

# **PRIORITY PROJECTS STANDING ADVISORY COMMITTEE**

**7 SELWYN STREET, ELSTERNWICK**

**PROPOSED NINE STOREY BUILDING  
INCORPORATING MUSEUM, PERFORMING  
ARTS CENTRE AND OFFICE**

**STATEMENT OF EVIDENCE PREPARED BY STUART MCGURN**



# INTRODUCTION

1. My name is Stuart McGurn and I am a Director of Urbis Pty Ltd which conducts its business at Level 10, 477 Collins Street, Melbourne. My qualifications and experience are described in **Appendix A**.
2. I have been instructed by Marcus Lane Group on behalf of Glen Eira City Council to undertake a town planning review of redevelopment of the land at 7 Selwyn Street Elsternwick with a nine storey building. The building will incorporate a museum, performing arts centre, co-working offices and associated café and retail uses and liquor licence.
3. The subject land is presently developed with a two storey commercial building occupied by the Kadimah Cultural Centre (Jewish Cultural Centre and National Library). It is located centrally within the Elsternwick Activity Centre, just north of Elsternwick Railway Station. The land is included in the Mixed Use Zone 1 and affected by Design and Development Overlay 10 'Elsternwick Activity Centre' and Heritage Overlay 72. The Parking Overlay Schedule 2 - Precinct 3 'Student housing in specific areas' also applies.
4. Glen Eira City Council determined to issue a Notice of Decision to Grant Planning Permit at the Ordinary Meeting of Council on 1 September 2020. The decision substantially supports the development proposal with a number of detailed amendments required through Condition 1 of the permit including the building reduced in height to 37 metres (1a). A copy of the Notice of Decision to Grant a Permit is included at **Appendix B**.
5. The proceedings seek a review of Council's decision by third parties made to the Victorian Civil and Administrative Tribunal (VCAT). The proceedings were 'called in' by the Minister for Planning and referred to the Priority Projects Standing Advisory Committee for consideration as outlined in the correspondence of the Minister dated 14 March 2021.
6. The Directions of the Priority Projects Standing Advisory Committee dated 24 May 2021 further sought that written submissions to Committee must address the following themes:
  - Theme 1: Built form/urban design including building heights, setbacks, design quality and overshadowing
  - Theme 2: Heritage and neighbourhood character
  - Theme 3: Amenity impacts including noise
  - Theme 4: Traffic and carparking
7. I have addressed these themes specifically in my assessment below – largely with the exception of matters of traffic and car parking which are outside my area of expertise.
8. My opinion of the proposal has been informed having regard to:
  - An inspection of the subject site and surrounds.
  - Review of the Glen Eira Planning Scheme and reference documents of relevance.
  - The material comprising planning application GE/PP-33539/2020.
  - Plans dated 1/05/2020 which formed the basis of the planning application, public notice and recommendation.
  - Council Meeting Report 1 September 2020 and Notice of Decision dated 4 September 2020.
  - VCAT review material completed by third parties and the applicant for review.

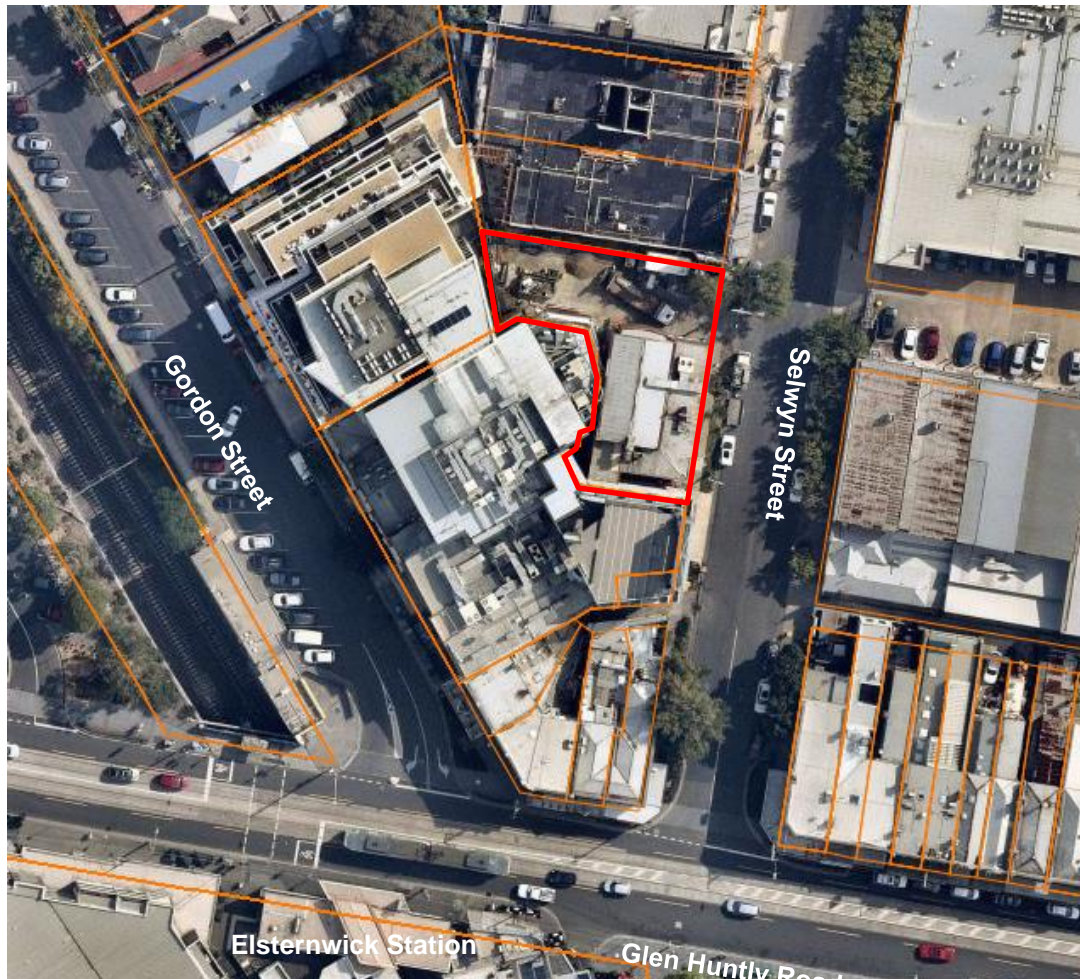
9. My opinion in relation to the proposal is:

- **The proposal is an appropriate response to the applicable controls and policies of the Glen Eira Planning Scheme.**
- **The proposed development will make a positive contribution to the Elsternwick Activity Centre and is an appropriate response to the Design and Development Overlay 10.**
- **The proposal will not unreasonably affect the amenity of the area and is appropriate having regard to the Activity Centre setting and policy which supports significant development in this location.**

10. I declare that I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant, have, to my knowledge, been withheld from the Advisory Committee.

# SUBJECT SITE AND SURROUNDS

11. The subject site comprises an irregular parcel of land at 7 Selwyn Street Elsternwick on the west side of Selwyn Street. It has a frontage off 32.7 metres to Selwyn Street and an overall area of 696 metres squared. An aerial photo of the subject site is included at **Figure 1**.



source: nearmap.com (11 March 2021)

**Figure 1: Aerial Photo of Subject Site and Surrounds (subject site red outline)**

12. The land is developed with a two storey commercial building occupied by Kadimah Cultural Centre (Jewish Cultural Centre and National Library). An agreement under s.173 of the Planning and Environment Act applies to the title for the land. The agreement imposes a requirement on the Classic Cinema to manage car parking for staff. I am instructed that it does not impose on the way in which the subject land can be used or developed.
13. The site is located within the Elsternwick Major Activity Centre which is centred along Glen Huntly Road. Elsternwick Railway Station is located approximately 80 metres to the south of the subject site and trams run centrally along Glen Huntly Road.
14. Selwyn Street includes a mix of building forms, including two storey commercial buildings on the east side of Selwyn Street (formerly ABC studios). Surrounding properties include:
15. **To the North** (13-15 Selwyn Street) is the Jewish Holocaust Centre. The Centre is undergoing significant redevelopment following its approval in June 2018. **Further to the north** are residential areas which include largely single storey heritage dwellings.

16. **To the east** is Selwyn Street which travels south to Glen Huntly Road. On the opposite side of Selwyn Street are two storey commercial buildings at No. 10-16 Selwyn Street. This land has been the subject of a permit application for redevelopment with a supermarket and two residential towers.
17. **To the west and south** is the rear of the three storey scaled Elsternwick Classic Cinema building in Gordon Street.
18. **Adjoining to the north west** of the site is a seven storey apartment building at 15 – 19 Gordon Street.
19. Glen Huntly Road comprises predominantly two storey heritage buildings with ground floor retail uses. The commercial centre extends to the east from the intersection with Brighton Road and Nepean Highway.

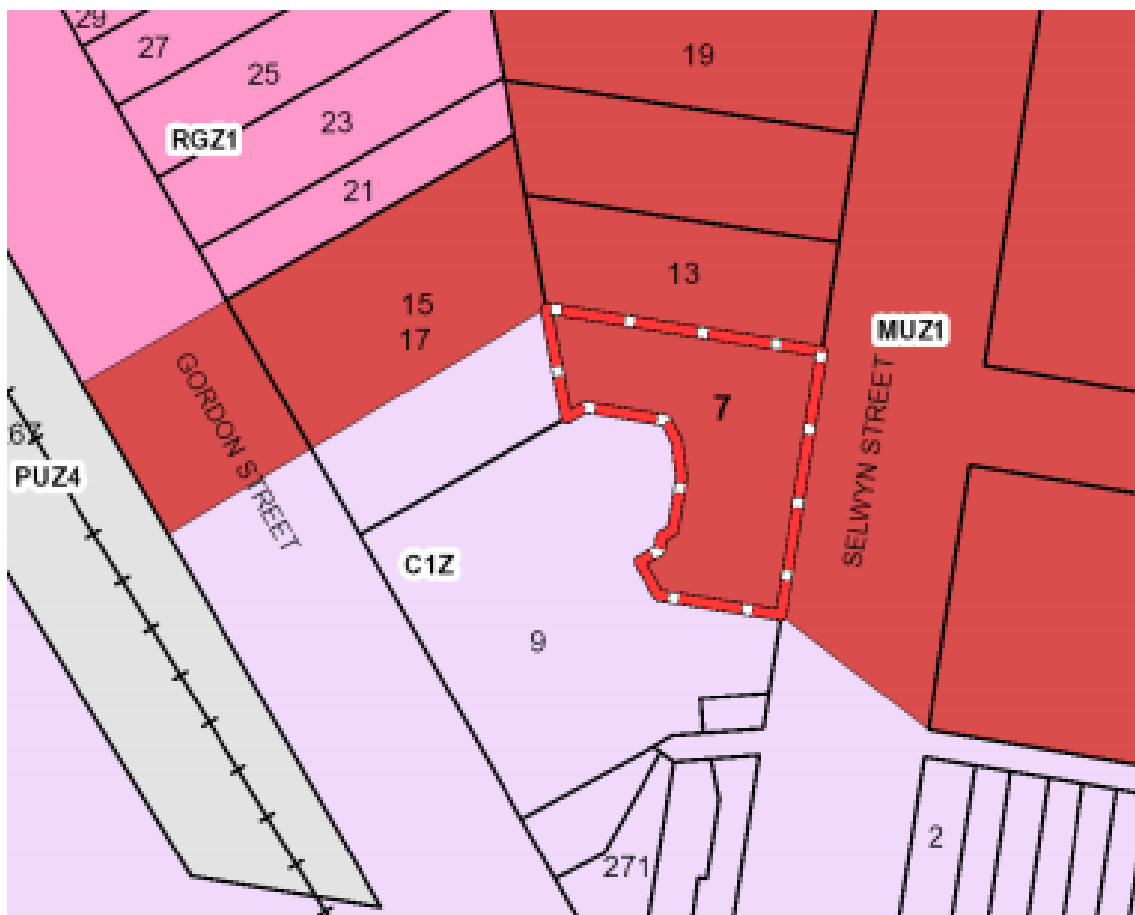
# PROPOSAL

20. It is proposed to demolish the existing building and car park and construct a nine storey building known as the Jewish Arts Quarter. Further details of the proposal include:
- Three levels of basement to be used as a performing arts centre.
  - Ground to Level 3 to comprise a museum and associated administrative area and café. A liquor licence is proposed in association with the museum levels.
  - A rooftop garden is sited above the podium at Level 3 facing Selwyn Street.
  - Level 5 to 7 to be used as co-working office spaces (office) including administration for the Jewish Museum of Australia and the Kadimah Cultural Centre and National Library.
  - Business identification signage of 7.5 metres x 2.7 metres area black lettering at the ground floor.
21. Car parking is not proposed for the development. A loading bay is provided accessed from Selwyn Street in a new location to the south of the existing crossover. The existing crossover will be reinstated.
22. The building is contemporary in design and includes a four storey street wall (17.39 metres high) along Selwyn Street. The podium occupies the full site at the ground and mezzanine level and includes setbacks from the west boundary of No. 15 -19 Gordon Street at the Mezzanine Level and above.
23. Above the podium a setback of 4.95 metres is proposed from Selwyn Street to the levels above. The building will have an overall height of 37 metres to the roof and 42.95 metres (to the top of the curved architectural façade feature). Plant and equipment will be sited behind an extension to the façade. The upper levels of the building occupy the full width of the site and provide setbacks from the west boundary adjoining No. 15 -19 Gordon Street.
24. The building will present as a textured concrete base with elements of glazing and black metal lettering. The upper levels comprise a blue grey glass curtain wall appearance to Selwyn Street and will be clad in an expanded metal mesh to the remaining elevations. The existing ceramic mural and stained glass windows and plaques known as 'The Great Awakening' will be incorporated into a display area in the ground floor foyer and lobby.
25. Operationally the following is proposed:
- Museum (including café and retail) 9am to 5pm Sunday to Friday (closed Saturday).
  - Performing Arts Centre
    - Monday to Friday (8 am - 5pm in association with the Museum) and 5pm to 10pm (otherwise).
    - Saturday and Sunday (1pm to 10pm).
  - Co-working spaces/offices (8am to 6pm Monday to Sunday).
  - Proposed 300 maximum patrons for the performing arts centre and museum (total 600 patrons).
  - Sale and consumption of liquor in various areas of the complex:
    - Ground floor café/ bar 11am to 5pm.
    - Temporary sites within the Performing Arts Centre 5pm to 9pm.
    - Third floor café/ lounge 11am to 6pm.

# GLEN EIRA PLANNING SCHEME

## MIXED USE ZONE 1

26. The land is located with the Mixed Use Zone 1 (**Clause 32.04**) as shown in **Figure 2**. There are no relevant requirements in the Zone schedule.



Source: vicplan.vic.gov.au

**Figure 2: Glen Eira Planning Scheme Zone Map Extract (subject site red dashed)**

27. The purpose of the Mixed Use Zone 1 include:
- 'To implement the Municipal Planning Strategy and the Planning Policy Framework.
  - To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
  - To provide for housing at higher densities.
  - To encourage development that responds to the existing or preferred neighbourhood character of the area.
  - To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.' [none specified]
28. Pursuant to the table of uses at **Clause 32.04-2**:
- No planning permit is required to use the land for a 'museum'.
  - A planning permit is required to use the land for an 'office' which exceeds 250 sqm in area.
  - A planning permit is required to use the land for a 'place of assembly'.



29. Under the provisions of **Clause 32.04-9** 'A planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2'.
30. The Mixed Use Zone identifies that 'Category 3' 'High Amenity Area' sign requirements apply.
31. Land to the north west, north and east is included in the Mixed Use Zone 1. Land to the south and west and along Glen Huntly Road is included in the Commercial 1 Zone. Further to the north west dwellings in Gordon Street are within the Residential Growth Zone 1.

## DESIGN AND DEVELOPMENT OVERLAY 10 'ELSTERNWICK ACTIVITY CENTRE'

32. The subject site and surrounds are subject to Schedule 10 of the Design and Development Overlay (**Clause 43.02**) (DDO10) 'Elsternwick Activity Centre'. Under **Clause 43.02-2**, a permit is required to construct a building or works.
33. DDO10 includes the following 'design objectives':
  - *'To preserve and enhance the heritage character of the Glen Huntly Road shopping strip.'*
  - *To preserve and enhance the heritage and residential areas in Elsternwick.*
  - *To encourage well designed mixed-use development, that supports the housing and economic needs of the Elsternwick activity centre.*
  - *To ensure an appropriate design response to sensitive interfaces, such as heritage or residential sites and open space.*
  - *To encourage developments in urban renewal areas and on strategic sites that provide a significant benefit for the Elsternwick community.'*
34. The site is located within '**Precinct 5A (west)**' '**Strategic Site A and B**' at Map 1 Precinct Plan. The following requirements apply:
  - **Building Height** – 'Strategic Site' – should not exceed 37m, comprising up to 10 storeys (but not including architectural features or services by more than 4 metres).
  - **Street Setbacks** – 'Strategic Site' – 0 metre setback up to 3 storeys (13 metres including parapet) with 5 metres above.
  - **Side and Rear Setback** – abutting a commercial/mixed use site'
    - *'3 m setback to a height of three storeys (13 m) to provide a laneway connection between buildings (overall width 6 m).'*
    - 'upper levels setback – 3m
35. Additionally, **Setbacks** in Precinct 5 should:
  - *'Reduce the visual impact of taller buildings by providing a consistent street wall height with upper floors recessed.'*
  - *Not prejudice the delivery of future public open space in designated locations.*
  - *Support the function of designated active and service laneways and facilitate new laneways and pedestrian connections between buildings.*
  - *Provide adequate separation between towers of buildings to achieve a high level of internal amenity for existing and future occupants of adjacent towers and to avoid the appearance of a continuous built form when viewed from the public realm.*
  - *Provide significant separation of tower forms from sensitive interfaces.'*
36. The requirements in relation to 'Building Design – all areas ' include buildings to incorporate high quality materials and be designed to address all frontages amongst other things.
37. Building Design Requirements for Precinct 3 – 6 note that 'buildings should' incorporate podium and tower forms with consolidated setbacks and active street frontages. Additionally:

- *‘Ensure that ground floor development fronting Selwyn Street contributes to its role as a cultural precinct.’*
- *‘In Precincts 5 and 6 shown on Map 1 to this Schedule, buildings should support a range of employment, residential and community spaces’*

38. The ‘Decision guidelines’ include the design objectives and in relation to Precinct 5:

- *Whether development in Precinct 5 or 6 demonstrates a high level of architectural quality and makes a positive contribution to the public realm.*
- *Whether any building in Precinct 5 or 6 that exceeds the maximum preferred building height –*
  - *Demonstrates that the development includes the provision of significant community benefit; and*
  - *Does not create unreasonable impacts on the amenity of sensitive interfaces as a result of additional height; and*
  - *Demonstrates architectural design excellence.*

39. The Overlay indicates that it will cease to have effect after 30 June 2021. It also identifies the ‘Elsternwick Structure Plan 2018 – 2031 (February 2018)’ as a reference document as well as the ‘Glen Eira City Council Quality Design Guidelines – Commercial and Mixed Use Areas (March 2018)’.

40. A response to the design objectives and requirements of DDO10 is included at **Appendix C**.

## HERITAGE OVERLAY 72 ‘H072’

41. The land is subject to Heritage Overlay 72 ‘Elsternwick Estate and Environs’ (**Clause 43.01**). A permit is required to demolish buildings and to construct buildings and works.

## PARKING OVERLAY 2 (P02)

42. Parking Overlay 2 ‘Student Housing in Specific Areas’ (**Clause 45.09**) applies to the subject site and surrounds. The requirements of the schedule relate directly to student accommodation and are not relevant to the proposal.

## OTHER RELEVANT CLAUSES

43. **Clause 52.05-13** ‘Signs’ indicates a permit is required for the display of ‘business identification signage’ in ‘Category 3 – High Amenity Areas’.

44. A permit is required under **Clause 52.06** ‘Car Parking’ to reduce the rate of car parking provision to zero. The rate of parking provision for place of assembly is 0.3 spaces per patron and 3 spaces per 100 square metres for an office. No rate is specified for a museum.

45. **Clause 52.27** ‘Licensed Premises’ requires a planning permit for the sale and consumption of liquor.

46. **Clause 52.34** ‘Bicycle facilities’ sets out requirements for bicycle parking.

47. **Clause 65** specifies ‘Decision Guidelines’ to be considered in determining an application for land use and buildings and works.

48. The site is identified as being within an identified area of Aboriginal Cultural Heritage Sensitivity as described in the *Aboriginal Heritage Regulations 2018*. A statement by Andrew Long and Associates confirmed that a Cultural Heritage Management Plan is not required to be prepared for the subject site.

# PLANNING POLICY FRAMEWORK

49. The following Clause of the State Planning Policy are of key relevance to the proposal:

- **Clause 11** 'Settlement' includes policies relating to 'Activity Centres' at **Clause 11.03-1S** and has 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'*.
- **Clause 11.03-1R** 'Activity Centres – Metropolitan Melbourne' includes the following strategy *'locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.'*
- **Clause 15.01-1S** 'Urban design' encourages outcomes that contribute positively to the local character, contributes to community and cultural life, enhance the public realm, and minimise detrimental impacts on neighbouring properties and provides appropriate landscaping.
- **Clause 15.01-2S** 'Building design' encourages building design that contributes to the local context, including through height, scale and massing. This includes ensuring that developments provide safe access to pedestrians, cyclists and vehicles.
- **Clause 15.02-1S** 'Energy and resource efficiency' looks to improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development' and encourages retention of existing vegetation and planting of new vegetation'.
- **Clause 15.03-1S** 'Heritage Conservation' seeks to ensure the conservation of places of heritage significance. Strategies include to *'encourage appropriate development that respects places with identified heritage values.'*
- **Clause 15.03-2S** 'Aboriginal Cultural Heritage' seeks to *'ensure the protection and conservation of places of Aboriginal cultural heritage significance.'*
- The objective of **Clause 17.02-1S** 'Business' is *'to encourage development that meets the community's needs for retail, entertainment, office and other commercial services'*. Commercial facilities are to be aggregated where they can provide 'net community benefit' in relation to viability, accessibility and efficient use of infrastructure'.
- **Clause 17.04-1R** 'Tourism in Metropolitan Melbourne' seeks to support Melbourne as a desirable tourist destination, including supporting 'artistic and cultural life'.
- **Clause 18.01-1S** 'Land Use Transport Planning' has the objective *'to create a safe and sustainable transport system by integrating land use and transport'*.
- **Clause 19.02-4S** 'Social and Cultural Infrastructure' includes the strategy *'to encourage the location of social and cultural infrastructure in activity centres'*. Objectives regarding **Clause 18.02-1S** 'Sustainable Personal Transport' encourage walking and cycling and the provision of adequate bicycle facilities in education, shopping and community facilities.
- **Clause 18.02-4S** 'Car Parking' has the objective *'to ensure an adequate supply of car parking'* and includes the strategy to *'allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off street car parking, road capacity and the potential for demand management of car parking.'*

## LOCAL PLANNING POLICY FRAMEWORK

50. **Clause 21.01** Municipal Profile notes the cultural diversity of Glen Eira, including Melbourne's largest Jewish population with many residing in the neighbourhoods of Elsternwick, St Kilda East and Caulfield North. Elsternwick Activity Centres is identified as having a sub regional and community retail role.
51. The Framework Plan at **Clause 21.03-5** notes Elsternwick in proximity to the Station as an 'Urban Village'. **Clause 21.03-3** 'Key Land Use Visions' include:
- *'Stimulate and improve the vitality of Glen Eira's commercial centres'.*
  - *'Promote recognised and well used regional recreation, entertainment, tourist, educational and cultural facilities'.*
52. **Clause 21.06** 'Business' notes the role of offices within existing centres as secondary and complementary to the retail function of centres. Excellent access to public transport is noted for Elsternwick Urban Village. Relevant selected objectives and strategies include:
- Objectives**
- *'To maintain a mix of commercial centres that cater for the needs of the Glen Eira community. To enhance and further develop urban villages and neighbourhood centres as the focus for community life.'*
- Strategies**
- *'Promote small-scale office uses, particularly those that provide services to the surrounding area and ensure that office development is consistent with maintaining the retail function of the commercial centre.'*
  - *'Ensure that commercial centres have a high standard of urban design and are attractive and appealing to potential customers, traders and investors'.*
53. **Clause 21.08** 'Institutional and Non Residential Uses in Residential Areas' applies because the site is in the Mixed Use Zone. Its content however is more closely aligned with traditional residential areas. The objective of the clause includes *'to ensure that non residential uses are successfully integrated into residential zones with minimum impact and minimum loss of residential amenity.'*
54. **Clause 21.09** 'Public Uses/ Community Facilities' notes that facilities in Elsternwick *'will have a wide and diverse catchment covering most of the municipality. The proximity of the facilities to public transport, retail and higher density residential areas will increase accessibility. Through co-location of a number of related community facilities it is intended to create a civic presence in each of these centres.'* Relevant strategies include *'encourage the co-location of facilities with a synergistic relationship'.*
55. **Clause 21.10** 'Heritage' aspires to the protection of places identified as having architectural, cultural or historic significance.
56. **Clause 21.11** 'Infrastructure' seeks to ensure that new development contribute appropriately, particularly where it is likely to impact on the capacity of existing infrastructure.
57. **Clause 21.12** Transport includes objectives which encourage increased access and use of public transport and to *'ensure the adequate provision of car parking in appropriate locations to serve the needs of business and its customers'.*

## LOCAL PLANNING POLICIES

### Heritage Policy (Clause 22.01)

58. **Clause 22.01** seeks to retain and promote places identified as having cultural or historic significance and which demonstrate the various eras of Glen Eira's development. Specifically it seeks *'to encourage retention, preservation and restoration of all of significance and contributory heritage places within Glen Eira'* and *'to ensure the design of new development respects, complements and*

*responds to the heritage significance of the precinct.* The Elsternwick Historic Area is locally significant for its nineteenth and early twentieth century building stock.

59. The historic themes contributing to the significance of the area include *'the continuing economic strengths of the Elsternwick Shopping Centre during the Interwar period, and the development of religious, recreational and social institutions throughout the history of the area'*. The subject site is not identified as being of heritage significance.

## **Non Residential Uses in Residential Zones Policy (Clause 22.02)**

60. **Clause 22.02** 'Non Residential Uses in Residential Zones Policy' applies to residential zones, including the Mixed Use Zone. The following objectives of the policy are relevant:

- **Preferred location:** *'To encourage the development or extension of non residential uses, in suitable locations which are comply with orderly and proper planning principles.'*
- **Siting and Design:** *'To successfully integrate non-residential uses into residential areas with minimal impact to the residential streetscape and the character of the area.'*
- **General Amenity:** *'To minimise the effect of non residential uses on the residential amenity.'*
- **Advertising Signage:** *'To allow adequate and appropriate signage.'*

61. The policy includes a range of performance standards regarding amenity and design.

## **Urban Villages Policy (Clause 22.05)**

62. The Urban Villages Policy at **Clause 22.05** notes:

### **Business:**

- *Enhance and further develop urban villages as the focus for community life.*
- *Encourage competitive retail outlets in viable, lively and interesting strip shopping centres.*

### **Housing diversity and density**

- *Encourage highest residential densities in preferred strategic locations such as urban villages.*
- *Promote the urban village concept in locations identified on the Framework Plan.*

63. **Clause 22.05-2** objectives include (selected):

- *'To create urban villages by co-locating work, leisure, community and residential uses and developments that complement each other.'*
- *'To encourage economic and employment generating development which is appropriate to the desired qualities and character of the area'.*
- *To improve, where possible, community uses (elderly centres, library, etc) in a manner that respects proximity to retail hub, and the surrounding nature of development.*
- *To encourage increased densities within and around commercial/transport nodes which respects transition to the surrounding residential area.*
- *To ensure development respects the amenity of the surrounding area and provides a transition to surrounding residential uses.*
- *To protect and enhance the heritage, streetscape and pedestrian environment.*
- *To ensure future development is appropriate to the constraints of infrastructure and vehicular traffic movement (including parking).*

64. Within Elsternwick Urban Village the site is within 'Precinct 9 Cultural & Entertainment', which notes:

*'Where a permit is required for use or development it is policy that:*

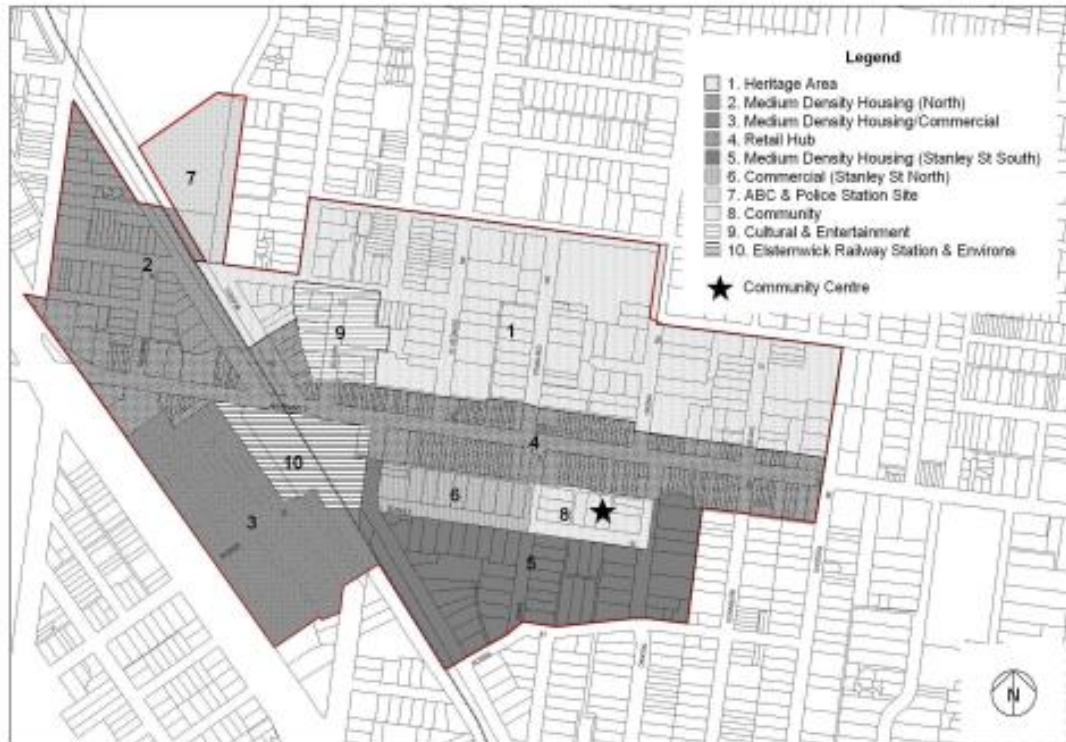
- *There be mix of residential and commercial activity in Selwyn Street.*
- *No retail activities occur along Selwyn Street.*



- *Development in Selwyn Street be of a scale similar to surrounding buildings with buildings greater than two storey being located towards Glen Huntly Road, and buildings to the northern end of the street being sympathetic to the character of the surrounding streets due to its visibility’.*

65. An extract from the Urban Villages Policy showing Precinct 9 is included at **Figure 3**.

**Map 3 Elsternwick**



Source: Glen Eira Planning Scheme

**Figure 3: Extract from Urban Villages Policy ‘Map 3 Elsternwick Village’**

## REFERENCE AND OTHER DOCUMENTS

### Plan Melbourne 2017-2050

66. Plan Melbourne provides the long-term strategic plan for Metropolitan Melbourne, and seeks to achieve a more compact, sustainable city and the social, economic, transport and environmental benefits associated with this. Elsternwick is a Major Activity Centre within Plan Melbourne.

### Elsternwick Structure Plan 2018

67. The Elsternwick Structure Plan is an adopted document of Council. It identifies the subject site as part of a Jewish Cultural Precinct where it is sought to create a pedestrian plaza in Selwyn Street and encourage development of community and cultural uses.

# PLANNING CONSIDERATIONS

68. Having regard to the proposal, the site context and the Glen Eira Planning Scheme I have summarised my considerations with reference to the following key themes.
- **The Mixed Use Zone, Relevant Planning Provisions and the Planning Policy Framework**
  - **Heritage and Neighbourhood Character (Theme 2 of the Advisory Committee).**
  - **Built Form/Urban Design Including Building Heights, Setbacks, Design Quality and Overshadowing (Theme 1 of the Advisory Committee).**
  - **Amenity Impacts (Theme 3 of the Advisory Committee).**
69. I have addressed each of these in turn below.

## THE MIXED USE ZONE, RELEVANT PLANNING PROVISIONS AND THE PLANNING POLICY FRAMEWORK

70. The subject site is located within an area of Elsternwick Activity Centre which is zoned Mixed Use and is located immediately adjacent to the retail and commercial areas of Glen Huntly Road and Elsternwick Train Station. Elsternwick is identified as a Major Activity Centre in Plan Melbourne, establishing an expectation for the concentration of higher levels of activity and development (**Clause 11.03-1R** 'Activity Centres – Metropolitan Melbourne').
71. Under the provisions of the Mixed Use Zone, a permit is required for office (on account of its size exceeding 150 square metres), place of assembly (performing arts centre) and for buildings and works associated with these uses. A planning permit is not required for the use and development of the land for a 'museum'.
72. Within the Local Planning Policy the site is identified as part of an Urban Village locality at **Clause 21.03-5** 'Framework Plan' and **Clause 22.04** 'Urban Village Policy'. This is a policy designation which now sits alongside more recent planning strategies such as Plan Melbourne, the Elsternwick Structure Plan 2018 and provisions of DDO10.
73. Taken broadly the policy and site context for this area can be summarised as:
- An area with excellent access to public transport within the Glen Huntly Road Elsternwick Activity Centre (**Clause 11.03-1R** 'Activity Centres – Metropolitan Melbourne').
  - Designation as an Urban Village where work, leisure, community and residential uses will co-locate **Clause 21.03-4** 'Framework Plan' and **Clause 22.05** 'Urban Village Policy').
  - The opportunity for urban villages to be the focus for cultural and community life where facilities have a 'synergistic relationship' (**Clause 19.02-4S** 'Social and Cultural Infrastructure', **Clause 21.09** 'Public Uses/ Community Facilities', **Clause 22.05-2** 'Urban Villages Policy').
  - Support for '*economic and employment generating development ..*'(**Clause 22.05-2**) and commercial areas which are attractive and support high quality architecture (**Clause 17.02-1S** 'Business', **Clause 21.06** 'Business', **Clause 15.01-2S** 'Building Design').
  - An expectation for higher buildings podium and tower buildings, (**DDO10** and Elsternwick Structure Plan), to be considered in the context of heritage precinct and policies (**Clause 21.10** 'Heritage', **Clause 22.01** 'Heritage Policy').
  - Acknowledgement of the constraints of infrastructure, traffic movement and car parking and the need to minimise amenity impacts on residential use (**Clause 18.01-1S** 'Land Use Transport Planning', **Clause 21.08** 'Institutional and Non Residential Use in Residential Areas' **Clause 22.02** 'Non Residential Uses in Residential Zones Policy', **Clause 21.12** Transport).

74. In particular within the Elsternwick Urban Village Policy (**Clause 22.05**) the site is located within 'Precinct 9 Cultural & Entertainment', which notes:
- 'Where a permit is required for use or development it is policy that:*
- *There be mix of residential and commercial activity in Selwyn Street.*
  - *No retail activities occur along Selwyn Street.*
  - *Development in Selwyn Street be of a scale similar to surrounding buildings with buildings greater than two storey being located towards Glen Huntly Road, and buildings to the northern end of the street being sympathetic to the character of the surrounding streets due to its visibility'.*
75. The proposed land uses fit readily within the Urban Villages Policy for creation of a Cultural and Entertainment Precinct to the north of Elsternwick Station. The proposed uses will complement the existing cinema and the Holocaust Centre under construction and the continue the legacy of the existing Jewish Museum.
76. This designation is refined in the Elsternwick Structure Plan which was adopted by Council on 27 February 2018. This includes a Cultural Precinct Plan subsequently prepared for Selwyn Street in November 2018 which identifies it as a precinct which celebrates Jewish Culture. The Structure Plan is referenced in Schedule 10 to the Design and Development Overlay (an interim control expiring in June 2021).
77. The Structure Plan identifies in relation to Selwyn Street the creation of a contemporary 'Jewish Quarter':
- *Creating a new civic space to establish a Jewish cultural precinct.*
  - *Making Selwyn Street one – way southbound and removing on street parking and include a pedestrian plaza connecting the cultural area, museum and strategic sites.*
  - *Including a pedestrian plaza area connecting the community hub, museum and strategic sites.*
  - *Providing active cultural or community use frontages and limited retail presentation.*
  - *Improving pedestrian amenity on Gordon Street by widening footpaths and improving traffic management and road treatments.*
78. The proposal demonstrates a high level of alignment with the proposed Jewish Quarter Precinct, introducing the envisioned museum and a performing arts centre and contributing to the street life of the plaza with complementary uses such as museum shop a café and the potential for social interaction.
79. Putting aside the Structure Plan vision, the use and development is, as I have noted above, one which is fitting in a Major Activity Centre context, complementing the retail offer of Glen Huntly Road with cultural uses and co-working office space (**Clause 22.05-2**). The nature of the proposed uses is unique to the region and will draw a wide range of visitors to the precinct and Activity Centre consistent with the policies at **Clause 19.02-4S** 'Social and Cultural Infrastructure'.
80. Provision of a co working office space, within the building will provide diversity of activity within the building. The office will contribute to the Activity Centre more broadly, by encouraging visitation and spending patterns within the Centre throughout the day, balancing with the presence of higher density residential uses.
81. It is a common aspect of museums and arts centres to provide associated shops and cafes and for liquor to be available for patrons as part of the broader social and entertainment offer. This is entirely acceptable in the locational context and fits with the diversification of land uses supported by policies for Major Activity Centres and the Elsternwick Urban Village. I have made more specific assessments in relation to the potential for amenity impacts associated with the licenced premises in the following sections of my report below.
82. The proposal does not include 'on-site' car parking. The initiatives supporting the absence of car parking were outlined for the proposal in an Integrated Transport and Access Plan and will inform the



preparation of a Green Travel Plan for operation. The approach relies on the location of the site in close proximity to Elsternwick Station, the access to trams, walking distance for members of the Jewish community and the potential for multi-purpose trips for visitors to the Activity Centre. The absence of vehicles entering and exiting the site will also support the vision for Selwyn Street to be a plaza with a pedestrian focus.

83. The more detailed matters of traffic and car parking are to be addressed in the Statement of Ms Charmaine Dunstan. My observation is that a policy based approach to parking is increasingly a contemporary view of development in Activity Centres. In this instance, I consider the contribution and significance of the land uses and support of the pedestrianised cultural precinct is to be favoured over the provision of car parking which will have intermittent usage and will be difficult to accommodate efficiently on site.
84. This is a relevant consideration under **Clause 52.06** 'car parking', and is particularly appropriate in consideration of the broader economic and cultural benefits stemming from the development. This approach recognises that development which has some downsides (ie potential local car parking impacts) can be supported in the interests of a wider 'net community benefit' (**Clause 71.02-3**).
85. Finally, I make the following observations with respect to other relevant clauses of the Glen Eira Planning Scheme:
  - Provision is made for 40 bicycle parking spaces, exceeding the requirements specified for 'office' in **Clause 52.34** 'Bicycle facilities'
  - A loading bay is proposed at the northern end of the site to cater for the office, museum and performing arts centre land uses.
  - The Parking Overlay relates to parking provision for Student Accommodation and is not relevant to the proposal.
  - The proposed business identification signage is nominated as black lettering in an area of 7.5 x 2.7 metres at the ground floor. The scale and location of the signage is appropriate with respect to the decision guidelines of **Clause 52.05** 'Signs', particularly for an Activity Centre setting.

## HERITAGE AND NEIGHBOURHOOD CHARACTER (THEME 2 OF THE ADVISORY COMMITTEE)

86. The proposal includes demolition of the existing building, requiring approval under the Heritage Overlay (**Clause 43.01**), and consideration of the heritage policies (**Clause 21.10**, **22.01** and **Clause 15.03-1S** 'Heritage Conservation'). The Heritage Policy at **Clause 22.01** does not identify the building as contributory. However, a recent heritage review undertaken by Council identified that architectural elements of the building could elevate its significance within the policy framework.
87. It is proposed that the 'significant' elements comprising a stained glass window and bas relief by sculpture by Karl Duldig, are to be retained and publicly displayed within the Centre. This approach has been accepted by Council's Heritage advisor and is a matter to be addressed in the expert heritage statement of Ms Anita Brady. It would be appropriate for this requirement to be reflected as conditions on permit – as noted at Conditions 4, 5 and 6 of the Notice of Decision.
88. At a policy level I consider that the replacement building will make a significant contribution to the Precinct, both by way of its use as well as the architectural contribution. This is a relevant factor in support of the demolition and new development, balancing the range of applicable policies as well as the retention of the elements which have been identified as being of heritage significance.
89. Given the site's location within the Activity Centre and the applicable Design and Development Overlay as well as the Jewish Museum under construction I consider that there is an expectation of a significant shift in 'neighbourhood character' in this particular location. The character of this precinct will remain distinct from the character of the residential and heritage areas to the north. This is also recognising that the areas of Selwyn and Gordon Street close to Glen Huntly Road is comprised of commercial buildings with solid street walls, rather than buildings of a traditional domestic nature.

## BUILT FORM/URBAN DESIGN INCLUDING BUILDING HEIGHTS, SETBACKS, DESIGN QUALITY AND OVERSHADOWING (THEME 1 OF THE ADVISORY COMMITTEE).

90. A key focus of the State and Local Policy Framework is the quality of design outcomes to be achieved in Activity Centre settings. The State Planning Policy includes design considerations at **Clause 15.01-2S** 'Building design and **Clause 15.01-1S** 'Urban design'. These, along with the local policies encourage high quality architecture and active streets which are engaging for pedestrians.
91. In this instance, the more localised aspects of design and built form are addressed by Design and Development Overlay 10 and are derived from the Elsternwick Structure Plan 2018. Larger scale 'podium and tower' development is anticipated within the 'West Precinct' of Design and Development Overlay 10. I have undertaken an assessment of the proposal against the objectives and requirements of the Overlay within the following section of my report, however broadly I would observe that the scale fits within the realm of built form contemplated by this control.
92. The Design and Development Overlay 10 'Elsternwick Activity Centre' applies across the Commercial 1 Zone, Mixed Use Zone and Residential Growth Zone areas of the Elsternwick Activity Centre. I have undertaken an assessment against the objectives and relevant requirements of the DDO10 at **Appendix C** and provided a summary discussion regarding these requirements below.
93. The DDO allows a discretionary building height of 37 metres and up to 10 storeys (the Structure Plan alternatively envisages 6 to 8 storeys for the site). The site is identified as 'Precinct 5A West' and is designated as a 'strategic site'. The proposed height is 37 metres to the roof of Level 7 (the top occupiable space) and 42.96 m to the façade encompassing the rooftop plant area. I note that condition 1a of the Notice of Decision seeks that the building height be reduced to 37 metres, with an allowance for 4 metres services or façade features. This requirement was additional to the officer's recommendation of approval and was imposed at the Ordinary Council meeting on 1 September 2020.
94. While the main elements of the building meet the maximum building height requirements, the continuation of the façade as a sculptural component is greater than 4 metres in height (to varying degrees). The higher element of the façade to 42.95 metres will screen the plant equipment and is integrated within the building design. The impact of the additional height on the surrounding area is limited and is an appropriate architectural response to minimise the appearance of building services when viewed from surrounding streets. Having regard to this I consider the overall height and architectural presentation is appropriate under DDO10 particularly given the strategic site designation, the community purpose of the building and the quality of the architectural response.
95. The building comprises a four storey street wall along Selwyn Street which stretches the width of the site. The street wall is proposed to be 17.39 metres (and four storeys) high which varies from the preferred street wall height envisioned by DDO10. However, the proposed street wall is consistent with the height of the Holocaust Centre building (under construction), as well as the 'rooftop' cinema immediately to the south and to that extent is an appropriate approach.
96. Above the street wall the proposed glazed tower will be setback 4.95 metres, which is a minor variation to the preferred 5 metre setback of the DDO.
97. The subject site abuts commercial and mixed use sites to the north east and south. The proposed podium will be built to all boundaries at the ground level, with setbacks incorporated from the western boundary with No. 15 -19 Gordon Street at the mezzanine level and above. The DDO seeks setbacks of 3 metres from side and rear boundaries up to a height of 13 metres. The ground level setbacks are sought to create 6 metre wide laneways when aggregated with setbacks on adjoining properties. In the surrounding context provision has not been made for through laneway connections, so setbacks of this type would not be effective for this purpose.
98. DDO10 indicates in relation to side and rear setbacks that additional setbacks should be provided to properties abutting a 'sensitive interface' shown on 'Map 1'. The site does not adjoin any designated 'sensitive interfaces' marked on 'Map 1 Precinct Plan'.

99. Viewed from the public realm the building will appear as a higher element, set along side the podium scale of the adjoining commercial and community buildings. The upper levels of the proposed building are also to be constructed to the side boundaries and detailed appropriately where they abut the commercial lower scale forms of the Holocaust Centre to the north and Cinema to the south. Given the lower scale of these adjacent buildings, the proposal will not result in an appearance of a continuous built form when viewed from the public realm, nor have significant amenity impacts.
100. Overshadowing of the public areas in Selwyn Street resulting from the development will largely not occur until after 2pm. This is consistent with the 'building design' objectives in DDO10 which seek to minimise overshadowing impacts on existing and future open spaces and is consistent with expectations of built form of a larger scale.
101. Along a portion of the western boundary with the cinema, a window is proposed at Levels 4 to 7 for the co-working office area. These windows offer an outlook to the west, but are secondary to the extensive glazed east elevation of the office space. If the adjoining land is redeveloped it may be appropriate for the window to be removed or suitably modified (by the owner of the subject site) so that it does not unreasonably encumber the land at 1-9 Gordon Street. The cinema land is large and irregular, having frontages to Gordon Street and Selwyn Street. In the event that it is redeveloped, the proposed walls on boundaries will provide an opportunity for simultaneous construction and can be managed through design.
102. Setbacks from the apartment building at No. 15 -19 Gordon Street are addressed in relation to amenity impacts in the following section of my report. I note however that the proposed west boundary setbacks largely meet and exceed the setback requirements, incorporating setbacks of 2.54 metres and greater at the Mezzanine level and above with setbacks of 5.2 to 9.6 metres at Level 3 and above. The outcome of this splayed setback is in my view an improved outcome, relative to the setbacks sought by DDO10 as it will provide better opportunities for outlook and reduced overshadowing of the apartments.
103. The ground floor entry directly adjoins Selwyn Street and is sited in a 'fold' in the building. The ground level museum shop and café will have clear windows providing views into the double height foyer from the street. Building services are consolidated at either end of the ground floor frontage where they are accessible for their purpose.
104. The maximum area possible has been devoted to a window opening to contribute to the role of Selwyn Street as a cultural precinct with a pedestrian focus. A glass tilt panel door will enclose the loading bay and the absence of car parking and vehicle access minimises the visual impact of car parking and the presence of cars within the future plaza area.
105. The building incorporates materials with integral design quality – comprising a concrete ribbed and faceted podium and a curved glazed façade at the upper levels. The building design is to be seen from surrounding public and private areas, incorporating the street front podium with glazed faceted levels above. Where upper levels are constructed to the boundary the building is wrapped in perforated mesh. This type of contemporary architectural response, of scale and 'robust' detail complements the nature and purpose of the community building and its commercial setting.
106. Having regard to the above I consider that the proposal responds positively to the objectives of the DDO10. The building is of a high architectural quality which will make a significant contribution to the future cultural precinct envisaged by the Elsternwick Structure Plan, and to the Activity Centre more generally.

## AMENITY IMPACTS (THEME 3 OF THE ADVISORY COMMITTEE)

107. The proposal is within a highly urbanised setting where there is a range of existing commercial uses and larger building forms. The subject site and surrounding land are included part of the Elsternwick Urban Village and are zoned Mixed Use and Commercial 1 in recognition of this context. In addition to surrounding commercial and community uses a seven storey apartment building is located at 15 – 19 Gordon Street to the north west of the site. Other lower scale apartment buildings and traditional residential uses are located to the north and north west in Gordon, Sinclair and Selywn Street. I have addressed the potential amenity impacts having regard to this context below.

### Overshadowing

108. The only residential property directly affected by the proposal is No. 15 -19 Gordon Street. The property is partly within the Commercial 1 Zone and Mixed Use Zone as show at **Figure 4**.



Source: [vicplan.vic.gov.au](http://vicplan.vic.gov.au)

**Figure 4: Aerial Photo Extract showing Zoning of 15 – 19 Gordon Street (blue highlight) and subject site (red highlight) and surrounding land.**

109. Three dimensional shadow diagrams have been submitted with the application, along with a detailed tabulated analysis of shadow impacts hourly between 9am and 3pm on the September equinox. The table reviews the impact of shadows on 14 east facing apartments. My observation of this material is that:
- Apartments facing north at 15 – 19 Gordon Street are unaffected by the proposal.
  - The key impacts will occur to east facing apartments at the Ground level to Level 6 at 9am (all apartments in partial or full shade) and 10am.
  - At 11 am one ground level apartment remains in full shade with the remaining apartments experiencing either no or partial shadowing.
  - This pattern improves to no impact from the proposal from 12pm onwards.
110. There are no specific overshadowing considerations for residential properties identified in the Mixed Use Zone or Commercial 1 Zone or other applicable policy considerations. Consideration of shadow impact is a relevant amenity consideration to be taken in the context of the Activity Centre and Urban Village location where high-density residential uses and commercial uses are encouraged to co-

exist. The objectives of the DDO10, include *'to ensure an appropriate design response to sensitive interfaces, such as heritage or residential sites and open space'*.

111. The apartment building at No. 15 -19 Gordon Street is partially within the Mixed Use Zone (north west), while the area adjoining the subject site and largely affected by the shadows is in the Commercial 1 Zone. The building has been developed with relatively limited setbacks and faces the subject site, rather than an aspect over a street. Given the Activity Centre location and Commercial 1 Zone as well as DDO10 it is anticipated that larger buildings will co-exist. As such I consider that there is a legitimate expectation for shadow impacts of this nature and I consider that the impact is acceptable having regard to the Activity Centre context and policy setting.
112. Further, I note that the proposed development is setback from the western boundary by 2.45 m to 2.8 m at the ground mezzanine. At Level 1, the north western setback increases to 6.14 metres and 7.41 metres above. This splayed approach reduces the shadow impact and opens up a view corridor to the north east from the apartments. These setbacks largely exceed those sought by the DDO control, which seeks 3 metres up to Level 3 and an additional 3 metres above. At Level 3, the building is setback 5.26 metres at the southern side and 9.69 metres on the northern side.

## Overlooking

113. The site context provides limited opportunity for overlooking as the only residential development within 9 metres is the apartment building a No. 15 -19 Gordon Street. Additionally the 'regular' overlooking considerations of **Clause 55** 'Rescode' that apply between residential developments do not apply to commercial proposals. Notwithstanding this consideration has been given to the potential for overlooking of these apartments, through placement of 'service' and 'amenity' type areas such as toilets at this western interface, with no associated windows.
114. At the ground floor level and mezzanine exhibition spaces at this level are located opposite apartments at the respective levels of 15 – 19 Gordon Street. Level 1 also adjoins an outdoor green roof, however this area is not publicly accessible. Windows at this interface are proposed to be clad with expanded metal mesh cladding, matching the materials used elsewhere across the tower levels. The mesh is 23% permeable which meets the accepted overlooking standards of Rescode and would provide appropriate screening of the habitable areas and balconies of the apartment building.

## Noise and Other Amenity Impacts

115. The permit application was accompanied by an assessment of Marshall Day Acoustics which considered the potential noise impacts of the Performing Arts Centre and other potential noise sources on surrounding residential uses. The recommendations regarding design and access for mechanical services, loading bay, music noise and the use of terrace areas are proposed to be included as a condition of permit requiring approval of an acoustic report and follow up testing and review.
116. The potential for amenity impacts associated with the sale and consumption of liquor is a consideration of **Clause 52.27** (Licensed Premises). Given the location of the uses essentially within the Activity Centre, I consider that they are appropriate and well within the amenity expectations for such a locality.
117. The proposed licensed areas are well removed from surrounding residential uses and will have limited evening hours of operation. It is proposed that the café and lounge areas be licensed until 5pm and 6pm and until 9pm for temporary sites within the Performing Arts Centre. While operations will include the potential for large gatherings of people, the primary focus of the site is for performance and museum visitation and the hours of service are limited. Therefore, I am satisfied that the proposed sale and consumption of liquor will not have a significant amenity impact in terms of noise disturbance and patrons and is appropriate in the Activity Centre context.

# CONCLUSION

118. My conclusion in relation to the proposal is that:

- **The proposal is an appropriate response to the applicable controls and policies of the Glen Eira Planning Scheme.**
- **The proposed development will make a positive contribution to the Elsternwick Activity Centre and is an appropriate response to the Design and Development Overlay 10.**
- **The proposal will not adversely affect the amenity of the area and is appropriate having regard to the Activity Centre setting and policy which supports significant development in this location.**

119. I declare that I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant, have to my knowledge, been withheld from the Advisory Committee.

# **APPENDIX A      STATEMENT OF QUALIFICATIONS & EXPERTISE**



## NAME AND ADDRESS

Stuart Andrew McGurn  
Director  
Urbis Pty Ltd  
Level 10, 477 Collins Street  
MELBOURNE VIC 3000

## QUALIFICATIONS

- Bachelor of Arts 1984
- Graduate Diploma Urban Planning 1986

## PROFESSIONAL EXPERIENCE

- Current Position: Director, Urbis Pty Ltd
- 2010-2015: Partner, Environmental Resources Management Australia Pty Ltd
- 1998 – 2010: Director, Fulcrum Town Planners Pty Ltd
- 1986 – 1998: Town Planner in local government – Cities of Broadmeadows and Melbourne, including role as Principal Planner – City of Melbourne

## AREA OF EXPERTISE

- Statutory planning for local and state government on a range of residential, commercial and industrial issues.
- Consulting advice to a wide range of commercial and local government clients addressing the management of urban development and the statutory planning process.
- Extensive planning advice to architects, project managers and other professionals involved in a range of projects and the built form and visual impact issues associated with the development of land.

## EXPERTISE TO PREPARE THIS REPORT

Professional qualifications and expertise in town planning both in the public and private sectors.

## INSTRUCTIONS WHICH DEFINED THE SCOPE OF THE REPORT

My instructions required me to undertake a town planning assessment and review of the proposal to redevelop no 7 Selwyn Street with a nine storey building (Glen Eira Permit Application GE/PP-33539/2020). In so doing, I have relied upon those matters set down below.

## FACTS, MATTERS AND ASSUMPTIONS RELIED UPON

I have relied upon the following in the preparation of this report:

- Inspection of the subject site and surrounds.
- Review of the Glen Eira Planning Scheme.
- Review of planning permit application GE/PP- 33539/2020 material.
- Review of the Council officer report and Notice of Decision to Grant a Permit GE/PP- 33539/2020.
- Review of Application for Review material lodged by third parties.
- Planning Panels Victoria 'Guide to Expert Evidence' G7 (February 2020).



## **DOCUMENTS TAKEN INTO ACCOUNT**

Relevant documents are described above.

## **IDENTITY OF PERSONS UNDERTAKING THE WORK**

Stuart McGurn, Director, assisted by Christina McRae, Director.

## **SUMMARY OF OPINIONS**

A summary of my opinions in relation to this matter is included at paragraph no. 9 of my evidence.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Committee.

A handwritten signature in blue ink, appearing to be 'Stuart McGurn', with a stylized, flowing script.

**Stuart McGurn**  
**Urbis Pty Ltd**

# **APPENDIX B NOTICE OF DECISION TO GRANT PLANNING PERMIT GE/PP-33539/2020**



**NOTICE OF DECISION  
TO GRANT A PLANNING PERMIT**  
GLEN EIRA PLANNING SCHEME  
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL  
APPLICATION NUMBER: GE/DP-33539/2020

<b>APPLICATION NUMBER:</b>	GE/DP-33539/2020
<b>ADDRESS OF THE LAND:</b>	7 Selwyn Street ELSTERNWICK VIC 3185
<b>WHAT WILL THE PERMIT ALLOW?:</b>	Demolition of the existing building, construction of an up to nine storey building, use of the land for offices, a place of assembly, sale and consumption of liquor, reduction of car parking and display of advertising signage on land affected by the Heritage Overlay and Design and Development Overlay in accordance with the endorsed plans.

**WHAT WILL THE CONDITIONS OF THE PERMIT BE?:**

Amended plans

1. Before the development starts, amended and additional plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP015, TP020, TP101-TP113, TP201-TP204, TP301-TP303, TP401, prepared by McIlDowie Partners and dated 1 May 2020) but modified to show:

*Additional plans and material samples*

- (a) The building reduced in height to a maximum of 37m, except for any architectural features, masts, building services or enclosed stairwells that may exceed this height by no more than 4m.
- (b) Elevations and sections at a scale of 1:20 demonstrating how the retained Karl Duldig stained windows and bas relief will be displayed within the museum, including lighting details to highlight notable features;
- (c) A schedule of all external advertising and directional signs, including fully dimensioned floor plans and elevations at a scale of 1:50, and for the signs to be an integral design element of the building;
- (d) Fully dimensioned floor plans and elevations at a scale 1:50 showing any external site services within the frontage of the building and for the site services to be an integral design element of the building;
- (e) A physical materials board showing all external façade materials, colours and finishes;

<b>DATE ISSUED: 4 September 2020</b>	<b>SIGNATURE FOR THE RESPONSIBLE AUTHORITY</b> 
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Conditions Continued –

*Amended plans and documents*

- (f) Access to the building from Selwyn Street to be DDA compliant;
- (g) An annotation on the plans that the rooftop will be used for plant, equipment and service use only;
- (h) The material treatment for any section of the blank walls of the building (identified as 'FE-11') that is visible from the public realm to be modified to enhance the visual interest such as by using an inscribed pattern treatment, textural finish or the likes;
- (i) Annotation that any steel cladding material will not cause glare to adjoining properties;
- (j) Any noise attenuation measures or requirements of the Acoustic Report required by Condition 7;
- (k) Any requirement of the Waste Management Plan required by Condition 11;
- (l) Any requirement of the Public Realm Management Plan required by Condition 17.

Layout not to be altered and construction oversight

- 2. The layout of the uses and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
- 3. As part of the ongoing consultant team, McIlldowie Partners or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised or otherwise to the satisfaction of the Responsible Authority.

Heritage documentation and retention

- 4. Before the development starts, including any demolition and excavation, a Heritage Retention Management Plan prepared by a suitably qualified conservation architect must be submitted to and approved by the Responsible Authority. When approved, the Heritage Retention Management Plan will form part of this permit and all buildings and works must be carried out in accordance with the Heritage Retention Management Plan.

The Heritage Retention Management Plan must specify actions for the management, maintenance and salvaging of the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – 'The Great Awakening' feature, making

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Conditions Continued –

specific comment on the following matters to the satisfaction of the Responsible Authority to ensure that the feature remains in good condition and are not damaged throughout the demolition and construction period:

- (a) The establishment of appropriate procedures for the retrieval, storage and installation of the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – ‘The Great Awakening’ feature, including that demolition of the existing building and construction of the development must not commence until the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – ‘The Great Awakening’ feature has been retrieved and stored;
  - (b) Retention of a conservation architect and details of the times when supervision by a will be required onsite and time frames specified for supervision;
  - (c) Any remedial works that are required to be performed on the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – ‘The Great Awakening’ feature before, during and post development of the site;
  - (d) A report is to be prepared for archival photo record purposes for the remainder of the existing building to be to retained or salvaged.
5. The requirements and recommendations contained within the approved Heritage Retention Management Plan must be implemented to the satisfaction of the Responsible Authority.
  6. The existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – ‘The Great Awakening’ feature to be salvaged and incorporated into the foyer/lobby area to remain on site in perpetuity to the satisfaction of the Responsible Authority.

Acoustic requirements

7. Before the development starts, an updated Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Marshall Day Acoustics (Revision 02) and dated 6 May 2020, but modified to include the following:
  - (a) any specific acoustic design and attenuation to ensure noise levels from the uses, plant and equipment can meet the requirements of Condition 10.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

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Conditions Continued –

9. Within two months of all of the uses starting, a further Acoustic Report prepared by an acoustic engineer must be submitted to the Responsible Authority to its satisfaction. The further report must detail whether the noise levels associated with the uses are in accordance with the requirements of the endorsed Acoustic Report at Condition 7 with plant equipment operating at practical peak load (assuming operation during hot weather in summer during the evening and night). If the noise levels exceed those specified in the endorsed Acoustic Report at Condition 7, the report must outline a program or measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority. The uses must not continue until such time that the attenuation measures have been implemented to the satisfaction of the Responsible Authority.
10. Noise levels to and from the development and use must not exceed those required to be met under the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2), or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254 and any other relevant guideline or Australian Standard.

Management plans

11. Before the development starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 9 April 2020, but modified to show:
  - (a) The size and location of the proposed waste room;
  - (b) Provision within the waste room for recyclables including 1 x 1,100L bin designated for cardboard and paper stream, and 1 x 1,100L bin for comingled recycling stream;
  - (c) Consideration of the provision of a Container Deposit Scheme (CDS) collection point, noting that introduction of the CDS by 2023 (ie. a reverse vending machine or a bin).
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
13. Before the uses start, an updated Integrated Transport and Access Plan (ITAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The ITAP must be generally in accordance with the Integrated Transport

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Conditions Continued –

and Access Plan prepared by Ratio Consultants and dated 1 May 2020, but modified to include:

- (a) Provision of the detailed Green Travel Plan and actions;
  - (b) Confirmation of Green Travel Plan Coordinator; and
  - (c) Rideshare incentives to improve sustainable transport objectives;
  - (d) An estimated breakdown of mode choice to determine trip generation;
  - (e) Management of large group attendees (i.e. school groups).
14. The provisions and requirements of the endorsed Integrated Transport and Access Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
15. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
- (a) Delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed, including during the drop off and pick up times of the Sholem Aleichem College. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
    - (i) Hours for construction activity must only occur within the following hours: 7am to 6pm – Monday to Friday;
    - (ii) 7am to 1pm – Saturdays;
    - (iii) No construction on Sundays or public holidays;
  - (g) Measures to control noise, dust, water and sediment laden runoff;
  - (h) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
  - (i) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

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Conditions Continued –

16. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
17. Before the development starts, a Public Realm Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
  - (a) Plans, elevations, treatments and materials schedules prepared in conjunction with the Responsible Authority for the area directly in front of the subject site and to align with any streetscape design for the Selwyn Street Cultural Precinct;
  - (b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);
  - (c) Details of water sensitive urban design;
  - (d) A plan defining the area the works are to be undertaken;
  - (e) Existing street trees to be removed; and
  - (f) Vehicle and pedestrian access arrangements including any signage or safety measures.
18. Before the development is completed, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.
19. Before the use of the museum and place of assembly starts, a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include:
  - (a) Detailed description of various activities that will occur on site. The description should contain details of when and where these activities will be taking place;
  - (b) Patron Numbers specified with a maximum of 300 patrons for the museum and a maximum of 300 patrons for the place of assembly, except with the prior written approval of the Responsible Authority;
  - (c) Operating hours of each component of the use as follows, except with the prior written approval of the Responsible Authority:
    - (i) Museum – 8am to 5pm, Sunday to Friday (closed on Saturdays); and
    - (ii) Place of Assembly – (Performing Arts Centre):
      - 5pm to 10pm, Monday to Friday

**DATE ISSUED: 4  
September 2020**

**SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY**





**NOTICE OF DECISION  
TO GRANT A PLANNING PERMIT**  
GLEN EIRA PLANNING SCHEME  
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL  
APPLICATION NUMBER: GE/DP-33539/2020

Conditions Continued –

- 1pm to 10pm, Saturday and Sunday
  - 8am to 5pm, Monday to Friday in association with the museum
20. The provisions and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

General amenity

21. Before the development is completed, all screening shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed without the written consent of the Responsible Authority.
22. The amenity of the area must not be adversely affected by the uses or development including through the:
- (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works, stored goods or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (d) Traffic generated by the use,
- or in any other way, to the satisfaction of the Responsible Authority.
23. All security alarms or similar devices installed on the land must be of a silent type.
24. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
25. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
26. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
27. Before the building is occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

Signage

28. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.

<b>DATE ISSUED: 4 September 2020</b>	<b>SIGNATURE FOR THE RESPONSIBLE AUTHORITY</b> 
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*Conditions Continued –*

29. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
30. The signage light source must be designed to minimise light spillage onto surfaces other than the sign to the satisfaction of the Responsible Authority.

Permit expiry

31. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within three years of the date of this permit.
  - (b) The development is not completed within five years of the date of this permit.
  - (c) The use is not started within five years of the date of this permit.
  - (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

32. The permit as it relates to the display of signs will expire fifteen years from the date on which the use commences, at which stage all signs and structures built specifically to support and illuminate the signs must be permanently removed from the land.

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*Conditions End*

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**NOTES:** *(The following notes are for information only and do not constitute part of this permit or conditions of this permit)*

- A. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- B. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- C. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

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*Conditions Continued –*

- D. No net increase in peak stormwater runoff in the Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works.
- E. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- F. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel.
- G. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- H. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- I. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- J. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- K. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

**DATE ISSUED: 4  
September 2020**

**SIGNATURE FOR THE  
RESPONSIBLE AUTHORITY**

# NOTICE OF DECISION TO GRANT A PLANNING PERMIT

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

### WHAT ABOUT APPEALS?

#### **For the Applicant -**

- \* The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days after the Responsible Authority gave notice to the applicant.

#### **For an Objector -**

- \* An objector may apply for review of the decision of the Responsible Authority to grant a permit. The application for review must be lodged within 28 days from the date of this notice.
- \* If there is no application for review, a permit will be issued after 28 days from the date of this notice.

#### **For all applications for review -**

- \* An application for review is lodged with the Victorian Civil & Administrative Tribunal.
- \* An application for review must be made on the Application for Review form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the prescribed fee.
- \* An application for review must state the grounds upon which it is based.
- \* An application for review must also be served on the Responsible Authority.
- \* Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged. An objector who applies for review must give notice to the person who applied for the permit. An applicant who applies for a review must give notice to all objectors.
- \* Details about applications for review and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.

- \* Application for review forms and guides are available at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) ,  
Ground Floor 55 King Street Melbourne or by contacting VCAT customer service on  
(03) 9628-9777.

**(LAST PAGE OF NOTICE)**

## **APPENDIX C      DESIGN AND DEVELOPMENT OVERLAY 10**

## DDO10 ASSESSMENT – DESIGN OBJECTIVES

DESIGN OBJECTIVE	RESPONSE
<i>‘To preserve and enhance the heritage character of the Glen Huntly Road shopping strip.</i>	The proposed development sits north of the Glen Huntly Road retail area. The separation of more than 80 metres from Glen Huntly Road will minimise the impact on the character of the strip.
<i>To preserve and enhance the heritage and residential areas in Elsternwick.</i>	While the site is within the Mixed Use Zone (a residential zone), it is not a traditional residential environment and is not what I would describe as a ‘residential area’.  The demolition of the existing building does not result in the loss of identified buildings of heritage significance.
<i>To encourage well designed mixed-use development, that supports the housing and economic needs of the Elsternwick activity centre.</i>	The proposed development provides a mix of commercial land use which will support the economics of the Elsternwick Activity Centre.
<i>To ensure an appropriate design response to sensitive interfaces, such as heritage or residential sites and open space.</i>	The design largely abuts other commercial interfaces. The design response provides steps from the
<i>To encourage developments in urban renewal areas and on strategic sites that provide a significant benefit for the Elsternwick community.’</i>	The site is part of an urban renewal (urban village area) at <b>Clause 22.05</b> of the Glen Eira Planning Scheme. The development includes significant community resources and will support the tourist offer and locates development within the cultural precinct of the Centre.

## DDO10 ASSESSMENT – REQUIREMENTS

BUILT FORM REQUIREMENTS	COMMENTS
<b>Maximum Building Height</b>	
37 metres (and 10 storeys). Building features and plant can exceed this up to 4 metres (and up to 10% of the roof area.	Precinct 5A West is designated as a ‘strategic site’. The proposed building parapet is 37 metres high and 9 storeys (including the ‘mezzanine’ level). The façade features of the building has a scalloped presentation and reaches a further 3 - 5.94 metres to enclose the building plant. This is an appropriate architectural design response to minimise the appearance of building services and meets the overall objectives.
<b>Setbacks –Precincts 5 and 6 - Urban Renewal</b>	
Street Setback – 0m to a height of 3 storeys (13m including parapet).  Upper levels setback – 5 m.	The street wall is proposed to be four storeys high (17.39 metres). The adjoining buildings to the north and south in Selwyn Street have been developed to a similar height. The upper levels are setback 4.95 metres, substantially meeting this requirement.
Where abutting a commercial/ mixed use site.  3 metre setback to three storeys height to provide a laneway connection between buildings.  Upper levels setback 3 m	The site abuts commercial / mixed use sites to the north west and south.  No side setback is provided at the ground level from the side boundaries as provision has not been made for lanes on adjoining properties.  The upper levels are also constructed to the side boundaries and detailed appropriately where they abut the commercial lower scale forms of the Holocaust Centre to the north and Cinema to the south.
Where abutting a ‘sensitive interface’ shown on Map 1: <ul style="list-style-type: none"><li>6 m setback to two storey height (9m)</li><li>A further 5m at the 3<sup>rd</sup> storey</li></ul>	The site does not adjoin any designated ‘sensitive interfaces’ marked on ‘Map 1 Precinct Plan’ within the DDO. Setbacks to the apartment building at No. 15 -19 Gordon Street are addressed in the body of my report.

<p>▪ A further 3m at the fourth storey</p>	
<i>'Reduce the visual impact of providing a consistent street wall height with upper floors recessed.'</i>	The upper levels are recessed from the street front substantially in accordance with the requirement.
<i>'Not prejudice the delivery of public open space in designated locations.'</i>	NA
<i>'Support the function of designated activity and service laneways and facilitate new laneways and pedestrian connections between buildings.'</i>	NA
<i>'Provide adequate separation between towers of buildings to achieve a high level of internal amenity for existing and future occupants of adjacent towers and to avoid the appearance of a continuous built form when viewed from the public realm.'</i>	<p>Properties to the north and south comprise the Holocaust Centre and Cinema respectively and are not residential in nature.</p> <p>Setbacks have been provided from the west boundary which meet and exceed the requirements of the DDO. Further discussion regarding the interface with No. 15 – 19 Gordon Street is addressed in my statement.</p> <p>Viewed from the public realm the building will appear as a higher element, set along side the podium scale of the adjoining commercial and community buildings.</p>
<i>'Provide significant separation of tower forms from sensitive interfaces.'</i>	The site does not adjoin any designated 'sensitive interfaces' marked on 'Map 1 Precinct Plan' within the DDO.
<b>Building Design – All Areas</b>	
<i>'Buildings should incorporate high quality materials, textures and colours that respond to the residential or commercial characteristics of the streetscape, as appropriate.'</i>	The building incorporates materials with integral design quality – comprising a concrete ribbed and faceted podium and a curved glazed façade at the upper levels.
<i>'Buildings should be designed to address front, oblique and side views.'</i>	The building design is to be seen in the round, including a podium along the street front, with glazed faceted levels above. Where upper levels are constructed to the boundary the building is wrapped in perforated mesh.
<i>'Where appropriate, buildings should provide wide entries that are clearly visible, legible and welcoming.'</i>	The ground floor entry directly adjoins Selwyn Street and is sited in a 'fold' in the building. The ground level museum shop will have clear windows, providing interest to pedestrians. Views into the double height foyer will be available from the street.
<i>'Building services including domestic services, utilities and waste management facilities should be well-placed, concealed and integrated into building design.'</i>	Building services are consolidated at either end of the ground floor frontage where they are accessible for their purpose. A glass tilt panel door will enclose the loading bay. Visible activity will be evident in the centre of the site frontage, with the entrance offset to the north.
<i>'Buildings should minimise overshadowing impacts on existing and future open spaces, commercial footpath-trading areas and existing residential sites.'</i>	Shadows cast by the new building will not affect public areas the street until 2pm, affecting only the west side of Selwyn Street. By 3pm the east side of Selwyn Street will be partly in shadow. This is considered an acceptable level of shadow impact in an environment where larger scale buildings are anticipated by the policy setting. The shadow impacts for adjoining residential development is addressed in relation to amenity in the body of my report.
<b>Building Design – Precinct 3 -6 (selected)</b>	
<i>'Incorporate a podium and tower form with detailing emphasised at ground floor to achieve a human scale with an active street level experience.'</i>	A podium formation of four storeys is adopted along Selwyn Street. The upper levels of the building are setback 4.95 metres from the podium levels below. Active frontages have been included at ground level to improve the active street appearance.
<i>'Provide separation between a low-scale podium and upper levels to assist in integration with traditional low-scale streetscapes and to assist in mitigating building bulk and overlooking (without reliance on privacy screens).'</i>	The four storey podium form will be similar to that on adjoining properties. The setbacks to the upper level and change in materials provide a clear differentiation in the form and relate to the lower scale of the streetscape.



<i>'Provide active edges at ground floor, with weather protection (awnings), openings and architectural detailing providing activity and interest for people.'</i>	The entrance to the building is undercover, being set in from the street. The architectural opening for the entrance is complemented by the balcony opening of similar detail at Level 2 above.
<i>'Provide active edges at ground floor, with weather protection (awnings), openings and architectural detailing providing activity and interest for people.'</i>	The maximum area possible has been devoted in the ground floor frontage to the provision of a window into the museum shop and café area at the ground floor.
<i>'Where the street proportions and character are strongly defined, respond to those key features (such as setbacks, parapets, cornices, awnings or colonnade heights).'</i>	There is no strong definition to the street features along either side of Selwyn Street at this point.
<i>'Use vertical and horizontal architectural elements and spacings that match the development pattern of the street (for example, match the fine grain character of surrounding buildings by matching vertical alignments in the podium of a building).'</i>	There is no strong pattern to development in Selwyn Street which would demand matching vertical alignments or fine grain elements. The texture of the building podium is created through the 'page' elements of the concrete pre-cast panels and the corrugated profile of the material.
<i>'Where adjacent to sensitive interfaces, provide a transition in scale from larger buildings to areas of smaller scale.'</i>	The site does not adjoin any designated 'sensitive interfaces' marked on 'Map 1 Precinct Plan' within the DDO.
<i>'Ensure that ground floor development fronting Selwyn Street contributes to its role as a cultural precinct.'</i>	The ground floor level contributes to the role of Selwyn Street as a cultural precinct, providing views into the museum shop and café area and double height of the foyer beyond.
<i>'In Precincts 5 and 6 shown on Map 1 to this Schedule, buildings should support a range of employment, residential and community spaces.'</i>	The building incorporates a range of commercial (employment) and community spaces. The building would also generate service industry employment, such as café attendants, maintenance and cleaning, educational staff and security.
<b>Outlook, overlooking and passive surveillance</b>	
Requirements are residentially focussed and do not address the permit application.	
<b>Access and Parking – Commercial /Mixed Use – Precincts 3 – 6</b>	
<i>'Prioritise high quality streetscapes through considered parking and access design that minimises visual and physical impacts.'</i>	Vehicle access has been minimised to a single crossover associated with the loading bay on the southern portion of the site. This minimises the visual impact of cars being provided in Multi Deck formation or multiple crossovers.
<i>'Focus on maintaining active land uses at street level by locating parking structures underground in basements or towards the rear of the building if above ground.'</i>	Active land uses at street level have been maximised through the absence of car parking on site.
<i>'Provide vehicle access from side streets or rear laneways if available.'</i>	The site does not benefit from access to side or rear streets.
<i>'Minimise access and crossover widths as much as practical.'</i>	The crossover is minimised to provide access to a single loading bay from the southern portion of the site frontage.
<i>'Ensure that bicycle parking is secure, convenient and readily accessible.'</i>	A dedicated bicycle parking area is proposed for visitors and staff at the First Floor level with access via a central lift. The area will include change room facilities.
<i>'Separate resident and visitor entries from commercial entries, service areas, vehicle accessways and loading zones.'</i>	The proposed loading entrance is separated from the windows and entrance at the ground floor level.
Site Consolidation – these requirements have limited relevance to the subject proposal.	



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