



GLEN EIRA  
CITY COUNCIL

# Glen Eira Planning Scheme Review 2018

## Glen Eira City Council

Bentleigh

Bentleigh East

Brighton East

Carnegie

Caulfield

Elsternwick

Gardenvale

Glen Huntly

McKinnon

Murrumbeena

Ormond

St Kilda East

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## 1. Introduction

The *Glen Eira Planning Scheme* (Scheme) is a statutory document which sets out objectives, policies and provisions for the use development and protection of land within the municipality of Glen Eira.

The provisions of the Scheme are required to be reviewed regularly under Section 12B of the *Planning and Environment Act 1987* to ensure its continued effectiveness and efficiency.

Planning Scheme Reviews are usually required to be submitted to the Department of Environment, Land, Water and Planning prior to the end of the financial year (i.e. 30 June), however, due to a state-wide Planning Scheme Amendment, VC148, which made changes to the Planning Policy Framework for all Planning Schemes in Victoria being gazetted in July 2018, the deadline for Planning Scheme Reviews for this year has been extended to 31 December 2018.

## 2. Background

### Planning scheme review requirements

The *Planning and Environment Act 1987* requires each municipal council to review its Planning Scheme approximately every four years (within a year of the Council Plan approval) and provide a copy of the review report to the Department of Land, Water and Planning (DELWP).

The review must evaluate the Planning Scheme to ensure that it:

- (a) Is consistent in form and content with the directions of guidelines issued by the Minister under Section 7 of the Act;
- (b) Sets out effectively the policy objectives for use and development of land in the area to which the Planning Scheme applies; and
- (c) Makes effective use of State provisions and Local provisions to give effect to State and Local planning policy objectives.

This is an opportunity for Council to review the future vision for land use and development in its municipality and, in doing so, identify any gaps and set out a work plan for future strategic planning initiatives.

The Municipal Strategic Statement (MSS) and local content of the Scheme must be consistent with State Government planning policy and the *Glen Eira Council and Community Plan*.

### Context of previous review

Council undertook a comprehensive review of the Scheme in 2016 (2016 Review) which included the development of a four-year work plan (2016 Work Plan).

Since the 2016 Review, significant progress has been made against the 2016 Work Plan with the adoption of *Structure Plans* for Bentleigh, Carnegie and Elsternwick and the *Quality Design Guidelines*.

Progress against the 2016 Review is discussed in Section 12 of this Report.

### Reasons for current review

It is a requirement of the *Planning and Environment Act 1987* that a Planning Scheme is reviewed within a year of Council Plan approval. The *Glen Eira Council and Community Plan* was adopted in 2017 therefore it is necessary to undertake a planning scheme review this year. The timing of this review also provides an opportunity to recognise the progress made against the 2016 Work Plan and to set a new work plan for the next four years.

### **3. The Glen Eira Planning Scheme**

#### **What is a planning Scheme?**

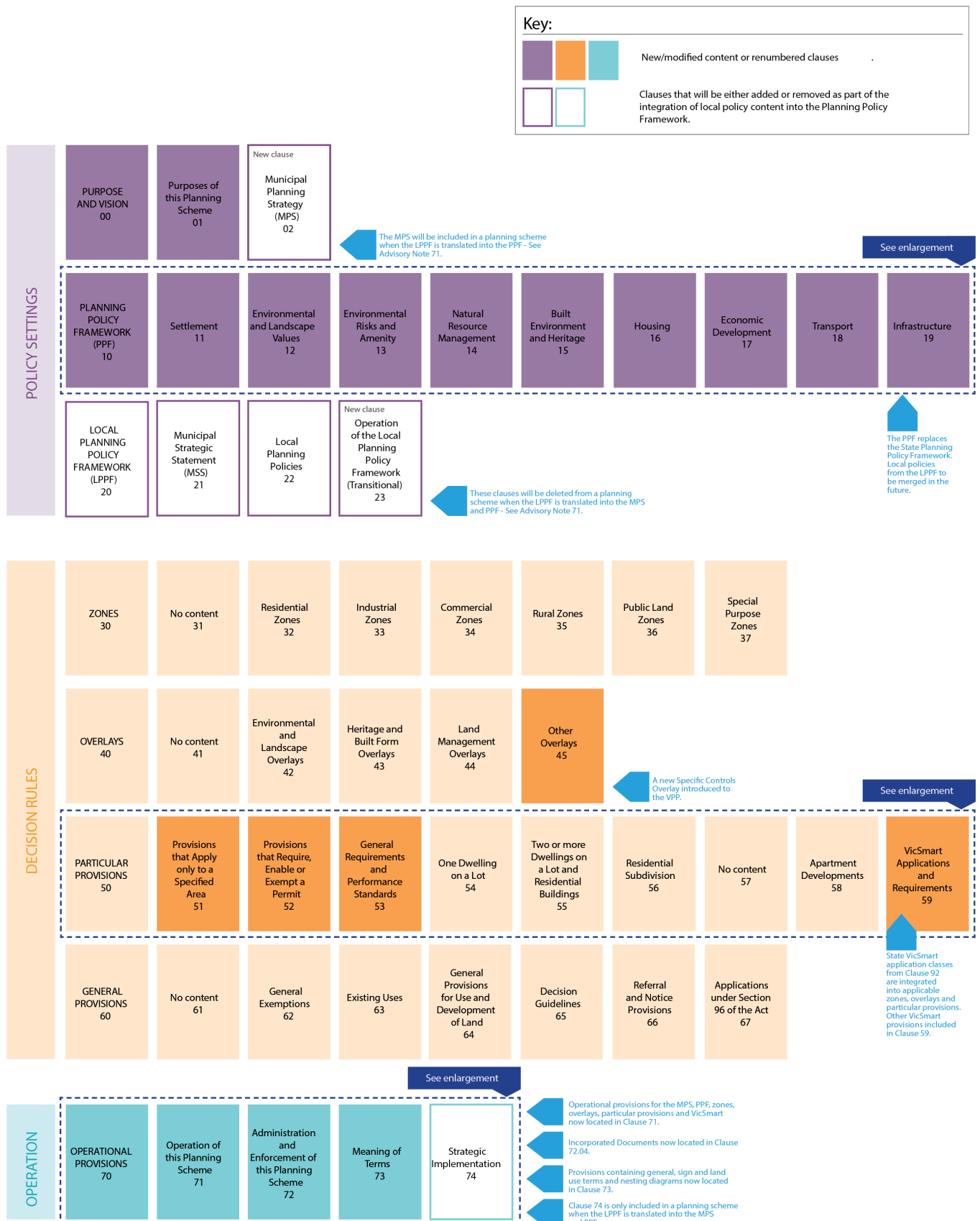
The Scheme is a legal instrument that guides decisions about land use and development. It includes a range of tools including State and Local policies, zones, overlays and particular provisions that contain directions and controls for all land within the municipality.

It should be noted that approximately 75 per cent of each Victorian Planning Scheme contains content determined by the State Government. This content cannot be altered by Local Government.

Planning Scheme Amendment VC148 (Amendment VC148), gazetted on 31 July 2018, is part of the State Government's Smart Planning Program to simplify and modernise Victoria's planning framework to make Planning Schemes more efficient, accessible and transparent. Amendment VC148 implements changes to Planning Schemes to clarify, simplify and improve their structure, function and operation. The changes implemented by Amendment VC148 have been considered as part of this Planning Scheme Review.

Figure 1 provides a list of various components of a Planning Scheme as well as illustrating the changes brought about by Amendment VC148.

**Figure 1 – Components of the Planning Scheme following Amendment VC148**



## Planning Policy Framework (PPF)

Prior to Amendment VC148, Planning Schemes comprised the State Planning Policy Framework (SPPF) followed by the Local Planning Policy Framework (LPPF) however following the amendment, the State Planning Policy Framework has been replaced by a Planning Policy Framework (PPF) which provides for three tiers of integrated planning policy: statewide, regional and local (see Figure 2).

**Figure 2: Planning Policy Framework (PPF)**



The PPF is structured around the following themes:

- Settlement
- Environmental and Landscape Values
- Environmental Risks and Amenity
- Natural Resource Management
- Built Environment and Heritage
- Housing
- Economic Development
- Transport
- Infrastructure

At this stage local content has not been introduced into the PPF and remains in the LPPF section until translated over into the PPF format.

### Local Content as it currently exists

#### Local Planning Policy Framework (LPPF)

The LPPF currently comprises the Municipal Strategic Statement (MSS) (clause 21) and Local Planning Policies (clause 22). The purpose of the LPPF is to



demonstrate how broader State planning policies will be achieved or implemented in a local context.

The MSS provides a statement of the key strategic planning, land use and development objectives for the municipality and set out strategies and actions for achieving these objectives. The current MSS is structured around the following policy areas:

- Housing and Residential Development
- Business
- Industry
- Institutional and Non-Residential Uses in Residential Areas
- Public Uses/Community Facilities
- Heritage
- Infrastructure
- Transport
- Open Space

Local Planning Policies are policy statements of intent or expectation about specific types of land uses or development. Current local policies in the Scheme are as follows:

- Heritage Policy
- Non-Residential Uses in Residential Zones Policy
- Urban Villages Policy
- Phoenix Precinct Policy
- Housing Diversity Area Policy
- Minimal Change Area Policy
- Student Housing Policy
- Aged Persons Housing Policy
- Child Care Centres Policy
- Public Open Space Contribution Policy

### Zones and Overlays

Council selects zones and relevant overlays for various areas of the municipality. Zones reflect the primary character of land such as residential, commercial or industrial whilst overlays form an additional 'layer' over zones to ensure important aspects of the land are managed. There are overlays for heritage, neighbourhood character, flooding and developer contributions, just to name a few.

The selection of zones and overlays are made to give effect to the vision and policy direction of the MSS. Some zones and most overlays contain schedules where more specific objectives and local requirements can be set out.

#### Particular and General Provisions

Particular and General Provisions are standardised for every Planning Scheme and relate to particular uses of development including car parking, signage, petrol stations, subdivision and multi-dwelling development. In some circumstances, Council may include Glen Eira specific information through schedules to various provisions. An example of this is the schedule to the Public Open Space Contribution at clause 53.01 which contains a contribution rate of 5.7 per cent for certain types of subdivisions throughout Glen Eira.

#### Reference and Incorporated Documents

Reference documents are included in the Scheme to provide background information and context regarding a policy or provision. Glen Eira has a number of reference documents. One example is the *Glen Eira Open Space Strategy 2014* which provides background information that led to the development of the Public Open Space Contribution Policy at clause 22.12 of the Scheme and the schedule to Clause 53.01 which sets a public open space developer contribution rate of 5.7 per cent for applicable subdivisions throughout Glen Eira.

Incorporated documents contain information that affect the operation of the Scheme and directly informs decision making. An example of this is the *North Road Ormond Comprehensive Development Plan (March 2018)*.

## 4. Methodology

This *2018 Planning Scheme Review* (2018 Review) has been undertaken in accordance with the principles of Planning Practice Note 32: Review of Planning Schemes – *Planning and Environment Act 1987* and Continuous Improvement Review Toolkit for Planning and Responsible Authorities (2006). The 2018 Review comprises the following:

- Section 5: A summary of State Government Planning legislation, strategies and reforms since 2016
- Section 6: A summary of Glen Eira strategic planning work undertaken since 2016
- Section 7: Overview of Planning Scheme amendments since 2016
- Section 8: Overview of VCAT decisions
- Section 9: Significant Panel reports
- Section 10: Overview of community engagement
- Section 11: Issues and opportunities
- Section 12: Progress against the 2016 Work Plan
- Section 13: 2018 Work Plan

## 5. Summary of State Government Planning legislation, strategies and reforms since 2016

This section of the 2018 Review identifies key strategic directions, initiatives and actions that have occurred at the State and Regional level since the 2016 Review, which include:

- 5.1 *Plan Melbourne 2017-2050 and Plan Melbourne Implementation Plan*
- 5.2 *Homes for Victorians (2017)*
- 5.3 Planning and Building Legislation Amendment (Housing Affordability and other matters Bill (2017)
- 5.4 *Better Apartment Design Standards (2016)*
- 5.5 *Apartment Design Guidelines for Victoria (2017)*
- 5.6 *Urban Design Guidelines for Victoria (2017)*
- 5.7 *Heritage Act 2017*
- 5.8 Reformed Residential Zones (2017)
- 5.9 Smart Planning program
- 5.10 Reforming the Victorian Planning Provisions (VPP)
- 5.11 Ministerial Direction: Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the *Planning and Environment Act 1987*
- 5.12 VicSmart additions and updates
- 5.13 Commercial 3 Zone

### 5.1 Plan Melbourne 2017-2050 and Plan Melbourne Implementation Plan

*Plan Melbourne* is the primary metropolitan and transport strategy that defines the future shape of the city and state until 2050. Integrating long-term land use, infrastructure and transport planning, *Plan Melbourne* sets out the strategy for supporting jobs and growth whilst building on Melbourne's legacy of distinctiveness, liveability and sustainability. The vision is '*Melbourne will continue to be a global city of opportunity and choice.*'

*Plan Melbourne* was first implemented in 2014 by the previous State Government. This updated version published in 2017 has been termed a 'refresh' rather than a full review. This refreshed *Plan Melbourne* is largely consistent with the objectives of the 2014 version. The main changes include:

- Removal of the east-west link from the strategy.
- Inclusion of level crossing removal and metro train link.
- Increase from 70 per cent to 75 per cent target for new dwellings in established areas.

- A new outcome (outcome 4) which focusses on preserving our sense of place and identity so Melbourne remains a distinctive and liveable city with quality design and amenity.
- Greater detail and emphasis on implementation of the strategy with a separate *Plan Melbourne 2017-2050 Implementation Plan*.

The metropolitan strategy has been introduced into Planning Schemes through Amendment VC134 (gazetted March 2017) which updates State policies to reflect the strategies from *Plan Melbourne 2017*.

#### Implications for Glen Eira

It is required that Planning Scheme local content must align with Plan Melbourne's principles and policies. Further Planning Scheme Amendments would not be supported by the Minister and therefore not approved if they do not align with State policy.

More specific implications for Glen Eira under the Plan Melbourne five-year Implementation plan include:

- Action 1: Development of a land-use framework plan for each of the metro regions. Glen Eira, Stonnington, Boroondara and Bayside as part of the Inner South East Region with the DELWP as the lead agency are to prepare a plan that includes strategies for population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests. It is expected that this plan be included in the relevant Planning Schemes in 2019.
- Action 6: Review of planning provisions for health and education precincts. Monash University (Caulfield) - Caulfield Station Precinct is classified as a health and education precinct.
- Action 9: Review of opportunities and constraints of activity centres in implementing Plan Melbourne. This involves identifying priority activity centres for future planning and structure plan development. Major Activity Centres listed include Bentleigh, Carnegie, Caulfield, Elsternwick and Glen Huntly.
- Action 16: Identify and plan a pipeline of transit-oriented development and urban renewal opportunities.
- Action 39: Undertake integrated transport planning.
- Action 69: Ensure heritage assets and distinctive historic precincts are protected, enhanced and celebrated.

## **5.2 Homes for Victorians (2017)**

*Homes for Victorians* provides a co-ordinated approach across government to housing affordability, access and choice. It builds on work that has been done, including *Plan Melbourne 2017-2050*, reform of the *Residential Tenancies Act 1997*, *Better Apartment Design Standards* and the Family Violence Housing Blitz, and

seeks to support vulnerable Victorians while creating thousands of extra jobs in the construction industry. It also builds on our efforts to better connect Victorians with services and infrastructure.

*Homes for Victorians* seeks to facilitate more than 50,000 extra new homes being built each year by promoting development in growth areas as well as in the inner and middle suburbs. The document also proposes measures to speed up planning to further boost housing supply (and affordable housing supply).

#### Implications for Glen Eira

*Homes for Victorians* promotes development in the inner and middle suburbs as well as growth areas which is likely to increase development pressure in Glen Eira. The document provides useful context for current and future work, in particular the proposed *Social and Affordable Housing Strategy*.

### **5.3 Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill (2017)**

The purpose of the Bill is to facilitate affordable housing supply (part 2 of the Bill). Division 2 of this bill relates to: ‘*applications to amend referred wind energy facility planning permits*’; and is not relevant to this 2018 Review.

The Bill defines affordable housing as “*housing, including social housing that is appropriate for the housing needs of any of the following: –*

- (a) *Very low income households;*
- (b) *Low income households;*
- (c) *Moderate income households”*

This amendment ensures that the definition above (which is the definition used in *Plan Melbourne 2017* and *Homes for Victorians 2017*) forms part of the *Planning and Environment Act 1987*.

The Bill also enables local governments to negotiate affordable housing through Section 173 Agreements. Further guidance on this will be published at a later date.

The amendment came into effect on 1 June 2018.

#### Implications for Glen Eira

Provides useful State Government context for preparation of the *Social and Affordable Housing Strategy* and *Affordable Housing Statement* as well as Section 173 negotiations for East Village and other strategic sites.

## 5.4 Better Apartment Design Standards (2016)

*Better Apartments Design Standards* have been introduced to improve the liveability and sustainability of apartments across Victoria and are intended to improve apartment design. The standards have been introduced to the Victoria Planning Provisions and all Planning Schemes through Amendment VC136 in:

- a new clause in Clause 55 (two or more dwellings on a lot and residential buildings) at Clause 55.07; and
- a new Particular Provision at Clause 58 (apartments).

Apartment development of four storeys or less (excluding a basement) in a residential zone will continue to be assessed against most of the standards under Clause 55. Apartment development of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones will be assessed against Clause 58.

The apartment provisions contain objectives, standards and decision guidelines. An apartment development must meet the objectives of clause 55 or clause 58 and should meet the standards of clause 55 or clause 58.

## 5.5 Apartment Design Guidelines for Victoria (2017)

*The Apartment Design Guidelines for Victoria* provides additional explanation of the *Better Apartment Design Standards* in the 'Interpreting the standards' section and guidance on matters to consider to meet the objectives of the apartment standards in the 'Design Guidance' section. These guidelines are also intended to support greater consistency in the planning permit assessment phase of an apartment development.

### Implications for Glen Eira

Provide useful context for the *Quality Design Guidelines* and their implementation.

## 5.6 Urban Design Guidelines for Victoria (2017)

The State Government developed the *Urban Design Guidelines for Victoria* to support state agencies, Local Government and the urban development sector to deliver functional and enjoyable places for people to live, work, and spend leisure time. These guidelines aim to create neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity. These places may be urban areas in metropolitan Melbourne and in regional cities and towns.

The *Urban Design Guidelines for Victoria* are policy guidelines within the PPF of the VPPS. These guidelines must be considered when assessing the design and built form of new development where relevant.

Specific guidelines of particular relevance to Glen Eira include tree planting, public spaces and public transport environs.

#### Implications for Glen Eira

Provide useful context for the *Quality Design Guidelines* and their implementation.

### **5.7 Heritage Act 2017**

The *Heritage Act 2017* identifies and protects heritage places and objects that are of State-level heritage significance to Victoria and establishes the Victorian Heritage Register, the Heritage Inventory and the Heritage Council of Victoria. The *Heritage Act 2017* replaces the *Heritage Act 1995*.

This Act simplifies key statutory processes to reduce regulatory burden and provides clarity and certainty for all users whilst also providing a greater role for Local Government in the permit process. It also improves compliance and enforcement to ensure higher level protection for State significant heritage which includes a stop order tool to prevent illegal demolition. An appropriate fee structure for heritage approvals, appeals and penalties including increasing penalties for unauthorised works to heritage places is also provided for.

#### Implication's for Glen Eira

Provides useful context for the heritage review and heritage controls for the Scheme.

### **5.8 Reformed residential zones (2017)**

The government completed a review of the residential zones that were introduced into Victorian Planning Schemes in 2014 - the Neighbourhood Residential Zone, the General Residential Zone, and the Residential Growth Zone. Based upon this review, reformed residential zones were introduced to the VPPs and all Planning Schemes by Amendment VC110 on 27 March 2017.

The changes will provide a fairer approach to managing residential development, and will deliver consistent outcomes across Victoria's suburbs, towns and cities. They will deliver certainty in residential areas, regardless of where you live. The changes are the first step towards ensuring a consistent state-wide approach to residential development. The intent of the revised zones is to improve housing diversity and choice across all council areas while protecting the open and garden character of more sensitive residential areas.



The key reforms:

- Allow councils to define neighbourhood character and design objectives to be achieved.
- Strengthen building height controls in the Neighbourhood Residential Zone and the General Residential Zone.
- Introduce a new mandatory requirement for a minimum garden area to be provided in residential developments in the Neighbourhood Residential Zone and General Residential Zone.
- Remove the limit on the number of dwellings that can be built on land in the Neighbourhood Residential Zone.

#### Implications for Glen Eira

This amendment has implications for the Minimal Change Areas and development outcomes in the Neighbourhood Residential Zone. Provides important context for the *Quality Design Guidelines* and their implementation as well future Planning Scheme Amendments relevant to residentially zoned land.

### **5.9 Smart Planning Program**

Smart Planning is a two year reform program with the principle objectives of making the Victorian planning system more efficient, accessible, open and collaborative through simpler rules and policy and modern digital planning resources.

The program includes improvements to the PPF to allow Local and State policy to be better integrated as well as simplifying the VPPs to make regulation more consistent and easier to understand.

Amendment VC148 implements some of the changes proposed as part of the Smart Planning Program, providing a new PPF for State and Regional policy. Local policy and planning content is required to be translated into the new framework over the next couple of years.

#### Implications for Glen Eira

The outcomes of the Smart Planning Program will benefit Glen Eira in the following ways:

- Planning Scheme management, particularly amendments will be much simpler.
- Local Planning content of the Scheme should be more responsive to the dynamic nature of land use and development.
- Improved public access to planning information and digital systems.

The changes afforded by Amendment VC148 have been incorporated into the *2018 Work Plan* set out in Section 13 in relation to the rewrite of local content of the

Planning Scheme. All the new and amended controls required to implement the *Structure Plans* for Bentleigh, Carnegie, Elsternwick and East Village will be required to be presented in the new policy format.

### **5.10 Reforming the Victorian Planning Provisions (VPP)**

As part of the *Smart Planning Program* changes were made to the VPPs. VPPs are the planning policies and controls upon which all land use planning decisions are made.

Cumulative amendments to the VPPs and local Planning Schemes over the past 20 years have led to increasingly long and complex Planning Schemes which results in complexity, duplication, delays and uncertainty. Changes are being undertaken to address these issues.

Amendment VC148 introduced changes to the VPPs and all Planning Schemes arising from the *Smart Planning Program*. The Amendment made the following changes:

#### Integrated Planning Policy Framework

- Replaces the SPPF with a new integrated PPF in Clauses 10 to 19.

Simpler VPP structure with VicSmart included. This includes:

- Operational provisions for the LPPF to new clauses 23.02 and 23.03 and inserts a new clause to explain relationship between the LPPF and the PPF as an interim until they are migrated into the PPF.
- Relocates VicSmart provisions into applicable zones, overlays and particular provisions.
- Relocates local VicSmart applications and State and local VicSmart information requirements and decision guidelines to a new Clause 59 and the operational provisions to a new Clause 71.06.

Improvements to the structure and operation of specific clauses. This includes:

- Amending various clauses to enable their schedules to specify additional matters including purposes, objectives, application requirements or decision guidelines
- Amending the Heritage Overlay clause to require the schedule to specify a Statement of Significance for each heritage place included in schedule.
- Amending the Development Plan Overlay clause to clarify when an application is exempt from the notice and review requirements.
- Amending the advertising signs provisions.

Changes that support business by removing unnecessary regulation. This includes:

- Amending the car parking clause to provide that a planning permit is not required to reduce the car parking requirement for a new use in an existing building in the Commercial 1 and 2 Zone and the Activity Centre Zone for up to 10 car parking spaces subject to meeting specified conditions.
- Applying the car parking rates in Column B of table 1 in Clause 52.06 to land identified as within the Principal Public Transport Network Area, as mapped.

#### Implications for Glen Eira

The revision to the VPPs will have significant impact upon the Scheme with a changed structure and new rules and guidance around writing local planning policy and simplifying the MSS. While a local planning policy review was identified in the *2016 Work Plan*, the requirements of the changes from the Smart Planning process, and in particular Amendment VC148 are additional to this. At this stage guidance on how to draft local content has not been issued.

The changes made to the Scheme through Amendment VC148 also have impacts on permit triggers and permit considerations.

### **5.11 Ministerial Direction: Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the P&E Act**

The latest Ministerial Direction on the requirements for form and content of Planning Schemes was issued in 2017.

It is expected that a new Direction will be issued in response to Amendment VC148 in the coming months.

#### Implications for Glen Eira

To be referenced for future Planning Scheme Amendments, including the Scheme rewrite.

### **5.12 VicSmart**

VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of application are identified in the Scheme as being VicSmart and have specified requirements for information, assessment processes and decision guidelines.

The VicSmart planning provisions were introduced into the VPPs and all Planning Schemes on 19 September 2014 by Amendment VC114, and were then extended in March 2017 by Amendment VC135, and again in July 2017 by Amendment VC137. Amendment VC142 made further minor modifications in January 2018.

Amendment VC135 introduces additional classes of application into the VicSmart provisions and increases the 'cost of development' threshold of some existing VicSmart buildings and work classes of applications.

Amendment VC137 introduces further additional classes of application into the VicSmart provisions for residential zones.

Amendment VC142 creates a buildings and works permit exemption for structural changes to a dwelling (with conditions) in clause 92 (State VicSmart Applications) and ensures that within the same clause applications under a Heritage Overlay include:

- construct or install an electric vehicle charging station
- construct and install services normal to a building other than a dwelling including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

Amendment VC148 integrated VicSmart into applicable zones, overlays and particular provisions, and relocated operational and related provisions.

#### Implications for Glen Eira

With the rewrite of the local content of the Scheme consideration needs to be given to whether there should be any classes of local VicSmart application under zone and/or overlay provisions.

### **5.13 Commercial 3 Zone**

Introduced in September 2018 and due to be gazette in October 2018 the Commercial 3 Zone is a new planning tool which can be applied to help facilitate business growth and innovation in select parts of Victoria. It is a mixed use zone which is intended to facilitate the establishment or growth of creative industries, small manufacturers and start-up businesses. The zone promotes the creation of dense economically diverse, affordable, accessible and amenity-rich precincts which are attractive to new and emerging businesses.

The purpose of the zone is to implement state and local planning policy by:

- Providing for a range of industrial, commercial, office and other employment generating uses which support the mixed-use employment function of the area.
- Promoting collaborative and high quality working environment which support the area through good urban design and high amenity, accessible and well-connected places.

- Providing opportunities for limited retail uses which are complementary to the role and scale of the area.
- Providing the option for limited residential uses that do not undermine the primary employment and economic development focus of the zone.
- Facilitating the use, development and redevelopment of the land in accordance with the objectives specified in a schedule to the zone.

Notable features of the new zone include:

- Repeated reference to the primary purpose of the zone being for 'employment and economic development' with a 'mixed-use employment' focus.
- Including 'Dwelling' and 'Residential building' (other than 'Residential aged care facility') as discretionary (permit required) uses.
- The combined gross floor area of all dwellings and residential buildings (as a percentage of the combined gross floor area of all buildings on the lot) does not exceed the maximum allowable gross floor area percentage specified in the schedule to this zone (with the default being 35 per cent, and the maximum allowable being 50 per cent – presumably at the host council's discretion).
- Any frontage for dwellings at ground floor level should not exceed 4 metres.
- Having 'Industry' (subject to conditions) and 'Office' as as-of-right uses.
- Allowing 'Shop' use up to 200 square metres.

#### Implications for Glen Eira

Provides important context for the preparation and implementation of *Structure Plans* as well as future Planning Scheme Amendments relevant to commercially zoned land. Particularly relevant to supporting office, commercial and other employment generating uses in appropriate locations to allow more Glen Eira residents to work locally as expressed in the adopted *Activity Centre, Housing and Local Economy Strategy*.

## **6. Summary of Glen Eira strategic planning work adopted by Council since 2016**

This section identifies key strategic directions, initiatives and actions that are relevant to Strategic Planning at the local level that have been adopted since the last 2016 Review, which include:

- 6.1 *Council and Community Plan 2017-2021*
- 6.2 *Activity Centre, Housing and Local Economy Strategy (2017)*
- 6.3 *Structure Plans for Bentleigh, Carnegie and Elsternwick (2018)*
- 6.4 *Quality Design Guidelines (2018)*

- 6.5 *Integrated Transport Strategy (2018)*
- 6.6 *Heritage Internal (Minor) Review*
- 6.7 *Affordable Housing Statement of Commitment*

## **6.1 Council and Community Plan 2017-2021**

The *Glen Eira Council and Community Plan 2017-2021* sets a vision for Glen Eira and identifies goals for the next four years. It is the strategic framework for all of Council's plans and activities. The *Glen Eira Council and Community Plan 2017-2021* is structured around the five key priority areas of liveable and well designed, accessible and well connected, safe, healthy and inclusive, clean and sustainable, informed and engaged.

Under theme one: Liveable and well designed the *Glen Eira Council and Community Plan 2017-2021* states:

*"We are committed to Glen Eira being a well-designed city that is safe, attractive and vibrant for our residents and businesses. We will provide for social activities, employment and a range of residential opportunities.*

*Our town planning decision-making process will be fair, transparent, timely and inclusive. We will give residents the opportunity to contribute towards policies that affect their quality of life and their neighbourhood. Our approach will prioritise the uniqueness of each place and be informed by the views and perspectives of our diverse communities.*

*Our community infrastructure is essential to supporting liveability and we will design and manage our roads, buildings and community spaces to ensure that Glen Eira remains a great place to live."*

The *Glen Eira Council and Community Plan 2017-2021* includes a number of strategic planning commitments over the four year period. These include:

1. *Create prosperous, accessible and vibrant urban places*
  - Develop and implement structure plans and a shared vision to guide future development, open space, business and transport improvements.
  - Influence future development across Glen Eira's station, retail and dining precincts by revising our *Activity Centre, Housing and Local Economy Strategy*.
  - Ensure future development respects and celebrates our heritage and character by establishing new building and development guidelines.
2. *Encourage development that benefits the community*

- Review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira's heritage buildings and precincts.
  - In areas going through significant change, ensure developments take into account the wider local impacts such as the cost of infrastructure, open space and parking.
  - Introduce planning policies that moderate developments and protect the character and amenity of our residential areas.
  - Facilitate development that positively contributes to the local community socially, environmentally and economically.
  - We will proactively seek opportunities to incorporate social and/or affordable housing outcomes in urban renewal sites.
  - We will commence preparation of policies and an updated Municipal Strategic Statement (MSS) which strengthens the conservation of trees on development sites.
3. *Proactively plan for and manage change within our urban places*
- Update the Glen Eira Planning Scheme by implementing the adopted actions of the *2016 Planning Scheme Review*.
  - Aim to balance our community aspirations on managing development, with State policies such as *Plan Melbourne*, which seeks to direct more housing and infrastructure in municipalities such as Glen Eira.
4. *Invest sustainably in our infrastructure and community assets*
- Ensure new infrastructure assets meet the needs of our community.

The *Glen Eira Council and Community Plan 2017-2021* sets out a number of commitments for the 2018/19 financial year, those relevant to strategic planning are:

- We will work with the Victorian Planning Authority (VPA) to manage growth in our municipality in a way that involves the community and stakeholders, and addresses development, open space, business and transport.
- We will commence the statutory implementation of our structure plans for Bentleigh, Carnegie and Elsternwick.
- We will update, refresh a minimum of two key council community infrastructure strategies relating to recreation, open space and facilities.
- We will develop, consult and implement policies and controls that project heritage and the character of our residential areas.
- We will refresh Glen Eira City Council's MSS to reflect recent strategic planning work, including the *Activity Centre, Housing and Local Economy Strategy (July 2017)*.
- We will guide better buildings in Glen Eira thorough the implementation of our *Quality Design Guidelines*.
- We will take steps to increase the future availability of social and affordable housing in the municipality.



- We will develop and implement a new car parking policy based on the principles of the *Integrated Transport Strategy*.
- We will protect our valued trees within our City and consult on the establishment of a new tree protection policy and Significant Tree Register (may change subject to Council resolution following consultation).

## **6.2 Activity Centre, Housing and Local Economy Strategy (2017)**

In July 2017, Council adopted the *Activity Centre, Housing and Local Economy Strategy* which sets a new vision for the future of the municipality.

This Strategy outlines how Glen Eira will proactively manage and accommodate population growth by considering the future needs of the community, including housing and social infrastructure needs and the economic viability and accessibility of each centre. By establishing a long-term strategic framework which caters for the community's needs, the Strategy ensures the valued amenity and local character is maintained and respected.

This Strategy, which is underpinned by extensive economic research and consultation with local trader groups, promotes place-making in Glen Eira's shopping strips as a way of addressing the future impacts of digitalisation and online retailing. This can be achieved through facilitating a shift from pure retail experiences to a broader focus on facilitating greater community interaction and human experiences in our activity centres. This Strategy informs the development of Structure Plans, by outlining the strategic context, vision and objectives for each activity centre across Glen Eira.

## **6.3 Structure plans for Bentleigh, Carnegie and Elsternwick (2018)**

Structure Plans are critical to the future planning of Glen Eira's activity centres to ensure clear objectives are set for the community, businesses, landowners, Government and developers alike. A Structure Plan achieves this by setting a long-term shared vision for the local area which guides future economic investment, population growth, development, land use, public realm upgrades, transport improvements and heritage protection.

The Bentleigh, Carnegie and Elsternwick Structure Plans, adopted in February 2018, have been developed based on themes that have emerged through early engagement with the community, with initiatives and projects undergoing further testing and refinement with each additional stage of consultation. The process undertaken has provided Council with an opportunity to work with local communities and stakeholders to discuss and carefully plan for the future.

Each Structure Plan is detailed below:



### Bentleigh Structure Plan 2018-2031

The vision for Bentleigh 2031 is: *“Bentleigh will be an accessible local shopping destination with a vibrant cafe and restaurant culture.*

*It will maintain its community feel with open space, places for people to meet and gather and a broad range of local businesses, all of which will meet the needs of a diverse community.”*

While the *Bentleigh Structure Plan* seeks to achieve many important objectives, at its core it achieves the following critical milestones for the current and future community:

- Reducing development pressure in residential streets.
- Creating a new ‘eat street’ to create a grid of public spaces instead of a strip.
- Addressing the future parking needs.

### Elsternwick Structure Plan 2018-2031

The vision is for Elsternwick 2031 is: *“Elsternwick will be a safe, accessible and liveable centre that embraces its historic character and strong cultural and village feel.*

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

The structure plans seeks to ensure:

- Stronger protection of Elsternwick’s heritage character
- New public spaces to harness Elsternwick’s culture and street life
- Ensure larger developments provide significant community benefit

### Carnegie Structure Plan 2018-2031

The vision for Carnegie 2031 is: *“Carnegie will be a safe, connected and welcoming centre that embraces its authentic urban character and cultural identity.*

*The centre will be a destination for entertainment, shopping and employment supporting a range of businesses and interconnected community spaces that meet the needs of the local community.”*

While the *Carnegie Structure Plan* seeks to achieve many important objectives, at its core it achieves the following critical milestones for the current and future community:

- Curating the right retail and employment mix.
- Creating new community spaces that cater to the needs of a growing population.
- Ensure larger developments provide significant community benefit.

## 6.4 Quality Design Guidelines (2018)

The *Quality Design Guidelines Residential Areas* and *Quality Design Guidelines Commercial and Mixed Use Areas*, adopted in February 2018, provide direction for future residential and commercial development for the whole of Glen Eira. They were prepared in response to community concerns about development in Glen Eira, as well as achieving the community's aspirations for reinvigorated activity centres.

Guidelines have been produced for both residential and commercial areas and seek to:

- Respond to the aspirations of the Glen Eira community regarding neighbourhood character and to deliver on the vision for our neighbourhoods.
- Encourage a high level of architectural design in new developments.
- Provide clarity and certainty about Council's expectations for new developments.
- Support and supplement existing design guidance provided by the Scheme and relevant State Government initiatives.

## 6.5 Integrated Transport Strategy (2018)

The *Integrated Transport Strategy*, adopted in June 2018, is a high level strategic document that sets the Council's future transport priorities, aligned with the 15 year vision for Glen Eira:

*"Glen Eira will be a City of child friendly neighbourhoods that are connected to a network of vibrant and well-designed walkable activity centres. The community will have a range of travel options to service their daily needs, with a reduction to 50 per cent of trips made by car."*

Traffic and parking congestion associated with the growth of Glen Eira is widely recognised as a major and growing problem for our residents. Glen Eira has limited opportunity to increase road capacity, which means that continuing along the trend of increasing car numbers will ultimately lead to a critical tipping point where car travel is no longer an attractive travel choice.

Where congestion cannot be improved, the key will be to improve the speed and safety of other modes such as trams, trains, buses, bikes and walking. Acknowledging that the continued growth in car trips is unsustainable, Council will work towards increasing the share of active and sustainable modes such as walking, cycling and public transport users.

This Strategy seeks to strive for a 50:50 mode share of car and non-car trips by 2031.

## 6.6 Heritage Internal (Minor) Review

The minor review involved updating Council heritage policies and a review of existing heritage precincts. Amendment C149 which was adopted by Council in 2018 and approved by the Minister at the end of September 2018 (yet to be gazette at the time of this report) seeks to amend Clause 21.10 Heritage of the MSS, replace the local heritage policy at Clause 22.01, rectify minor anomalies within the Heritage Overlay Schedule and insert a new reference document known as the *Glen Eira review of existing heritage precinct 2017* into the Scheme.

Other heritage work underway or recently completed is to secure heritage protection for the following properties:

- Lind House at 450 Dandenong Road (Amendment C153 – approved)
- ABC TV Studios at 8 Gordon Street (Amendments C182 and C183 – active)

## 6.7 Statement of Commitment on Affordable Housing (2018)

Council's *Statement of Commitment on Affordable Housing* (the Statement), endorsed in September 2018, best encapsulates Glen Eira's commitment to improving the availability of affordable housing, and the similar, shared goals of Glen Eira's valued regional partners.

Council commits to:

1. Developing a *Social and Affordable Housing Strategy* to outline Glen Eira's housing and service need of our most at-need groups in Glen Eira.
2. Taking a whole-of-Council approach to supporting Glen Eira residents experiencing housing stress and homelessness.
3. Advocating to the State Government to provide affordable housing on government-owned sites in Glen Eira.
4. Collaborating with other councils to seek a consistent minimum level of affordable housing on larger development sites.
5. Negotiating for on-site affordable housing opportunities through the rezoning process for strategic sites.
6. Partnering with housing associations and providers to increase the overall supply of affordable housing on Council's existing housing sites, where appropriate.
7. Actively explore the inclusion of affordable housing in the redevelopment of Council owned sites.
8. Advocating to the State Government for planning controls that facilitate affordable housing.

The *Statement of Commitment on Affordable Housing* provides the direction for the organisation for advocacy and action while it develops the *Social and Affordable Housing Strategy*. This Statement will also inform the actions in the *Social and*

*Affordable Housing Strategy* and guide Council's future work on affordable housing. The *Social and Affordable Housing Strategy* and associated actions will be informed by best practice research and consultation with relevant stakeholders. Council, guided by its Statement, will also continue to participate in its regional partnerships and working groups.

## 7. Overview of Planning Scheme Amendments Since 2016 Planning Scheme Review

**Table 1: Changes to the Glen Eira Planning Scheme since adoption of the 2016 Planning Scheme Review**

Amendment Status		Brief description	Implications for Glen Eira – preliminary notes
C143	Gazetted Jan 2018	Rezones the land at 88 – 100 McKinnon Road, McKinnon from Industrial 3 Zone to General Residential Zone Schedule 4; inserts Schedule 4 to the General Residential Zone; applies an Environmental Audit Overlay to the land.	Site specific rezoning – no strategic implications
C145	Gazetted Dec 2016	Rezoning of land at 1051 Glen Huntly Road from Public Use Zone 6 (Local Government) to Public Park and Recreation Zone and amending of Planning scheme Zone maps 1 and 2.	Site specific rezoning – no strategic implications
C147	Gazetted Apr 2017	Applies Schedule 8 of the Design and Development Overlay to the Bentleigh Activity Centre on an interim basis.	Superseded by C157
C148	Gazetted Apr 2017	Applies Schedule 9 of the Design and Development Overlay to the Carnegie Activity Centre on an interim basis.	Superseded by C157
C149	Approved by Minister, to be gazetted shortly Sept 2018	Amend the MSS, replace Clause 22.01 (Heritage Policy) and insert a new Reference Document titled 'Glen Eira Review of Existing Heritage precincts 2017'	This Amendment will update Glen Eira's heritage policy. Panel Report provides recommendations for heritage review
C150	Gazetted Oct 2017	Alters the Planning Scheme maps and the Schedule to the Heritage Overlay so that the Glen Eira Planning Scheme is consistent with the Victorian Heritage Register.	Site specific Amendment – no strategic implications (Montgomery House).
C152	Gazetted Sept 2017	Introduces the heritage overlay on an interim basis to 450 Dandenong Road, Caulfield North until 31 July 2018.	Superseded by C153
C153	Gazetted Apr 2018	Applies a permanent heritage overlay to the property at 450 Dandenong Road Caulfield North	Site specific Amendment however, has implications for major heritage review
C154	Gazetted Dec 2017	Extends interim Schedules 8 and 9 to Clause 43.02  – Design and Development Overlay (DDO8 & DDO9), applying to the Bentleigh and Carnegie Activity Centres until 31 December 2018 and corrects wording at Clause 22.08 and the Schedule to Clause 45.01.	Superseded by C157

Amendment Status		Brief description	Implications for Glen Eira – preliminary notes
C157	Gazetted Aug 2018	Applies a schedule to the Design and Development overlay to selected areas within the Bentleigh, Carnegie and Elsternwick Activity Centres on an interim basis. The amendment seeks to apply interim controls to reflect the adopted Structure Plans for each centre and the relevant parts of the adopted Quality Design Guidelines, while permanent controls are being implemented. The amendment includes the Structure Plans and Guidelines as reference documents to the overlay schedules.	Provides interim controls for Bentleigh, Carnegie and Elsternwick Activity Centres whilst permanent controls are being prepared.
C170	Gazetted Sept 2017	Facilitates an integrated development opportunity at the Ormond Railway Station by rezoning the land to Comprehensive Development Zone - Schedule 1, inserts the North Road, Ormond, Comprehensive Development Plan (June 2017) into the scheme as an incorporated document, introduces the new Parking Overlay - Schedule 10 and deletes the existing Parking Overlay – Schedule 2 from the site, makes the Minister for Planning the responsible authority for the administration and enforcement of the scheme in respect of the areas specified in the schedule to Clause 61.01, and amends Clauses 21.04 (Housing and Residential Development), 21.06 (Business), and 22.07 (Housing Diversity Area Policy).	This Amendment was revoked by the Parliament of Victoria on 14 November 2017 and its provisions removed from the Scheme.  See amendment C180 below.
C180	Gazetted Mar 2018	Facilitates an integrated development opportunity at the land on and adjacent to the Ormond Railway Station, specifically: <ul style="list-style-type: none"> <li>Inserts the Comprehensive Development Zone in the scheme, rezones the site to Comprehensive Development Zone - Schedule 1, and inserts the North Road, Ormond, Comprehensive Development Plan (March 2018) into the scheme as an incorporated document,</li> <li>Introduces the new Parking Overlay - Schedule 10 and deletes the existing Parking Overlay – Schedule 2 from the site.</li> <li>Makes the Minister for Planning the responsible authority for the</li> </ul>	Facilitates development opportunity adjacent to the Ormond Railway station and makes the Minister for Planning and responsible authority for enforcement of the scheme in respect of the areas specified in the scheduled to clause 61.01

Amendment Status		Brief description	Implications for Glen Eira – preliminary notes
		<p>administration and enforcement of the scheme in respect of the areas specified in the schedule to Clause 61.01, and</p> <ul style="list-style-type: none"> <li>Amends Clauses 21.04 (Housing and Residential Development), 21.06 (Business), and 22.07 (Housing Diversity Area Policy).</li> </ul>	
GC83	Gazetted May 2018	Inserts the Balcombe Road, Mentone Level Crossing Removal Project.	Includes provisions to undertake works to a section of rail corridor at Caulfield Junction.

## 8. Overview of VCAT decisions

In 2016 a review of VCAT decisions showed that the majority of VCAT appeals were disputing issues relating to scale, bulk, height, overdevelopment, transition between zones and neighbourhood character. Parking was also identified as an issue. These issues were particularly relevant in Urban Villages and in housing diversity areas and highlighted a need for further policy guidance giving greater clarity on neighbourhood character (including scale, bulk, height and overdevelopment) and outcomes for areas of increased density.

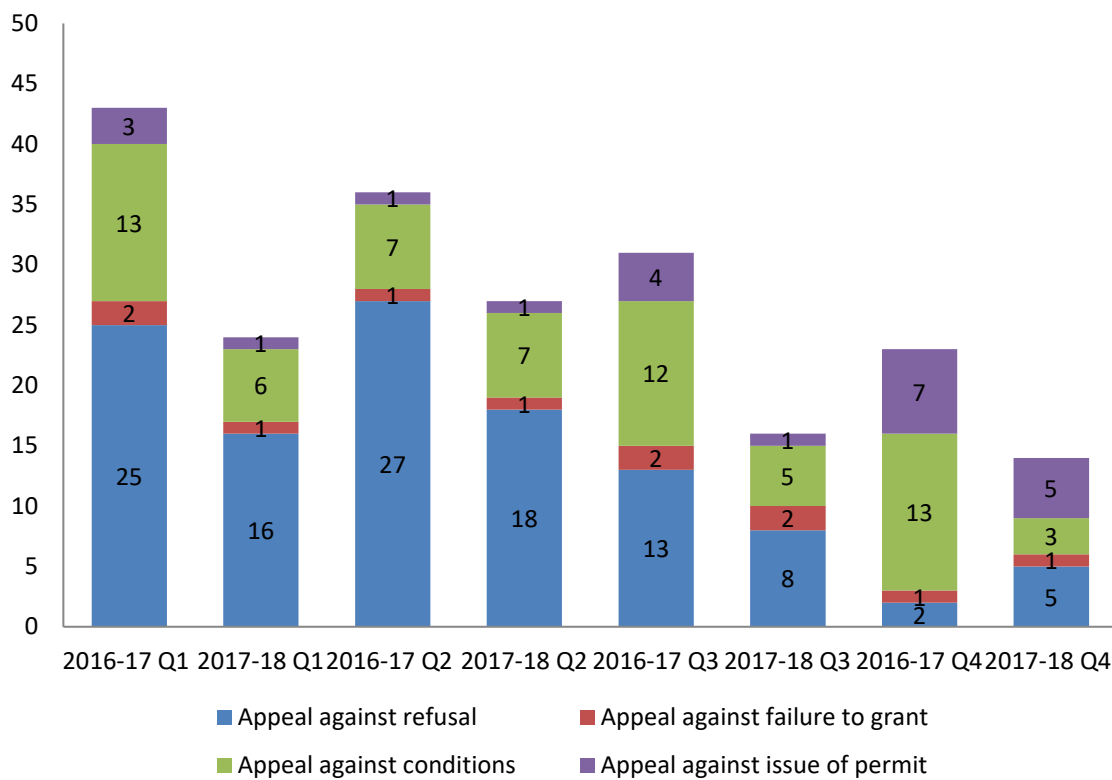
As part of this 2018 Review an assessment of 'notable' VCAT decisions between mid-2016 to September 2018 has taken place. The assessment considers 22 VCAT decisions where VCAT overturned Councils refusal of a permit application. This assessment (provided as Attachment 1) shows that the same issues as identified in 2016 are relevant. This is not surprising; until the interim controls for Carnegie, Bentleigh and Elsternwick were approved via Amendment C157 in August 2018 there have been no policy changes to address these issues since the previous Planning Scheme Review.

It is anticipated that the Planning Scheme Amendments scheduled in the 2018 Work Plan, including those to implement the Structure Plans for Bentleigh, Carnegie and Elsternwick, the *Quality Design Guidelines* and the Local Planning Policy rewrite will begin to address the policy gaps highlighted in VCAT decisions. It should be noted that any transition to new planning controls can be tricky and a period of some uncertainty may occur whereby referrals to VCAT may increase over the short-term.

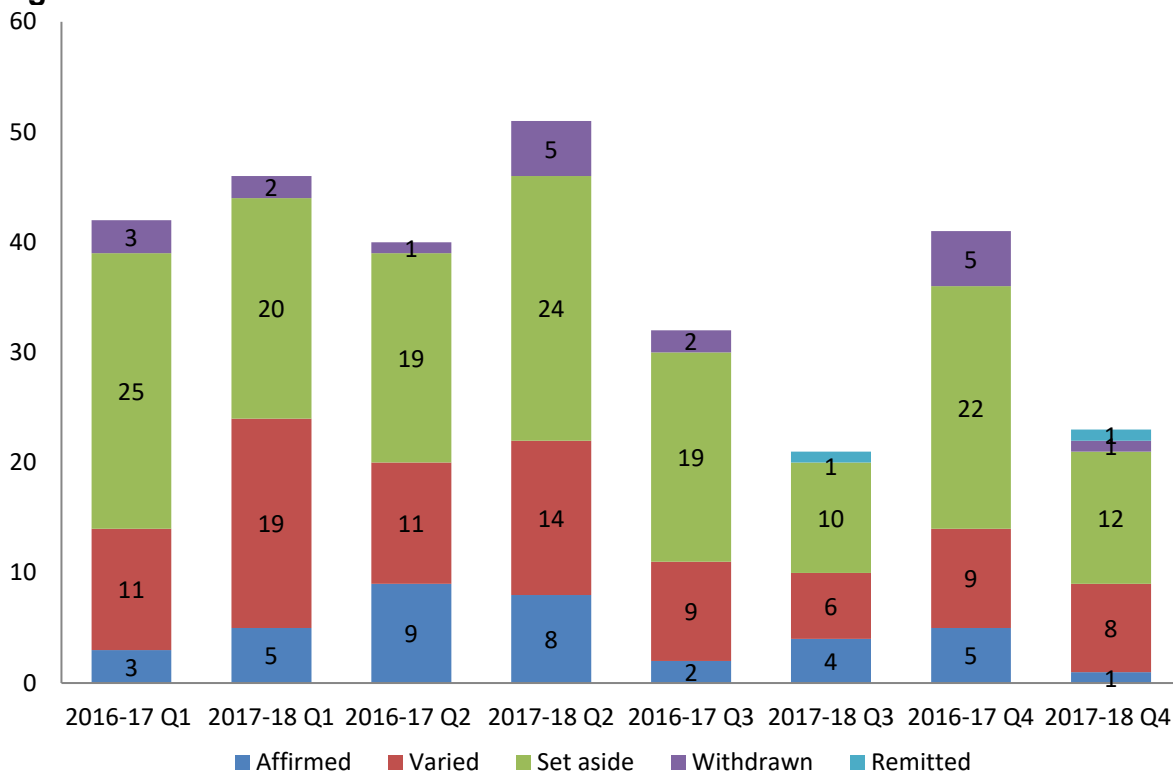
Figures 3 and 4 below (taken from Council's Quarterly Service Performance Report September 2018) show how both the number of VCAT appeal and the number of decisions that have been set aside (overturned) by the tribunal have reduced over the 2017/18 financial year in comparison with the previous year. This demonstrates that Council's decision-making is finding a balance between various stakeholder expectations; previously decision making did not always reflect the realised application of policy. It is also reflective of a change in planning processes with more engagement with applicants to achieve better outcomes and better decision making taking into consideration trends and precedents in VCAT decisions.



**Figure 3: VCAT appeals and reasons for appeals**



**Figure 4: VCAT Decisions**



## 9. Significant panel reports

Planning Panels are appointed by the Minister for Planning to consider Planning Scheme Amendments where they have been submissions.

An analysis of reports found that, overall, Council's Amendments are supported by Panel Members as they were considered providing adequate strategic justification and are consistent with State and Local Planning Policy, Ministerial guidelines and Planning Practice Notes.

There has only been one significant Panel Reports since 2016 which is detailed below:

### **9.1 Heritage Policy - Amendment C149**

The Amendment sought to amend the MSS, replace Clause 22.01 (Heritage Policy) and insert a new Reference Document titled '*Glen Eira Review of Existing Heritage precincts 2017*'.

The Panel concluded:

- The amendment should be adopted by Council subject to some changes principally relating to wording of the Heritage Policy and the assessment of levels of significance of submitter properties.
- A number of matters require attention in the forthcoming 2018 Stage 2 Heritage Review.

In relation to the future 2018 Stage 2 Heritage Review (referred to as the Major Heritage Review in the 2016 Work Plan) the Panel recommended:

- Investigate the development of more detailed guidelines for extensions and alterations to Inter-war dwellings, possibly responding to varying precinct character.
- Develop a clear statement about what is meant by 'significant alterations' to Contributory buildings in Heritage Overlay precincts.
- Review the wording of the Statements of Significance in Clause 22.01 against the recommendations of Planning Practice Note 1: Applying the Heritage Overlay; and reassess the boundaries of those precincts which contain a diversity of development eras and land uses to more precisely define bases of significance for precincts against which development applications can be assessed.
- Review the citation for Heritage Overlay 14 Caulfield North and Environs Heritage Area.
- Consider whether Inter-war dwellings should be listed as Contributory to the Elsternwick precinct.

- Consider modifying the Elsternwick Estate and Environs Heritage Overlay boundary in and around the Coles supermarket site as part of the 2018 Stage 2 Heritage Review.
- Review the operation of 'works' exemptions in the Scheme that already apply to rail and tramway activities and building works on the tramway depot land, and provide complementary exemptions from the usual Heritage Overlay works requirements for routine works where they would not affect heritage values.

#### Implications for Glen Eira

The panel recommendations have been incorporated into the scope of the Heritage Review as identified in the 2018 Work Plan.

## 10. Glen Eira Community Engagement

In 2016 Council commenced a different way of engaging with the community. Traditionally, Council has engaged with the community on individual projects however it is now clear that better engagement occurs when the conversation is ongoing rather than project specific.

During 2016/17 financial year Council sought feedback to inform the preparation of seven strategies including the 2016 Review, *Council and Community Plan*, an *Integrated Transport Strategy* as well as seeking commentary on the Municipality's 17 activity centres and shopping strips to inform the preparation of the *Activity Centre Housing and Local Economy Strategy* and Structure Plans for Bentleigh, Carnegie and Elsternwick. Feedback was sought with the following principles in mind:

- Foster an ongoing two-way conversation with the local community.
- Communicate in a way that makes sense to the community.
- Co-ordinate community feedback across all projects.
- Inform long-term thinking, not just immediate project needs.

In total, more than 4,400 community submissions were received.

Community engagement on the preparation of *Structure Plans* and *Quality Design Guidelines* continued into the 2017/18 financial year and continues to inform the Council's strategic work.

During this wide ranging program of consultation a number of issues and opportunities were raised which have been grouped into themes below. These issues and opportunities are generally the same as those identified in the 2016 Review. Council's ongoing engagement with the community has merely reinforced initial community feedback rather than revealed anything new. In light of this, it was not considered necessary to consult the community again for the specific purpose of this 2018 Review. The key themes are:

- Loss of neighbourhood character, more specifically:
  - The need for additional design guidelines within zones
  - More landscaping opportunities and vegetation
  - Better transition between developments
  - Curb the rate of growth
  - Reduce basement encroachments
  - Improve garden character
  - Protect backyards
  - Reduce hard surfaces in private open space areas
  - Front fencing

- Streetscape integration
- Better quality architecture
- Greater front setbacks
- Reduce building heights
- Overdevelopment in Activity Centres
- Development transition between zones
- Protection of heritage
- Traffic and parking
- Lack of open space
- Developer contribution to infrastructure
- MSS and Local Policy framework
- Loss of trees
- Environmentally Sustainable Design

#### Implications for Glen Eira

Work is ongoing to address the issues raised through community engagement. Huge progress has been made over the past two years with the adoption of the three Structure Plans and *Quality Design Guidelines*, however, there is significant further work required to implement the Structure Plans and *Quality Design Guidelines* as well as to address the outstanding community concerns. The revised 2018 Work Plan is discussed in Section 13.

## 11. Issues and opportunities

Ongoing community engagement, panel reports and VCAT decisions demonstrate that many of the issues and opportunities raised during the 2016 Review remain current. The issues, opportunities and subsequent recommendations from 2016 are set in table 2 below.

**Table 2: Issues and Opportunities identified in 2016**

Issue	Recommendations
Neighbourhood Character	<p>A neighbourhood character policy will provide more clarity on existing character and its protection as well as better defining the preferred character for areas of change. It can also address concerns relating to landscaping areas, providing better transition between different zones, improving the garden character, a reduction in hard surfacing, increased front setbacks in appropriate areas, managing boundary to boundary developments and impacts of upper storey development on neighbouring back yards.</p> <p>The Work Plan also recommends that the residential zones support the neighbourhood character policy by including additional neighbourhood character objectives and increased schedule standards to protect and enhance character.</p>
Heritage	<p>The recommended Work Plan will provide two heritage project updates, an internal project that can be undertaken relatively quickly and a major review which will take more time. The internal project would include a refresh and update of existing heritage policies/documents and to update heritage guidelines so that they are incorporated into the Planning Scheme. The major update will aim to identify and protect individually significant heritage properties not currently identified for protection.</p>
MSS and Local policy Review	<p>These projects would identify gaps in the MSS and local policies, refresh existing policies and prepare the housing policies to better support Glen Eira's residential framework, particularly with neighbourhood character. New census data will also be incorporated.</p>
Development Contribution Scheme	<p>The project aims to provide for developer contributions on infrastructure projects such as drainage works. This may include council-wide projects or additionally be utilised where structure planning is being undertaken.</p>
Parking	<p>It is recommended that various provisions/controls be</p>

Issue	Recommendations
Provision	<p>implemented in activity centres such as:</p> <ul style="list-style-type: none"> <li>• Parking precinct plans. These can stipulate higher parking rates in some instances, or clarify the parking rates for various uses where the scheme provides little or no guidance.</li> <li>• Car parking cash-in-lieu provisions.</li> <li>• Look at other options to utilise existing parking spaces eg. shared parking.</li> <li>• Advocate to the Minister for more stringent car parking controls eg. mandatory visitor parking provisions.</li> </ul> <p>These are also able to be investigated alongside the structure planning process.</p>
Open Space	<p>Lack of open space in the municipality and minimal private open space provided in new developments was a significant issue raised by the public. The project aims to review developer contributions after new census data is released to potentially provide for a greater contribution from new developments, and potentially identifying more land closer to activity centres. Investigations will also explore ways to better protect existing open space areas from nearby obtrusive development. The Work Plan also will investigate increasing the private open space requirement for multi-unit developments.</p>
Sustainability	<p>The project would explore requiring a higher level of ESD requirements for significant developments, incentives for highly ESD compliant developments, increased landscaping, open space and tree planting. The Work Plan also provides for the continued advocacy for a State-wide approach to ESD.</p>
Water sensitive urban design (WSUD)	<p>WSUD would introduce measures that decrease stormwater runoff in peak events, increase permeability standards, and reduce basement footprints.</p>
Transition between zones	<p>The Work Plan looks to further refine guidelines in relation to transitioning of scale and bulk between zones this is to be addressed through a combination of a Neighbourhood Character Policy, the implementation of a Design and Development Overlay, and changes to the schedules and objectives of the residential zones.</p>
Special Building Overlay	<p>To provide for accurate mapping to land affected by potential flooding events to minimise risks of damage to properties.</p>
Tree protection	<p>The Work Plan incorporates a range of approaches to address this issue. These include:</p>

Issue	Recommendations
	<ul style="list-style-type: none"> <li>• Develop a tree conservation/protection policy and include objectives regarding tree protection in the MSS.</li> <li>• Investigate provisions which impose a design or layout penalty on developments which ‘moonscape’ a site prior to obtaining a planning permit.</li> <li>• Introduce basement setbacks which enable the planting of canopy trees tailored to the objectives of each residential zone.</li> </ul>

In addition to the concerns which carry over from the 2016 Review there are several new items have arisen since 2016 that should be reflected in the 2018 Work Plan going forward. As addressed in Section 10, the concerns raised during the 2016 Review are still the priority issues for our community; the following additional concerns have been raised since 2016:

- Need for affordable housing.
- Importance of local employment opportunities, including retail and small business.
- Extracting community benefit from development.
- The importance of quality housing.
- The right buildings in the right locations.
- Need for infrastructure to support population growth.



## 12. Strategic Projects: Progress against the 2016 Work Plan

The 2016 Review included the 2016 Work Plan to address the issues raised through the review process and community feedback.

Over the past two years significant progress has been made against the 2016 Work Plan with the adoption of the Structure Plans for Bentleigh, Carnegie and Elsternwick. Table 3 provides an overview of progress made against the 2016 Work Plan.

**Table 3: Progress against 2016 Work Plan**

Green	Substantially Underway/Complete
Orange	Commenced
Blue	On Hold/Waiting
Red	Not yet started

Project	Purpose	Time frame 2016	June 2018 Update
1. Structure Plans	<ul style="list-style-type: none"> <li>To provide structure plans for activity centres.</li> <li>To provide for building heights and detailed design guidelines within activity centres.</li> <li>To investigate developer contribution opportunities for infrastructure within activity centres.</li> <li>To investigate opportunities for more effective movement of pedestrians and traffic, and management of parking</li> </ul>	Complete first 3 structure plans within 4 years	<p>Completed</p> <p>Structure Plans for Bentleigh, Carnegie and Elsternwick have been adopted. Further work is underway to prepare a Planning Scheme Amendment(s) to implement the Structure Plans.</p> <p>Structure Plans for Caulfield Station and East Village, in partnership with the VPA are proceeding alongside the Structure Plan implementation work.</p>
2. Neighbourhood Character policy	<ul style="list-style-type: none"> <li>To provide clarity on the existing character and its protection</li> <li>To provide clarity on neighbourhood character objectives for change areas and how change will be managed</li> </ul>	3-5 years	<p>Completed</p> <p>Addressed through the adoption of the <i>Quality Design Guidelines</i> in March 2018. Requires Planning Scheme Amendments for implementation.</p>
3. Heritage Internal Review	<ul style="list-style-type: none"> <li>To update and refresh existing heritage policies/ documents</li> </ul>	3-12 months	Completed

Project	Purpose	Time frame 2016	June 2018 Update
	<ul style="list-style-type: none"> <li>To update heritage guidelines</li> </ul>		Amendment C149 which implements the revised heritage policy has been adopted by Council and approved by the Minister.
4. Heritage Major Review	<ul style="list-style-type: none"> <li>To identify and protect individually significant heritage properties currently not identified within Planning Scheme</li> <li>Update heritage guidelines</li> </ul>	2-3 years	A substantial piece of work to be divided into four stages, the first of which will inform the implementation of the Structure Plans. Subsequent stages of review across the municipality are forecast to progress over a number of years.
5. Municipal Strategic Statement update	<ul style="list-style-type: none"> <li>To incorporate up-to-date census data</li> <li>To respond to current planning issues and provide broad strategic guidance</li> <li>To reinforce existing policies and provisions</li> </ul>	1-2 years	Scheduled to commence first half of 2019 following the changes to the Victoria Planning Provisions and Planning Policy Framework. To be done in conjunction with other local content review/Planning Scheme Rewrite.
6. Local Planning Policy Review	<ul style="list-style-type: none"> <li>To identify any policy gaps</li> <li>To refresh existing policies</li> <li>To better support Glen Eira's residential zone framework particularly with regard to neighbourhood character</li> </ul>	2- 3 years	Scheduled to commence in first half of 2019 following the changes to the Victoria Planning Provisions and Planning Policy Framework. To be done in conjunction with other local content review/Planning Scheme Rewrite.
7. Development Contribution Scheme	<ul style="list-style-type: none"> <li>To provide for developer contribution requirements within the Planning Scheme for drainage upgrade works and other infrastructure</li> </ul>	2 years	<p>Development contributions are being sought through the East Village Planning Scheme Amendment process.</p> <p>The Elsternwick Urban Renewal South Masterplan will also further investigate development contributions in this location.</p> <p>A Community Benefit Policy is also currently being developed to seek contributions in Urban Renewal areas and on Strategic Sites.</p>
8. Parking Provision	<ul style="list-style-type: none"> <li>To investigate various provisions in activity centre areas and implement into the Planning Scheme</li> </ul>	3-4 years	<p>Council recently adopted an <i>Integrated Transport Strategy</i>.</p> <p>A Parking Policy is currently being prepared for adoption by end of 2018/19 financial year. In undertaking this Policy, consideration has to be given to the revised VPP parking rates along the Principal Public Transport Network applied through</p>

Project	Purpose	Time frame 2016	June 2018 Update
			Amendment VC148.  Exploration of parking overlays in Activity Centres to contribute to future public parking will be explored following development of the Parking Policy.
9. Open Space	<ul style="list-style-type: none"> <li>To review developer contribution levy after new census data released</li> <li>To provide greater protection to public spaces from adjoining development</li> <li>To impose greater amounts of open space for residential developments</li> </ul>	2-3 years	<p>The <i>Glen Eira Open Space Strategy</i> refresh is currently underway which will consider revised contribution rates to increase the provision of open space across the municipality.</p> <p>Open Space contribution rates are also being considered through the Planning Scheme Amendment process for the approved structure plan areas.</p>
10 Sustainability policy	<ul style="list-style-type: none"> <li>To investigate possible incentives for ESD for significant developments</li> <li>To increase opportunities for landscape opportunities, open space and tree planting</li> </ul>		<p>This action is on hold – pending the <i>Plan Melbourne</i> Action 80 which will deliver state-wide 'planning and building systems to support environmentally sustainable development outcomes for new buildings to consider the energy, water and waste management performance.'</p> <p>A Sustainability Policy will also be considered as part of the Local content review/Scheme Rewrite to take place in 2019.</p>
11. Water Sensitive Urban Design (WSUD)	<ul style="list-style-type: none"> <li>To introduce measures that decrease stormwater run-off in peak events</li> <li>To increase permeability standards</li> <li>To reduce basement footprints</li> </ul>	2-3 years	<p>Council has joined neighbouring councils and Melbourne Water to develop an <i>Elster Creek Action Plan</i>, which looks at drainage management across the full catchment.</p> <p>The findings of the Action Plan will be considered as part of the other local content review and opportunities to pursue a joint amendment with other municipalities will be explored.</p> <p>WSUD will also be considered as part of the scheduled local content rewrite.</p>
12. Transition between zones	<ul style="list-style-type: none"> <li>To provide for adequate provision of transition between zones</li> </ul>	2-3 years	<p>Complete - <i>Quality Design Guidelines</i> adopted in February 2018.</p> <p>To be implemented via Planning</p>

Project	Purpose	Time frame 2016	June 2018 Update
			Scheme Amendments
13. Special Building Overlay (SBO)	<ul style="list-style-type: none"> <li>To provide accurate mapping to land affected by potential flooding events</li> </ul>	2-3 years	Melbourne Water has recently commenced the mapping process in consultation with Council. Once complete a Planning Scheme Amendment will be required.
14. Tree Protection Policy for development sites	<ul style="list-style-type: none"> <li>To strengthen the conservation of significant trees on development sites through increased open space standards and setbacks for basements</li> </ul>	2-3 years	<p>This has been partially addressed by recent State Government reform on garden area and apartment building basement requirements and also by the <i>Quality Design Guidelines</i> (once implemented).</p> <p>Protection for significant trees is currently under consideration.</p>

### 13. 2018 Work Plan

Adopting the three Structure Plans for Bentleigh, Elsternwick and Carnegie has been a significant step for strategic planning at Glen Eira and a major milestone in setting the strategic direction for future growth in the municipality. Adoption of the Structure Plans has had a substantial impact upon the 2016 Work Plan with additional work identified in order to implement the Structure Plans as well as shifting priorities for other identified work. Legislative changes, including the changes to the VPPs implemented by Amendment VC148, have also necessitated a review of current work priorities.

In light of these changes, it has been required to revise the 2016 Work Plan.

Progress against the 2016 Work Plan is detailed in Section 12. The current and future workload that was not identified in the 2016 Work Plan and that has arisen from the issues and opportunities discussed in this review (set out below) is reflected in the 2018 Work Plan in addition to the work on the 2016 Work Plan that is not yet complete (see section 12).

The 2018 Work Plan is based upon work that needs to be completed and is not reflective of current resources. The 2018 Work Plan provides estimated timeframes for the forecast work however these may be subject to change over time as other priorities arise.

#### 2018 Planning Scheme Review Work Plan

Item	Project	Description	2016 or New	Year of Commencement and Duration
<b>Place Planning and Structure Plans</b>				
1	Bentleigh Activity Centre Planning Scheme Amendment	Implements Structure Plan, <i>Activity Centre, Housing and Local Economy Strategy, Quality Design Guidelines, Heritage Overlay</i> etc. Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2018/19 (2 years)
2	Carnegie Activity Centre Planning Scheme Amendment	Implements <i>Structure Plan, Activity Centre, Housing and Local Economy Strategy, Quality Design Guidelines, Heritage Overlay</i> etc. Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2018/19 (2 years )
3	East Village Planning Scheme Amendment	Implements Structure Plan, Comprehensive Development	New	2018/19 (2 years)

Item	Project	Description	2016 or New	Year of Commencement and Duration
		Zone, Development Contributions Plan etc. Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.		
4	Elsternwick Urban Renewal South Masterplan development	To consider planning controls, shadowing, access and movement studies. The final scope of the masterplan is currently being developed and will include input from the community.	New	2018/19 (1 year)
5	Elsternwick Activity Centre including the Elsternwick South Urban Renewal Site Planning Scheme Amendment	Implements <i>Structure Plan, Activity Centre, Housing and Local Economy Strategy, Quality Design Guidelines, Heritage Overlay</i> etc. Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/20 (2 years)
6	Caulfield Station Precinct Structure Plan development (VPA lead)	Led by Victorian Planning Authority, Preparation of <i>Structure Plan</i> for the Caulfield Station precinct.	New	2018/19 (2 years)
7	Caulfield Station Precinct Planning Scheme Amendment	Implements <i>Structure Plan, Development Contribution Plan, Heritage Overlay</i> etc. Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/20 (2 years)
8	Structure Plan development for Glen Huntly Activity Centre	Preparation of <i>Structure Plan</i> to guide the future development of Glen Huntly Activity Centre.	New	2020/21 (2 years)
9	Neighborhood Activity Centres Urban Design Framework Development	Commence work on one or more centres.	New	2021/22 (ongoing)
<b>Rewrite of Local Content of Planning Scheme</b>				
10	Planning Scheme Migration on the Amendment Tracking system into new Planning Scheme format	Led by the Department of Environment, Land, Water and Planning (DELWP) and in line with the requirements of Planning Scheme amendment VC148.	New	2018/19 (1 year)
11	Municipal Strategic Statement (MSS) rewrite	Review, update and restructure the MSS and transition into the MPS as required by Planning	2016 (re-scoped)	2018/19 (1 year)

Item	Project	Description	2016 or New	Year of Commencement and Duration
		Scheme amendment VC148.		
12	Planning Scheme Restructure	Restructure local content in the Scheme in accordance with the new Planning Policy Framework following Planning Scheme Amendment VC148.	New	2018/19 (1 year)
13	Planning Scheme Rewrite – review of local planning policy, zones, overlays, schedules and other local content	Review of local planning policy content to ensure it is current and reflects approved land use and development strategies and plans. To include the <i>Activity Centre, Housing and Local Economy Strategy</i> and <i>Quality Design Guidelines</i> outside of Bentleigh, Carnegie and Elsternwick. Review to ensure the Scheme supports Glen Eira's land use and development directions, removes duplications and/or simplifies content, reduces red tape and reflects VC148 Smart Planning Requirements	2016 (re-scoped)	2018/19 (1 year)
14	Planning Scheme Rewrite Planning Scheme Amendment	Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/20 (2 years)
15	Parking Policy	Adoption of a municipal parking policy.	2016	2018/19 (9 months)
16	Parking Provisions and Overlay	Review provisions and potential need for overlays following adoption of parking policy.	2016	2019/20 (2 years)
17	Developer Contribution Provisions	Provide for developer contribution requirements (or similar) within the Planning Scheme.	2016	ongoing
18	Social and Affordable Housing Strategy Development	Prepare and adopt strategy informed by Affordable Housing Statement of Commitment.	New	2018/19 (2 years)
19	Social and Affordable Housing Planning Scheme Amendment	Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/20 (2 years)
20	Glen Eira Open Space Strategy Refresh	Update and adopt Strategy.	2016	2018/19 (1 year)
21	Open Space Planning Scheme Amendment	Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/20 (2 years)
22	Planning Scheme	As per the requirements of the	New	2022/23

Item	Project	Description	2016 or New	Year of Commencement and Duration
	Review 2022	<i>Planning and Environment Act 1987.</i>		(1 year)
<b>Heritage</b>				
23	Heritage Review – Bentleigh and Carnegie Activity Centre	Complete heritage assessment for the Bentleigh and Carnegie study areas.	2016 (re-scoped)	2018/19 (1 year)
24	Heritage Review – Elsternwick Activity Centre	Undertake assessment of identified potential heritage sites and review the existing Heritage Overlay wording.	2016 (re-scoped)	2018/19 (1 year)
25	Heritage Review – Hidden gems and Caulfield Station Precinct	Undertake assessment of identified potential heritage sites.	2016 (re-scoped)	2018/19 (2 years)
26	Heritage Review – Bentleigh and Carnegie Activity Centre residential areas, hidden gems and Caulfield Station Precinct Planning Scheme amendment	Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/2020 (2 years)
27	Heritage Review – Suburb by Suburb	Commence assessment of identified potential heritage sites suburb by suburb.	2016 (re-scoped)	2022/2023 (ongoing)
28	ABC Gordon Street Heritage Planning Scheme Amendment	Panel, consideration of submission and submit to Minister.	New	2018/19 (2 years)
<b>Sustainability and Environment</b>				
29	Special Building Overlay (SBO)	Completion of mapping to land affected by potential flooding events. Mapping undertaken by Melbourne Water.	2016	2018/19 (2 years)
30	SBO Planning Scheme Amendment	Preparation, authorisation, exhibition, consideration of submissions, Panel and submit to Minister.	New	2019/20 (2 years)
31	Development of Tree Protection Measures	Development of policy and implementation measures.	2016	2018/19 (2 years)
32	Sustainability Policy	Pending <i>Plan Melbourne</i> Action 80 – which will deliver State-wide planning and buildings systems to support environmentally sustainable development outcomes for new buildings to consider their energy, water and waste management performance.	2016	Unknown - Pending the Plan Melbourne Action 80
33	Water Sensitive Urban Design	Continue participation in Elster Creek Catchment group to	2016	Ongoing



Item	Project	Description	2016 or New	Year of Commencement and Duration
	(WSUD)	develop an <i>Elster Creek Action Plan</i> . The findings of <i>the Action Plan</i> will be considered.		
<b>Working Groups</b>				
34	Inner South East Metro Regional Group	Continue participation in group and provide input into the regional Land Use Framework Plan. Opportunity to collaborate at a regional level.	New	Ongoing
35	Elster Creek Catchment Group	Continue participation in group and provide input into achieving catchment improvements.	New	Ongoing

## 2018 Work Plan:

### Place Planning and Structure Plans

#### 1. *Bentleigh Activity Centre Planning Scheme Amendment*

The Planning Scheme Amendment documentation for Bentleigh is currently being prepared and will be presented to Council by the end of 2018. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

#### 2. *Carnegie Activity Centre Planning Scheme Amendment*

The Planning Scheme amendment documentation for Carnegie is currently being prepared and will be presented to Council by the end of 2018. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

#### 3. *East Village Planning Scheme Amendment*

Led by the VPA, the *East Village Structure Plan* seeks to renew the East Village precinct and allow it to become an environmentally sustainable and innovative mixed use area with a focus on employment education and diversity of housing that responds to community needs.

Council officers are currently working closely with the VPA to finalise the necessary technical work before presenting to Council in the coming months to seek authorisation to prepare and exhibit the Planning Scheme Amendment.

#### 4. *Elsternwick Urban Renewal South Masterplan development*

Council is progressing with masterplanning for the Urban Renewal South area of Elsternwick. The project will consider planning controls for the area as well as shadowing and access and movement studies. The Masterplan

will inform the Planning Scheme Amendment to implement the *Elsternwick Structure Plan*.

5. *Elsternwick Activity Centre including the Elsternwick Urban Renewal South Masterplan Planning Scheme Amendment*

The Planning Scheme Amendment for Elsternwick will be prepared during the first half of 2019 and will include content associated with the Elsternwick Urban Renewal South Masterplan currently under development. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

6. *Caulfield Station Precinct Structure Plan development*

The VPS is leading the preparation of a Structure Plan for the Caulfield Station Precinct, in close collaboration with Glen Eira City Council, Stonnington City Council, the DELWP and Transport for Victoria (TfV).

The *Caulfield Station Precinct Structure Plan* is currently in the early stages of preparation.

7. *Caulfield Station Planning Scheme Amendment*

Once adopted, the *Caulfield Station Precinct Structure Plan* will require a Planning Scheme Amendment for implementation. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

8. *Structure Plan development for Glen Huntly Activity Centre*

It is planned that work on the *Glen Huntly Structure Plan* to guide the future development of Glen Huntly Activity Centre will commence in 2020/21.

9. *Neighbourhood Activity Centres Urban Design Framework Development*

It is anticipated that initial work on one or more centres (priority centres to be determined at a later date) would commence in 2021/22.

### Rewrite of Local Content of Planning Scheme

The MSS update and local policy review is carried over from the 2016 Work Plan. This work was on hold pending the outcome of the Smart Planning Program. Following Amendment VC148, this work can now proceed and has been re-scoped as follows:

10. *Planning Scheme migration on the Amendment Tracking System into new Planning Scheme format*

In accordance with the outcomes of Amendment VC148, the Scheme needs to be reformatted for migration into the Amendment Tracking System. This

work will be led by DELWP and the timeframes for this work will be set by them. Further guidance is expected from DELWP shortly.

#### *11. Municipal Strategic Statement rewrite*

The MSS needs to be updated to incorporate up to date Census information and to reflect the adopted *Activity Centre, Housing and Local Economy Strategy* and the *Integrated Transport Strategy* which set out new policy positions not currently reflected within the MSS.

The MSS rewrite will also incorporate changes afforded by Amendment VC148 including translation of the MSS into the Municipal Planning Strategy (MPS). It will require a review, update and restructure of the MSS.

#### *12. Scheme Restructure*

Implementation of Amendment VC148 includes the translation of Glen Eira's existing Local Planning Policies into the new format required as part of the new PPF.

#### *13. Scheme Rewrite – Review of Local Planning Policy, zones , overlay, schedules and other local content*

The local planning policy review is discussed in Section 12; however since 2016 the scope of this work has expanded to include the following items:

- Implementation of the adopted *Quality Design Guidelines* – residential municipal wide.
- Implementation of the adopted *Quality Design Guidelines* – commercial municipal wide.
- Implementation of the *Activity Centre, Housing and Local Economy Strategy*
- Implications from the municipal-wide Economic Study currently being prepared.

Further to reviewing and rewriting local policy there is a need to also review and rewrite local content in light of Amendment VC148 to reflect the new format and to ensure zones, overlays, schedules are being used effectively and appropriately. This review and rewrite will also remove superfluous content, reduce duplication and make clearer intent.

The Scheme rewrite has not yet commenced and is scheduled to start in 2019. This is a large project and a priority for council and will form part of the local content Scheme rewrite.

#### *14. Scheme Rewrite – Planning Scheme Amendment*

A Planning scheme Amendment(s) to implement the changes to the MSS/MPS, local planning policies and other local content will include the following:

- New and revised Policy Planning
- MSS/MPS
- Open Space Strategy Refresh
- *Social and Affordable Housing Strategy*
- Other local content

The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

#### *15. Parking Policy*

Following the adoption of the *Integrated Transport Strategy* in June 2018, a Parking Policy is currently being prepared.

#### *16. Parking Provisions and Overlay*

Review provision and any potential need for overlays following the adoption of the parking policy.

#### *17. Development Contributions Plan*

Carried over from the 2016 Work Plan (see Section 12).

#### *18. Social and Affordable Housing Strategy Development*

The development of a *Social and Affordable Housing Strategy* is planned to guide Council's future work and to progress the commitment Council have made to improve affordable housing. The project will be led by Council's Community Development Team with strategic planning input. It is anticipated that planning tools and controls to encourage the provision of social and affordable housing would be developed as part of this work.

This project is currently in the planning phase and is scheduled to have the strategy completed in 2019, with the Planning Scheme Amendment commencing in 2020.

#### *19. Social and Affordable Housing Planning Scheme Amendment*

A Planning Scheme Amendment to implement the tools and controls is identified as part of the Strategy development to encourage the provision of Social and affordable housing. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

#### *20. Glen Eira Open Space Strategy Refresh*

Carried over from the 2016 Work Plan (see Section 12).

**21. Open Space Planning Scheme Amendment**

Changes to the Planning Scheme as a result of the *Open Space Strategy* refresh would be implemented through a Planning Scheme Amendment. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

**22. Planning Scheme Review 2022**

The next Planning Scheme Review is scheduled to take place in 2022, following the adoption of a new *Council and Community Plan* as per the requirements of the *Planning and Environment Act 1987*.

**Heritage**

The Heritage review is carried over from the 2016 Work Plan but has been re-scoped as it is a large project to be carried out over several stages:

**23. Heritage Review – Bentleigh and Carnegie Activity Centre**

This is currently underway with consultants carrying out a review of heritage within the structure plan areas of Bentleigh and Carnegie.

**24. Heritage Review – Elsternwick Activity Centre**

Due to commence shortly, Consultants will carry out a review of heritage within the Elsternwick Activity Centre and a review of the existing Heritage Overlay wording.

**25. Heritage Review – Hidden gems and Caulfield Station precinct**

This stage has not yet been commenced. It will include a desktop review of post-War architecture and a review of sites/precincts nominated by Council staff, Glen Eira Historical Society and members of the public (via online nominations). The review of Caulfield Station precinct will inform structure plan preparation and will include a review of the citation for Derby Road Heritage Area and a review of the Caulfield Racecourse for heritage significance.

**26. Heritage Review – Bentleigh and Carnegie Activity Centre residential area, hidden gems and Caulfield Station Precinct Planning Scheme Amendment**

A Planning Scheme Amendment will be required to implement the actions from the Heritage Review into the Bentleigh and Carnegie Activity Centre residential area, hidden gems and Caulfield Station Precinct. The Amendment process will include authorisation, exhibition, consideration of submissions, panel and final decision.

**27. Heritage Review – Suburb by Suburb**

This stage would involve municipality wide review of heritage by suburb (except those already assessed in Stages 1-3) and would most likely be carried out 1-2 suburbs at a time. This stage is anticipated to happen over the course of a number of years.

**28. *ABC Gordon Street Heritage Planning Scheme Amendment***

Council is seeking both interim and permanent heritage protection for the ABC studios in Gordon Street, Elsternwick. The proposed Amendments are C182 and C183.

**Sustainability and Environment**

**29. *Special Building Overlay (SBO)***

Carried over from 2016 Work Plan (see Section 12).

**30. *SBO Planning Scheme Amendment***

Once mapping is complete, a Planning Scheme Amendment will be required to update the SBO in the Planning Scheme.

**31. *Development of Tree Protection Measures***

Carried over from 2016 Work Plan (see Section 12).

**32. *Sustainability Policy***

Carried over from 2016 Work Plan (See Section 12).

**33. *Water Sensitive Urban Design (WSUD)***

Carried over from 2016 Work Plan (See Section 12).

**Working Groups**

**34. *Inner South East Metro Regional Group***

Action 1 of the *Plan Melbourne Implementation Plan* is the development of a land-use framework plan for each of the metropolitan regions. Glen Eira is an active member of the Inner South East Working Group, with DELWP the lead agency. It is anticipated that the regional plan will be on public exhibition in 2019.

**35. *Elster Creek Catchment Group***

Continued involvement in the Elster Creek Working Group. The purpose of the group is to investigate mechanisms to manage flooding in the Elster Creek Catchment area and comprises Glen Eira, City of Port Philip, Bayside City Council, City of Kingston and Melbourne Water.

## **Attachment 1: Assessment of Notable VCAT decisions**

Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
29 November 16	90-94 Mimosa Road, Carnegie	a four storey building comprising 49 dwellings and a reduction in the visitor car parking requirement	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>Residential Growth Zone</b> at the fringe of the Carnegie Urban Village. To the south of the site at number 88 Mimosa Road, land is zoned General Residential Zone and across Mimosa Road to the west, land is zoned Neighbourhood Residential Zone.</li> <li>The application was refused on grounds relating to <b>neighbourhood character, amenity impacts and car parking</b>. The proposal did not respect the low scale character of the Neighbourhood Residential Zone to the west and did not provide an appropriate transition to this area. The application also failed to meet a number of the State Government Guidelines for residential development such as front, side and rear setbacks and did not provide adequate visitor car parking.</li> <li>In determining the application, the Tribunal held that the Carnegie Urban Village is rapidly changing in accordance with State and Local Policy expectations.</li> <li>The Tribunal held that transition between zones should not be achieved within a zone. Instead, the entire Residential Growth Zone is intended for the same level of increased density, and transition is provided through the Planning Scheme by stepping down from the 13.5 metre height limit of the Residential Growth Zone to the 10.5 metre height limit of the General Residential Zone and then to the 8 metre height limit of the Neighbourhood Residential Zone.</li> <li>The Tribunal disagreed with Council and held that the <b>Residential Growth Zone had no requirement to respect existing character</b>. Rather, <b>a future character was envisaged by the Urban Villages Policy that departs significantly from existing character</b>. The Tribunal held that due to this, there was no neighbourhood character reason to oppose a four storey building transitioning to its single storey neighbour; and that the future character expectation of the Urban Village is highly likely to result in existing single storey dwellings giving way over time to much more intensive forms of residential development.</li> <li>The Tribunal also disagreed with Council and held that the reduction of four visitor parking spaces was acceptable based on the advice provided by the expert traffic engineer for the developer.</li> </ul>	<ul style="list-style-type: none"> <li>RGZ</li> <li>Carnegie Urban Village</li> </ul>



Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
					<ul style="list-style-type: none"> <li>On the above basis, the Tribunal directed a Permit be issued</li> </ul>	
29 November 16	31 Rothschild Street, Glen Huntly	five double storey dwellings	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>General Residential Zone</b> and the <b>Glen Huntly Neighbourhood Centre</b>. The General Residential Zone specifies a mandatory maximum height of three storeys.</li> <li>The application was <b>refused on grounds relating to neighbourhood character impacts</b>. Specifically that the <b>scale and mass</b> of the building would dominate the street and surrounding land. The application also failed to meet a number of the State Government Guidelines for residential development such as street setbacks, permeability and walls on boundaries.</li> <li>The Tribunal held that State and Local Policy strongly encourage development of the site that will provide additional housing. This development will result in a level of change to the existing neighbourhood character.</li> <li>The Tribunal disagreed with Council and held that the <b>proposal represented a suitable transition development to the Neighbourhood Residential Zone across the road</b>.</li> <li>The Tribunal held that the two storey built form of the proposal did not have any unreasonable off site amenity impacts onto adjoining properties.</li> <li>On the above basis, the Tribunal directed a Planning Permit be issued</li> </ul>	<ul style="list-style-type: none"> <li>GRZ</li> <li>Glen Huntly neighbourhood Centre</li> </ul>
20 December 16	44 Seymour road, Elsternwick	alterations and additions to the existing dwelling and the construction of a new double storey dwelling to the rear	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>Neighbourhood Residential Zone</b> in Elsternwick.</li> <li>The application was <b>refused on grounds relating to neighbourhood character</b>, the double storey element at the rear of the site, unreasonable <b>visual bulk</b> impacts and non-compliance with the State Government car parking guidelines.</li> <li>The Tribunal held that the retention of the existing Victorian dwelling at the front of the site enables the retention of the current built form in the Seymour Road streetscape. The Tribunal was satisfied that the proposed unroofed carport structure (which extended forward of the existing dwelling) would not unreasonably detract from the neighbourhood character.</li> <li>The Tribunal held that the <b>two storey element of the rear dwelling was acceptable, due to the side and rear setbacks being sufficient to ensure no unreasonable visual bulk</b></li> </ul>	<ul style="list-style-type: none"> <li>NRZ</li> </ul>

Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
					<p><b>impacts onto adjoining private open space areas.</b></p> <ul style="list-style-type: none"> <li>The Tribunal was satisfied with the proposed car parking and access, subject to some conditional requirements. It is noted that the existing dwelling was not required to provide for one under cover car space as required by the State Government car parking guidelines.</li> </ul>	
28 February 2017	315-317 Neerim Road, Carnegie	construction of a seven storey building comprising 26 dwellings	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within <b>the Commercial 1 Zone</b> and the <b>Carnegie Urban Village</b>. The site is located within the area included within Council's current Planning Scheme Amendment which seeks a mandatory maximum 4 storey building height.</li> <li>The application was refused on grounds relating to its <b>excessive scale and bulk, poor presentation to the street and poor internal amenity</b>. The application was also refused on grounds relating to the inadequate provision of residential visitor car spaces.</li> <li>In determining the application, the <b>Tribunal held that due to the current absence in planning policy to guide building height and design and the prevalence of both five and six storey developments within the immediate vicinity, a six storey building on the subject site was appropriate.</b></li> <li>The Tribunal held that the internal amenity afforded to future residents was acceptable. Further, the Tribunal held that the reduction to the residential visitor car parking was acceptable.</li> <li>On that basis, the Tribunal directed Council to issue a Planning Permit</li> </ul>	<ul style="list-style-type: none"> <li>C1Z</li> <li>Carnegie Urban Village</li> </ul>
2 March 17	60-64 Rosstown Road, Carnegie	to use the land for a retirement village and the associated development of an 8 storey building comprising 40 retired living apartments and a place of assembly (dutch club)	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>Mixed Use Zone</b> and <b>Carnegie Urban Village</b>.</li> <li>The application was <b>refused on grounds relating to the building's excessive scale and bulk, poor presentation to the street and poor internal amenity</b>. Other refusal grounds related to overshadowing and inadequate provision of residential visitor car spaces.</li> <li>The Tribunal held that there was <b>significant policy support within the Planning Scheme for the development of an eight storey building on the site.</b></li> <li>The Tribunal held that the <b>emerging character of the area (in terms of building height) was not yet established</b>. The Tribunal held the tallest building to the south of the railway line to</li> </ul>	<ul style="list-style-type: none"> <li>MUZ</li> <li>Carnegie urban Village</li> </ul>

Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
					<p>date (at six storeys) did not set a benchmark for future development.</p> <ul style="list-style-type: none"> <li>The Tribunal accepted Council's argument that the proposal would be highly visible from surrounding land, but stated that this is a reasonable expectation for a higher density development in a part of the activity centre where there has been little development to date.</li> <li>The Tribunal held that although the height was appropriate, the architectural outcome of the building should be of high quality. To this end the Tribunal imposed a condition that requires a minimum 2 metre setback from the western boundary for all floors above the first four levels of the building.</li> <li>The Tribunal held that the proposal would create overshadowing to the private open spaces at 58 Rosstown Road. The Tribunal considered overshadowing diagrams that showed that a reduction in height from eight storeys to six storeys would not substantially improve this overshadowing. Rather, the Tribunal held that an increased boundary setback to 58 Rosstown Road would create a substantial improvement and that such a change would be required by permit condition.</li> <li>The Tribunal held that the internal amenity afforded to future residents was acceptable. Further, the Tribunal held that the reduction to the loading bay requirement was acceptable.</li> <li>On that basis, the Tribunal directed Council to issue a Planning Permit.</li> </ul>	
2 May 17	92 Kooyong Road, Caulfield north	construction of a four storey building above a basement car park comprising an office and dwellings	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>Commercial 1 Zone and is located in a Local Centre.</b></li> <li>The application was refused on grounds relating to the <b>failure of the proposal's design to respond to the policy for development in local centres, to respect the character of the neighbourhood and to achieve suitable transition to the site's residential neighbours.</b> The grounds of refusal also refer to a lack of car parking.</li> <li>The Tribunal held that the <b>proposed building adopts a number of design features which make this building suitable in this location.</b> These include:</li> <li>The setbacks of the top level from Kooyong Road and Sebastopol Street.</li> </ul>	<ul style="list-style-type: none"> <li>C1Z</li> <li>Local Centre</li> </ul>

Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
					<ul style="list-style-type: none"> <li>The building being setback from the Sebastopol Street side boundary at all levels.</li> <li>The building provides for a commercial use at ground floor to Kooyong Road.</li> <li>Building interface with the residential area to the east is acceptable (due to sufficient setbacks being provided).</li> <li>On that basis, the Tribunal directed Council to issue a planning permit.</li> </ul>	
23 May 17	37-39 Nicholson Street, Bentleigh	construction of a four storey building comprising twenty six dwellings above basement	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>Residential Growth Zone and Bentleigh Urban Village</b>.</li> <li>The application was <b>refused on grounds relating to the development's inadequate transition in building height to the north, excessive building width, setbacks from all boundaries, lack of building articulation, poor on-site amenity and visitor parking shortfall</b>.</li> <li>The Tribunal held that there was <b>significant policy support within the Planning Scheme for the development of a four storey building on this site</b>.</li> <li>The Tribunal held that <b>this area is experiencing change and that this is the emerging character that should be assessed, not the existing character</b>.</li> <li>The Tribunal held that within Urban Villages it is well established that amenity expectations need to be tempered.</li> <li>The Tribunal accepted that a waiver of the 3 required visitor parking spaces is satisfactory because there was ample on-street parking.</li> <li>On that basis, the Tribunal directed Council to issue a Planning Permit</li> </ul>	<ul style="list-style-type: none"> <li>RGZ</li> <li>Bentleigh Urban Village</li> </ul>
13 June	3 Heather Street, Bentleigh East	three-storey building comprising six dwellings and reduction of car parking	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>General Residential Zone and Bentleigh East Neighbourhood Activity Centre</b>.</li> <li>The application was <b>refused on grounds relating to the development's visitor parking shortfall (1 space) and the overshadowing impacts</b> on the adjoining property (given a planning permit had been issued but had not been built).</li> <li>The Tribunal held that a waiver of the one (1) required visitor parking space is satisfactory because there was <b>ample on-street parking</b>, peak time for visitor demands would be in the evening and on weekends which could be catered for by the availability of</li> </ul>	<ul style="list-style-type: none"> <li>GRZ</li> <li>Bentleigh East Neighbourhood Centre</li> </ul>

Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
					<ul style="list-style-type: none"> <li>on-street parking.</li> <li>The Tribunal held that the <b>overshadowing impacts on the adjoining site should be based on the existing conditions, and not the proposed development</b> given a planning permit had been issued for the adjoining site.</li> <li>On that basis, the Tribunal directed Council to issue a Planning Permit</li> </ul>	
13 June 2017	146 & 148 East Boundary Road, Bentleigh East	four storey building comprising 36 dwellings above a basement car park.	Refusal	Permit	<ul style="list-style-type: none"> <li>The subject site is located within the <b>Mixed Use Zone and Bentleigh East Neighbourhood Activity Centre</b>.</li> <li>The application was refused on grounds relating to the <b>development's inadequate response to its context - the existing neighbourhood character</b> in particular the Omeo Court streetscape, the <b>excessive and unreasonable visual bulk impacts within the existing streetscape, potential for overlooking, inadequate setbacks from all boundaries, poor on-site amenity, visitor parking shortfall (one space)</b> and the development's impact on the trees on the adjoining property.</li> <li>The Tribunal held that there was <b>significant policy support within the Planning Scheme for the development of a four storey building on this site</b>.</li> <li>The Tribunal held that the <b>amended plans resolved off-site amenity impacts such as overlooking. The Tribunal considered the proposed setbacks from all boundaries to be acceptable as they met the objectives of the State Government Guidelines</b>.</li> <li>The Tribunal considered that internal amenity was acceptable. A majority of the apartments would receive adequate daylight and ventilation.</li> <li>The Tribunal accepted that a <b>waiver of the one visitor car parking space is satisfactory because there was ample on-street parking</b>.</li> <li>On that basis, the Tribunal directed Council to issue a Planning Permit</li> </ul>	<ul style="list-style-type: none"> <li>MUZ</li> <li>Bentleigh East Neighbourhood Centre</li> </ul>
25 July 17	669-673 Centre Road, Bentleigh East	Amendment to the existing permit for the construction of a six storey building comprising retail at	Refusal	Permit	<ul style="list-style-type: none"> <li>The original Planning Permit was issued at the direction of VCAT in December 2014 and allowed the construction of a four storey building comprising shops at the ground level and up to 30 dwellings above a basement car park, and a reduction in car parking and waiver of the loading bay requirement.</li> </ul>	<ul style="list-style-type: none"> <li>C1Z</li> <li>Bentleigh East Neighbourhood Centre</li> </ul>

Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
		<p>ground level and up to thirty dwellings above a basement carpark, alteration of access to a road zone category 1, a reduction in parking and waiver of loading bay requirements the Amendment included:</p> <ul style="list-style-type: none"> <li>two additional levels on the approved four storey building to increase the number of dwellings from 32 to 39.</li> <li>amend the permit preamble to increase the number of storeys from four to six.</li> <li>reduction of the visitor car parking requirement.</li> </ul>			<ul style="list-style-type: none"> <li>The changes to the original permit were for the construction of a six storey building (an increase of two floors) and allow 39 dwellings (an increase of 7 dwellings). The subject site is located within the <b>Commercial 1 Zone, within the Bentleigh East Neighbourhood Activity Centre</b>.</li> <li><b>Council held that the proposed additional levels did not satisfy the intent of the Housing Diversity Area Policy in terms of excess mass, bulk, scale and height. In addition, Council believed the proposal failed to provide appropriate transition to surrounding residential areas.</b></li> <li>While the amended plans provided an increase in the number of visitor parking spaces, there was still a shortfall of one. The reduction in visitor car parking as proposed was not supported due to the busy location of the site and the increased intensity of the development.</li> <li><b>The Tribunal considered the changes proposed to be acceptable, given the location, lack of controls to limit the height, and the approved five storey development to the west of the subject site.</b></li> <li>The Tribunal held that due to the development to the west of the subject site, the visibility of the six storey proposal will be obscured. In addition, expert evidence presented by the permit applicant's Urban Designer indicated that as the upper addition was recessed, it would have minimal impact to the rear yards of the adjoining sites (particularly to the north).</li> <li>In terms of amenity impacts, the Tribunal did not agree with Council that the development would cause detriment to the residential areas to the rear, as the interface is to a driveway.</li> <li>The Tribunal concluded that although the development would be visible from the street, due to the current approval for a four storey building, neighbouring approvals and the location in a commercial zone, the additional levels are not unreasonable.</li> <li>Council's decision was set aside and an amended permit was issued.</li> <li>There was no mention at all by VCAT in its order about the visitor car parking.</li> </ul>	
8 November 17	277-279 Centre Road,	the construction of a nine storey building	Refusal	Permit	<b>Council's submission was that the Tribunal should give effect to and not undermine the DDO8 which seeks to prevent</b>	<ul style="list-style-type: none"> <li>C1Z</li> <li>Bentleigh</li> </ul>

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	Bentleigh	comprising retail at ground level and 72 dwellings and a reduction in the car parking requirement			<p><b>inappropriate development until a structure plan is formalised.</b> VCAT however identified in its Order that there was a <b>"lack of strategic work explaining the planning reasons why the heights and mandatory and preferred controls were applied to what sites"</b>, and acknowledged that they did have to have regard to the DD08 in their decision making. The key question the Tribunal asked itself was whether the proposed height was acceptable for the site. The following is relevant commentary on how it reached its decision on height:</p> <p><i>There is nothing in the Planning Scheme to require a uniform height in this location. The decision guidelines of DDO8 question whether the proposal is compatible with and respect the character of neighbouring buildings within the same streetscape. We find this a curious guideline. How can a building 'respect the character of an adjoining single storey neighbouring building when the preferred maximum height is five storeys? Is it to be interpreted that the DDO8 control determines that (in this case) a five storey building adjoining a single storey built form is respectful? It would be nonsensical to assume that a proposed built form even at five storeys would be considered as 'not respecting a neighbouring building'. This is an example of where strategic work would provide for background as to what and how a guideline such as this is to be interpreted, if indeed, it remained in the overlay. We consider that it has to be the way the proposed built form responds to each interface that is most important, just as the podium base of the building is respectful of the Subject Site form of built form within the street. This guideline is balanced against others including policies calling for more intense development in activity centres and urban villages.</i></p> <p><i>Having regard to the scale and form of the proposed building, there is no question that the building may initially appear as a prominent building within the centre. We consider this to be a temporary situation as other buildings are constructed within the centre. We do not find this a reason to refuse a permit. It is to be expected that the building will be visible, even from some distance, but the views will be partially screened by existing four storey form such as Rose Street.</i></p>	urban Village
8 November 17	33-35 Belsize Avenue, Carnegie	Construction of a 4 storey building comprising 29	Refusal	Permit issued	<b>Council's submission was that Belsize Avenue is generally consistent in character with its one and two storey built form and that the Tribunal should give heightened consideration to</b>	<ul style="list-style-type: none"> <li>RGZ</li> </ul>

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		dwellings and a basement car park and a reduction of car parking provision for visitors			<p><b>maintaining this form.</b> The Tribunal however identified in its Order that:</p> <p><b><i>As set out above, the planning policy framework and zone controls do direct increased built form to the urban village and this street. The fact that it is the first development does not make it inappropriate. As set out by the Tribunal in Cecily Denny Pty Ltd v Glen Eira CC [2016] VCAT 1401 development in areas of change is not expected to imitate or reflect the style and form of single dwellings that currently exist in this and other streets. The character of this area is changing and the preferred future character for the urban village is one where more intense built form is anticipated.</i></b></p> <p>It provided further comment in relation to the height, particularly in with regard to the scale transition from the proposed apartment building to the detached and townhouse developments adjoining, noting that:</p> <p><b><i>[24] The part four storey, part three storey building height is below the maximum set out in the two applicable zones. While the proposed apartment development will clearly be different from the surrounding 1-2 storey detached and townhouse developments, the proposal steps from four storeys to three storeys from north to south providing transition from land to the north which is also within the RGZ and land to the south and east within the GRZ and NRZ. I find this is an acceptable design response to the strategic context. [Specifically, I find that the three storey form is an acceptable transition to the side-by-side double storey development at 37A Belsize Avenue within the General Residential Zone to the south. This is subject to an increased setback to the balcony element of Unit 2.06 to 5m from the southern boundary to emphasise the two storey form in this location.</i></b></p>	
19 December 17	10 Princes Street, Caulfield North	The proposal included construction of a three storey residential building comprising sixteen dwellings above basement level car parking. The proposal was amended at	Refusal (DPF)	Permit	<p>The subject site is located within the <b>General Residential Zone 2</b> and is not affected any overlays. <b>The VCAT decision accepts that the proposal is consistent with all relevant policy and that it represents the type of outcome envisaged in a Housing Diversity area under the Glen Eira Planning Scheme.</b></p> <p>On this, the Tribunal acknowledged that the site is located in one of the Council's designated diversity areas in which a range of housing types including multi dwelling developments are encouraged and recognised that the site is located in a street that exhibits a very mixed</p>	<ul style="list-style-type: none"> <li>GRZ2</li> </ul>



Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
		<p>VCAT to reduce the number of dwellings to fifteen.</p> <p>Council maintained its grounds of refusal at VCAT including that the development did not respond to local policy, results in a building that dominates the streetscape, creates adverse amenity impacts on neighbouring dwellings and fails to meet relevant objectives of Clause 55 (Rescode).</p>			<p>character. The decision reinforced the analysis of a number of other VCAT decisions in relation to Council's approach to planning its residential areas:</p> <p><i>1 The Council has adopted a targeted and hierarchical approach to the planning of its residential areas. The review site is located in a housing diversity area (Alma Village) in which multi-unit development is encouraged.</i></p> <p><i>2 The majority of the municipality's residential areas are located in "minimal change" areas pursuant to Clause 21.04 of the Local Planning Policy Framework (LPPF). The objective for minimal changes areas is to maintain predominantly low density detached housing in areas not identified for housing diversity.</i></p> <p><i>3 In order to make provision for projected population growth and demand for increasing housing diversity, housing diversity areas have been selected as suitable for multi-unit development. An assessment of factors including access to services, facilities and fixed route transport, housing need and capacity of residential areas to support new development, residential character and constraints (environmental, infrastructure, heritage) determines a locality's qualification as a diversity area.</i></p> <p>...</p> <p><i>17 The dispute in this case focusses on what form and scale of development is acceptable in this neighbourhood village diversity area.</i></p> <p><i>18 The Council and the respondent objectors submit that the proposal is <b>excessive in its scale and density, will dominate the streetscape and will adversely affect the amenity of neighbouring properties.</b></i></p> <p><i>19 I agree with the Council and the objectors that issues of neighbourhood character and site context are relevant to my consideration of the proposal. However, the Council's diversity area policies are also relevant and because of the review site's inclusion in a diversity area, <b>the character of this neighbourhood is encouraged to change as sites progressively redevelop</b> in accordance with the objectives of that policy. This is not a case therefore, in which respect for the existing character of the neighbourhood ought to assume undue weight.</i></p> <p><i>21 Not all sites in the diversity area will be suitable for three storey development of the type and scale proposed here. However, where</i></p>	

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					<p><i>larger, consolidated, regularly configured sites such as the review site become available for development, the development opportunities presented by such sites should not be squandered.</i></p> <p>The Tribunal held that it was satisfied that the proposal represented the right outcome and set aside the decision of the Responsible Authority and directed that a planning permit be issued.</p>	
6 Feb 18	25-27 Horne Street, Elsternwick	construction of a seven storey building containing shops at ground level and 25 dwellings above. The proposal was amended at VCAT to improve the internal amenity of the dwellings.	Refusal	Permit issued	<p>The subject site is located within the <b>Commercial 1 Zone</b> and is affected by the <b>Environmental Audit Overlay</b>. The decision by Council largely accepted the form of the building, however <b>refused a permit on grounds of poor internal amenity</b></p> <p>Through the course of the hearing, the Member provided an opportunity for the applicant to submit amended plans that improved the quality of the internal amenity. This was done by introducing lightwells and improving the configuration of the living areas. While Council agreed that this was an improvement, it maintained its objection to the proposal.</p> <p>The Member however considered that the changes represented an acceptable improvement and provided acceptable amenity for future occupiers. The Member was largely silent on the quantum of commercial floorspace and ultimately issued a planning permit for this development.</p>	<ul style="list-style-type: none"> <li>C1Z</li> </ul>
10 April 2018	12 Kambea Grove, Caulfield North	Demolition and construction of a dwelling in a neighbourhood character overlay and special building overlay	Refusal	Permit issued	<p>This is an application for the demolition and construction of a dwelling in the Neighbourhood Character Overlay. <b>Council refused the application on grounds that the replacement dwelling did not adequately respond to the significance of this area.</b></p> <p>While Council's decision itself was set aside and is not of significance in the context of planning at Glen Eira, the VCAT Order <b>considered a question of law that has a direct consequence to the way an application is assessed under the Neighbourhood Character Overlay.</b></p> <p>The following is the relevant passage from the decision:</p> <p><i>[5] During the course of the hearing a question of law arose as to whether all of the objectives and standards from Clause 54 of the Bayside Planning Scheme [sic] applied, or whether only those objectives and standards where the standards had been varied by the Schedule to the Neighbourhood Character Overlay applied. This question arose in the context of this proceeding where the only permit trigger was that found under the neighbourhood Character Overlay.</i></p>	<ul style="list-style-type: none"> <li>NRZ</li> </ul>

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					<p><b>The Council in following an earlier decision of the Tribunal considered that only the Clause 54 objectives which had a varied standard in NCO3 applied. Both the Applicant and myself were concerned as to the correctness of that approach.</b></p> <p><b>[21] My first finding here is that Council erred in concluding that the underlined text above from Clause 54 enable it to assessed a development proposal on land affected by a NCO against all of the Clause 54 Standards. I</b></p> <p><b>Application</b></p> <p>These provisions apply to an application to construct a building or construct or carry out works associated with one dwelling on a lot under the provisions of:</p> <ul style="list-style-type: none"> <li>• A Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.</li> <li>• A Neighbourhood Character Overlay if the land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.</li> </ul> <p><b>[8] The words under the heading 'Requirements' do not seek to limit or restrict the application of Clause 54. Instead, those words firstly clarify that all of the standards and objectives apply, and then provide for an ability under either the Schedule to a zone, or a Schedule to the Neighbourhood Character Overlay, to vary one or more particular standards. I note that it is the standard Tribunal approach to apply all of the Clause 54/55 standards to applications under a zone, where the schedule to the zone varies some of the standards. I do not understand the words in the Victorian Planning Provisions as achieving a different outcome in terms of the residential zones and the relationship between varied and non-varied standards, as compared with the Neighbourhood Character Overlay.</b></p> <p><b>[9] In the decision of Adams v Glen Eira CC [2016] VCAT 1353 the Tribunal identified the starting point as being whether the words under the heading 'Requirements' activated consideration of all Clause 54 standards and objectives. In contrast, I consider that it is the words under the heading 'Application' which activate consideration of all of the standards where a permit is required under the Neighbourhood Character Overlay.</b></p> <p><u>Modification to Clause 54 and Clause 55 standards</u></p>	

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					<p><i>I find that all of the Clause 54 standards apply when a planning permit is required under the Neighbourhood Character Overlay, comprising those that have been varied by NCO3, and those that have not been varied.</i></p> <p>On the basis of this decision, officers will now undertake the broader ResCode assessment that has been established under this decision.</p>	
22 May 18	17-19 Loranne Street, Bentleigh	Construction of part three storey and part four storey building to contain 21 dwellings over a basement car park. Plans were amended as part of the VCAT process and included increased side and rear setbacks and additional visitor car parking spaces. Council maintained its objection to the proposal	Refusal	Permit	<p>In determining to refuse the application, Council relied on the following grounds:</p> <ul style="list-style-type: none"> <li><b>Overdevelopment of the site resulting in excessive mass and bulk impacts when viewed from adjoining properties and within the streetscape and associated non-compliances with policy, the purpose of the zones and a number of ResCode standards.</b></li> </ul> <p>The Tribunal <b>considered that the scale of the development and its density appropriate for the area. It had regard to the location in both the Residential Growth Zone and the General Residential Zone</b> and considered that the proposal was a good response to this context.</p> <p>Furthermore it also identified that the proposal also abutted the Neighbourhood Residential Zone and found this to be well managed given the recessive upper level setbacks and the stepping of the development down to two-storeys at its interface with the Neighbourhood Residential Zone.</p> <p>The Tribunal determined that the internal amenity of the dwellings would be generally acceptable, subject to conditions that would require more visually permeable screening and additional windows to some kitchens, all of which would comply with Standard B22 (Overlooking) of the Planning Scheme.</p> <p>On this basis, the Tribunal determined to approve the proposal and directed Council to issue a permit, subject to conditions</p>	<ul style="list-style-type: none"> <li>RGZ and GRZ</li> </ul>
12 June 18	476-482 Kooyong Road & 11 Saturn Street	Construction of buildings and works (up to 11 storeys), use of the land as a hospital, retirement village,	Refusal	Permit	<p>In determining to refuse the application, Council relied on the following grounds:</p> <ul style="list-style-type: none"> <li><b>The height and scale of the proposal would be overly dominant within the streetscape and would not be sensitive or respectful to the scale of the existing area; and</b></li> </ul>	<ul style="list-style-type: none"> <li>NRZ</li> </ul>

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		residential aged care facility, child care centre and food and drink premises and a reduction of the car parking requirements. Plans were amended as part of the VCAT process that primarily sought to reduce the height of the development from 19 storeys down to 11 storeys. Council maintained its objection to the proposal			<ul style="list-style-type: none"> <li>• <b>Insufficient on-site car parking; and</b></li> <li>• <b>Insufficient public open space.</b></li> </ul> <p><b>Height and scale</b></p> <ul style="list-style-type: none"> <li>• <i>The tallest building form in particular is prominent, opens to the street corner, and associated with a high point in the topography. It will be a landmark, of high architectural quality and part of a property that serves as an existing hospital. It is a significant change. But the visual setting can absorb this building.</i></li> </ul> <p><b>Car parking</b></p> <ul style="list-style-type: none"> <li>• <i>We reach the view that, in its strategic context and having regard to the integrated nature of the hospital, aged persons housing and other uses, the outcome is acceptable.</i></li> </ul> <p><b>Intensification of the use of the land</b></p> <ul style="list-style-type: none"> <li>• <i>We are persuaded by the applicant's evidence that the proposed <b>redevelopment of the hospital infrastructure is needed and will have a positive impact locally and broadly.</b></i></li> <li>• <i>A vertical retirement village in a suburban setting is no longer an 'alien' form where (by way of example) a single storey retirement village is increasingly unlikely given the lack of large sites and the competing development pressures for well-located large sites in strategic terms.</i></li> <li>• <i>The proposed medical centres are located on Kooyong Road, a secondary road, consistent with preferred locations in Clause 22.02. <b>We accept that the subject land is not identified by the scheme as an existing activity centre or the location for a new activity centre. We accept that the uses would draw custom beyond direct users and occupants of the subject land. However, in the context that the new non-residential uses are aligned with the other uses on the land, and in absence of any evidence to demonstrate a broader impact on the activity centre hierarchy, we do not consider that they will undermine the network of activity centres.</b> Small food and drink premises, such as the facility proposed adjacent to open space and close to the medical centres, are an acceptable inclusion to service users of the site, including staff, visitors to the land and residents.</i></li> </ul>	

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					<p><b>Public open space</b>  <i>Σ The further information provided during the course of the hearing satisfies us that <b>the open space provides a range of opportunities for pedestrian movement and seating in shade and sunshine.</b></i></p> <p><b>Questions of law</b>  Legal questions were raised during the hearing in respect to the characterisation of the independent living units (ILU)/retirement village units. The purpose of this question was in relation to the implications of the mandatory building heights controls contained within the Neighbourhood Residential Zone (NRZ) that applies to the subject sites. In summary, the Tribunal provided the following legal ruling:</p> <ul style="list-style-type: none"> <li><b><i>The ILU component constitutes a retirement village for the purposes of the planning scheme. It is neither a dwelling nor a residential building. It is not bound by mandatory height limits for dwellings in the NRZ.</i></b></li> </ul> <p>A further question of law was raised during the hearing in respect to transitional provisions contained within the NRZ in respect to mandatory maximum building heights:</p> <ul style="list-style-type: none"> <li><b><i>There is no maximum building height requirement imposed by the NRZ for a dwelling or residential building that is subject to the transitional provisions in Clause 32.09-14 (although the requirements of Clause 55 of still apply).</i></b></li> </ul> <p>On this basis, the Tribunal determined to approve the proposal and directed Council to issue</p>	
12 June 18	10 St Georges Road, Elsternwick	Demolish the existing buildings on the land. Construct a three storey apartment building with 10 dwellings and two roof top terraces. Basement parking is provided for 25 vehicles including one for visitor parking.	Refusal	Decision set aside	<p>In determining to refuse the application, Council relied on the following grounds:</p> <ul style="list-style-type: none"> <li>The proposed building dominating the heritage precinct due to its height, bulk and design;</li> <li>Insufficient on-site car parking; and</li> <li>Unreasonable overshadowing impacts on adjoining properties.</li> </ul> <p>summary, the Tribunal made the following observations in respect to the key issues identified by Council:</p> <p><b>Demolition</b></p> <ul style="list-style-type: none"> <li><b><i>We agree that the overall form of the building and some of its</i></b></li> </ul>	<ul style="list-style-type: none"> <li>RGZ</li> <li>Heritage Overlay</li> </ul>

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		Plans were amended as part of the VCAT process that primarily sought to reduce the height of the development from 4 storeys down to 3 storeys. During the hearing, the application was further amended to include an additional 5 on-site car spaces. Council maintained its objection to the proposal			<p><i>features are appreciated as being from the Victorian era, a period of relevance in the statement of significance. However, <b>the building is significantly altered as set out in Mr Raworth's evidence before us and as found through the Panel's assessment. The building's integrity is compromised by unsympathetic alterations.</b></i></p> <p><b>Proposed building</b>  <i>Σ ... this part of the southern end of the St Georges Road streetscape is not of very high heritage integrity given the presence of non-contributory buildings. The nearest contributory buildings are to the south of the subject land because No. 10A St Georges Road is non-contributory (and approved for demolition). The contributory buildings to the south of the subject land are of generous proportions. Modern two to three storey elements are apparent along the driveway to No. 8 St Georges Road, including sheer wall forms.</i>  <i>Σ In its context, <b>a three storey building form is acceptable. It responds to the nearby contributory buildings while achieving a higher density form...</b></i></p> <p><b>Overshadowing</b></p> <ul style="list-style-type: none"> <li><i><b>Noting the eastern-most open space has some parking use and the small incursions that will not significantly affect the use of the spaces in question, we find the outcome meets the objective of Clause 55.04-5. We note trees also overhang the spaces.</b></i></li> </ul> <p>On this basis, the Tribunal determined to approve the proposal and directed Council to issue a permit, subject to conditions.</p>	
3 July 18	65 Hall Street, Ormond	Construction of two (2) double-storey dwellings	Refusal	Decision set aside – permit granted	<p>Council refused to grant a planning permit due to non-compliance with the Minimal Change Area Policy (Clause 22.08) as follows:</p> <ul style="list-style-type: none"> <li>Boundary to boundary development and visual dominance within the streetscape; and</li> <li>Visual mass and bulk impacts to adjoining secluded private open space areas.</li> </ul> <p><i><b>"I find that the proposed attached form of development is appropriate in this context and will sit comfortably having regard to the character of the area. The proposal is a form that is emerging within the broader area.</b></i></p> <p>On this basis, the Tribunal determined to overturn Council's decision</p>	<ul style="list-style-type: none"> <li>NRZ</li> </ul>



Date decision reported to Council	Address	Proposal	Council decision	VCAT Decision	Comment	Relevant zones
					and direct that a permit be issued, subject to the inclusion of a condition that set the garage of Dwelling 2 back 1.0m from the northern boundary.	
24 July 18	7 Manchester Grove, Glen Huntly	Construction of a three (3) storey building comprising 12 apartments above basement car parking, and reduction in the statutory visitor car parking requirement.	Refusal	Decision set aside – permit granted	<p>An application against Council's failure to determine this application was lodged with VCAT. Between the appeal being lodged and Council receiving notice of the appeal, <b>Council resolved that it would have issued a Notice of Refusal on the following grounds:</b></p> <ul style="list-style-type: none"> <li>• <b>Unreasonable amenity impacts on adjoining properties due to overshadowing, overlooking, loss of solar access and daylight and excessive mass and bulk impacts; and</b></li> <li>• <b>The development would unreasonably dominate the streetscape due to insufficient street setbacks.</b> In forming its decision, the Tribunal provided the following comments:</li> <li>• <i>My findings regarding the design response are influenced by the site's proximity to the commercial area of this neighbourhood centre, and by the extent to which the amended plans address the council's concerns. My findings on the amenity impacts are influenced by the layout and orientation of the adjoining dwellings, and by the extent to which the amended plans reduce these amenity impacts.</i></li> <li>• <b><i>In this context, I find that the council has placed too much emphasis on the character of this neighbourhood centre's residential area. I find that the context is more than this...</i></b></li> <li>• <i>The council contends that the proposal's scale is excessive and will result in unreasonable visual impacts when viewed from the secluded private open space areas of the dwellings to the south. Further to this, it contends that the lack of modulation in the first-floor walls along each side boundary exacerbates this visual impact for the neighbours and for the broader community.</i></li> <li>• <i>I find that these impacts are acceptable. I am influenced by the fact that the <b>side setback standard of ResCode is largely met.</b> There are some minor areas of non-compliance caused by second floor balustrades and canopies yet the walls in question comply. I consider that compliance with ResCode's side setback standard is a reasonable starting point given that policy encourages increased densities in this location.</i></li> </ul>	GRZ



