



Victorian Civil and Administrative Tribunal
Planning and Environment List

**RE: 10-16 SELWYN STREET, ELSTERNWICK
PLANNING PERMIT NO: GE/DP-34187/2021
S87A AMENDMENT**

Dear Sir/ Madam,

1. INTRODUCTION

Following the issue of Planning Permit GE/DP-34187/2021 on 13 September 2022, and subsequent endorsement of documents on 1 December 2023, it is now proposed to amend the basement levels within the development as follows:

- The extension of the basement 1 level to the east to allow for a direct to boot area for the supermarket.
- The addition of car parking spaces in B1 (1 space), B2 (2 spaces), B3 (2 spaces) and B4 (1 space) for a total of 6 additional car parking spaces.
- Adjustment to the basement footprint in the south-west corner to provide for improved structural response to the retained heritage building;
- A slight reduction in the extent of the basement 4 footprint (the northern wall being pulled slightly to the south); and
- Minor internal layouts comprising:
 - The addition of a trolley bay in the north-east corner of B1;
 - The reduction of the store area next to the southern core and the relocation of the trolley bay as a result (B1, B2 and B3);
 - Adjustment to the retail bike storage area at B2 and residential bike storage area at B3 (no change to bike numbers);
 - Layout of storage cages in the corners of basement 4 altered.

All changes are contained within the basement levels and are limited in extent to ensure they are contained beneath the ground floor construction to ensure no impacts on neighbouring properties.

The changes have also been incorporated into the architectural plans and are supported by the planning assessment below and the traffic engineering assessment prepared by Stantec (enclosed).

Please note that there was an error in the development summary with respect to the size of the supermarket. This is corrected in the amendment set. The error was in the development summary only. The floor plans are unchanged.



It is submitted that the updated design is an acceptable minor change to the endorsed plans and is therefore worthy of support.

2. BACKGROUND

Planning Permit GE/DP-34187/2021 was issued on 13 September 2022 at the direction of VCAT and allows for the following:

The demolition of existing buildings, the development of a podium and two towers over a multi-level basement comprising shops, a supermarket, a place of assembly, dwellings and the sale and consumption of liquor (packaged liquor), and the construction and display of advertising signage in accordance with the endorsed plans and with the following planning permissions:

- *Use of the land for a shop and a place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming))*
- *Use of the land to sell or consume liquor*
- *To demolish buildings*
- *To construct two or more dwellings on a lot*
- *To construct a building and construct or carry out works*
- *To construct and display internally illuminated business identification signage*

The plans and associated reports were endorsed on 1 December 2023.

3. SUBJECT SITE AND SURROUNDS

The subject site and surrounds have been thoroughly described through the original application processes. There have been no changes to the site and surrounds of significance to this application since that time.

4. PLANNING CONTROLS

The site is within the Mixed Use Zone – Schedule 1 (MUZ1) and is also affected by the Design and Development Overlay - Schedule 10 (DDO10), Heritage Overlay – Schedules 81 and 180 and Parking Overlay – Schedule 2-3 (PO2-3).

Zone

The purpose of the MUZ is the following:

- *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.*

In accordance with the MUZ:

- Pursuant to Clause 32.04-2 a planning permit is required for the use of the land for a shop exceeding 150sqm and for a Place of Assembly. A planning permit is not required for the use of the land for dwellings.
- Pursuant to Clause 32.04-7 a permit is required to construct two or more dwellings on a lot.
- Pursuant to Clause 32.04-10 a permit is required to construct a building and construct or carry out works for a section 2 use.

Overlays

- The subject site is affected by:
 - the DDO10. A planning permit is required to construct a building or construct or carry out works.
 - the Heritage Overlay. A planning permit is required to demolish or remove a building and construct or carry out works.
 - The PO2-3. This specifies car parking rates for student housing and is not relevant to this application.

5. PROPOSED AMENDMENTS AND PLANNING ASSESSMENT

Due to the nature of the changes, for clear analysis amendments have been grouped as set out below:

- Basement footprint changes.
- Changes to car park numbers.
- Internal basement changes.

Basement Footprint Changes

- *The extension of the basement 1 level to the east to allow for a direct to boot area for the supermarket.*
- *Adjustment to the basement footprint in the south-west corner to provide for improved structural response to the retained heritage building;*
- *A slight reduction in the extent of the basement 4 footprint (the northern wall being pulled slightly to the south); and*

The basement footprint changes in the south-west and at the northern end of basement 4 are very minor and simply allow for a more efficient design outcome.

The eastern basement extension allows for a direct to boot area which improves the service provided to customers. As set out in the Stantec assessment, the provision of the direct to boot area is not expected to result in traffic generation that is noticeably different from the approved outcome.



The extension will allow for new basement constructed to the eastern boundary. This will be below an approved ground floor area and as such will have no amenity impacts on neighbouring properties.

Changes to Car Park Numbers

- *The addition of car parking spaces in B1 (1 space), B2 (2 spaces), B3 (2 spaces) and B4 (1 space) for a total of 6 additional car parking spaces.*

The additional car parking spaces are provided within the approved envelope (through minor internal changes to the design). The spaces provide for additional parking flexibility. In the context of the number of car parking spaces within the overall development, the additional car parking spaces are not expected to result in a noticeable increase in traffic movements.

Internal Basement Changes

- *Minor internal layouts comprising:*
 - *The addition of a trolley bay in the north-east corner of B1;*
 - *The reduction of the store area next to the southern core and the relocation of the trolley bay as a result (B1, B2 and B3);*
 - *Adjustment to the retail bike storage area at B2 and residential bike storage area at B3 (no change to bike numbers);*
 - *Layout of storage cages in the corners of basement 4 altered.*

All changes are minor and result from a review of the basement design. They will result in improved basement usability with no negative impacts to the neighbouring properties.

6. CONCLUSION

It is submitted that the amendment are minor changes that will:

- Result in an improved and more usable development; and
- Have no detrimental impact to any person.

Given the above, it is respectfully submitted that the amended plans should be approved.

We look forward to working with you through this process and if you have any questions, please do not hesitate to contact me on 0438 514 555.

Yours Sincerely,

Tarquin Leaver
Head of Planning
Pace Development Group