

GLEN EIRA PLANNING SCHEME

AMENDMENT C184

EXPLANATORY REPORT

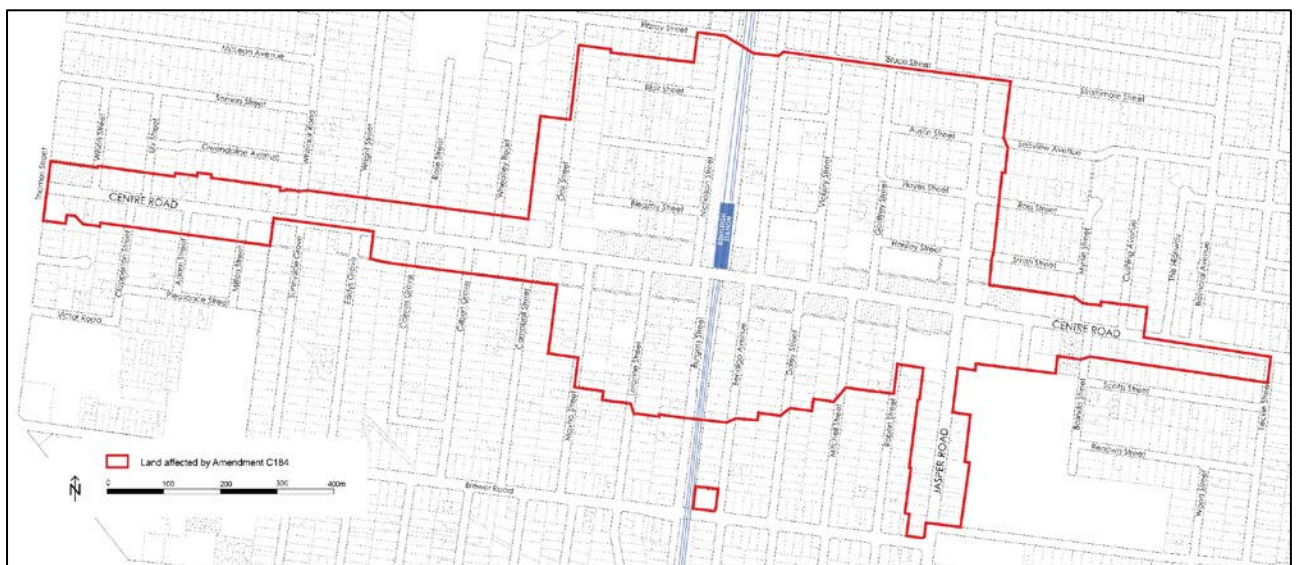
Who is the planning authority?

This amendment has been prepared by the Glen Eira City Council, which is the planning authority for this amendment.

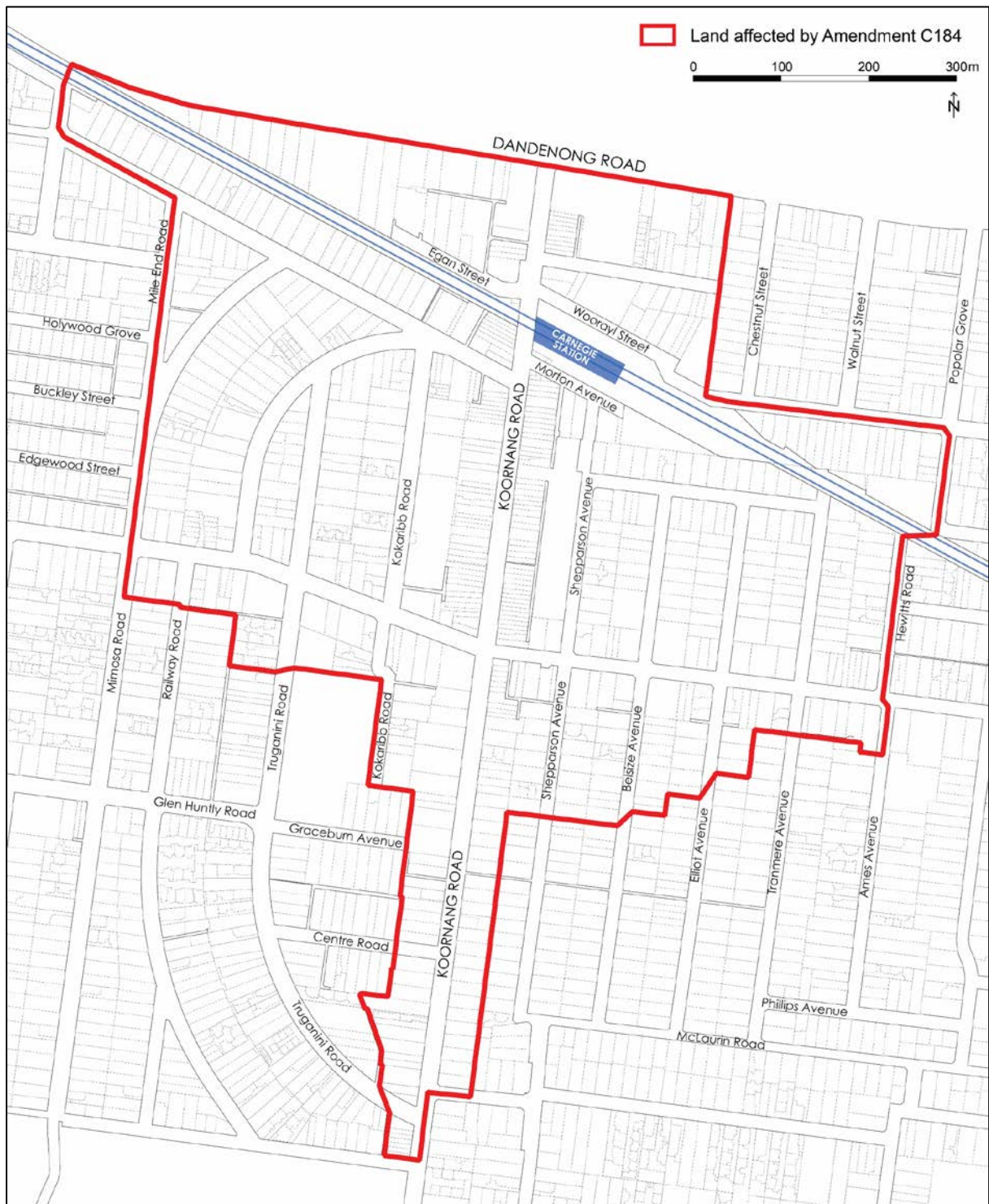
The amendment has been made at the request of Glen Eira City Council.

Land affected by the Amendment

The amendment applies to land within and in the vicinity of the Bentleigh and Carnegie Activity Centres as shown in Maps 1 and 2 below:



Map 1 - Land affected by Amendment C184 – Bentleigh



Map 2 - Land affected by Amendment C184 - Carnegie

What the amendment does

Glen Eira City Council has adopted structure plans for the Bentleigh and Carnegie Activity Centres to deliver land use and built form outcomes for each centre. The amendment makes changes to the Glen Eira Planning Scheme (the planning scheme) to implement the land use and development directions of the Bentleigh and Carnegie Structure Plans on a permanent basis, through the application of local policy, zones, overlays and operational provisions to support a mix of commercial, retail and residential uses, while also protecting heritage and neighbourhood character.

In summary, the amendment proposes to:

- Amend the Municipal Strategic Statement at Clause 21.04 (Housing and Residential Development) to give direction on when to apply the Design and Development Overlay in activity centres.
- Amend local policies at Clause 22:
 - Insert a new Clause 22.04 to provide policy direction for the Bentleigh and Carnegie activity centres that reflects the directions of the structure plans.
 - Amend Clause 22.05 Urban Villages Policy to remove all content relating specifically to Bentleigh and Carnegie Activity Centres, and rename as “Urban Villages – Elsternwick”.
 - Amend Clause 22.07 Housing Diversity Area Policy and Clause 22.08 Minimal Change Area Policy to address the revised boundaries of the Bentleigh and Carnegie Activity Centres.
- At Clause 32.07, insert a new Schedule 3 to the Residential Growth Zone (RGZ3) to reflect the directions of the Carnegie and Bentleigh Structure Plans relating to residential core areas in major activity centres.
- At Clause 32.07, insert a new Schedule 4 to the Residential Growth Zone (RGZ4) to reflect the directions of the Carnegie Structure Plan relating to residential areas that act as a transition to urban renewal areas.
- At Clause 32.08 insert a new Schedule 5 to Clause 32.08 General Residential Zone (GRZ5) to reflect the directions of the Carnegie and Bentleigh Structure Plans relating to general residential areas within activity centres.
- At Clause 32.09 insert a new Schedule 2 to Clause 32.09 Neighbourhood Residential Zone (NRZ2) to apply to residential land that is located outside the boundary of the Bentleigh and Carnegie activity centres.
- At Clause 43.02, amend Schedule 8 to the Design and Development Overlay (DDO8) to introduce permanent design and development requirements applying to land within a commercial or mixed use zone in the Bentleigh activity centre to reflect the directions of the Bentleigh Structure Plan. The schedule includes a mix of discretionary and mandatory controls relating to building heights, setbacks and other design requirements.
- At Clause 43.02, amend Schedule 9 to the Design and Development Overlay (DDO9) to introduce permanent design and development requirements applying to land within a commercial or mixed use zone in the Carnegie activity centre, to reflect the directions of the Carnegie Structure Plan. The schedule includes a mix of discretionary and mandatory controls relating to building heights, setbacks and other design requirements.
- Amend the Schedule to Clause 72.08 (Background documents) to include the following new background documents:
 - *Bentleigh Structure Plan 2018-2031* (Glen Eira City Council, December 2018, including Addendum dated Feb 2020).
 - *Carnegie Structure Plan 2018-2031* (Glen Eira City Council, December 2018, including Addendum dated Feb 2020).
- At Clause 74.02 (Further strategic work) insert a new schedule to reflect further strategic work to be undertaken to further support the implementation of the directions of the structure plans into the planning scheme.
- Amend the planning scheme map 02ZN to rezone land in Carnegie as outlined in the planning scheme maps forming part of this amendment, to reflect the directions of the Carnegie Structure Plan.
- Amend the planning scheme map 03ZN to rezone the following land in Bentleigh as outlined in the planning scheme maps forming part of this amendment, to reflect the directions of the Bentleigh Structure Plan.
- Amend the planning scheme map 02DDO to remove the existing Design and Development Overlay Schedule 9 (DDO9) over land within or in the vicinity of the Carnegie Activity Centre, as outlined in the planning scheme maps forming part of this amendment.
- Amend the planning scheme map 02DDO to apply the Design and Development Overlay Schedule 9 (DDO9) to land in the Carnegie Activity Centre in a Commercial 1 Zone or a Mixed Use Zone, as outlined in the planning scheme maps forming part of this amendment.

- Amend the planning scheme map 03DDO to remove the existing Design and Development Overlay Schedule 8 (DDO8) over land within or in the vicinity of the Bentleigh Activity Centre, as outlined in the planning scheme maps that form part of this amendment.
- Amend the planning scheme map 03DDO to apply the Design and Development Overlay Schedule 8 (DDO8) to land in the Bentleigh Activity Centre in a Commercial 1 Zone or Mixed Use Zone, as outlined in the planning scheme maps forming part of this amendment.
- Amend the planning scheme map 03EAO to apply the Environmental Audit Overlay to 99 Brewer Road, Bentleigh.

The supporting document: Additional Explanatory Information provides a summary of changes to the Planning Scheme by Amendment C184 and how Amendment C184 addresses relevant Planning Practice Notes and the Practitioner's Guide to Victorian Planning Schemes.

Strategic assessment of the Amendment

Why is the Amendment required?

Throughout 2017, Council undertook a comprehensive strategic planning and community engagement process for the Bentleigh and Carnegie activity centres. This process culminated in Council's adoption of a structure plan for both centres in February 2018. The structure plans are supported by elements of the Glen Eira Quality Design Guidelines (Commercial and Mixed-Use Areas, and Residential Areas), adopted by Council in March 2018 (Quality Design Guidelines). The built form work that underpins the structure plans is found in the documents: Urban Form Analysis: Bentleigh and the Urban Form Analysis: Carnegie (Glen Eira City Council, June 2020). These are supporting documents to this Amendment.

In August 2018, Amendment C157 was approved by the Minister for Planning to introduce interim planning controls on land in the Bentleigh and Carnegie activity centres. The interim controls applied a Design and Development Overlay Schedule 8 (DDO8) and a Design and Development Overlay Schedule 9 (DDO9) to selected parts of the Bentleigh and Carnegie activity centres respectively covering land zoned commercial, mixed use and residential. The interim controls allow for the 2018 versions of the structure plans to guide development while the permanent planning controls were developed and proceed through the amendment process. The interim controls expire on 31 March 2021.

Further work has been undertaken to refine and update the Bentleigh and Carnegie Structure Plans to respond to changing policy context and to facilitate their implementation into the planning scheme. Consequently, addendums to the Bentleigh Structure Plan and Carnegie Structure Plan were adopted by Council in February 2020.

Amendment C184 (the amendment) proposes to implement the revised Bentleigh and Carnegie Structure Plans, as adopted by Council in February 2020, into the Glen Eira Planning Scheme on a permanent basis.

The amendment seeks to introduce a comprehensive suite of planning controls to provide direction on land use and development in the Bentleigh and Carnegie activity centres in accordance with the vision and strategic directions for these centres. The amendment proposes a framework that supports the delivery of new housing and retail and commercial floorspace in major activity centres that are well served by public transport and existing services and infrastructure.

Opportunity sites in both centres, and an urban renewal precinct in Carnegie will further support these directions, facilitating a range of diverse housing options and commercial and mixed use development to provide vital local employment opportunities.

The planning controls seek to ensure new development responds to the local context, by implementing a transition of height and scale of built form in different locations across each centre and to ensure new development responds to its local context. They also seek to facilitate new public space improvements, improve design outcomes and improve the relationship between new development and the amenity, character and heritage values of existing neighbourhoods.

Within the Local Planning Policy Framework (LPPF), the Amendment proposes to introduce a new strategic policy framework for Bentleigh and Carnegie activity centres, based on the vision and strategic directions of the structure plans. The amendment will also provide more detailed built form controls within zone and overlay schedules, covering such matters as building heights, setbacks and design requirements to improve the quality of development.

Three new residential zone schedules are proposed to implement detailed built form requirements for residential zones within both centres. The focus in the proposed residential schedules is about

managing heights, setbacks and design of new residential development to achieve housing growth and diversity objectives for both centres whilst also achieving desired amenity, landscaping and design outcomes.

A new Neighbourhood Residential Zone schedule is proposed to apply to residential land that is now located outside the activity centre boundaries of both centres, and where lower built form scale and height is more appropriate.

Within the commercial and mixed use areas of both activity centres, the proposed DDO8 and DDO9 will apply, replacing the existing interim DDO in both centres. The existing interim DDO in both centres is proposed to be removed from any land in a residential zone, as the new residential zone schedules will now provide the appropriate built form requirements without the need for a DDO control.

The permanent controls proposed within the DDO8 and DDO9 provide detailed requirements relating to design objectives, building height and number of storeys, street wall height, setbacks, building design, active frontages, access and parking, overshadowing, privacy, outlook, overlooking and site consolidation. Within the suite of controls there are a mix of mandatory and discretionary controls to achieve the desired design outcomes for each precinct, based on its local context.

Other changes proposed by the amendment relate to operational provisions of the planning scheme. This includes identification of further strategic work that is required to further support the implementation of the structure plans into the planning scheme and identification of relevant background documents that provide support to the proposed planning controls proposed in Amendment C184.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria:

To provide for the fair, orderly, economic and sustainable use and development of land.

The amendment will provide greater clarity regarding expected levels of growth and desired land use, development and built form outcomes in the Bentleigh and Carnegie activity centres. In doing so, the proposed provisions will support more efficient and orderly planning processes. The amendment will ensure that new development in these centres supports the strategic planning directions for each centre and that there is greater certainty for all parties over future built form outcomes.

The views of all affected parties will be sought through the statutory notification processes associated with this planning scheme amendment process to implement the controls.

To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The amendment supports new development in both the residential and commercial areas of the Bentleigh and Carnegie Activity Centres that appropriately reflects local context, including heritage and neighbourhood character values. The proposed heights and other design controls within the amendment for commercial and mixed use areas in both centres require consideration of the local heritage context.

To balance the present and future interests of all Victorians.

The structure plans were informed by significant community engagement with local communities. The suite of planning controls proposed in this amendment seek to implement the structure plans into the planning scheme through a comprehensive framework of policy and detailed zone and overlay controls. The amendment seeks to balance the present and future interests of all Victorians by supporting an appropriate level of development and growth in each centre that takes into account an understanding of the local opportunities and context of each centre and the need to support the broad range of needs of the community both now and over the longer term.

How does the Amendment address any environmental, social and economic effects?

Community engagement for the structure plans has highlighted the social value of heritage and neighbourhood character in the Bentleigh and Carnegie communities.

The structure plans have also identified several public projects which seek to enhance the social environment in the two activity centres. The amendment includes provisions which support these projects and place-making generally.

The amendment is expected to generate positive environmental, social and economic outcomes as it will facilitate development within each activity centre providing opportunities for economic development, housing and employment growth. Not only will this support the future growth and economic sustainability of the centres, but it will also provide a variety of housing choices for Glen Eira's changing population. This is likely to have a positive environmental effect in the area by increasing housing density in the right locations close to existing services, jobs and public transport infrastructure and by unlocking underused land for development.

Does the Amendment address relevant bushfire risk?

The land is not within a designated bushfire prone area, subject to a Bushfire Management Overlay or proposed to be used or developed in a manner that may create a bushfire hazard.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment has been prepared to comply with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes at section 7(5) of the *Planning and Environment Act 1987*.

Ministerial Direction No. 9 Metropolitan Planning Strategy

The amendment has been prepared with regard to Plan Melbourne and in particular is consistent with the following directions and policies within Plan Melbourne:

- 1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment:
 - Plan for adequate commercial land across Melbourne
- 1.2 Improve access to jobs across Melbourne and closer to where people live:
 - Support the development of a network of activity centres, linked by transport
- 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city:
 - Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport
 - Provide certainty about the scale of growth in the suburbs
- 2.2 Deliver more housing closer to jobs and public transport:
 - Direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne
 - Support new housing in activity centres and other places that offer good access to jobs, services and public transport
- 2.4 Facilitate decision making processes for housing in the right locations:
 - Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development
- 2.5 Provide greater choice and diversity of housing:
 - Facilitate housing that offers choice and meets changing household needs
- 4.3 Achieve and promote design excellence:
 - Promote urban design excellence in every aspect of the built environment
- 4.4 Respect Melbourne's heritage as we build for the future:
 - Recognise the value of heritage when managing growth and change
- 5.1 Create a city of 20-minute neighbourhoods:
 - Create mixed-use neighbourhoods at varying densities
- 5.4 Deliver local parks and green neighbourhoods in collaboration with communities:
 - Develop a network of accessible, high-quality, local open spaces

Ministerial Direction No. 11 Strategic Assessment of Amendments

A strategic assessment of the amendment has been completed, and is contained in this explanatory report.

Ministerial Direction No. 19 Preparation and content of Amendments that may significantly impact the environment, amenity and human health

The views of the Environment Protection Authority (EPA) were sought in the preparation of the Structure plans which form the strategic basis of the amendment, and in preparing the amendment documentation. Further consultation will occur as part of the statutory exhibition of the amendment.

The EPA provided general advice regarding the circumstances as to when to apply the Environmental Audit Overlay (EAO) to land.

It is considered that applying the EAO on land at 99 Brewer Street, Bentleigh in this circumstance is warranted as it is impracticable for Council to commission the audit for this private property.

The amendment addresses the views of the EPA by appropriately addressing relevant issues including noise, conflicting land uses and potential land contamination.

How does the Amendment support or implement the Planning Policy Framework?

The amendment supports the Planning Policy Framework in the following manner:

11.02-2S Structure planning

Through its implementation of structure plans for both Bentleigh and Carnegie activity centres into the planning scheme, the amendment supports the objective of facilitating the orderly development of urban areas.

11.03-1S Activity centres

The amendment supports the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. It will facilitate a diversity of housing types and will support the continued growth and diversification of both centres, including local employment opportunities.

15.01-1S Urban design

The amendment promotes good design outcomes in Bentleigh and Carnegie activity centres, and supports the objective of creating urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. In particular, it will require development to respond to its local character and context and maintain the amenity, attractiveness and safety of the public realm.

15.01-2S Building design

The amendment seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. In particular the implementation of the structure plans and the policy framework proposed by the amendment seek to ensure development responds and contributes to the strategic and cultural context of its location, minimises detrimental impact on neighbouring properties and enhances landscaping outcomes.

15.01-5S Neighbourhood character

The amendment seeks to recognise, support and protect neighbourhood character, cultural identity and sense of place, by ensuring development:

- Responds to cultural identity and contributes to neighbourhood character.
- Responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment, including heritage values.

15.03-1S Heritage conservation

Whilst not amending any heritage related planning controls directly, the amendment seeks to ensure all development has regard to heritage values on nearby properties, to ensure an appropriate setting and context for heritage places is maintained or enhanced.

16.01-1S Integrated housing

The amendment promotes the concept of integrated housing by facilitating opportunities for the housing market to improve the diversity of housing options available within Glen Eira. It will facilitate the availability of appropriately zoned land to support increased housing yields in accessible urban areas.

16.01-1R Integrated housing – Metropolitan Melbourne

The amendment supports these strategies by providing certainty about the expected scale of growth in both Bentleigh and Carnegie activity centres. This includes providing clear guidance on expected height and other design outcomes in residential, commercial and mixed use zones within each centre that balances the need to protect local character with the need to ensure choice and growth in housing.

16.01-2S Location of residential development

The amendment supports this objective, by seeking to direct new housing into the Bentleigh and Carnegie activity centres that both offer good access to jobs, services and transport within the existing urban area.

16.01-2R Housing opportunity areas – Metropolitan Melbourne

The amendment supports these strategies by facilitating opportunities for new housing and mixed use development in two major activity centres that are adjacent to a railway station and that support a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

16.01-3S Housing diversity

The amendment will facilitate opportunities for a range of housing types to be provided in Bentleigh and Carnegie to meet diverse needs. In particular it will:

- Ensure housing stock better matches changing demand by widening housing choice.
- Encourage the development of well-designed medium-density housing that:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.

16.01-3R Housing diversity – Metropolitan Melbourne

The amendment supports this strategy by creating mixed use neighbourhoods within the core of Bentleigh and Carnegie activity centres to provide for varying densities that will offer choice in housing options.

17.01-1S Diversified Economy

The amendment seeks to strengthen and diversify the local Glen Eira economy, by directing new housing and jobs into both Bentleigh and Carnegie activity centres and seeking to improve access to jobs closer to where people live.

17.02-1S Business

The amendment supports these strategies to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. It will provide for an adequate supply of commercial land in existing activity centres, and provide for retail and commercial opportunities to meet the needs of local residents and workers in convenient locations.

18.02-2S Public Transport

The amendment will facilitate greater use of public transport by directing new housing and job growth into activity centres well served by public transport and located along the Principal Public Transport Network. It also seeks to improve access to the public transport network by facilitating improved walking and cycling access within both activity centres.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The existing Municipal Strategic Statement (MSS) and local policy identify the Bentleigh and Carnegie Activity Centres as 'urban villages', which together with Elsternwick are Glen Eira's largest activity centres.

The amendment supports and implements the following objectives of the existing and proposed Local Planning Policy Framework:

21.03 Vision - Strategic Framework

The amendment generally supports all of the key land use visions identified in this clause, however in particular it provides support for the following:

- Allow for sustainable redevelopment which balances the needs of current and future populations.
- Ensure a greater diversity of housing to meet future housing needs.
- Improve and protect the liveability, neighbourhood character and amenity of Glen Eira.
- Identify and consolidate urban villages containing attractive and convenient retailing, community facilities, entertainment, tourist, educational and cultural facilities.

The Strategic Framework Plan in this clause identifies Bentleigh and Carnegie as urban villages. The amendment supports this designation, as it supports both centres to provide a range of community facilities and activities, a mix of housing and substantial local employment, with links to other suburban centres by public transport. The amendment strengthens the focus of housing diversity and major retail uses within both Bentleigh and Carnegie urban villages.

21.04 Housing and Residential Development

The amendment supports objectives of this clause, including:

- To ensure a greater diversity of housing to meet future housing needs.
- To improve and protect the liveability, neighbourhood character and amenity of Glen Eira.
- To promote environmental, social and economic sustainability.
- To stimulate and improve the vitality of Glen Eira's commercial centres.

21.06 Business

The amendment supports the intent of Clause 21.06 Business, by supporting the consolidation and enhancement of both Bentleigh and Carnegie urban villages, reinforcing the important community and retailing function of the centres, and supporting residential growth in and around the commercial core of each centre to support their economic viability.

21.12 Transport

The amendment supports the transport related objectives and strategies of the MSS, by facilitating new growth in areas which benefit from good access to public transport and infrastructure, public parking and where improvements to the safety, efficiency and integration of the transport network will have maximum benefits.

21.05 Urban Villages Bentleigh and Carnegie

The amendment supports the objectives and strategies of this new local policy that reinforces the role of Bentleigh and Carnegie Activity Centres as urban villages. This clause provides local policy directions relating to Bentleigh and Carnegie Activity Centres that support all of the planning scheme changes proposed by the amendment. This policy content is drawn from the existing relevant content in Clause 22.05 Urban Village Local Policy, however is updated to reflect the new directions contained within the adopted structure plans for each centre and to align with State planning policy context.

22.05 Urban Villages Policy

The amendment supports the objectives of this policy relating to the role and function of urban villages.

This amendment relocates relevant policy content for Bentleigh and Carnegie from the existing Clause 22.05 into the new local policy at Clause 22.04. There are no changes proposed at this time to policies relating to Elsternwick activity centre, which remain in Clause 22.05.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment uses standard provisions from the Victoria Planning Provisions in accordance with the manner set out in the Act and the relevant Ministerial Directions.

Further, the amendment has been prepared taking into account all relevant practice notes and the Practitioner's Guide to the Planning Scheme.

How does the Amendment address the views of any relevant agency?

The views of relevant agencies were received through consultation on the Structure plans, which provides the strategic basis for this amendment. The views of relevant agencies will be sought through the statutory exhibition process for the amendment.

Does the Amendment address relevant requirements of the Transport Integration Act (TIA) 2010?

The TIA requires a planning authority to have regard to a set of transport system objectives and decision making principles where a planning scheme amendment is likely to have a 'significant impact on the transport system'.

The amendment addresses the relevant requirements of the *Transport Integration Act* 2010 including Section 11 (integration of transport and land use). The current and future development and operation of the transport system have been considered in the preparation of the amendment. The amendment supports integrated land use and transport planning outcomes, by directing housing and employment growth into locations where existing public transport infrastructure can support such development. The amendment does not seek to increase development capacity beyond what the existing transport system can service, and the amendment is unlikely to have a significant impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The planning provisions will have limited additional impact on the resource and administrative costs of the responsible authority. The planning provisions will introduce a comprehensive planning framework for both activity centres, creating greater long-term guidance and certainty to landowners and residents about future growth expectations and land use and development outcomes. It is expected that this certainty coupled with the use of some mandatory controls will reduce pressure on Council's resources in relation to processing of planning permit applications and VCAT proceedings. Resourcing and administrative costs associated with any future planning applications will be met through statutory planning application fees.

Where you may inspect this Amendment

The amendment can be inspected free of charge at Glen Eira City Council's website at www.gleneira.vic.gov.au/AmendmentC184

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website on www.delwp.vic.gov.au/public-inspection

Submissions

Any person who may be affected by Amendment C184 may make a submission to the planning authority. Submissions about the amendment must be received by 27 August 2020.

A submission must be sent to:

Attention: City Futures - Amendment C184
City of Glen Eira
PO Box 42 Caulfield South 3162

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 28 January 2021
- Panel hearing: 15 March 2021