing growth of significant urban density and scale.

East Village education and innovation precinct

Support the transition in land use in East Village precinct from industrial to a sustainable mixed use precinct.

Support development that provides for a high level of amenity for future residents, workers and the surrounding local community.

Support redevelopment opportunities within the precinct for employment growth, with a focus on innovative employment and education facilities.

Support retail opportunities to service residents living within the precinct. Provide for new green spaces and community facilities.

Elsternwick major activity centre

Strengthen the role of Elsternwick activity centre as a safe, accessible and liveable centre that embraces its historic character and strong cultural and village feel.

[Support opportunities to enhance arts and cultural offerings within the centre including a new cultural precinct in Selwyn Street.](#) ~~Support opportunities to enhance arts and cultural offerings within the centre.~~

Support development that complements and preserves the heritage features and distinctive fine-grained character of the Glen Huntly Road retail strip.

~~Facilitate a new cultural precinct.~~

Support a new public space above the railway line connecting Elsternwick Station to the cultural precinct.

Support redevelopment of the existing car park between Staniland Grove and Orrong Road to facilitate a new community hub and improved car parking.

Support reuse of the former ABC studio site for employment uses and public open space.

Glen Huntly major activity centre

Strengthen Glen Huntly's culturally diverse local community with unique commercial, entertainment and place-making offerings.

Support an interconnected network of community and open spaces across the centre.

Moorabbin Junction major activity centre

Strengthen the role of Moorabbin Junction activity centre as a vibrant, accessible and safe centre with a strong focus on arts, nightlife and community connections.

Facilitate opportunities to enhance arts and cultural offerings within the centre

Recognise the role of the centre as an emerging growth hub, supporting a diverse range of housing and employment generating uses.

Policy documents

Consider as relevant:

- Glen Eira City Plan: Activity Centre, Housing and Local Economy Strategy (Glen Eira City Council, 2020)

- - City of Glen Eira Open Space Strategy Refresh 2020 (Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd, 2020)

Appendix F Panel preferred version of Clause 13.07-1L

13.07-1L Non-residential uses and development in residential areas**Policy application**

This policy applies to an application to use or develop land for a Section 2 use in a Residential Growth Zone, General Residential Zone or Neighbourhood Residential Zone.

Strategies

Direct non-residential uses to main or secondary roads identified on the Preferred Road Abutments for Non-Residential Uses ~~plan map to this clause~~.

Avoid non-residential uses in other locations unless the location and intensity of the use and the design of the development will not compromise residential amenity.

Design and site buildings to be of a scale and character compatible with the adjoining properties, the surrounding residential area and the streetscape.

Support development that is consistent with the design and siting requirements that would apply to a dwelling having regard to:

- Building height.
- Setbacks.
- Walls on boundaries.
- ~~Overlooking~~
- Front fences.

Provide landscape buffers and other screening measures as necessary, to screen car parking areas, accessways and service areas from adjoining residential boundaries and the street.

~~Direct car parking to the side or rear of the site or in a basement where practical~~ Avoid car parking within front setbacks where the use is not located on a preferred road abuttal as identified in the map to this Clause.

Separate vehicle and pedestrian entrances.

Avoid the use of accessways for drop-off and pick up.

Support land use and development that is compatible with a residential environment and minimises negative amenity impacts on nearby residential properties, having regard to:

- Nature and intensity of the use.
- Hours of operation.
- Proposed staff and visitor numbers.
- Traffic movement and parking.
- Type of activities to be carried out on the land.
- Noise, light spill, fumes and air emissions.
- Waste management, deliveries and service areas.

Policy guidelines

Consider as relevant:

- Preferred hours of operation (including deliveries and waste collection) between:
 - Monday – Friday 7.00am – 6.30pm
 - Saturdays 8.00am – 6.00pm
 - Sundays and Public Holidays Closed
- Providing a minimum landscape buffer of 3 metres from the street frontage to any car parking area, and 2 metres from a side street.
- Providing a minimum landscape buffer of 1 metre from car parking areas to any adjoining residential boundary.

- Providing a minimum landscape buffer of 0.5 metres from accessways to any adjoining residential boundary.
- Screening of service areas from adjoining residential boundaries.

Preferred road abutments for non-residential uses [map plan](#)



Appendix G Panel preferred version of Clause 15.01-1L

15.01-1L Landscaping

Objectives

To strengthen landscape character across Glen Eira.

To mitigate the impact of urban heat island effect and support community health and wellbeing.

Strategies

Maximise retention of existing canopy trees and gardens.

Integrate landscaping, including canopy trees, into development design.

Ensure new landscaping responds to the landscape character of the surrounding area. Avoid adverse impacts on vegetation on adjoining properties.

Support urban landscaping opportunities, including green roofs, planter boxes, green walls and landscaping within building entries ~~and courtyards~~.

Provide for landscaping that will:

- - Soften the built form.
 - Positively contribute to the visual amenity and character of the area, including the public realm.
 - Provide for high levels of on-site amenity and privacy.
 - Provide shade and contribute to passive cooling of hard surfaces.
 - Use materials, landscape treatments and plants that are permeable, durable and resistant to adverse environmental conditions.

Ensure structure plans and other place-based plans identify and deliver opportunities to plant canopy trees ~~in and around activity centres and~~ along streetscapes.

Policy guidelines

Consider as relevant:

- Where significant trees have been removed in the 12 months prior to the application being made, whether replacement trees will have similar size at maturity to those removed.
- Maintaining deep soil areas for canopy trees to grow to full size at maturity.
- In residential zones, landscaping to provide for:
 - ~~The planting of a minimum of one canopy tree for every 8 metres of front boundary. If the result is not a whole number, round up to the nearest whole number~~ provision of a minimum of one 8 metre high canopy tree for every 8 metres of the front boundary. If the result is not a whole number, round to the nearest whole number.
 - ~~The planting of a minimum of one canopy tree for every 8 metres of rear boundary in the Neighbourhood Residential Zone and the General Residential Zone. If the result is not a whole number, round up to the nearest whole number~~ provision of a minimum of one 6 metre high canopy tree for every 8 metres of rear boundary in the Neighbourhood Residential Zone and the General Residential Zone. If the result is not a whole number, round to the nearest whole number.
 - ~~Canopy trees with a minimum mature height of 7 metres in the front setback and 5 metres in the rear setback.~~

Policy documents

Consider as relevant:

- *City of Glen Eira Open Space Strategy - Refresh 2020* (Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd, 2020)
- *Glen Eira Urban Forest Strategy* (Glen Eira City Council, 2021)

Appendix H Panel preferred version of Clause 15.01-2L

15.01-2L Building design**Strategies*****General***

Encourage transition in scale from larger buildings to adjacent areas of smaller scale.

Achieve dwelling privacy through design and separation rather than screening.

Encourage development to:

- Utilise durable and sustainable building materials.
- Utilise building materials that respond to local characteristics through type, colour, texture and contrast.
- Utilise building materials that highlight features, create visual interest and reduce the impact of upper floors.
- Consolidate and conceal building services within sites and within buildings.
- Integrate any externally accessible services or substations into the façade design.

Encourage the design of residential apartments to:

- Orientate living [and private open space](#) areas towards the front and rear of the site [and any abutting roads/streets, laneways or areas of public open space](#) ~~and avoid side facing balconies (except for side streets or laneways).~~
- Manage overlooking and privacy through considered design and separation, rather than screening.
- Offset direct views between existing or future buildings within the same site or adjoining sites.
- Ensure that service infrastructure is appropriately sited and incorporated into the design of new buildings and has limited visibility from the public realm.
- Avoid compromising the development potential of developable adjoining land by achieving separation, outlook and amenity standards within the same site.
- Avoid depending on neighbouring sites for amenity.

Incorporate acoustic attenuation into the design of development where:

- Residents within the development may be impacted by noise generated by existing non-residential uses, traffic and public transport, street activity, the night-time economy or other noise sources.
- Residents in the surrounding area may be impacted by noise generated by the proposed non-residential use or development.

Manage the location, design and intensity of lighting on the site to avoid light spill onto adjoining residential land.

Impact on streetscape, public realm and public open space

Design lighting and building interfaces to contribute to a sense of safety and pedestrian comfort along streets, laneways and public spaces, particularly close to transport nodes.

Encourage interaction and passive surveillance of the street and public spaces with windows, balconies and design features that allow for visibility.

Minimise the detrimental impacts of land use and development on the ecological, social or cultural value of adjoining public spaces.

Design development adjacent to public open space to:

- Support the amenity, function and accessibility of public open space.
- Ensure no ~~significant~~ [unreasonable](#) loss of sunlight to existing and future public open space.
- Avoid blank walls or high fences facing public open space.

Development adjacent to land in a Heritage Overlay

Provide a transition in scale from any adjacent building with an individually significant or contributory heritage grading, having regard to height, street wall height, setbacks, building form and siting.

Provide a sympathetic and respectful design response that does not dominate an adjacent heritage place.

Use materials and finishes that do not detract from the fabric of the heritage place.

In commercial and mixed use areas, adopt a street wall height to the street frontage that is no higher than an adjoining heritage building with an individually significant or contributory grading.

Commercial and mixed use areas

Incorporate setbacks that:

- Provide for visually recessive upper floors above street wall height, when viewed from a front or side street.
- Consolidate upper side setbacks with adjoining sites where practical to avoid a visible tiered building profile.
- Allow for boundary to boundary development at lower levels to maintain the existing attached built form character of the street.
- Provide a transition to residential interfaces, heritage places, public open space and other public spaces.

Provide a unique sense of identity for each building.

Retain shop fronts and street wall height as the dominant built form elements in the street.

Reflect clearly defined streetscape elements and fine grain building character, including:

- Building spacing and rhythm.
- Front and side setbacks.
- Street wall heights and parapets.
- Proportion and spacing of vertical and horizontal architectural elements.
- Fenestration, building openings, cornices, awnings and colonnade heights.

Articulate facades to integrate with the street, including on secondary frontages on corner sites.

Minimise blank facades.

Provide a continuity of design of the building from all viewlines at both street level and from a distance.

Separate ground level resident and visitor entrances from commercial entrances, service areas, vehicle accessways and loading zones.

Incorporate adaptable and flexible spaces within buildings to allow for different uses and tenancy configurations over time.

Retain existing verandahs.

Provide fixed awnings or verandahs to:

- Be consistent with the height and extent of coverage on adjoining properties.
- Provide weather protection for pedestrians.

Manage building bulk to minimise the visual impact of development from adjoining residential sites.

Policy guidelines

Consider as relevant:

- Awning or verandahs in commercial and mixed-use areas to provide:

- Coverage across the whole frontage on all street frontages (including corner sites abutting two main roads).
- Coverage across at least 40 per cent of a secondary frontage on corner sites, where the secondary frontage is a local street.
- Levels of glazing at street level in commercial and mixed-use areas to achieve:
 - At least 80 per cent of front building facades at street level to have clear glazing (including corner sites abutting two main roads).
 - At least 40 per cent of building façade at street level of a secondary frontage (where the secondary frontage is a local street) to have clear glazing.
- The need for flexible design within commercial and mixed-use areas to allow for future conversion to other uses, including:
 - Provide floor heights that promote flexible use and design.
 - Floor plan layouts that allow for future consolidation of dwellings or small tenancies into larger tenancies.
 - ~~Minimal load bearing walls in opportune locations to facilitate future consolidation and adaptable reuse of buildings.~~
 - Wide building entries, hallways and foyers appropriate for future commercial uses.
- ~~The development to result in no increase in overshadowing of any existing or proposed public open space from 10am to 3pm on 21 June beyond the shadow cast by a 9 metre high built form immediately adjoining the public open space, unless other overshadowing standards are specified elsewhere in this scheme.~~
- The design of residential apartments to:
 - Establish building setbacks to respond to the existing or preferred urban context;
 - Provide separation between buildings to allow access to adequate daylight and provide reasonable outlook from new dwellings, while limiting views into habitable room windows and private open space of new and existing dwellings.
 - Minimise the extent of basement footprint, vehicle crossovers and basement access ramps to maximise the provision of deep soil areas for canopy tree planting as appropriate to the urban context.
 - The design of front fencing to provide a minimum 25 per cent transparency for any part of the fence that is over 1.2 metres in height.

Appendix I Panel preferred version of Clause 15.03-1L

15.03-1L Heritage

Policy application

This policy applies to all land within the Heritage Overlay.

Strategies

General

Retain and protect individually significant buildings and contributory buildings as identified in the relevant Statement of Significance for the precinct.

Support development that is respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings.

Protect the setting of those buildings that are surrounded by open space (including churches and schools).

Encourage contemporary design or a simplified interpretation of the architectural style of the existing building to ensure new fabric is distinguishable from original heritage fabric.

Support restoration or reconstruction of a building to a known original or early appearance only when there is historical evidence (photos or plans) to support it.

Support new buildings and works that:

- Maintain the prominence of the significant or contributory elements of the heritage place or precinct.
- Do not visually dominate the heritage building or streetscape.
- Avoid new openings in the principal façade or principal visible roof form. Avoid replica or mock heritage styles.
- Preserve principal view lines to significant and contributory buildings when viewed from the street.
- Use materials, colours, textures and finishes that reflect the heritage character of the place or precinct.

Demolition

Prioritise preservation, restoration and adaptation of a heritage place over demolition.

~~Discourage~~ **Avoid** demolition of significant and contributory buildings unless:

- The building is structurally unsound and cannot be feasibly repaired or adapted for reuse.
- Alternative stabilisation works have been investigated.
- The replacement building or works positively contributes to the ongoing significance of the heritage place.

Support the removal of later building additions:

- That detract from the significance of the heritage place.
- Where the fabric to be demolished does not contribute to the significance of the heritage place.
- Where the fabric to be demolished allows the three-dimensional form of the building to be retained.
- That do not result in only the visible façade being retained and the remaining fabric demolished.

Subdivision

Retain significant or contributory elements of a heritage place including buildings and outbuildings, original garden areas and trees.

Design the subdivision of heritage places to retain the relative proportions of the original layout, the rhythm and pattern of building frontages and/or buildings in the streetscape where such elements contribute to the significance of the heritage place.

Heritage precincts

Design development to be consistent with nearby significant and contributory buildings in terms of:

- Prevailing front and side setbacks.
- Height, relative to surrounding context.
- Roof pitch and form.
- Spacing of architectural elements on the façade.

Residential alterations or additions

Minimise, where possible, views of alterations and additions from the street frontage (when viewed from the opposite side of the street).

Encourage alterations and additions that do not overwhelm the significant or contributory building or wider precinct.

Locate first floor additions behind the principal façade and principal visible roof forms.

Setback ground floor additions to ensure the front heritage façade remains the prominent feature.

Design and site alterations and additions to heritage places on corner sites to be read as a recessive element when viewed from the secondary street.

Avoid non-original openings and verandahs on front facades.

Commercial heritage places

Ensure upper level additions respect the scale and form of the heritage building and the heritage streetscape.

Maintain the prominence of the street wall by recessing upper levels.

Encourage the retention, restoration or reconstruction of original shopfronts and verandahs.

Encourage new development to maintain the prevailing street wall height in the precinct.

Discourage the introduction of architectural features where these features were not originally present.

Avoid obscuring names and dates that form architectural features of the building.

Signs in commercial areas

Protect signs deemed to have heritage value.

Discourage sky signs, reflective signs, animated signs and electronic signs within heritage precincts.

Discourage internally illuminated signs unless they are located below the verandah, hanging under the soffit.

Discourage above verandah signs unless specific provision has been made in the original façade treatment for a sign in that location.

Front fences and gates

Retain original fences and gates that contribute to the significance of the heritage place.

Support the design, height and materials of a front fence to be sympathetic to the period of construction and architectural style of the heritage place.

Design front fences and gates to allow views to the heritage place from the street.

Car parking and outbuildings

Retain and conserve original garages where they form a prominent element in the streetscape.

Locate car parking, outbuildings, shade sails, driveways and vehicle crossovers in a manner that does not dominate the heritage place.

Ensure the scale, roof form, materials and new wall openings complement but do not replicate the heritage place.

Locate car parking and outbuildings to the side or rear of a heritage place. Avoid double garages unless located in the rear yard of the property.

Set back car parking and outbuildings a minimum of one metre from the façade wall adjacent to the driveway.

Avoid additional vehicular crossovers and new circular driveways.

Ancillary services

Site and design services and equipment so they do not detract from the significance of the heritage place or damage significant heritage fabric.

Conceal satellite dishes, solar panels, water tanks, air conditioning units and other mechanical equipment or where this is not possible, install the equipment in a location that will not detract from the significance of the heritage place.

Public infrastructure

Retain and conserve landscaping in the public realm, street furniture, fire hydrants, bluestone laneways, kerb and channelling, post boxes and other public infrastructure that contributes to the character of the heritage place.

Ensure new street furniture does not detract from the significance of the heritage place.

Vegetation

Retain culturally significant trees in a heritage place unless it is demonstrated:

- The trees have deteriorated due to old age or disease to a point where retention is unsafe.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) are not possible.

Site development to respect culturally significant trees and garden layouts at a distance that ensures:

- The ongoing health of the tree.
- The retention of the aesthetic, historic, scientific, social or spiritual value of the landscape.

Retain significant pathways and garden layouts in private gardens and public parks.

Policy documents

Consider as relevant:

- *Glen Eira Heritage Management Plan 1996* (Andrew Ward & Associates, 1996)
- *Addendum to Glen Eira Heritage Management Plan (Revised 2014)* (Andrew Ward and Associates, 2014)
- *Glen Eira Review of Existing Heritage Precincts* (Glen Eira City Council, 2017)

Appendix J Panel preferred version of Clause 16.01-1L-01

16.01-1L-01 Housing supply

Strategies

Location of residential development

Provide for a transition of building height and scale across the municipality consistent with the scale of housing change identified on the Housing Change Area map to this clause.

Direct substantial housing growth into ~~innovation and education precincts, activity centres, local centres and along transport routes, identified on the Strategic Framework Plan at Clause 02.04-1, that responds to the growth capacity and context of the local area~~ Substantial Change Areas identified on the Housing Change Area map to this clause.

Support incremental housing growth outside of activity centres ~~where Heritage or Neighbourhood Character Overlays do not apply~~ in Incremental Change Areas identified on the Housing Change Area map to this clause.

Support minimal housing growth outside of activity centres ~~where Heritage or Neighbourhood Character Overlays do not apply~~ in Minimal Change Areas identified on the Housing Change Area map to this clause.

Housing diversity

Provide for diverse housing when rezoning land for residential purposes.

Support the redevelopment of large development sites to contribute to housing diversity.

Encourage a mix of dwelling types and layouts within developments.

In commercial and mixed use areas in activity centres, support dwellings above commercial and retail uses in mixed-use buildings.

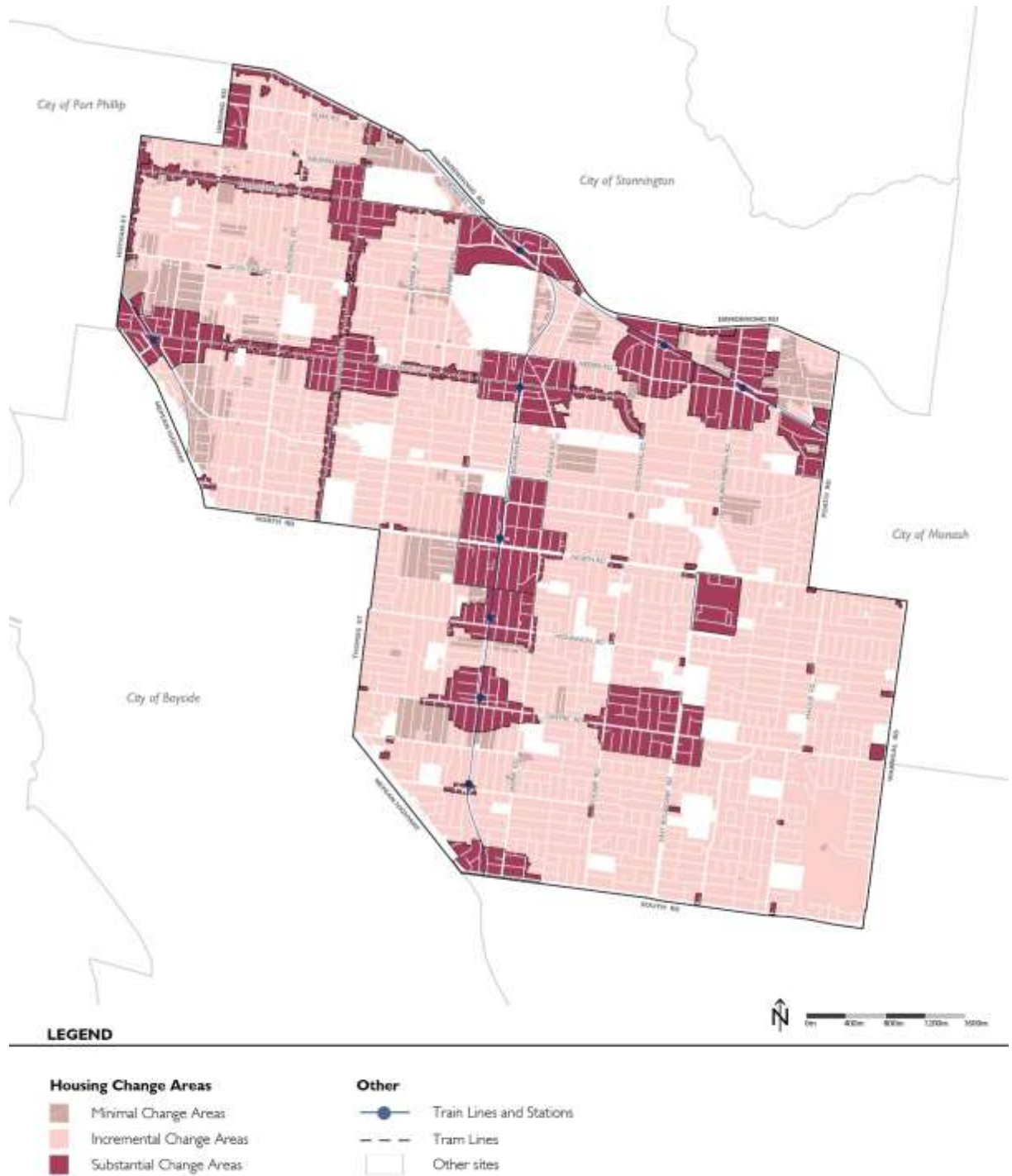
Support a diversity of apartment sizes to cater for a range of different household types.

Policy documents

Consider as relevant:

- *Glen Eira City Plan: Activity Centre, Housing and Local Economy Strategy* (Glen Eira City Council, 2020)

Housing change area map



Appendix K Panel preferred version of Clause 16.01-1L-02

16.01-1L-02 Student accommodation

Policy application

This policy applies to applications for the use or development of accommodation for tertiary students.

Objectives

To support well located student accommodation that delivers quality living environments.

Strategies

Direct student accommodation into the following locations:

- The following activity centres, as identified on the Strategic Framework plan and Activity Centre Hierarchy plan at Clause 02.04:
 - Bentleigh activity centre
 - Carnegie activity centre
 - Caulfield Park activity centre
 - Caulfield Station activity centre
 - Glen Huntly activity centre
 - Hughesdale activity centre
 - Moorabbin activity centre
 - Murrumbeena activity centre
 - Ormond activity centre
 - Along tram routes where the Parking Overlay applies.

Avoid student accommodation in residential areas where a Parking Overlay does not apply.

Design student accommodation to:

- Provide high standards of internal amenity.
- Enable each student to enjoy a private personal space to sleep and study.
- Provide shared facilities so that kitchen, laundry and social activities can be carried out on the site in a communal setting.
- Provide safe and accessible areas to be set aside for bicycle parking.
- Integrate commercial and publicly accessible facilities in larger developments where possible.

Policy guidelines

Consider as relevant:

- Providing an area of communal open space:
 - At a ratio of 2.5 square metres per bed.
 - In a maximum of two parcels, each parcel with a minimum dimension of 3 metres.
 - At ground floor, if possible.
 - Located on the north side of the building, if possible.
 - With the southern boundary of the communal open space set back from any wall to the north of the space at least 2 metres plus 90 per cent of the height of the wall.
- Designing student accommodation to ensure:
 - Habitable rooms are not overlooked by another room in the same building or by adjoining properties.

- Habitable rooms have direct access to natural light and ventilation.
- Habitable rooms are large enough for a desk, computer, bed, book shelves, wardrobe and other storage space.
- The provision of laundry and drying facilities.
- The provision of shared student facilities, such as shared kitchen, dining area, sitting room, common or recreation room and exercise room.
- Noise attenuation measures, where the facility is impacted by external noise.
- Larger developments provide a range of facilities and services to serve the needs of the occupants and where possible, integrate commercial and publicly accessible facilities.
- The provision of bicycle parking at the following rates:
 - Two spaces for every three beds.
 - One electric bicycle space and charging station for every four beds.
- The use of a Section 173 agreement under the Act or an alternative arrangement to:
 - Set out ongoing operational requirements for the facility in a management plan that ensures the student accommodation is being used for its intended purpose.
 - Limit occupants to tertiary students (full-time, part-time or short-term), ~~their immediate family~~ and the building manager or caretaker.
 - Prevent the subdivision or sale of car spaces associated with the use.

Policy documents

Consider as relevant:

- *City of Glen Eira Open Space Strategy - Refresh 2020* (Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd, 2020)
- *Glen Eira Urban Forest Strategy* (Glen Eira City Council, 2021)
- *Living Melbourne: Our Metropolitan Urban Forest* (The Nature Conservancy and Resilient Melbourne, 2019)

Appendix L Panel preferred version of Clause 16.01-5L

16.01-5L Residential aged care and community care accommodation

Policy application

This policy applies where a planning permit is required for the use or development of:

- A Residential aged care facility.
- Community care accommodation where the requirements of Clause 52.22-2 or 52.22-3 are not met.

Objectives

To ensure housing for older people and people requiring community care accommodation is located close to services, retail and social facilities, has convenient access to public transport, delivers quality living environments for occupants and minimises off-site amenity impacts.

Strategies

Direct accommodation for older people and community care accommodation to the following locations:

- Areas identified for substantial housing change at Clause 16.01-1L-01.
- Residential areas with convenient access to public transport ~~and sites that are relatively flat.~~

Provide secluded private open space, in addition to communal open space for accommodation where residents have a high degree of independence and minimal support from staff.

Ensure communal open space is provided for accommodation providing moderate or maximum levels of support from staff.

Ensure adequate on-site facilities and amenity and privacy levels for residents are provided to reflect the level of care to be provided.

Ensure any support services provided for people who are not residents are ancillary to the primary use of the site.

Site and design development to minimise off-site amenity impacts associated with car parking, lighting, plant and equipment, noise, deliveries and other facility operations.

Provide landscape buffers and other screening measures as necessary, to screen car parking areas, accessways and service areas from adjoining residential boundaries and the street.

Provide efficient onsite carparking and access provision for residents, visitors, staff and delivery vehicles.

Policy guidelines

Consider as relevant:

The use of an operational management plan or an alternative arrangement to:

- Manage facilities including car parking, on-site deliveries and waste management.
- Manage services provided to residents on-site and any support services provided to people who are not residents

Design car parking and accessways to:

- Provide clearly marked car parking areas for use by residents, visitors, staff or those who require accessible spaces.
- Ensure parking is provided on site to residents, visitors and staff at all times.
- Allow for access and egress of larger vehicles, such as minibuses, ambulances, private recycling and garbage collection vehicles to occur in a forward direction.
- Provide weather-protected drop-off and pick-up areas.

- Provide for grading of pedestrian and vehicular accessways having regard to the access and mobility needs of residents.

Appendix M Panel preferred version of Clause 18.02-3L

18.02-3L Road system and access

Strategies

Prioritise vehicular access from secondary streets or laneways on land adjoining key road corridors, express public transport routes, safe cycling streets and pedestrian priority streets.

Minimise new crossovers on key road corridors, safe cycling routes and pedestrian priority streets. Separate pedestrian and vehicular accessways in commercial and mixed use development.

Minimise the impact of vehicular traffic and on-street car parking on residential amenity in the Neighbourhood Residential Zone.

Design development to incorporate buffers and noise attenuation measures adjacent to roads in the ~~Road Zone Category 1~~ [Transport Zone 2](#) to protect occupants from road noise.

Support initiatives that seek to maximise vehicle occupancy rates and reduce vehicle numbers, such as ride sharing, car pooling or similar.

Policy documents

Consider as relevant:

- *Integrated Transport Strategy 2018-2031* (Glen Eira City Council, 2018)
- *Parking Policy 2020* (Glen Eira City Council, 2020)

Transport framework plan

