



GLEN EIRA  
CITY COUNCIL

GLEN EIRA CITY COUNCIL

---

AMENDMENT C157 REQUEST FOR INTERIM PLANNING CONTROLS  
BENTLEIGH, CARNEGIE AND ELSTERWICK ACTIVITY CENTRES  
MARCH 2018

# Glen Eira City Council Request for Interim Planning Controls (Amendment CI57)

## TABLE OF CONTENTS

1.	INTRODUCTION.....	3
1.1.	KEY MESSAGE.....	3
1.2.	BACKGROUND.....	5
1.3.	PURPOSE OF THIS REPORT .....	7
2.	PLANNING SCHEME REVIEW 2016 .....	8
2.1.	PLANNING SCHEME REVIEW/UPDATE .....	8
3.	ADOPTED STRATEGIC WORK .....	9
3.1.	ACTIVITY CENTRE, HOUSING AND LOCAL ECONOMY STRATEGY.....	9
3.2.	STRUCTURE PLANS .....	9
3.3.	QUALITY DESIGN GUIDELINES.....	10
3.4.	COMMUNITY CONSULTATION.....	10
3.5.	HOUSING ANALYSIS.....	12
4.	PROPOSED INTERIM CONTROLS.....	14
4.1.	BUILDING HEIGHTS .....	14
4.2.	SETBACKS.....	22
4.3.	DESIGN OBJECTIVES.....	24
4.4.	IMPLICATIONS OF INTERIM CONTROLS - RECENT AND CURRENT APPLICATIONS .....	24
4.5.	RELATIONSHIP TO EXISTING INTERIM CONTROLS.....	24
5.	PERMANENT PLANNING CONTROLS.....	26
5.1.	FORM OF PERMANENT CONTROLS .....	26
5.2.	TIMING .....	26
6.	PLANNING PRACTICE NOTES.....	28
6.1.	ADVISORY NOTE – INTERIM PROVISIONS FOR STRUCTURE PLANS .....	28
6.2.	GENERAL PRACTICE NOTE - MINISTERIAL POWERS OF INTERVENTION IN PLANNING AND HERITAGE MATTERS.....	28

# I. INTRODUCTION

## I.1. KEY MESSAGE

Two years ago, Glen Eira City Council was asked to undertake strategic work which was scoped through during our Planning Scheme Review. A Strategic Work Plan was formed, and part of the plan was to develop structure plans for the major activity centres in Glen Eira — specifically Bentleigh, Carnegie and Elsternwick. We have delivered on this commitment with the adoption a significant suite of strategic plan to guide development across Glen Eira.



**Figure 1 Glen Eira's activity centre planning activity and anticipated high level housing change**

## **WHAT HAVE WE ACHIEVED OVER THE LAST 12 MONTHS?**

- 6 rounds of community consultation
- 4,400 submissions and 980 community forum participants

### **Adopted:**

- Activity Centre, Housing and Local Economy Strategy
- Quality Design Guidelines - Commercial/Mixed Use and Residential
- Bentleigh, Carnegie and Elsternwick Structure Plans

### **Partnered with VPA:**

- East Village Structure Plan
- Caulfield Station Precinct Structure Plan

Our current interim controls were approved for building height controls on commercially zoned land in the Bentleigh and Carnegie shopping strips in April 2017. The approval of these interim controls has allowed us to undertake an important structure planning consultation with the community. It is important that we update our current interim controls to manage development that does not align with the community's shared vision outlined in our new structure plans. This will allow Council the time to develop a broader Planning Scheme Amendment that is expected to be presented for authorisation later in 2018.

## **I.2. BACKGROUND**

In 2016, Council carried out extensive community engagement for the purpose of a Planning Scheme Review and the community's concerns were clearly expressed. It was clear that protecting valued heritage areas, and addressing overdevelopment and loss of neighbourhood character in Glen Eira's activity centres was — and still is — a clear priority for our community. Structure planning was also a prominent project called for in the feedback. Since that time, Council has embarked on a comprehensive strategic planning program to ensure the aspirations of the community are achieved while also ensuring that our responsibility to uphold the objectives of the State Government with regard to the growth of Melbourne is fulfilled.

Glen Eira was the first Council to implement the reformed residential zones in 2013, securing maximum building heights across the majority of the municipality. Since that time, external pressures, including rapid population growth, the Melbourne housing boom and multiple level crossing removals have led to an increase in the rate of development in our commercial areas. Change occurring at this rate can be unsettling, especially when the shared long-term vision for these areas is undetermined or unclear. Previously, long-standing local policies have been sufficient tools to manage development in Glen Eira's activity centres. However, as the external pressures have increased, more contemporary strategic planning is required to ensure that a shared vision positively guides future change.

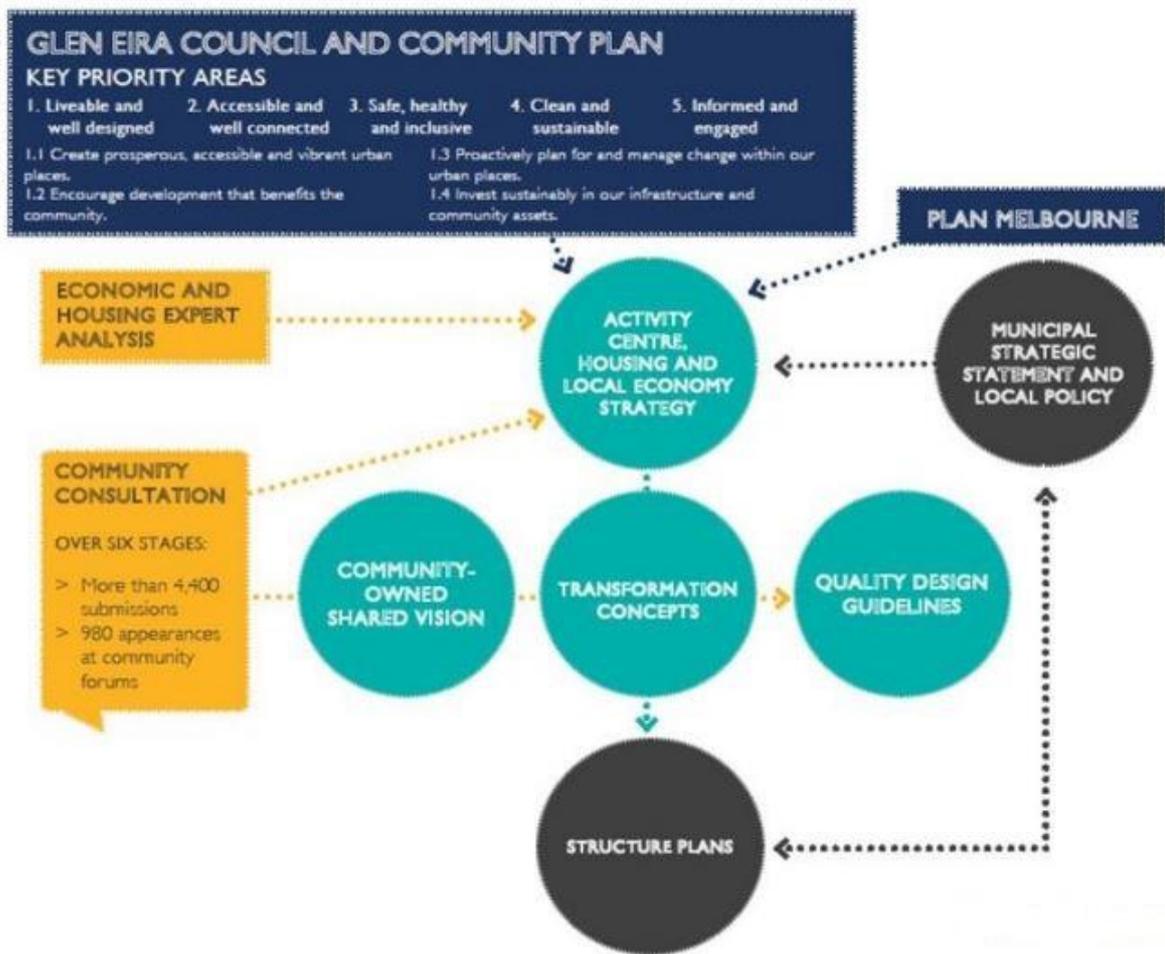
Following the 2016 Planning Scheme Review Council adopted an extensive and comprehensive work plan. The work plan aims to update Glen Eira's strategic vision which guides the future planning of the city, and to undertake a new focus on planning for Glen Eira's activity centres. Council's July 2017 adoption of the Activity Centre, Housing and Local Economy Strategy, along with the subsequent development of the Bentleigh, Carnegie and Elsternwick Structure Plans, and Quality Design Guidelines are the first stage in achieving this objective.

### **Integrated Strategic Planning Program 2017**

The end of 2016 marked a unique and golden opportunity for Council to work closely in collaboration with the community to visualise what Glen Eira will look and feel like in 2031. This community-led process saw more than 4,400 submissions or forum attendees, and informed the preparation of new future vision of the City and of all of its 18 neighbourhoods.

An integrated strategic planning program was undertaken to deliver on this new community vision, including the following inter-linked projects:

- Activity Centre, Housing and Local Economy Strategy
- Bentleigh, Carnegie and Elsternwick Structure Plans
- East Village Structure Plan
- Quality Design Guidelines



**Figure 2 Integrated Planning Program**

At the Ordinary Council Meetings of 27 February and 6 March 2018, Council adopted the:

- Bentleigh Structure Plan 2018-2031
- Carnegie Structure Plan 2018-2031

- Elsternwick Structure Plan 2018-2031
- Quality Design Guidelines, Residential
- Quality Design Guidelines, Commercial/Mixed Use

In addition to adopting these strategic documents, Council resolved to:

*Request Council officers to seek interim planning controls that implement all relevant built form measures as outlined in the Elsternwick Structure Plan 2018-2031 and Quality Design Guidelines into the Glen Eira Planning Scheme through a Planning Scheme Amendment in accordance with Section 20(4) of the Planning and Environment Act 1987. The interim planning controls requested under Section 20(4) will only apply to:*

- a) land in a Commercial Zone or Mixed Use Zone; and*
- b) land in a Residential Zone land where the interim control is more restrictive in height and/or building setbacks than the current control.*

### **I.3. PURPOSE OF THIS REPORT**

This report provides supporting information to assist the Minister in considering Council's request for interim planning controls (Amendment C157). In considering Council's request for interim planning controls in 2016-2017 (Amendments C147 and C148), the Minister sought further information from Council in support of its request. This report provides contemporary information and analysis, in order to assist the Minister in considering Council's current request.

## **2. PLANNING SCHEME REVIEW 2016**

In 2016, Council carried out extensive community engagement for the purpose of its Planning Scheme Review and the community's concerns were clearly expressed. It was clear that protecting valued heritage areas, and addressing overdevelopment and loss of neighbourhood character in Glen Eira's activity centres was — and still is — a clear priority for our community. Structure planning was also a prominent project called for in the community feedback.

Since that time, Council has embarked on a comprehensive strategic planning program to ensure the aspirations of the community are achieved while also ensuring that our responsibility to uphold the objectives of the State Government with regard to the growth of Melbourne is fulfilled.

Following the 2016 Planning Scheme Review Council adopted an extensive and comprehensive work plan. The work plan aims to update Glen Eira's strategic vision which guides the future planning of the city, and to undertake a new focus on planning for Glen Eira's activity centres. Council's July 2017 adoption of the *Activity Centre, Housing and Local Economy Strategy*, along with the subsequent adoption of the Bentleigh, Carnegie and Elsternwick Structure Plans, and Quality Design Guidelines are the first stage in achieving this objective.

### **2.1. PLANNING SCHEME REVIEW/UPDATE**

Section 12B(1) of the *Planning and Environment Act 1987* states that a planning authority which is a municipal council must review its planning scheme no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act 1989*.

In order to fulfill its obligation under this section the Act, Council proposes to undertake a desktop review and update of its 2016 Planning Scheme Review. This approach will allow Council to continue to respond to the significant community feedback received in 2016 and to include a number of priorities that were not apparent in 2016 including structure plans for East Village and Caulfield Station Precinct. It is expected that the Review report will be submitted to the Minister by 30 June 2018.

### **3. ADOPTED STRATEGIC WORK**

#### **3.1. ACTIVITY CENTRE, HOUSING AND LOCAL ECONOMY STRATEGY**

In July 2017, Council adopted the *Activity Centre, Housing and Local Economy Strategy* which sets a new vision for the future of the municipality and will inform an update to Council's Municipal Strategic Statement (MSS). The 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.

The Strategy informs the directions of the Structure Plans, by outlining the strategic context, vision and objectives for each activity centre across Glen Eira and guides where to focus housing and commercial developments.

#### **3.2. STRUCTURE PLANS**

The Bentleigh, Carnegie and Elsternwick Structure Plans have been developed based on themes that have emerged through early stages of community engagement, with initiatives and projects undergoing further testing and refinement with each additional stage. The process undertaken has provided Council with an opportunity to work with local communities and stakeholders to discuss and carefully plan for the future. The Structure Plans seek to set an holistic vision for each centre, rather than simply be the basis for planning controls. Importantly, the Structure Plans seek to leave a lasting legacy for the current and emerging communities by:

- Harnessing development and population growth as a positive opportunity for our community, rather than a negative tension.
- Transitioning our traditional retail centres to a broader community experience, with a focus on how we continue to provide opportunities for community connections and prepare for a less retail intensive future.
- Proactively planning for the needs of our community including open space, transport and community uses.

### **3.3. QUALITY DESIGN GUIDELINES**

The *Quality Design Guidelines* were produced 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 Glen Eira Planning Scheme and relevant State Government initiatives.

### **3.4. COMMUNITY CONSULTATION**

Traditionally, councils engage with the community separately on each individual project in a linear fashion. With such significant strategic work being undertaken from a municipal-wide and place-based approach, a different process was undertaken where feedback was sought concurrently on multiple projects over the last 12 months 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.

Initially, a dedicated online community forum was established for each of Glen Eira's 17 shopping strips. As engagement progressed, further initiatives were undertaken for each round of engagement mentioned above, including:

- online forums and surveys;
- drop-in and pop-up engagement in each centre;
- workshops and information stands at key periods;
- print media for each round including Glen Eira News, social media and Council's website; and

- meetings with key stakeholders.

The engagement program was specifically designed to ensure that community feedback can be harnessed to its full potential, in shaping and developing a number of inter-related projects occurring concurrently, including the documents that were adopted by Council – the Bentleigh Structure Plan, the Carnegie Structure Plan, the Elsternwick Structure Plan and the Quality Design Guidelines. In total, more than 4,400 community submissions or forum attendees as provided valued input as outlined below:

### **STAGE ONE: Tell us what you love about your shopping strip**

- Key aim: to determine the community's vision and objectives for each centre.
  - More than 2,100 surveys completed for 17 activity centres.

### **STAGE TWO: Transforming our neighbourhoods together**

- Key aims:
  - Test draft vision and objectives with the community.
  - Test concept ideas for major projects which were developed based on the feedback received in the first stage of consultation.
  - More than 1,000 online surveys, 50 submissions, 150 people attended drop-in sessions.

### **STAGE THREE: Activity Centre, Housing and Local Economy Strategy and early structure plan exploration**

- Key aims:
  - Seek feedback on the draft Activity Centre, Housing and Local Economy Strategy, which was developed based on previous feedback and external consultant input.
  - Further test visions for Bentleigh, Carnegie and Elsternwick.
  - 64 submissions, 119 people attended community forums.

#### **STAGE FOUR: Quality Design Principles**

- Key aims:
  - Set clear building design principles.
  - Test and refine various building types to be applied across the municipality.
  - 96 submissions.

#### **STAGE FIVE: Draft Concept Plans for Bentleigh, Carnegie and Elsternwick**

- Key aims:
  - Test the proposed framework to locate the right buildings in the right locations.
  - Seek feedback on building heights and building types as applied in these areas, as well as more detailed transformation projects.
  - 473 submissions, 224 people attended community forums.

#### **STAGE SIX: Draft Structure Plans for Bentleigh, Carnegie and Elsternwick, and Quality Design Guidelines**

- Key aims:
  - Seek feedback on draft Structure Plans, including refined content and additional movement sections.
  - 692 submissions, 493 people attended community forums/drop-in sessions.

This paper is accompanied by a Consultation Overview Report for each activity centre.

### **3.5. HOUSING ANALYSIS**

Council has undertaken detailed municipal wide analysis to assess the opportunity for housing growth associated with the Structure Plans and Council's broader strategic planning program.

The following provides a broad overview of the findings of this analysis. This paper is accompanied by Council's detailed housing analysis report, *Planning Strategy Impacts on Housing Opportunity*. The report explores expected housing targets and the foreseeable

opportunity for new housing based on current and future strategic planning projects, guidelines and strategies.

Plan Melbourne's direction for housing growth indicates that the City Glen Eira should deliver approximately:

- 9,000 additional dwellings by 2031.
- 28,000 additional dwellings by 2051. This target could range between 25,000 and 33,000 depending on how the distribution of housing is calculated between Councils in the 'Inner South East Region' of Melbourne.

Using conservative estimates, any strategic work should demonstrate that the city can deliver a minimum of 28,000 additional dwellings by 2051. Council's analysis finds that:

- Glen Eira has a foreseeable opportunity to deliver between 26,000 and 28,000 additional dwellings by 2051, depending on how changes to planning policy are implemented across the city.
- Based on Glen Eira's existing planning policy framework, the city has development opportunities to provide 26,000 additional dwellings.
- Implementing the adopted structure plans for Bentleigh, Carnegie and Elsternwick will increase housing opportunity to approximately 27,500 additional dwellings.
- By implementing the entire strategic planning program, it is estimated that there would be a 5% increase of the municipal housing opportunity, which would be in the realm of meeting the target of 28,000.<sup>1</sup>
- The resulting development outcomes across Glen Eira will be nuanced, with some areas decreasing and others increasing in development opportunities. This supports Council's approach of placing 'the right buildings in the right locations', shifting growth towards the most appropriate locations.

---

<sup>1</sup> Council is currently working with the Victorian Planning Authority, on a Structure Plan for East Village that would increase housing opportunity by up to 3,000 dwellings. Concurrently, should the Quality Design Guidelines be implemented across Glen Eira (in residential and commercial zones), this would decrease housing opportunity across the municipality by around 3,054 dwellings in comparison to existing zoning.

## 4. PROPOSED INTERIM CONTROLS

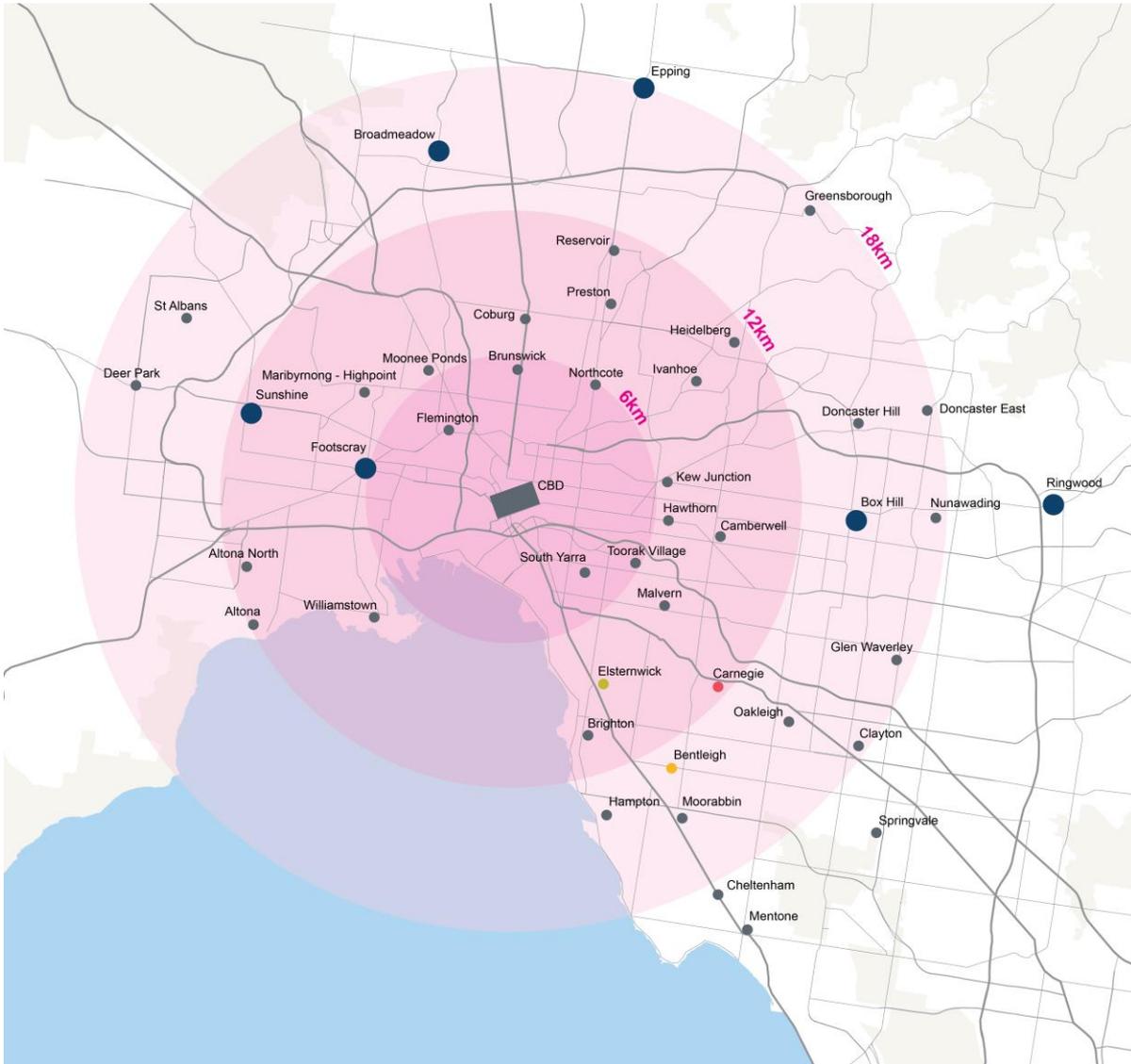
The following provides a summary of the key elements of the interim controls being sought by Council.

### 4.1. BUILDING HEIGHTS

Council is seeking a mix of discretionary and mandatory interim controls, including mandatory building heights. In the case of Strategic Sites and Urban Renewal areas in Carnegie and Elsternwick, the structure plans provide a building height range. These are translated into the interim controls as a preferred (discretionary) height and a maximum (mandatory). For these sites, the following decision guidelines are proposed to guide development that is above the preferred height:

- Whether development demonstrates includes the provision of significant community benefit;
- Whether the development creates unreasonable impacts on the amenity of sensitive interfaces as a result of additional height;
- Whether the development demonstrates architectural design excellence.

In developing its structure plans for its three major centres, Council has had regard to both the local characteristics of each centre, their opportunities for accommodating growth and their strategic metropolitan context. The urban form sought for Glen Eira's activity centres reflects the place that these centres occupy in the broader urban form of metropolitan Melbourne. Like comparable centres in Melbourne, Glen Eira's activity centres are typically characterised by a commercial 'main street' comprising Victorian to inter-war fabric and finegrain subdivision pattern; a 'hinterland' of at-grade car parks and additional commercial sites; and a close abuttal to low scale (sometimes heritage) residential areas. Mandatory height controls are sought in these larger scale and more sensitive areas, in order to provide certainty of outcomes for both the community and the development sector.



**Figure 3 Bentleigh, Carnegie & Elsternwick in the metropolitan context**

Both Elsternwick and Carnegie are located within the inner middle ring of Melbourne, at approximately 10-12 kilometres from the CBD. This locational aspect, as well as proximity to major arterial roads, distinguishes these centres from Bentleigh. Both Carnegie and Elsternwick have been identified as having opportunities for urban renewal development, due to the availability commercial land that can accommodate some significant change (in contrast to the predominant low-scale and fine grain commercial land in the retail strips in all three centres).

The ‘upper limit’ of development supported in both Elsternwick and Carnegie is at the scale of 8 storeys preferred with a maximum height of 12 storeys. The application of building heights across these centres, in Council’s adopted Structure Plans, takes a nuanced approach having regard to sensitive interfaces, protection of the public realm and the strategic role the centres play. In the strategic metropolitan context, the urban form sought for these centres

complements that of other comparable centres, in terms of location, context and physical attributes. Bentleigh occupies a decidedly more *suburban* context. Council's structure plan identifies an upper limit of 5 storeys in this activity centre, which places it in line with comparable centres such as Brighton and Hampton.

Informed by a built form analysis of the three centres undertaken by Planisphere, Council has taken a 'building typology' approach to establish the parameters for development based on the characteristics of each centre, as outlined in the following pages.

## **SHOPTOP (HERITAGE/CHARACTER)**

### **4 STOREYS WITH 2 STOREY STREETWALL HEIGHT**

#### **Characteristics**

- Carnegie - strong Interwar-era character, with many older shopfronts of one to two storeys in scale
- Elsternwick - Edwardian and Victorian architecture, highly articulated with ornamental trim, rustication, sash windows, architectural reliefs and mouldings.
- Poor interface with adjoining laneway network and at-grade carparks to the rear.
- Generally a consistent parapet height of up to two storeys.

#### **Opportunities**

- Activation of rear laneways
- Retention and restoration of heritage building stock
- Improve pedestrian 'main street' experience

#### **Constraints**

- Fine grain subdivision pattern
- Vehicular access limited to rear laneways and side streets

## **SHOPTOP (STANDARD)**

### **3-5 STOREYS WITH 2 STOREY STREETWALL HEIGHT**

#### **Characteristics**

- Carnegie - Mixed building stock along Neerim Road, dominated by a large petrol station on the corner of Koornang Road. The northern entrance to the activity centre (Koornang Road) is dominated by a four storey shopping centre complex.
- Bentleigh – both sides of Centre Road characterized by a consistent 2 storey built form scale, with isolated older buildings dispersed throughout, with minimal infill development with the existing built form. In many parts of the centre, residential sites have a direct interface (or just laneway separation) to commercial sites.

- To the rear of the shops, large and expansive carparking areas that pedestrians must navigate en route to the shopping strip.

### **Opportunities**

- Activation of rear laneways
- Strengthen low scale streetscape character and consistent street wall.
- New building stock constructed at a scale that compliments the consistent buildings.

### **Constraints**

- Some direct interfaces to residential sites
- Fine grain subdivision pattern
- Vehicular access limited to rear laneways and side streets

## **STRATEGIC SITE**

6-8 STOREYS WITH A 3 STOREY STREET WALL HEIGHT.

5 STOREYS WITH A 2 STOREY STREET WALL HEIGHT.

### **Characteristics**

- Located 'behind' the retail main street
- Predominantly large sites including at-grade parks
- Frontages to residential streets

### **Opportunities**

- Enliven laneway interface to the rear of existing shops
- Proximity to train station
- New open space to address shortfall in Carnegie
- Complement existing community facilities

### **Constraints**

- Limited pedestrian connections through to main shopping streets
- Interfaces to new and existing public open space
- Proximity to low scale residential areas

## **URBAN RENEWAL**

6-8 STOREYS WITH A 3 STOREY STREET WALL HEIGHT

8-12 STOREYS WITH A 3 STOREY STREETWALL HEIGHT

### **Characteristics**

- Carnegie - Strong industrial character - primarily one to two storey industrial buildings or warehouses on large sites - in a transition stage and dispersed with intermittent apartment style developments of up to 5 storeys.

- Elsternwick<sup>2</sup> - Mixed building stock including church, offices, service station and shops; and one 11 storey apartment building on the north side of Glen Huntly Road.
- High level of visibility from the Nepean Highway intersection

### **Opportunities**

- Proximity to train stations and major arterial roads.
- Larger lot sizes can accommodate change while managing amenity impacts; and can accommodate uses that provide some community benefit.
- Lack of heritage/character buildings allow for transition from industrial uses to infill with higher density development.
- Opportunity to create gateway to the activity centres at a significant intersection/main road frontage

### **Constraints**

- Carnegie
  - a. Potential for overshadowing impacts to existing and future open space (elevated rail) and residential sites to the south of the open space.
  - b. Low scale residential areas to the east of the urban renewal precinct (Neighbourhood Character Overlay)
  - c. Rosstown Hotel may have heritage value.
  - d. Relationship to the low-scale streetscape character on Koornang Road.
- Elsternwick
  - a. Low-scale residential areas to the north (with potential heritage value)
  - b. Pocket of heritage shops on south side of Glen Huntly Road
  - c. Some fine grain sites requiring consolidation

---

<sup>2</sup> Urban Renewal South is not proposed to be included in the interim controls.

- d. Relationship to the low scale and significant heritage character of Glen Huntly Road to the east.

It is noted that the built form controls of many of Melbourne's major activity centres comprise *preferred* building heights. Council notes the pilot program currently underway to examine building heights in activity centres. The advent of this program signals a recognition of the limitations of discretionary height controls which "can result in delays to resolve planning applications, additional costs and contributes to uncertainty for the community about the height and scale of development that may ultimately occur."<sup>3</sup> Council eagerly awaits the outcomes of this program. In the meantime, it is considered appropriate and prudent to seek mandatory height controls on an interim basis for Glen Eira's centres, while DELWP is undertaking this significant work.

While the structure plans express building heights in storeys alone, it is accepted practice that planning controls should include a measure in metres. The interim controls propose building heights that are expressed in both storeys and metres. The translation to metres is based on the following:

- For residential areas, the building height measures reflect those used in the residential zones.
- For commercial and mixed use areas, the heights in metres apply 4 metres for a commercial floor and 3 metres for a residential floor and assume that a building 'podium' will accommodate commercial floors.
- For strategic and urban renewal sites, an additional 10% height (overall) has been included to provide flexibility for commercial storeys.

In the case of Garden Apartments, a building height does not need to be specified as the four storey mandatory height limit already in the zone will apply. The interim controls seek to minimise replication of existing planning requirements.

---

<sup>3</sup> <https://www.planning.vic.gov.au/policy-and-strategy/activity-centres/height-controls>

## 4.2. SETBACKS

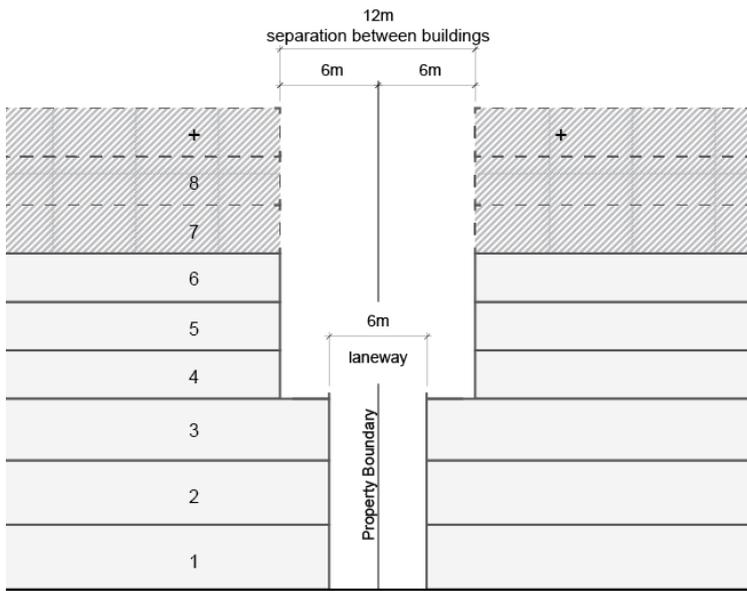
The interim controls will implement both the structure plans and the relevant parts of the *Quality Design Guidelines*. Building setbacks are a fundamental part of the guidelines, particularly where they direct how development should respond to sensitive interfaces.

The setbacks seek to achieve:

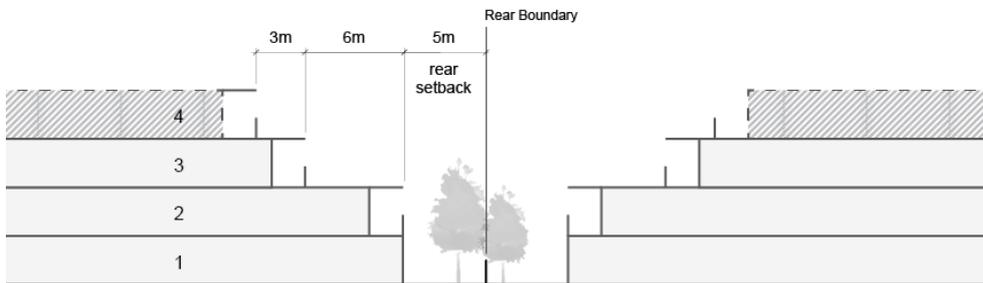
- In commercial and mixed use developments:
  - a. A consistent low-scale street wall outcome to enhance the existing retail form and to achieve a human scale.
  - b. A 'podium and tower' form to assist in the management of amenity impacts, enhance streetscape outcomes and ensure appropriate separation of taller built form.
- In residential developments:
  - a. A landscaped 'garden corridor' to the front and rear of sites
  - b. Three – four storey developments that sit comfortably in a residential setting and do not dominate the streetscape or adjoining sites.

Central to Council's approach to setbacks is ensuring that suitable internal amenity is achieved for existing and future residents of future development in both commercial and residential areas and ensuring equitable development outcomes, where cumulative development impacts may occur. Figure 4 below demonstrates the outcome sought in commercial developments, being a 12 metre separation of 'tower forms', to support these outcomes. Figure 5 below demonstrates the desired rear interface between two *Garden Apartment* developments, which would occur in a residential zone allowing for four storey development.

In this context, Council's setbacks seek to ensure a landscaped garden corridor is retained in its residential areas; and to ensure that the amenity of existing and future residents is optimised. Council's *Quality Design Guidelines* strongly encourage development that addresses potential overlooking issues without solely relying on privacy screens, which result in poor internal amenity and additional building bulk. We see appropriate setbacks as fundamental in achieving this outcome.



**Figure 4 Example of building separation sought in a commercial/mixed use context**



**Figure 5 Example of rear separation sought in a residential context**

### **4.3. DESIGN OBJECTIVES**

Through its request for interim controls, Council is seeking to achieve positive design outcomes, rather than simply manage building heights. Along with discretionary setback requirements, Council proposes that the following elements of the *Glen Eira Quality Design Guidelines* be included as design requirements in the interim controls:

- Building Design
- Garden setting and landscaping
- Outlook, overlooking and passive surveillance
- Access and parking
- Site consolidation

### **4.4. IMPLICATIONS OF INTERIM CONTROLS - RECENT AND CURRENT APPLICATIONS**

This paper is accompanied by a summary of applications that could potentially be affected by the proposed interim controls. This information comprises:

- Planning decisions for the twelve month period 27/2/17 – 27/2/18, including decisions that are currently subject to VCAT review; and
- Current live applications in Council's system.

### **4.5. RELATIONSHIP TO EXISTING INTERIM CONTROLS**

Amendments C147 and C148 were approved by the Minister on 4 April 2017 and applied interim controls to the commercial and mixed use zones in the Bentleigh and Carnegie activity centres. These controls were sought prior to the commencement of Council's substantive strategic work and were extended through Amendment C152, approved on 21/12/18. These controls have an expiry date of 31 December 2018. It is proposed that the controls sought through Amendment C157 will replace these existing interim controls.

In the case of Bentleigh, the proposed interim DDO largely reflects the existing DDO8. In Carnegie, the proposed DDO allows for greater development capacity in urban renewal and strategic sites, and seeks a lower scale outcome for the main commercial strip on Koornang Road, in order to maintain the consistent character of this strip.

The tables below provide a comparison of the existing and proposed interim controls, noting that 'precinct boundaries' in the structure plans differ from the existing controls in some cases.

*For ease of comparison, building heights are noted below in storeys only.*

<b>Bentleigh (DDO8)</b>		
<b>Precinct (proposed)</b>	<b>Proposed interim building heights</b>	<b>Existing Interim DDO</b>
Precinct 5 - Shoptop	Sub-precinct 5a: 3 storeys Sub-precinct 5d: 4 storeys Sub-precinct 5c: 5 storeys	DDO8-1: 4 storeys DDO8-2: 3 storeys DDO8-3: 5 storeys DDO8-4: 4 storeys
Precinct 6 – Strategic Sites	5 storeys	DDO8-3: 5 storeys DDO8-4: 4 storeys

<b>Carnegie (DDO9)</b>		
<b>Precinct (proposed)</b>	<b>Proposed interim building heights</b>	<b>Existing Interim DDO</b>
Precinct 5 – Heritage/Character shoptop	4 storeys	DDO9-2: 6 storeys
Precinct 6 – Shoptop	5 storeys	DDO9-3: 5 storeys
Precinct 7 – Strategic sites	6-8 storeys	DDO9-2: 6 storeys
Precinct 8 – Urban Renewal	Sub-precinct 8a: 6-8 storeys Sub-precinct 8b: 8-12 storeys	DDO9-1: 7 storeys

## 5. PERMANENT PLANNING CONTROLS

In adopting the *Structure Plans* and *Guidelines*, Council also resolved to request that officers commence the process of statutory implementation of all three *Structure Plans* into the Glen Eira Planning Scheme on a permanent basis. The application of permanent controls for these activity centres, in a comprehensive and orderly fashion, is a priority for Council.

### 5.1. FORM OF PERMANENT CONTROLS

The interim controls comprise a Design and Development Overlay schedule for each of the centres. This is considered to be the most appropriate statutory tool for managing built form outcomes on an interim basis. While the *built form outcomes* will be replicated in the permanent controls as they appear in the interim controls, it is anticipated that the *statutory tools* sought for permanent implementation will be different.

Council intends to develop a comprehensive suite of statutory tools to implement its ambitious policy position for its major activity centres. The outcomes Council is seeking include:

- Comprehensive built form guidance for both commercial and residential areas
- Facilitating increased levels of employment generating land uses
- Parking Management
- Developer Contributions/Community Benefit
- Integrated precinct planning for urban renewal areas

Due to this complexity, Council has not yet determined the most appropriate tools to use for permanent controls. Council officers will remain in contact with DELWP officers to ascertain the most appropriate approaches to implementation; and to keep abreast of changes arising from the *Smart Planning* program and other State Government initiatives.

### 5.2. TIMING

The process set out below have been provided to the Glen Eira community, to indicate next steps and opportunities for input into future processes. In line with Council's commitment to undertake further detailed work, particularly for the Elsternwick Urban Renewal area, Council is seeking an expiry date of 31 December 2019 for the interim controls.

**ADDITIONAL  
OPPORTUNITY  
FOR THE  
COMMUNITY  
TO PROVIDE  
FEEDBACK**

**LOOKING AHEAD**

**MAR—MAY 2018    JUNE—JUL 2018    AUG—OCT 2018    OCT—DEC 2018    2019 AND ONWARDS**

Prepare Planning Scheme Amendment to implement the new policies and controls (including new interim height controls)

Request authorisation from the Minister for Planning

Public exhibition of the Planning Scheme Amendment

Review and consider submissions and request panel hearing

Consider panel recommendations and apply for Minister's approval for the Planning Scheme Amendment.

## **6. PLANNING PRACTICE NOTES**

### **6.1. ADVISORY NOTE – INTERIM PROVISIONS FOR STRUCTURE PLANS**

The advisory note *Interim Provisions for Structure Plans* states that the Minister will consider the introduction of interim provisions for structure plans by a ministerial amendment under Section 20(4) of the Planning and Environment Act 1987 where:

- A formal request in writing is received from the planning authority.
- The planning authority can show that the interim planning provisions:
  - satisfy the requirements of the General Practice Note Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004)
  - are based on substantive progress of a structure plan that has involved an appropriate level of community consultation and has been endorsed by council
  - give effect to the objectives of the structure plan and will allow an acceptable level of change sufficient to provide for economic and housing growth consistent with the aspirations outlined in Melbourne 2030
  - are consistent with the objectives and strategies of the SPPF (in particular Clause 12) and the LPPF.
- The planning authority commits to complete structure planning and the necessary planning scheme amendment within a specified time.

Council has completed the structure planning process and has committed to developing permanent planning controls. At its 27 February 2018, in adopting the Structure Plans, Council also resolved to request that officers commence the process of statutory implementation of all three *Structure Plans* into the Glen Eira Planning Scheme on a permanent basis.

### **6.2. GENERAL PRACTICE NOTE - MINISTERIAL POWERS OF INTERVENTION IN PLANNING AND HERITAGE MATTERS**

The General Practice Note *Ministerial powers of intervention in planning and heritage matters* states the criteria for the Minister considering using his powers of intervention. The following criteria are applicable to the Council's request:

- The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.
- The matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme).

Council considers that its request satisfies the Ministers criteria for intervention. The Minister has established a Pilot Program to better manage building heights in activity centres, with Moonee Valley and Ivanhoe being the pilot sites. Amendment C157 is consistent with this work being undertaken by the State Government, in that it seeks to ensure an appropriate scale of development in activity centres, and provide clarity and certainty of outcomes for both the community and the development industry. The application of interim controls will ensure that Council and the community's vision for Glen Eira's activity centres are not undermined by inappropriate developments, while permanent controls are implemented. The views of all affected parties will be sought through planning scheme amendment processes to implement permanent controls.