

Planning and Environment Act 1987

Panel Report

Glen Eira Planning Scheme Amendment C155

East Village

11 February 2020

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Glen Eira Planning Scheme Amendment C155

East Village

11 February 2020

A handwritten signature in black ink, appearing to read 'Michael Kirsch', with a long, sweeping horizontal stroke at the end.

Michael Kirsch, Chair

A handwritten signature in dark ink, appearing to read 'Peter Edwards', written in a cursive style.

Peter Edwards, Member

A handwritten signature in black ink, appearing to read 'David Merrett', with a stylized, blocky initial 'D'.

David Merrett, Member

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Glossary and abbreviations

ACHLES	<i>Planning for the Future, Activity Centre, Housing and Local Economy Strategy, July 2017</i>
Act	<i>Planning and Environment Act 1987</i>
B1Z	Business 1 Zone
B3Z	Business 3 Zone
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
CDP	<i>East Village Comprehensive Development Plan, December 2018</i>
CDZ2	Comprehensive Development Zone Schedule 2
CIL	Community Infrastructure Levy
D	Document
DCP	<i>East Village Development Contributions Plan, October 2018</i>
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DIL	Development Infrastructure Levy
DoT	Department of Transport
DPO2	Development Plan Overlay Schedule 2
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
EVSP	<i>East Village Structure Plan, October 2018</i>
GEPS	<i>Glen Eira Planning Scheme</i>
GLFA	Gross Leasable Floor Area
IN1Z	Industrial 1 Zone
INZ3	Industrial 3 Zone
LPPF	Local Planning Policy Framework
MCA	Major Charge Area
MSS	Municipal Strategic Statement
MUZ1	Mixed Use Zone Schedule 1
NAC	Neighbourhood Activity Centre
NRZ1	Neighbourhood Residential Zone Schedule 1

Open Space Strategy	<i>City of Glen Eira Open Space Strategy, 2014</i>
Plan Melbourne	<i>Plan Melbourne 2017-2050</i>
pos	public open space
PPF	Planning Policy Framework
PPN13	<i>Planning Practice Note 13: Incorporated and Background Documents, September 2018</i>
PPN30	<i>Planning Practice Note 30: Potentially Contaminated Land, June 2005</i>
PPN46	<i>Planning Practice Note: Strategic Assessment Guidelines, August 2018</i>
PPN59	<i>Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes, September 2018</i>
PPN60	<i>Planning Practice Note 60: Height and Setback Controls for Activity Centres, June 2015</i>
PPRZ	Public Park and Recreation Zone
PPTN	Principal Public Transport Network
PSA	Planning Scheme Amendment
S	Submission
SBO	Special Building Overlay
SIDRA	Signalised Intersection Design and Research Aid
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions
WIK	Works in Kind

Overview

Amendment summary

The Amendment	Glen Eira Planning Scheme Amendment C155
Common name	East Village
Brief description	The Amendment implements the: <ul style="list-style-type: none"> - East Village Comprehensive Development Plan, December 2018 - East Village Development Contributions Plan, October 2018 - East Village Structure Plan 2018 – 2031, October 2018
Subject land	East Village, Bentleigh East
The Proponent	Glen Eira City Council
Planning Authority	Glen Eira City Council
Authorisation	Conditional authorisation (letter from DELWP dated 30 October 2018) Confirmation that conditions had been met (letter from DELWP dated 30 July 2019)
Exhibition	5 September to 9 October 2019
Submissions	Number of Submissions: 166 Refer to Appendix A

Panel process

The Panel	Michael Kirsch, Peter Edwards and David Merrett
Directions Hearing	Glen Eira Town Hall, 31 October 2019
Panel Hearing	Glen Eira Town Hall, 2, 3, 4, 5, 6, 9, 10, 11, 12 and 13 December 2019
Site inspections	Unaccompanied, 31 October 2019
Appearances	Refer to Appendix B
Citation	Glen Eira PSA C155 [2020] PPV
Date of this Report	11 February 2020

Executive summary

Glen Eira Planning Scheme Amendment C155 (the Amendment) provides a framework for the future redevelopment of the East Village precinct in East Bentleigh. The framework provides for a mix of commercial, retail, residential and education uses, including a Town Centre, Central Park, mixed use precincts and a secondary school. East Village is a large site (approximately 24 hectares) that can make an important contribution to achieving local and State urban consolidation and employment policies.

The key elements of the Amendment are the East Village Comprehensive Development Plan (CDP), the Comprehensive Development Zone Schedule 2 (CDZ2) and the East Village Development Contributions Plan (DCP). The Amendment was prepared by Glen Eira City Council in conjunction with the Victorian Planning Authority (VPA) and involved extensive input from landowners within the precinct, the local community and agencies. The Panel was impressed by the extensive background analysis that underpinned the Amendment, Council's commitment to engage with the local community and the willingness of the three key landowners (the Landowners) to work constructively with Council and the VPA.

The Amendment attracted over 160 submissions, mainly from local residents who raised a broad range of issues that were principally focussed on the density of development, the height of buildings, the capacity of the local road network, the adequacy of the open space areas and broader impacts on the surrounding residential areas. Agencies were generally supportive of the Amendment, reflective of their involvement through the Amendment process and their opportunity to contribute to extensive pre-planning that informed the 'Vision' and 'Future Urban Structure' proposed for the precinct. The Landowners were also supportive of the Amendment, but sought various changes in order to maintain or increase the level of flexibility and discretion in the planning scheme provisions. This was in part a response to Council's decision to introduce or reinforce mandatory provisions for various matters following its consideration of submissions in October 2019.

The Hearing process facilitated an ongoing dialogue between Council and the Landowners, allowing a number of matters to be resolved during the course of the Hearing. While this was a positive outcome, the positions of the parties on various issues was not always clear and the Panel has concerns about the adequacy and accuracy with which some proposed changes were documented by the end of the Hearing. It will be important that Council carefully review the Amendment before it is adopted, particularly in light of the Panel's recommendations, and that this review include input from the VPA, the Landowners and relevant agencies where appropriate. This is particularly so in terms of the DCP, which will require additional investigations and costings before being 're-run' and finalised.

In overall terms, the Panel supports the Amendment and is satisfied that it strikes an appropriate balance between realising the development opportunities that such a large metropolitan site presents and the need to respond to its local context and various development constraints, including the capacity limitations of the local road network, the limited availability of public transport and sensitive residential interfaces. The Panel also supports the 'vision' for the precinct and has kept this 'front of mind' when considering how to respond to submissions and issues.

In terms of the substantive issues, the Panel reached the following conclusions:

- The traffic modelling on which the CDP is based is 'fit for purpose' and demonstrates that the suite of traffic mitigation measures in the Amendment is satisfactory.
- The North Road/Cobar Street intersection should incorporate a left turn treatment on the North Road east approach.
- The exhibited DCP triggers are generally satisfactory, subject to minor modifications to improve clarity and nexus.
- The road cross sections within the precinct are generally appropriate, subject to minor refinements.
- The 3,000 dwelling cap should be applied as a soft (discretionary) cap, with the ability to apply for a permit for dwellings in excess of 3,000.
- Any dwellings above the 3,000 dwelling cap should trigger a further requirement for affordable housing.
- The exhibited building heights are generally appropriate, although the maximum height in the Residential South sub-precinct should be increased from three to four storeys.
- Building heights should be discretionary, except for the Residential South and Residential East sub-precincts that should be mandatory maximums.
- Overshadowing provisions that apply to Central Park and the Town Centre should be comprehensive and mandatory, while other overshadowing provisions should be discretionary.
- The exhibited provisions relating to retailing and supermarkets are generally appropriate, but should provide more guidance about the location and amount of supermarket floorspace.
- The Town Centre Concept Plan in the CDP is inadequate and should be deleted, and the CDP should provide more guidance in support of a 'street-based' Town Centre.
- The amount of public open space to be provided within the precinct is adequate, and will complement existing public open space in the immediate area.
- The proposed school site is appropriate and has a number of locational advantages.
- The proposed exemptions from notice and review are generally appropriate.

Finally, the Panel commends Council and the parties who contributed to the Hearing process for the positive approach they adopted and is pleased to recommend that the Amendment proceed.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C155 be adopted as exhibited, subject to the following:

East Village Comprehensive Development Plan

- 1 Include the changes proposed by Council in Document 46C that were agreed to by the Landowners, unless otherwise recommended by the Panel in this report.**
- 2 Reduce the Local Access Street cross section from 17.0 metres to 15.5 metres as shown in Figure 12 of the Panel's report, except where a 16 metre width is required for overland stormwater flow.**

- 3 Refer to heights in the Commercial West, Commercial North, Mixed Use and Retail sub-precincts as 'discretionary' guidelines.
- 4 Refer to heights in the Residential West and Residential South sub-precincts as 'mandatory' requirements.
- 5 Include a 'discretionary' guideline for a 3 metre setback from Virginia Park for the fourth storey and above at the southern end of the Commercial West sub-precinct.
- 6 Increase the maximum podium height in the Mixed Use sub-precinct, as it surrounds Central Park, from 3 storeys to 4 storeys.
- 7 Refer to all setbacks, including the provision for a 50 per cent façade indentation to three metres along East Boundary Road, as 'discretionary' guidelines.
- 8 Refer to discretionary maximum heights in storeys and metres.
- 9 Refer to mandatory maximum heights in storeys.
- 10 Include the overshadowing provisions proposed by Council in Document 46C.
- 11 Show the continuation of the local access street width for the Central Park northern boundary and a shared road width to its west of 9 metres.
- 12 Include a 'discretionary' guideline that the precinct should provide for a maximum of two supermarkets.
- 13 Include a 'discretionary' guideline that the maximum supermarket Gross Leasable Floor Area is 5,500 square metres.
- 14 Include a 'mandatory' requirement that supermarkets can only be located in the Retail sub-precinct.
- 15 Include the following additional Town Centre Design Guidelines:
 - *The Town Centre should be designed as a street based village with a network of 'open to air' public streets that connect through the block. An internal mall configuration should be avoided.*
 - *The Town Centre should include an 'open to air' public street or link that diagonally connects the Town Square and the school pedestrian crossing.*
- 16 Delete the Town Centre Concept Plan.
- 17 Ensure that requirements are drafted as 'mandatory' provisions and that guidelines are drafted as 'discretionary' provisions.
- 18 Convert Requirement R2 to a 'discretionary' guideline.
- 19 Delete any material that unnecessarily repeats the Development Contributions Plan content, including the Precinct Infrastructure Plan and infrastructure triggers.
- 20 Include the additional intersection project milestone requirements outlined in Council's closing submission (Document 46, paragraph 7), but based on the Panel's recommended intersection project triggers (Panel recommendation 31).

Comprehensive Development Zone Schedule 2

- 21 Adopt the Comprehensive Development Zone Schedule 2 included at Appendix D of the Panel's report.**

East Village Development Contributions Plan

- 22 Re-run and finalise the East Village Development Contributions Plan, including latest costings and any additional costings that need to be reviewed or that are required to be reviewed as a result of the Panel's recommendations. Council is to undertake the review in consultation with the Landowners, the Victorian Planning Authority and any relevant agencies.**
- 23 Include changes supported by Council, the Victorian Planning Authority and the Landowners as contained in Document 34.**
- 24 Clarify at page 13 (Public open space contributions) that local parks are provided through an agreement made under a section 173 agreement and for the Commercial North area via clause 53.01 of the Glen Eira Planning Scheme.**
- 25 Delete Intersection Projects IN-2, IN-6 and IN-7.**
- 26 Add a contribution for Residential aged care facility in the Commercial West sub-precinct.**
- 27 Where there is a project trigger for the same project in the Development Contributions Plan and a section 173 agreement, the project trigger in the Development Contributions Plan should refer to the section 173 agreement for trigger detail.**
- 28 Add "*subject to indexation in accordance with the Act*" at page 25, paragraph 2, after "\$1,150 per dwelling".**
- 29 Delete "*or as otherwise agreed for staged payment*" at page 38, under Community Infrastructure Levy, first sentence.**
- 30 Include the following intersection works with corresponding costing upgrades and changes:**

Location	Proposed works	Plan to be generally in accordance with
North Road - Cobar Street/Crosbie Road	Signalised intersection	Traffix Group Drawing No. G24360-B-02 is appropriate but should be modified to incorporate a left turn treatment on the North Road east approach.
North Road - Carey Street	Left in – Left out (Right turn in banned)	Traffix Group Drawing No. G24360-B-03. Delete Project IN-7 from the DCP.
North Road - Murra Street	Nil - Left in – Left out (existing)	Traffix Group Drawing No. G24360-B-03.

Location	Proposed works	Plan to be generally in accordance with
		Delete Project IN-6 from the DCP.
North Road/East Boundary Road/Murrumbeena Road	Signalised intersection upgrade	Traffix Group Drawing No. G24360-B-04.
East Boundary Road - South Drive	Signalised intersection	Traffix Group Drawing No. G24360-B-00 Issue A.
East Boundary Road - North Drive	Signalised intersection	Traffix Group Drawing No. G24360-B-06.
Murrumbeena Road/Leila Road/Crosbie Street	Signalised intersection	No works required. Delete from DCP.

31 Include the following revised infrastructure provision triggers.

- Intersection IN-1 must be constructed and completed:
 - before the commencement of the use of any development where a Traffic Impact Assessment identifies any movement at the intersection increasing by 10 per cent or more and also shows that the proposal under consideration generates more than 200 vehicle movements in a peak hour (excluding the proposed school traffic)
 - before the construction of North Drive.
- Intersection IN-3 must be constructed and completed:
 - once precinct traffic exceeds 2,000 vehicles in a peak hour (excluding the proposed school) unless it can be demonstrated that the road network can continue to operate effectively for all modes (including pedestrians and cyclists) to satisfaction of Responsible Authority and Department of Transport
 - before 95 per cent of land has been developed south of Griffith Avenue.
- Intersection IN-4 must be constructed and completed prior to the commencement of use of any supermarket floorspace within the Retail sub-Precinct.
- Intersection IN-5 must be constructed and completed:
 - at the time of the development of the school site; or
 - at the time of development of sites taking access to South Drive (subject to a traffic report identifying that additional traffic generated through the intersection warrants the upgrade, to the satisfaction of the Responsible Authority and Department of Transport).
 whichever is earlier.

32 Before finalising the Development Contributions Plan, review the traffic infrastructure cost apportionment to determine if the average of the AM and PM peak hour traffic flows realises a superior outcome and, if so, include a revised cost apportionment. Council is to undertake the review in consultation with the Landowners and the Victorian Planning Authority.

Clause 53.01 Public Open Space and Contribution

- 33 Include the revised Schedule to Clause 53.01 Public Open Space and Contribution provided by Council in its closing submission (Document 46A).**

1 Introduction

1.1 The Amendment

(i) Amendment description

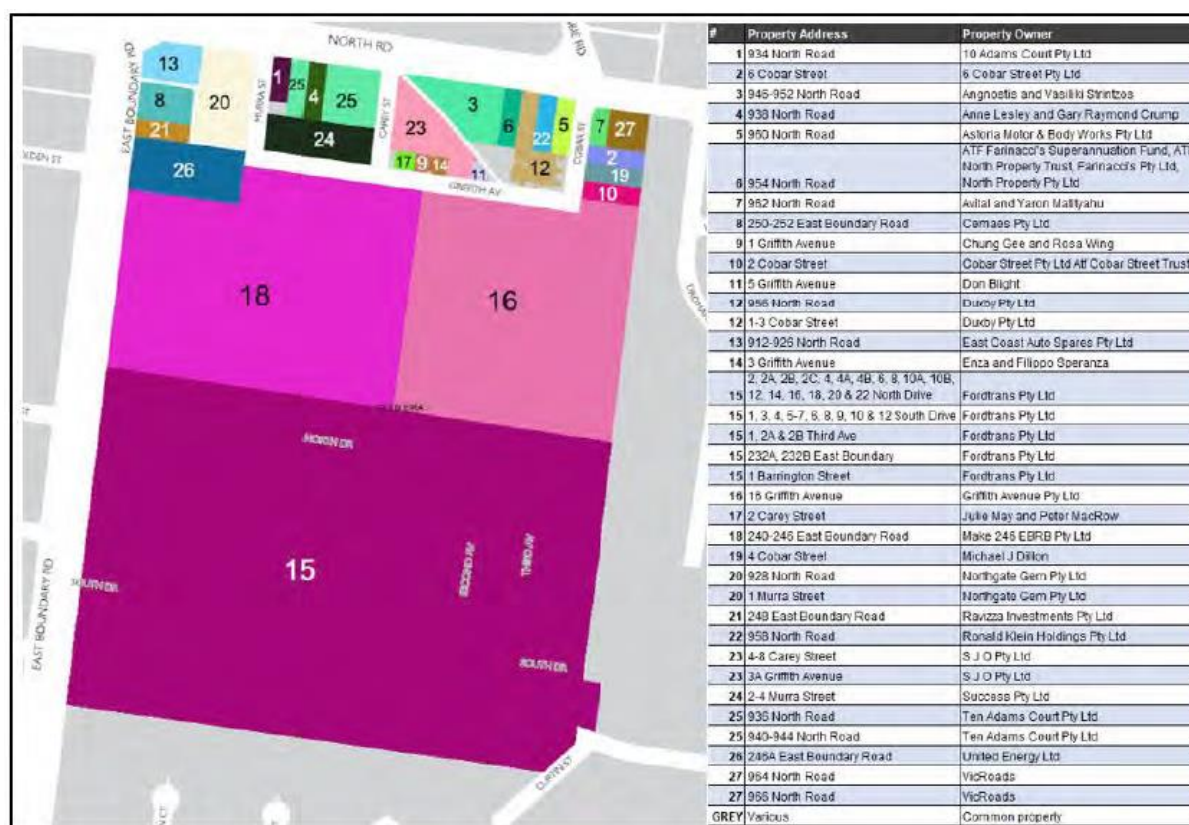
The purpose of the Amendment is to facilitate the use and development of land within the East Village precinct (refer to Figure 1) for commercial, retail, residential and a mix of other uses.

Specifically, the Amendment proposes to:

- Amend the Municipal Strategic Statement (MSS) at Clause 21.01 and 21.03 to remove reference to Virginia Park Industrial Estate and Virginia Park Business Centre as forming the base of industry in Glen Eira and being the municipality's largest industrial area.
- Amend the Local Planning Policy Framework (LPPF) at Clause 21.06 – Business and 21.07 – Industry to remove reference to Virginia Park Industrial Estate and Virginia Park Business Centre, remove reference to rezoning land to Commercial 1 Zone (C1Z), Business 2 Zone (B2Z), Business 3 Zone (B3Z) and Industrial 1 Zone (IN1Z), insert reference to East Village and include the *East Village Structure Plan 2018-2030* (EVSP) as a background document.
- Incorporate two new documents by listing the documents in the schedule to Clause 72.04:
 - *East Village Comprehensive Development Plan, October 2018* (CDP)
 - *East Village Development Contributions Plan, October 2018* (DCP)
- Insert Schedule 2 to Clause 37.02 Comprehensive Development Zone (CDZ2).
- Insert Map 4CDZ and rezone the land to CDZ2.
- Insert Clause 45.06 – Development Contributions Plan Overlay (DCPO).
- Insert Schedule 1 to Clause 45.06.
- Insert Map 4DCPO and apply the Development Contributions Plan Overlay –Schedule 1 (DCPO1) to the land within the CDP area.
- Amend Map 4EAO to apply the Environmental Audit Overlay (EAO) to land within the CDP area previously zoned IN1Z.
- Delete the Development Plan Overlay (DPO).
- Update the schedule to Clause 53.01 to require subdivision within the Commercial North sub-precinct, Commercial West sub-precinct and Commercial North (subject to drainage control) sub-precinct to provide a contribution of 5.7 per cent. All other land within the precinct will be required to provide a contribution of 11.4 per cent.
- Update the schedule to Clause 72.03 to reflect mapping changes.

(ii) The East Village Precinct

The Amendment applies to approximately 24 hectares of predominantly industrial and commercial land, bounded by North Road (north), East Boundary Road (west), Virginia Park (south) and existing residential development (east). The precinct is shown in Figure 1 and includes the Virginia Park Industrial Estate and Virginia Park Business Centre.

Figure 2 Land holdings and ownerships

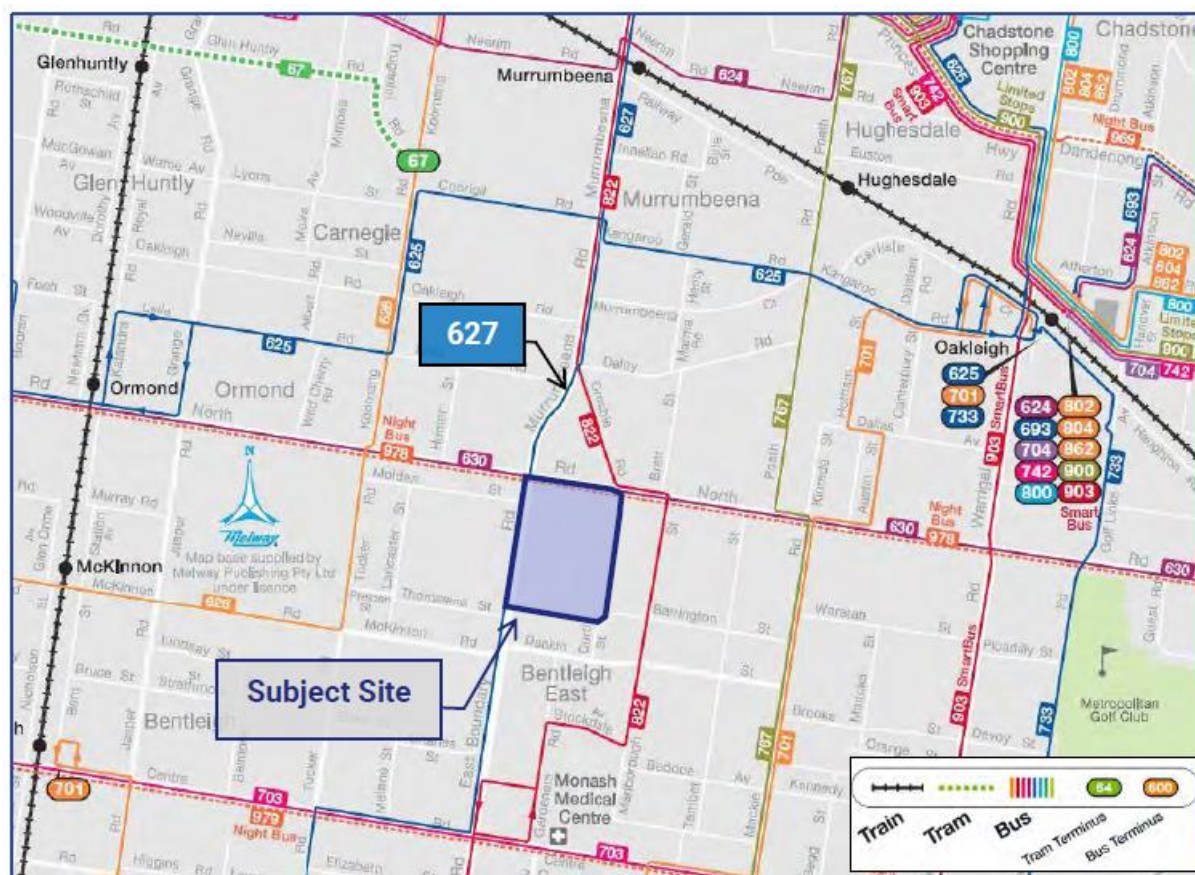
The area around the precinct is predominantly low scale residential development subject to the NRZ1. The precinct abuts Virginia Park to the south and the Marlborough Street Reserve to the east, both of which are zoned Public Park and Recreation Zone (PPRZ). The Duncan Mackinnon Reserve is to the north of the site (on the north side of North Road) and is also zoned PPRZ. There are areas zoned INZ3, MUZ1 and C1Z near the precinct along North Road.

The land uses and built form within the precinct and the surrounding area are shown on the aerial photograph at Figure 3.

The site is serviced by bus routes along East Boundary Road and North Road that are part of the Principal Public Transport Network (PPTN). As a number of submitters noted, the precinct is not well serviced by fixed rail public transport (refer to Figure 4). The Murrumbene Station (Cranbourne and Pakenham lines) is approximately 1.8 kilometres to the north and the Ormond Station (Frankston line) is approximately 2.1 kilometres to the west.

Figure 3 Amendment site and surrounding area



Figure 4 Public transport services

1.2 Council's proposed changes to the exhibited Amendment

Council considered submissions on the Amendment at its meeting held on 23 October 2019 and resolved to make the following changes:

- reference building heights in metres in the CDP
- include a 3,000 dwelling cap in the CDZ2
- include a requirement that buildings and works must be in accordance with the CDP
- make building heights and setbacks in the CDP mandatory instead of discretionary.

These changes were circulated as attachments to Council's Part A submission.

At the conclusion of the Hearing, Council supported further revisions to the Amendment that were described in Document 46 and various attachments.

For the purposes of this report, the Panel refers to the exhibited version of the Amendment as the 'exhibited Amendment' and Council's final version of the various elements of the Amendment as 'Council's preferred version'.¹ The Landowners also provided versions of various elements of the Amendment and the Panel refers to these as the 'Landowners preferred version'.²

¹ Council's final preferred CDP is Document 46C (represented as a tabular response) and its final preferred CDZ2 is Document 46B.

² The Landowners final preferred CDP is Document 47 and final preferred CDZ2 is Document 47A.

The Panel's assessment is primarily based on the exhibited Amendment, unless otherwise stated.

1.3 Format of recommendations

The Panel has included its recommended CDZ2 at Appendix D that is based on Council's Document 46C. The Panel's additions and deletions are highlighted in the recommended schedule.

The Panel was not supplied with updated final versions of the CDP and DCP and has listed its recommendations based on the exhibited documents.

1.4 Procedural issues

(i) Statements of agreed opinions and facts

The Panel directed³ that expert witnesses in relation to 'traffic', 'retail economics' and 'infrastructure costing and development contributions' meet and prepare statements of agreed opinions and facts.

The statement in relation to 'retail' evidence was received by the Panel on 28 November 2019 (Document 15).

The statement in relation to 'traffic evidence' was received by the Panel on 29 November 2019 (Document 17).

A statement in relation to 'infrastructure costing and development contributions' was not prepared because only one party (the Landowners) called evidence in that field.

(ii) Retail evidence

Mr Wong represented Ritchies Stores Pty Ltd (S64) and advised the Panel in a letter dated 3 December 2019⁴ that Mr Henshall, who had provided an evidence report in relation to retailing, had fallen ill and would not be able to attend the Hearing at the scheduled time. Mr Wong subsequently attended the Hearing on 6 December 2019 and explained that it was not known when Mr Henshall would be available. He requested that a date be set aside in 2020 to hear Mr Henshall's evidence.

The Panel sought the views of the parties in attendance and there was general consensus that extending the Hearing into 2020 was not a preferred outcome, particularly given the existing commitments of various people in the new year. Options for continuing the Hearing were discussed and it was agreed among the parties that Mr Henshall would not be called to present his evidence and that the Landowners would not call their retail expert, Mr Hanley, to present his evidence. Instead, the parties would take both evidence reports as 'read' and would address retail issues in their respective submissions. The Panel endorsed this approach and noted that the statement of agreed opinions and facts jointly prepared by Mr Henshall and Mr Ganly had considerably narrowed the matters that were in dispute. Mr Wong presented his submission on Friday 13 December 2019.

³ Directions and timetable letter, 1 November 2019

⁴ D20

(iii) Proposed change to the North Drive and East Boundary Road Intersection

At the Directions Hearing, the Landowners tabled a proposed change to the alignment of the North Drive and East Boundary Road intersection.⁵ Council undertook to advise potentially affected landowners of the proposed change and to invite written submissions that it would refer to the Panel. Council notified all of the landowners on the west side of East Boundary Road⁶ and received three written submissions⁷. Council referred these submissions to the Panel on 28 November 2019.

At the Hearing on 2 December 2019, the Panel directed Council to invite the three submitters to the Hearing, however none of the submitters requested to be heard.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Glen Eira Planning Scheme (GEPS).

The Panel considered all written submissions made in response to the exhibition of the Amendment, its observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Traffic, movement and parking
- Housing
- Built form
- Overshadowing
- Retail
- Open space
- School site
- Community facilities
- Development contributions
- Other content and drafting issues
- General issues.

⁵ D5

⁶ Shown in D19

⁷ Included in D16 and listed in Appendix A of this Report

2 Background

Council's Part A submission⁸ provided the background to the Amendment and included material relating to:

- earlier planning scheme amendments
- the current planning scheme controls
- background investigations
- consultation and engagement.

A brief record of these matters is provided below.

2.1 Earlier amendments

(i) Glen Eira Amendment C75

This Amendment applied to the 'Virginia Park Business Centre' area of the precinct (the southern area) and its key elements included:

- rezoning the land from IN1Z to B2Z and B3Z
- introducing a retail floor cap of 2,000 sqm in the B2Z schedule
- applying the DPO2 (including a range of built form provisions)
- applying the EAO to the site
- including consequential changes to the MSS.

The Amendment was approved in June 2011.

The DPO2 divided the area into sub-precincts and applied various design objectives, including building heights that ranged up to 10 storeys (in the central precinct).

Amendment C155 deletes the DPO from the precinct.

(ii) Amendment VC100

Amendment VC100 introduced revised commercial zones into the VPP. The B2Z and B3Z in the Virginia Park Estate were replaced with the C1Z and C2Z. The Amendment was approved in July 2013.

(iii) Glen Eira Amendment C126

Amendment C126 sought to rezone part of the 'Virginia Park Estate' from C2Z to C1Z (allowing residential uses to be considered) and to amend the DPO2 to enable a broader mix of uses across the site. It was exhibited over May and June 2015 and attracted a large number of objections. Council abandoned the Amendment in July 2015.

⁸ D11

2.2 Preparation of Amendment C155

(i) The process

Council's Part A submission outlined the steps that led to the preparation of Amendment C155 following the abandonment of Amendment C126:

Changes in land ownership and the agglomeration of a much larger area of land (now known as East Village) has catalysed a new approach to considering the future redevelopment of the Amendment land.

Over 2016, the new land owners undertook their own community engagement program to help form a vision for the masterplan for the precinct as illustrated on their website www.eastvillagemasterplan.com.au.

Following this work, Council officers were approached by the new landowners to begin exploration of a structure plan and a potential planning scheme amendment for the site.

This led to a meeting between Council officers and the VPA in December 2016 to discuss a potential partnership approach to planning for the precinct.

Later that month, Council resolved to undertake an extensive community engagement program across Glen Eira's network of activity centres to inform the development of a revised activity centre strategy⁹ that might also provide direction on the East Village proposal and its potential future role.

In January 2017, the VPA wrote to Council setting out the form of the proposed partnership and the role of the VPA in assisting Council with the preparation of a structure plan, development contributions plan and planning scheme amendment.

In February 2017, Council endorsed the partnership with the VPA and the commencement of an extensive community engagement program that built upon the earlier community engagement undertaken by landowners. The subsequent project included a 'four-stage' consultation process, the preparation of draft plans, input from consultants and the establishment of the East Village Community Reference Group. This led to the preparation of a structure plan and amendment documentation that the VPA provided to Council in September 2018. The VPA provided Council with revised documents in October 2018.

On 23 October 2018, Council adopted the EVSP and resolved to refer the Amendment to the Minister for Planning for authorisation. Council also resolved to:

- enter into section 173 agreements in relation to affordable housing and Council assets that would only come into effect if the Amendment was approved by the Minister
- only exhibit the Amendment if the appropriate section 173 agreements were signed and executed by the parties.

The Department of Environment, Land, Water and Planning (DELWP) conditionally authorised the Amendment in a letter dated 30 October 2018, subject to Council making various changes to the Amendment and including a revised CDZ2 that was provided by DELWP. In May 2019, Council responded to the matters raised by DELWP and provided further information and revised Amendment documentation. In a letter dated 30 July 2019, DELWP acknowledged

⁹ This process led to the preparation of the *Glen Eira Activity Centre, Housing and Local Economy Strategy*, July 2017

that the conditions of authorisation had been met and that the Amendment was authorised. DELWP also provided a further revision to the CDZ2 to be included in the exhibited Amendment.

In August 2019, the section 173 agreements relating to affordable housing and Council assets were signed by Council and the Landowners.

The Amendment was then exhibited from 5 September to 9 October 2019, including two community 'drop in' sessions.

(ii) Background documents and investigations

The preparation of the Amendment was informed by a range of background documents and investigations that Council outlined in its Part A submission. These reports were prepared at various stages of the process and were commissioned by Council, the VPA or landowners. These reports included the:

- *East Village Background Report Draft*, Victorian Planning Authority, April 2019
- *Analysis of Shadow Controls, Dwelling Capacity and Employment Capacity East Village* Glen Eira City Council, December 2018
- *Glen Eira Housing and Local Economy Growth Assessment*, SGS, December 2018
- *Glen Eira Planning Scheme Amendment Strategic Assessment Report*, Mecone, September 2018
- *Stormwater Drainage Assessment Report East Village*, Cardno, September 2018
- *East Village Social Infrastructure Assessment*, ASR Research, September 2018
- *East Village Peer Review and Phase 1 Environmental Site Assessment*, BlueSphere Environmental, July 2018
- *Peer Review: East Village Urban Design Report*, Aecom, July 2018
- *East Village, Bentleigh East Assessment of Retail Potential*, MacroPlan Dimasi, January 2018
- *East Village Urban Design Report (Draft)*, MGS Architects, November 2017
- *East Village, Bentleigh East Access and Movement Report*, GTA Consultants, October 2018
- *East Village Utility Servicing Assessment Report*, Wood and Grieve Engineers, August 2018
- *East Village Buffer Impact Assessment*, GHD, May 2018
- *East Bentleigh Village Employment Assessment*, JLL, October 2017
- *Environmental Conditions Summary, East Village Precinct*, Bentleigh East, Senversa September 2017
- *Assessment of trees within Virginia Park Industrial Estate/East Village Precinct Bentleigh East*, Homewood Consulting Pty Ltd, September 2107.

2.3 Key elements of Amendment C155

(i) East Village Comprehensive Development Plan, December 2018

The CDP was initially prepared by the VPA in consultation with Council. Council revised the CDP in December 2018 and then proposed further changes following its consideration of submissions on the exhibited Amendment in October 2019.

The CDP provides a long term plan for the precinct that is based on a 'vision' and 'objectives', and is supported by 'requirements', 'guidelines' and 'design guidelines'.

The vision includes:

East Village will be a sustainable mixed use precinct with a focus on innovative employment and education opportunities. Enhanced by green spaces and places for people, it will be supported by a diverse range of high quality housing and retail that caters for all.

The Panel notes that the vision was generally supported by the parties, including the Landowners and community submitters.¹⁰

The CDP is intended to be 'incorporated' into the GEPS (the schedule to Clause 72.04) and be read in conjunction with the CDZ2.

The CDP is structured under 5 main 'implementation' themes:

- Land use
- Built form and landscape
- Integrated transport
- Integrated water management, sustainability and utilities servicing
- Infrastructure and staging.

It also includes a precinct infrastructure plan, land budget and street cross sections, and is based on the 'development assumptions' shown in Table 1.

Table 1 CDP Development Assumptions

DEVELOPMENT ASSUMPTIONS		
Dwellings	3,000	dwelling units
Retail floorspace	12,000	m2 GLFA
Commercial floor space	80,000	m2 GLFA

The key elements of the exhibited CDP are shown on Figure 5 and include:

- The Town Centre, including a town square, central park, retail and a community facility, with building heights up to eight storeys, including a three storey podium.

¹⁰ Changes sought by the Landowners are discussed in Section 13.1 of this Report

- The Mixed Use sub-precinct surrounding the Town Centre, with employment activities at ground and first floor levels and dwellings above, with building heights up to eight storeys, including a three storey podium.
- The Residential East (predominantly townhouses) and Residential South sub-precincts that provide for town house and apartment dwellings up to three storeys.
- The Commercial West sub-precinct that provides for larger commercial spaces and buildings up to four storeys.
- The Commercial North sub-precincts that provide for larger commercial spaces and buildings up to four storeys and six storeys for a gateway site.
- An extension to the Marlborough Street Reserve.
- A secondary school site in the south-east corner of the precinct.

Figure 5 Exhibited CDP Plan 1 - Future Urban Structure



(ii) East Village Development Contributions Plan, October 2018

The DCP was prepared by the VPA with assistance from Council, Government departments and agencies, service authorities and landowners. The DCP is intended to be ‘incorporated’ into the GEPS (the schedule to Clause 72.04) and accompanies the DCPO1 that also forms part of the Amendment. It applies to the same area as the CDP.

Section 1.2 of the DCP notes that it:

- Outlines projects required to ensure that future residents, visitors and workers within East Village can be provided with timely access to the community services and transport necessary to support a future mixed use area;
- Establishes a framework for development proponents to make a financial contribution towards the cost of identified infrastructure projects;
- Ensures that the cost of providing new infrastructure and services is shared equitably;
- Provides the details of the calculation of financial contributions that must be made by future developments towards the nominated projects;
- Provides developers, investors and local communities with certainty about development contribution requirements and how they will be administered.

The DCP also lists infrastructure projects under 5 categories:

- road projects
- intersection projects
- sporting reserve projects
- community buildings projects
- drainage projects.

The DCP does not include funding for certain developer works, land required for public open space or the provision of affordable housing.

The DCP designates two ‘Main Charge Areas’ (MCA) based on the predominant development outcomes and the geographic area from which a given item of infrastructure will draw most of its use. These MCAs are shown in Figure 6 and include:

- MCA1 (commercial, retail and residential – the Landowners)
- MCA2 (commercial).

Figure 6 DCP - Main Charge Areas**(iii) East Village Structure Plan 2018-2031, October 2018**

The EVSP was adopted on 23 October 2018. Its purpose was to identify how the precinct would be developed and to inform the drafting of planning controls.

It is included in the exhibited Amendment as a background document to the CDZ2 (in the schedule to Clause 72.08).

The EVSP includes a vision and 15 'key objectives', and divides the East Village into the 'precincts' shown in Figure 7.

- buildings
- public spaces
- flood mitigation
- movement and parking.

The CDZ2 was initially prepared by the VPA in consultation with Council. Council revised the schedule in December 2018 and then proposed further changes following its consideration of submissions on the Amendment in October 2019.

Council submitted that the CDZ is the “*best fit planning control*” to facilitate the redevelopment of the precinct.

The key elements of the CDZ2 include:

- The purpose
- Table of uses
- Use of land (including Exemption from Notice and Review, and Decision Guidelines)
- Subdivision (including Drainage Strategy – South of Griffith Avenue, Provision of Affordable Housing, Exemption from Notice and Review and Decision Guidelines)
- Buildings and works (including Requirements, Overshadowing of Public Realm, Drainage Strategy – South of Griffith Avenue, Provision of Affordable Housing, Environmental site assessment – Commercial North and Decision guidelines)
- Signs.

The purposes of the CDZ2 are:

To facilitate a transition in land use from industrial to mixed use.

To encourage high quality urban design and architecture that is environmentally sustainable, responsive to its environs, improves local accessibility and permeability through the precinct, and provides active edges throughout the precinct.

To create a vibrant, safe, diverse and attractive public environment.

To encourage the intensive development of the land for a mix of uses including retail, residential, office, education, community and civic.

To ensure that new sensitive uses do not unreasonably impact on the ongoing operations of existing industrial uses as the land use mix within the precinct transitions.

The CDZ2 also includes various provisions that trigger or require the consideration of the CDP.

3 Planning context

This section of the report outlines the key elements of the ‘planning context’ that the Panel has had regard to in its consideration of submissions and provides its overarching findings in relation to the Amendment’s strategic justification.

3.1 Planning objectives and policies

(i) Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the Act by:

- facilitating a mix of uses and a higher density of development that are appropriate having regard to the precinct’s central location in an existing urban area
- facilitating the orderly arrangement of land use and development that integrates with the surrounding area
- encouraging the development of a pleasant, efficient and safe living environment through new local parks, public open spaces and well-connected streets within the precinct
- balancing the present and future interests of all Victorians by providing additional employment and housing opportunities (including affordable housing) within an existing urban area
- appropriately managing the passage and treatment of stormwater through the precinct
- equally apportioning development contributions across the precinct.

(ii) Planning Policy Framework

The Amendment supports **Clause 11 (Settlement)** by:

- providing land for residential, commercial, retail, industrial, recreational, education and other community uses
- facilitating the orderly development of an urban area.

The Amendment supports **Clause 13 (Environmental risks and amenity)** by:

- responding to potentially contaminated land
- managing noise effects on sensitive land uses.

The Amendment supports **Clause 15 (Built environment and heritage)** by

- creating an urban environment that will be safe, healthy, functional and enjoyable, and that will contribute to a sense of place and cultural identity
- encouraging building design outcomes that will contribute positively to the local context and enhance the public realm.

The Amendment supports **Clause 16 (Housing)** by:

- providing housing diversity and increased housing supply
- providing affordable housing

- identifying an area that offers opportunities for more medium and high density housing
- creating a 'mixed-use' neighbourhood that offers more housing choice.

The Amendment supports **Clause 17 (Economic development)** by:

- facilitating growth in a range of employment sectors, including office and commercial
- providing opportunities for innovation and the knowledge economy
- providing employment opportunities in the local area.

The Amendment supports **Clause 19 (Infrastructure)** by:

- providing for education and community facilities
- providing for open space and recreation facilities
- facilitating the provision of planned infrastructure through a development contributions plan.

(iii) Clause 21 (Municipal Strategic Statement)

The Explanatory Report describes how the Amendment is consistent with **Clause 21.03-3 (Key Land Use Visions)** because it:

- Allows for sustainable redevelopment of an underutilised site which balances the needs of current and future populations.
- Ensures a greater diversity of housing to meet future housing needs of a wider range of people in the Bentleigh East area.
- Promotes environmental, social and economic sustainability through a requirement to carry out testing on potentially contaminated land via the application of the EAO, improved stormwater management, the provision of community and educational facilities and the facilitation of a wider range of employment opportunities.
- Improves access to housing for residents with special housing needs through the provision of approximately 150 affordable housing dwellings (i.e. 5% of the 3000 dwellings) within East Village.
- Protects and enhances the natural environment through the addition of public open space on previously industrial land, improved stormwater management and a requirement to carry out testing on potentially contaminated land via the application of the EAO.
- Facilitates the development of a mixed use centre comprising significantly greater commercial floorspace than currently on the land.
- Stimulates and improves the vitality of Glen Eira's commercial centres through the provision of a wider range of uses, including residential development to ensure pedestrian activity occurs outside traditional business hours.
- Creates safe environments for residents, workers and visitors by providing a well planned future urban structure.

The Amendment supports **Clause 21.04 (Housing and Residential Development)** by:

- providing greater diversity of housing choice
- enabling residential use on a large, former industrial/transitional site that is surrounded by established residential areas and reasonably well served by infrastructure.

The Amendment supports **Clause 21.06 (Business)** by:

- supporting offices and business development.

The Amendment supports **Clause 21.07 (Industry)** by:

- providing for the transition of the 'Virginia Park Business Centre' from industrial to office uses and to more intensive uses.

The Amendment supports **Clause 21.11 (Infrastructure)** by:

- upgrading relevant infrastructure, including stormwater drainage.

The Amendment supports **Clause 21.12 (Transport)** by:

- upgrading the local road network where required
- providing for pedestrian, cycle and public transport use.

The Amendment supports **Clause 21.13 (Open space)** by:

- providing additional, well located public open space.

The Explanatory Report also notes that some existing MSS references to Virginia Park are inconsistent with the Amendment. While the MSS anticipates the redevelopment of the precinct and a transition from industrial to office and business uses, it does not provide for residential development. These references are being updated as part of the Amendment.

(iv) Clause 22 (Local Planning Policies)

The Amendment supports **Clause 22.12 (Public Open Space Contributions Policy)** by:

- making provision for an open space contribution as part of the development.

3.2 Other relevant planning strategies and policies

(i) Plan Melbourne 2017-2050

Plan Melbourne sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

The Amendment supports *Plan Melbourne* by:

- providing for the mixed-use redevelopment of an industrial precinct in a location well suited to employment, residential and a mix of other uses because of its proximity to open space, community facilities and the transport network
- streamlining approval processes by including plans with a resolved general layout for the area, including primary land uses, critical street networks and required infrastructure and construction standards
- facilitating a diversity of housing products to suit a range of household configurations and income levels
- requiring high standards in relation to the treatment of stormwater and environmental building standards.

(ii) Glen Eira – Planning for the Future, Activity Centre, Housing and Local Economy Strategy, July 2017

The *Planning for the Future, Activity Centre, Housing and Local Economy Strategy* (ACHLES) was adopted by Council in July 2017 and is intended to be implemented into the GEPS through a future amendment.

This strategy includes the following ‘shared vision statement’ that is intended to provide “a 15 year guide for decision-making for both private development and public realm works”.

East Village will be a sustainable mixed use precinct with a focus on innovative employment and education opportunities.

Enhanced by green spaces and places for people, it will be supported by a diverse range of high quality housing and retail that caters for all.

The Amendment is broadly consistent with the ACHLES.

3.3 Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of *Ministerial Direction 11 (Strategic Assessment of Amendments)* and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). The Panel supports that assessment.

(i) Ministerial Directions

Direction No 1 Potentially Contaminated Land

The Amendment proposes the application of the EAO to the northern area of the precinct that does not have a Certificate of Environmental Audit under the *Environment Protection Act 1970*.

Contamination issues are discussed in section 14.1 of this report. The Panel is satisfied that the Amendment addresses this Direction.

Direction No 9 Metropolitan Strategy

The Panel is satisfied that the Amendment addresses the requirements of this Direction.

Direction 18 Victorian Planning Authority advice on Planning Scheme Amendments

The Amendment was prepared with the assistance and advice of the VPA as described in the Explanatory Report. This is consistent with the requirements of this Direction.

Issues of dispute between the VPA and Council are noted in the Explanatory Report and are discussed in the relevant sections of this Report.

Direction 19 Preparation and content of Amendments that may significantly impact the environment, amenity and human health

The Explanatory Report notes that the Environment Protection Authority (EPA) was consulted during the preparation of the Amendment.

Contamination issues are discussed in section 14.1 of this report. The Panel is satisfied that the Amendment addresses this Direction.

Ministerial Directions on the Preparation and Content of Infrastructure Contribution Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans

The Amendment proposes the application of the DCPO1 and the incorporation of the East Village DCP. The Explanatory Report explains why a development contributions plan has been proposed.

DCP issues are discussed in the relevant chapters of this Report. The Panel is satisfied that the DCP is consistent with these Directions, but notes that further work is required before it can be adopted.

(ii) Planning Practice Notes

Planning Practice Note 13: Incorporated and background documents (PPN13)

PPN13 explains the role of incorporated and background documents in planning schemes. The Amendment proposes to include the CDP and DCP as incorporated documents and the EVSP as a background document.

The Panel is satisfied that the Amendment is consistent with PPN13.

Planning Practice Note 30: Potentially Contaminated Land (PPN30)

PPN30 provides guidance on planning responses to potentially contaminated land. Contamination issues are discussed in Section 14.1 of this Report and the Panel is satisfied that the Amendment is consistent with PPN30.

Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes (PPN59)

PPN59 notes that planning schemes are predominantly performance based, but sets out criteria to decide whether mandatory provisions may be appropriate.

PPN59 includes:

Mandatory provisions in the VPP are the exception. The VPP process is primarily based on the principle that there should be discretion for most developments and that applications are to be tested against objectives and performance outcomes rather than merely prescriptive mandatory requirements.

Nevertheless, there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome. Although these circumstances cannot be common practice, they may include areas of high heritage value, strong and consistent character themes, or sensitive environmental locations such as along the coast.

A balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.

Issues about mandatory controls are discussed in the relevant sections of this Report. The Panel has recommended that various provisions be discretionary rather than mandatory, consistent with PPN59.

3.4 Zones and overlays

The Amendment makes use of the CDZ, DCPO and EAO.

The purposes of the CDZ are:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

The use of the CDZ was supported by Council and in submissions and evidence.

The Panel is satisfied that the CDZ is an appropriate zone to achieve Council's vision for the precinct.

The DCPO and EAO have been applied to address specific issues and are discussed in the relevant sections of this Report. The Panel is satisfied that these overlays have been appropriately applied.

3.5 Discussion and conclusion

Most submitters acknowledged that the site was suitable for redevelopment and that this would be consistent with broader policies in support of urban consolidation, the provision of employment opportunities and housing diversity. However, there were divergent views about how the precinct should be developed, with many submitters supporting lower scale, less intensive development, while others supported the level of development anticipated in the CDP, but with the certainty of mandatory limits on building heights and the number of dwellings.

Many submissions argued that the precinct's development potential was limited by factors such as its distance from fixed rail public transport, existing capacity constraints in the local road network and potential impacts on the relatively low scale residential character of the surrounding area. It is clear from reading the background material that these and other issues were considered during the preparation of the Amendment and were factors that limited the scale and density of development provided for in the Amendment, including key components such as the amount of commercial floorspace, the dwelling cap, building heights and infrastructure works and funding.

However, it is also arguable that the CDP provides for a relatively modest level of development given the precinct's large size and central metropolitan location, and the strong policy support for facilitating local employment and housing diversity, particularly on redevelopment sites such as the precinct.

On balance, the Panel is satisfied that the nature and scale of development planned for the precinct are appropriate and are broadly consistent with the relevant planning objectives and policies. The Panel is also satisfied that the Amendment is well founded, strategically justified and will deliver net community benefit and sustainable development as required by Clause 71.02-3 (Integrated decision making).

For these reasons, the Panel concludes that the Amendment is strategically justified and should proceed, subject to addressing the more specific issues raised in submissions and discussed in the following sections.

3.6 Recommendation

The Panel recommends:

Amendment C155 to the Glen Eira Planning Scheme be adopted as exhibited, subject to the further recommendations contained in this Report.

4 Traffic, movement and parking

4.1 Overview

The exhibited CDP key transport objective is:

07 – To establish and integrated transport network that reduces dependency on private vehicles, maximises access to public transport and encourages walking and cycling.

The CDP provides a suite of traffic management works and proposed road to service future development as shown in Figure 8.

The key features of this plan are:

- Cobar Street, North Drive and South Drive will be higher order (connector) roads providing the principal vehicle access into and out of the precinct. These roads will ultimately be signalised where they connect to the arterial road network.
- North Road/East Boundary Road/Murrumbeena Road intersection will be upgraded to provide additional capacity to service development traffic.
- Enhanced access and permeability for pedestrians and cyclists throughout the precinct with connections to the surrounding network. Key internal locations such as the Town Centre and the school will have pedestrian priority treatments.
- All vehicle access to and from the precinct will be from the abutting arterial roads – there will be no vehicle access into the precinct from neighbouring local roads.

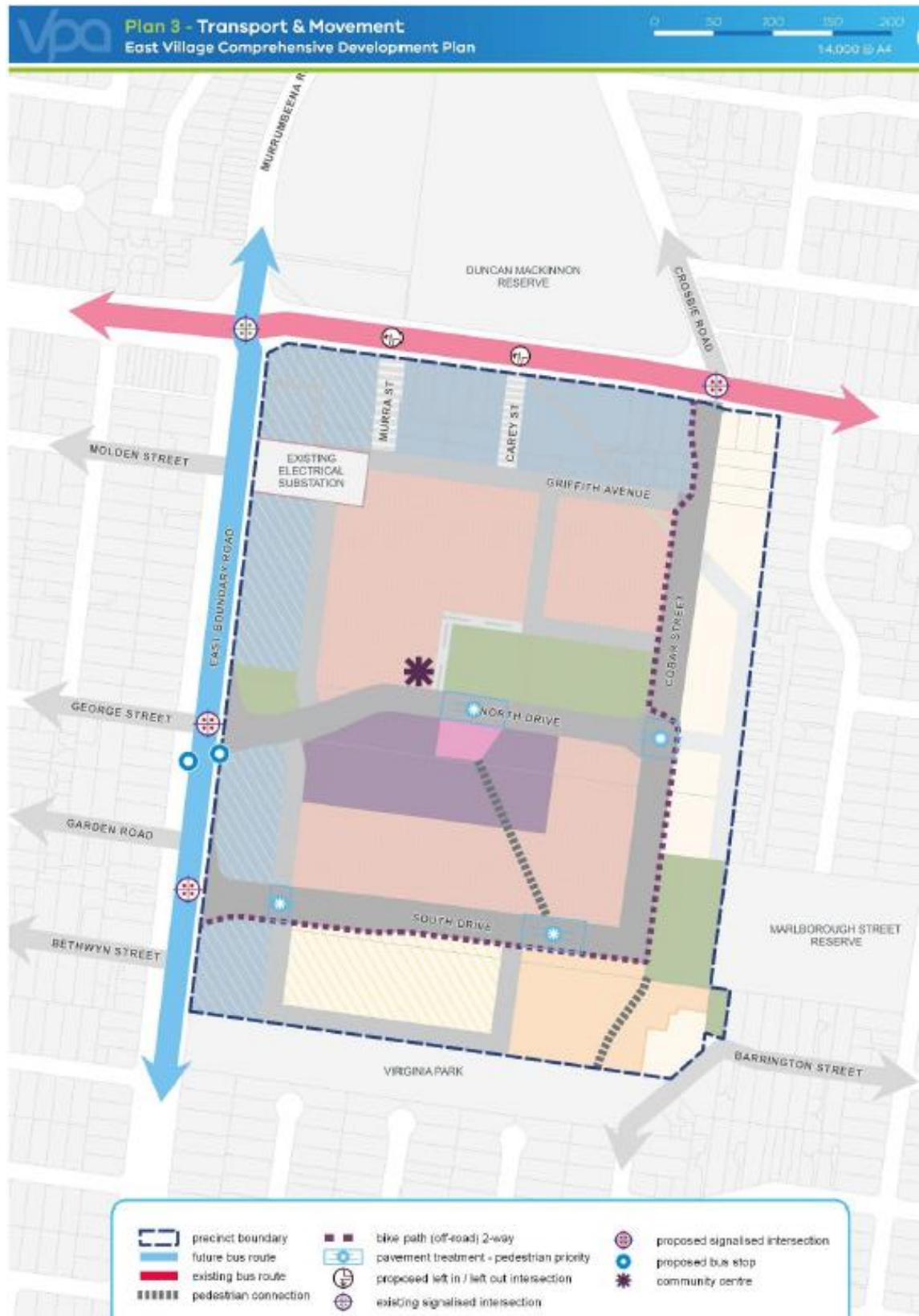
A conclave of traffic experts and Department of Transport (DoT) representatives (refer to Table 2) occurred on Wednesday 27 November 2019 where there was general consensus about:

- the proposed traffic mitigation works (except for the North Road left turn treatment into Cobar Street)
- the staging of mitigation works
- reducing the width of the various road reserve cross sections would provide a comparable outcome to the exhibited widths, from a traffic engineering perspective.

Table 2 Traffic and transport evidence

Party	Expert	Firm
Landowners	Jason Walsh	Traffix Group
	Stephen Hunt	Ratio Consultants
Council	Simon Davies	GTA Consultants
Department of Transport	Bill Hronopoulos	
	Michael Freeman	

Figure 8 Plan 3 Transport and Movement, exhibited CDP



A number of submissions highlighted the lack of, and inadequacy of public transport facilities in the broader area. The redevelopment of the precinct provides the opportunity for a bus route to be introduced along South Drive and Cobar Street. DoT is ultimately responsible for the public transport network and although it acknowledged the merit of many of the suggestions put forward, it noted that budgetary constraints limit what can practically be achieved.

4.2 The issues

The key issues relate to:

- the adequacy and accuracy of the traffic modelling
- the adequacy of the surrounding road network to accommodate development traffic, including proposed mitigation works
- whether the internal road cross sections are 'fit for purpose'
- whether adequate car parking will be provided in and around the precinct.

4.3 Traffic modelling

Transport modelling is a key project building block. It informed the preparation of the CDP including providing enough transport capacity, such as the number of traffic lanes, intersection design and configuration, and impacts on the surrounding road network. It is critical that the transport modelling provides sound and realistic outputs.

The key issues raised in relation to traffic modelling related to:

- the adequacy of the surrounding road network to accommodate development traffic
- whether the proposed mitigation works are satisfactory.

(i) Evidence and submissions

The original traffic modelling was undertaken by GTA. Existing traffic conditions on the surrounding roads and nearby intersections were assessed and then the future development traffic was superimposed onto this network and re-assessed using the Signalised Intersection Design and Research Aid (SIDRA), a computer program that models intersection performance. Future year analysis reviewed traffic conditions at the key intersections and confirmed that the site's access points would operate satisfactorily once mitigation measures were in place (refer to Table 2 Comparison of SIDRA Intersection Degree of Saturation)¹¹.

¹¹ Walsh evidence report, page 31, Table 5

Table 2 Comparison of SIDRA Intersection Degree of Saturation for DCP and (Landowners) Amended Layouts

Intersection	AM Peak Hour		PM Peak Hour	
	DCP Intersection DoS	Amended Layout DoS	DCP Intersection DoS	Amended Layout DoS
North Rd / East Boundary Rd / Murrumbeena Rd	0.87	0.88	0.95	0.98
East Boundary Road / North Drive	0.69	0.54	0.62	0.72
East Boundary Road / South Drive	0.65	0.76	0.63	0.81
North Road/ Crosbie Road/ Cobar Street	0.84	0.80	0.81	0.90

Note: for signalised intersections, a Degree of Saturation of around 0.95 has typically been considered the 'ideal' limit, beyond which queues and delays can significantly increase¹².

All traffic experts found GTA's key traffic inputs and modelling to be fit for purpose. All agreed that mitigation works would be required to accommodate future development traffic.

The DoT supported the intended vision for the precinct and was generally comfortable with the traffic assumptions.

Many submitters were concerned that the surrounding road network is already congested, and would not be capable of absorbing additional traffic associated with the East Village development. Dr Manaszewicz¹³ for example, believed that the traffic generation rates were too low when compared with other developments and that traffic survey data was at least two years out of date. Other submitters were concerned that the development might potentially increase traffic on the local road network and further exacerbate potential 'rat running' issues on streets such as Marlborough Street, Gardeners Road and Tambert Street.

(ii) Discussion

The Panel agrees with the findings of the conclave and the evidence of the traffic experts that the traffic modelling is detailed and thorough, and provides a suitable basis on which to assess and develop a suite of traffic mitigation measures to accommodate future traffic flows.

As discussed earlier, State and local policy supports and encourages infill development on sites such as East Village. Further, Melbourne's population is growing significantly, and it is inevitable that traffic will increase across the road network, although this growth needs to be carefully managed.

The Panel acknowledges and accepts the concerns of residents about existing congestion on the surrounding road network and that traffic levels will increase over time. However, the proposed mitigation works, principally signalised intersections and localised capacity

¹² GTA Access and Movement Report page 26. and footnote 3 SIDRA Intersection criteria for Level of Service assessment

¹³ D38

upgrades, are an appropriate response to the precinct's development and endeavour to balance the competing needs of all road users.

While traffic volumes will increase, the Panel accepts that the proposed mitigation works will ensure that the road network will function with satisfactory levels of service.

The evidence before the Panel suggests that there will not be a significant traffic increase on the surrounding local road network and that the proposed traffic management strategy which consists of the three major site access points and other vehicle access locations all occurring from the arterial road network, will be adequate. Should rat-running occur, Council has a range of measures at its disposal to address these issues.

(iii) Conclusions

The Panel concludes:

- The traffic modelling on which the CDP is based is 'fit for purpose'.
- The traffic modelling demonstrates that the suite of traffic mitigation measures in the Amendment is satisfactory.

4.4 External road network

All vehicular access to the precinct is from North Road and East Boundary Road. Table 3 summarises the proposed intersection works in the exhibited Amendment.

Table 3 Intersection works summary

Location	Proposed works
North Road	- Cobar Street/Crosbie Road
	- Carey Street
	- Murra Street
North Road/East Boundary Road/Murrumbeena Road	Signalised intersection
	Left in – Left out (Right turn in banned)
	Nil - Left in – Left out (existing)
North Road/East Boundary Road/Murrumbeena Road	Signalised intersection upgrade
East Boundary Road	- South Drive
	- North Drive
Murrumbeena Road/Leila Road/Crosbie Street	Signalised intersection

The conclave agreed that the proposed Murrumbeena Road/Leila Road/Crosbie Street intersection works were no longer required as the surrounding network could accommodate development traffic and that signalising this intersection may lead to additional traffic utilising Crosbie Street – a local road. The Panel agrees with this analysis and supports deleting this project from the DCP.

In the exhibited Amendment, Carey Street and Murra Street were provided with left turn deceleration lanes from North Road. Due to the relatively low predicted traffic volumes, the conclave agreed that these intersection works could be removed from the DCP (DoT agreed on the basis that the Cobar Street left turn deceleration lane would be provided as the primary

access road for motorists arriving from the east)¹⁴. The existing intersection configurations remain with the exception of the right turn entry into Carey Street being removed (to accommodate the proposed right turn lane into Cobar Street). The Panel supports these changes.

The Panel notes that the exhibited treatment along the arterial roads had extensive and long departure lanes (for example, in excess of 500 metres of three through lanes [where currently two lanes exist] along North Road, west of East Boundary Road) which was far beyond the requirements that will be generated by East Village. Mr Walsh, for the Landowners, reviewed the GTA traffic modelling and submitted a revised suite of mitigation measures¹⁵. These plans¹⁶ generally had a smaller footprint, were more cost effective and achieved satisfactory traffic outcomes – importantly, these plans were generally supported by the other traffic experts, DoT and Council. The Panel also supports these changes.

DoT raised a number of relatively minor technical issues associated with the intersection designs which the Panel believes can be readily resolved during the detailed design of those intersections.

However, there were two key unresolved intersection design issues:

- The North Road left turn lane into Cobar Street conflicts with an existing Telstra pit (refer to Figure 9). The estimated cost to relocate this pit is \$3.8 Million.¹⁷

Figure 9 North Road looking east from Cobar Street – (Telstra Pit is highlighted in red circle)



- The proposed East Boundary Road traffic signals would result in the loss of on-street parking and the North Drive intersection is proposed to be shifted further north than shown in the Amendment. Some submitters were concerned with the loss of parking, increased difficulty accessing their properties and general safety issues.

¹⁴ D30 paragraph 8

¹⁵ Mr Walsh provided a summary of the key changes in Appendix B of his evidence statement

¹⁶ The Landowners' proposed intersection plans are shown in Appendix C of Mr Walsh's evidence statement

¹⁷ This cost estimate is included in the exhibited DCP.

4.4.1 North Road/Cobar Street

The fundamental issues with this intersection were how, or should the left turn lane from North Road into Cobar Street be provided, considering Telstra had provided a preliminary cost estimate of \$3.8 Million to relocate its asset.

(i) Evidence and submissions

Council did not have a fixed position on this issue, but submitted:

The key we think is to ensure whatever intersection is constructed is a safe and efficient intersection, not larger than it needs to be and one which decreases the prospect of an accident at the intersection.¹⁸

The Landowners submitted that the Traffix Group plan (without the left turn deceleration lane) is an appropriate treatment and rationalises the significant cost to relocate the Telstra pit). They noted that none of the traffic experts stated that the left lane was necessary.

DoT submitted that providing the left turn lane was appropriate because it would improve safety for motorists and pedestrians, provide additional capacity and be a contemporary design treatment. And further, it would be inappropriate to compare this location to other arterial road intersections along North Road (where left turn auxiliary lanes were not provided) as safety and design standards have evolved over time. DoT also submitted that if the precinct was in a greenfield area, the deceleration lane would be provided as a matter of course.

From the conclave, the experts agreed that Crosbie Street/North Road/Cobar Street should generally be in accordance with Mr Walsh's Traffix Group Drawing No. G24360-B-02 (an excerpt is shown in Figure 10) with opinions varying only with respect to whether a left turn deceleration lane should be provided on the east approach. Mr Walsh's plan did not show the left turn deceleration lane due to the cost of relocating the Telstra pit.

The experts agreed that the proposed intersection would operate satisfactorily without a left turn lane on the North Road east approach.

Mr Walsh also noted that a preliminary sketch plan was being developed to provide an island around the Telstra pit to enable the left turn lane to be installed, however he was not in a position to provide a copy of this plan at the time of the Hearing.

Mr Hunt submitted that the left turn lane would provide minimal improvement to the operation of the intersection and would require land outside of the CDP area (Ms Robertson subsequently clarified that VicRoads owns the strip of land fronting the south side of North Road and that no land acquisition would be required). Further, in relation to safety and efficiency, he noted that there are numerous intersections on the south side of North Road which do not have left turn auxiliary lanes, including signalised intersections at Poath Road and East Boundary Road.

¹⁸ D46 paragraph 83

Figure 10 Excerpt from Traffix Group Drawing No. G24360-B-02 – Crosbie Street/North Road/Cobar Street

Mr Davies submitted that:

In relation to the left turn lane on the east approach, it is [his] opinion that the left turn lane be extended as far as practicable up to 75 metres as required by DoT subject to review of services.¹⁹

During cross examination, Mr Davies advised that providing the left turn lane was ‘desirable’ though not essential. This view was similarly expressed by the other experts.

A submission was also received from Mr and Mrs Matityahu²⁰ the owners of 962 North Road, Bentleigh East (at the south east corner of North Road and Cobar Street) who were represented by Mr Jebb at the Hearing. Mr Matityahu opposed the proposed road widening to accommodate the left turn lane, noting that it would impact on his property and submitted that the widening was not necessary. The Panel was advised that in 1976, approximately the first 6 metres of the North Road frontage of the property, (potentially also impacting on the existing dwelling) was acquired by the then Country Roads Board for road widening purposes, although no works have yet been undertaken. Unfortunately, the owners were unaware of this when they purchased the property, which the Panel understands was in 2015.

¹⁹ Davies evidence report page 20

²⁰ D35 and S55

A number of submissions were received about this intersection particularly in regard to when these traffic signals should be provided. Many submitters believed that the intersection should be signalised before any further development occurs in the precinct. The timing of these works is discussed in Section 4.5 of this Report.

(ii) Discussion

The Panel appreciates that in urban environments, modifying road alignments and introducing signalised intersections may conflict with utility services. Engineers use their skill and expertise to balance competing demands to develop an optimal solution to achieve cost effective and appropriate outcomes. Often this is an iterative process with the evolution of the design, in this context Mr Walsh's design (shown in Figure 10 above) has gone some way to achieving a suitable outcome. Potentially the concept sketch with the traffic island around the Telstra pit that enables the left turn lane to be installed may be an acceptable and preferred outcome – however Mr Walsh was not in a position to provide a copy of this plan at the time of the Hearing.

The Panel notes that along East Boundary Road, left turn treatments have been provided – generally in accordance with contemporary road design standards. Adopting a similar approach to the North Road (east approach)/Cobar Street intersection would be consistent with this approach.

While there might be a significant cost associated with providing the left turn lane at North Road/Cobar Street, this must be weighed against the safety and traffic benefits that would result from the left turn lane being provided. Further, Cobar Street, currently a local road will be upgraded to a connector road servicing significantly higher traffic loads and will be the principal access point for traffic arriving from the east. On balance, the Panel is satisfied that the opportunity to improve safety should be the primary consideration in this instance and that the left turn land should be provided.

In reaching this conclusion, the Panel notes that land owned by DoT is already available for road widening purposes to accommodate the lane and expects that there will be scope to reduce the costs associated with the Telstra pit.

The Panel also notes that further work and liaison between the Landowners and DoT (as the Road Manager) will be required to determine an appropriate intersection configuration incorporating the left turn treatment.

It is understandable that the owners of 962 North Road do not want road widening works to proceed, however the land has been set aside for road widening purposes and is owned by DoT.

(iii) Conclusions

The Panel concludes:

- The North Road/Cobar Street intersection layout generally in accordance with Traffic Group Drawing No. G24360–B-02 is appropriate but should be modified to incorporate a left turn treatment on the North Road east approach.

4.4.2 East Boundary Road – North Drive and South Drive

North Drive and South Drive currently have unsignalised intersections with East Boundary Road. These roads will form major access points into the precinct and are ultimately proposed to be signalised.

The exhibited Amendment showed signalisation of the North Drive intersection in its current location, however the Landowners submitted a revised plan²¹ that shifted the North Drive intersection approximately 50 metres further north due to long term lease issues with anchor tenants, and improving solar access to the mature trees and the proposed Gateway Park at this location.

(i) Evidence and submissions

The Landowners submitted that the relocation of North Drive was an appropriate outcome and noted the agreement among the traffic experts that it would not result in adverse traffic outcomes, however detail design will be necessary to maintain safe and proper access to adjacent residential properties.

Council relied on the expert evidence that the proposed road works will ensure that traffic will be mitigated and managed to an acceptable degree.

DoT supported the conclave findings in relation to the proposed signalised intersections at North Drive and South Drive, noting that detailed design issues still need to be resolved which can occur at a later date.

Local residents raised a number of issues including:

- the loss of parking
- difficulty accessing their properties
- general safety issues associated with the proposed traffic signals.

Mr Williams provided detailed analysis of these issues in his submission.²²

From the conclave, the experts agreed that:

- The East Boundary Road/North Drive intersection could be relocated further north and should generally be in accordance with Traffix Group Drawing No. G24360-B-06.
- The East Boundary Road/South Drive intersection should generally be in accordance with Traffix Group Drawing No. G24360-B-00 Issue A²³ (comprising 3 southbound lanes on East Boundary Road and a left turn slip lane into South Drive).

Mr Hunt submitted that relocating the North Drive intersection further north would enhance traffic signal operation and traffic flow along East Boundary Road by:

- allowing for greater queueing to be accommodated between the North Drive and South Drive intersections
- potentially improving signal coordination along East Boundary Road
- simplifying signal phasing and improving overall intersection efficiency by removing George Street from the signalised intersection.

²¹ Discussed in Section 1.4 of this report

²² D31

²³ Walsh evidence report, Appendix C – Sketch Design

With the signalised intersections along East Boundary Road, submitters were concerned about the loss of on-street parking, access to their properties and safety issues. In particular, Mr Williams submitted that residents would often slow down and ‘prop’ in the parking lane prior to driving into their properties. Similarly, when backing out, the parking lane provided additional space and separation from through traffic. Further, the loss of on-street parking along East Boundary Road would displace parking into neighbouring local streets potentially creating further issues.

Mr Hunt stated that these issues could be addressed through careful design, including, but not limited to, widening of driveways and providing hard standing areas adjacent to driveways. He noted that if these properties were redeveloped, there would be a requirement for all vehicles to leave in a forward direction, which would naturally enhance safety.

The traffic experts confirmed that vehicle access to all private properties would continue under the revised intersection arrangements.

(ii) Discussion

The key issues with the proposed signalised intersections along East Boundary Road mainly relate to the secondary impacts, such as access and parking, on affected dwellings – not the installation and operation of traffic signals.

The Panel acknowledges that there will be a loss of parking associated with two sets of traffic signals being installed, however, Mr Hunt identified a suite of design refinement options to assist East Boundary Road residents to safely access their properties, including some opportunity to replace the loss of parking. As such, further refinement of the intersection designs should be undertaken to address these issues in consultation with residents, Council and DoT. This can occur during the detailed design of these intersections.

In terms of broader parking issues, Council has a range of parking control measures available to assist residents should parking overspill cause significant issues in adjoining local streets. The Panel noted during its site inspections that such parking controls are in use in nearby streets.

(iii) Conclusions and recommendations

The Panel concludes:

- The East Boundary Road/North Drive intersection should be relocated further north and should generally be in accordance with Traffic Group Drawing No. G24360-B-06.
- The East Boundary Road/South Drive intersection should generally be in accordance with Traffic Group Drawing No. G24360-B-00 Issue A²⁴ (comprising 3 southbound lanes on East Boundary Road and a left turn slip lane into South Drive).
- Further refinement of the East Boundary Road intersections should be undertaken during the detail design phase to enhance access, parking and safety for East Boundary Road residents.

²⁴ Walsh evidence report, Appendix C – Sketch Design

The Panel recommends:

Amend the East Village Development Contributions Plan to:

Include the intersection works outlined in Table 4, with corresponding costing upgrades and changes:

Table 4 Panel's recommended intersection works

Location	Proposed works	Plan to be generally in accordance with
North Road - Cobar Street/Crosbie Road	Signalised intersection	Traffix Group Drawing No. G24360-B-02 is appropriate but should be modified to incorporate a left turn treatment on the North Road east approach.
North Road - Carey Street	Left in – Left out (Right turn in banned)	Traffix Group Drawing No. G24360-B-03. Delete Project IN-7 from the DCP.
North Road - Murra Street	Nil - Left in – Left out (existing)	Traffix Group Drawing No. G24360-B-03. Delete Project IN-6 from the DCP.
North Road/East Boundary Road/Murrumbeena Road	Signalised intersection upgrade	Traffix Group Drawing No. G24360-B-04.
East Boundary Road - South Drive	Signalised intersection	Traffix Group Drawing No. G24360-B-00 Issue A.
East Boundary Road - North Drive	Signalised intersection	Traffix Group Drawing No. G24360-B-06.
Murrumbeena Road/Leila Road/Crosbie Street	Signalised intersection	No works required. Delete Project IN-2 from the DCP.

4.5 DCP triggers – Intersection works

The exhibited DCP includes 'indicative provision triggers' for the various intersection projects described in DCP Table 4 (Intersection Projects) and reproduced below in Table 5. As discussed earlier, several intersection projects are no longer required and the key projects that were the subject of submissions and evidence are shown in Table 6.

Table 5 DCP (Advertised) Intersection projects

Project ID	Project Title Project Description	Charge areas contributing	Indicative provision trigger
IN-1C	North Road & East Boundary Road <i>Construction</i>	MCA1 MCA2	Once the precinct achieves a net increase in the existing traffic volumes it generates.
IN-2C	Crosbie Road/ Murrumbeena Road/ Leila Road <i>Construction</i>	MCA1 MCA2	At the time of delivery of IN-3C
IN-3L	Cobar St & Crosbie Rd & North Road <i>Land</i>	MCA1 MCA2	At time of subdivision or redevelopment of adjacent site
IN-3C	Cobar St & Crosbie Rd & North Road <i>Construction</i>	MCA1 MCA2	Once the traffic generated by the precinct exceeds 2,000 vehicle movements in the peak hour.
IN-4L	North Drive & East Boundary Road <i>Land</i>	MCA1	At time of subdivision
IN-4C	North Drive & East Boundary Road <i>Construction</i>	MCA1	At time of subdivision
IN-5L	South Drive & East Boundary Road <i>Land</i>	MCA1	At time of subdivision
IN-5C	South Drive & East Boundary Road <i>Construction</i>	MCA1	At time of subdivision
IN-6L	North Road & Murra Street <i>Land</i>	MCA1 MCA2	At time of subdivision or redevelopment of adjacent site
IN-6C	North Road & Murra Street <i>Construction</i>	MCA1 MCA2	Once the land is available and traffic volumes are deemed to require the infrastructure.
IN-7L	North Road & Carey Street <i>Land</i>	MCA1 MCA2	At time of subdivision or redevelopment of adjacent site
IN-7C	North Road & Carey Street <i>Construction</i>	MCA1 MCA2	Once the land is available and traffic volumes are deemed to require the infrastructure.

Table 6 Intersection projects and triggers

Project ID	Project Title	Exhibited DCP Indicative Provision Trigger
IN-1C	North Road & East Boundary Road	Once the precinct achieves a net increase in the existing traffic volumes.
IN-3C	Cobar Street/Crosbie Street/North Road	Once the traffic generated by the precinct exceeds 2,000 vehicle movements in the peak hour.
IN-4C	North Drive/ East Boundary Road	At time of subdivision.
IN-5C	South Drive/ East Boundary Road	At time of subdivision.

(i) Evidence and submissions

Council and the Landowners submitted suggested wording for the DCP triggers which is summarised in Table 7 – essentially these triggers were developed, in part, through ongoing consultation between the parties during the Hearing.

Table 7 Intersection works – Suggested DCP triggers²⁵

Intersection	Council ²⁶	Landowners ²⁷
IN-1C North Road /East Boundary Road /Murrumbeena Road	<p>Intersection IN-1 must be constructed and completed:</p> <ul style="list-style-type: none"> - Before the commencement of the use of any building where a Traffic Impact Assessment ... identifies any movement at the intersection increasing by 10 per cent or more and also shows that the proposal under consideration generates more than 200 vehicle movements in a peak hour. - Before the construction of North Drive 	<p>Intersection to be delivered when the precinct (exclusive of the school) increases any movement at the intersection by 10 per cent, and an individual application generates more than 200 vehicles per hour.</p>
IN-3C North Road/Cobar Street	<p>Intersection IN-3 must be constructed and completed:</p> <ul style="list-style-type: none"> - Once precinct traffic exceeds 2,000 vehicles in a peak hour unless it can be demonstrated that the road network can continue to operate effectively for all modes (including pedestrians and cyclists) to satisfaction of Responsible Authority and Department of Transport. - Before the issue of Statement of Compliance, or the commencement of final substantial stage of the development of the precinct located south of Griffith Avenue. 	<p>... once precinct traffic exceeds 2,000 vehicle movements in a peak hour (exclusive of the school) unless it can be demonstrated that the road network can continue to operate effectively for all modes (including pedestrians and cyclists), including the East Boundary Road/North Road/Murrumbeena Road intersection to satisfaction of Responsible Authority and Department of Transport.</p>
IN-4C North Drive	<p>The intersection must be constructed and completed prior to the commencement of use of any supermarket floorspace within the Retail Sub-Precinct.</p>	<p>At the time of development of sites taking access to North Drive, subject to a traffic report identifying that the additional traffic generated by the development expected to use the intersection warrants the upgrade, to the satisfaction of the Responsible Authority and Department of Transport (unless alternative interim access is available and approved.</p>

²⁵ Major variations between parties are in bold

²⁶ D46 pages 2-3

²⁷ D44 pages 31-34

Intersection	Council ²⁶	Landowners ²⁷
IN-5C South Drive	Before the occupation of any new building within the precinct, (this intersection) must be constructed and completed.	At the time of the development of the school site; or At the time of development of sites taking access to South Drive (subject to a traffic report identifying that additional traffic generated through the intersection warrants the upgrade, to the satisfaction of the Responsible Authority and Department of Transport. whichever is earlier

Council was also concerned that it may inadvertently be responsible for the delivery of infrastructure works and as such, submitted that the triggers need to be drafted into a binding document such as the CDP (as requirements) or directly into the CDZ Schedule so that the obligations fall on the appropriate developers.

The Landowners submitted that the DCP triggers should be amended to allow for more flexibility and practical delivery of the DCP works. This is discussed in Section 12 of this Report.

DoT submitted that there is a need to provide clear triggers (and responsibility) for the provision of the intersection projects. In particular, Cobar Street should not connect to the wider precinct in an uncontrolled manner and pressure on the arterial road network arising from access to the precinct should be reduced.

The traffic conclave generally agreed on DCP indicative triggers and staging for the proposed intersection works but struggled to find appropriate words that would adequately cover different development staging and scenarios.

Submissions and evidence indicate that the likely staging of works would be:

- a. East Boundary Road/South Drive intersection
- b. North Road/East Boundary Road/Murrumbeena Road intersection
- c. East Boundary Road/North Drive intersection
- d. North Road/Cobar Street/Crosbie Road intersection.

Mr Shipp was generally comfortable with the suggested staging proposed by the conclave and provided more refinement around suggested wording for the DCP triggers. He submitted that it is important to provide fair, realistic and reasonable outcomes. For example, a large developer (such as a supermarket developer) is likely to have the resources and expertise to deliver a signalised intersection compared to say a small infill office developer.

In a similar vein, Mr Walsh submitted a more equitable outcome for cost distribution would be realised if the average of the AM and PM peak traffic volumes was used instead of just the PM peak as this approach disproportionately weights the DCP costings to retail uses. However, Council was reluctant to comment on this potential cost redistribution without understanding what the precise consequences would be, in particular, it did not wish to discourage commercial development with an unduly high levy.

In relation to the timing of the Cobar Street signals being implemented, Mr Hunt submitted that these signals could be delayed until the final stages of the development of the precinct. He identified that the 'trigger' of 2,000 vehicles in the PM peak hour is equivalent to approximately 90 per cent of redevelopment being implemented.²⁸

Many submitters were concerned that infrastructure be provided 'earlier' rather than later, and suggested that in particular, the North Road/Cobar Street intersection signalisation occur prior to any redevelopment to address existing traffic congestion.

(ii) Discussion

The Panel acknowledges the difficulty in articulating the DCP triggers where the exact timing, funding availability and level of development is unknown. However, the practical delivery of these major and expensive pieces of infrastructure at the appropriate time is important. As such, the Panel considers the key considerations are certainty, nexus and equity.

The Panel notes that there was general consensus amongst the parties regarding DCP triggers, and appreciates the ongoing consultation between parties on this matter as the Hearing progressed.

The Panel supports the agreed triggers and discusses the unresolved triggers below.

North Road/East Boundary Road/Murrumbeena Road (IN-1C)

The exhibited DCP trigger was:

Once the precinct achieves a net increase in the existing traffic volumes it generates.

The unresolved issues are whether:

- the trigger for these works should exclude school traffic
- these works should proceed prior to the North Drive intersection signalisation.

The Panel supports the expert evidence that the future school traffic should be excluded from the traffic volume(s) that trigger the need for upgrade works to be undertaken. The school does not have a DCP requirement and the surrounding road network generally has capacity in the AM peak when peak school traffic would coincide. Providing firm criteria such as a 10 per cent increase of vehicle movement on a particular leg of the intersection or a development that generates more than 200 vehicles per hour provides greater clarity and certainty. Further, it provides some flexibility in allowing some development to occur which does not result in a significant or unacceptable deterioration in the operation of the intersection.

In relation to North Road/East Boundary Road/Murrumbeena Road signal upgrade occurring before North Drive/East Boundary Road signal works, the Panel agrees with the traffic conclave and DoT view that the major arterial road intersection servicing the precinct should be upgraded 'earlier' in the precinct's development.

The Panel recommends that the North Road/East Boundary Road intersection trigger exclude school traffic and that it be upgraded prior to the North Drive/East Boundary Road intersection.

²⁸ Hunt evidence report, page 28

North Road/Cobar Street (IN-3C)

The exhibited DCP trigger was:

Once the traffic generated by the precinct exceeds 2,000 vehicle movements in the peak hour.

The outstanding issues are whether:

- there should be an additional trigger based on *“commencement of development of final substantial stage of the development of the precinct south of Griffith Avenue”*
- the trigger for these works should exclude school traffic
- the intersection should be constructed before any development commences.

The Panel agrees that signalling North Road/Cobar Street is a critical piece of infrastructure that would need to be delivered. The Panel supports Council’s intent to provide an alternative trigger for the delivery of these traffic signals as redevelopment of small properties north of Griffiths Avenue may not occur for some time.

Practically, once the major Landowners have developed their land, it would be appropriate for the final signalised intersection servicing the precinct to be in place.

To avoid ambiguity, more precise language is required rather than *“final substantial stage of development”*. Mr Hunt identified that the ‘trigger’ of 2,000 vehicles per hour in the PM peak is to equivalent to approximately 90 per cent of redevelopment being implemented. The Panel estimates that approximately 80 per cent of land is south of Griffith Avenue and as such, this trigger for the signals would not be met.

In this regard, the Panel recommends that specifying a percentage of land redeveloped south of Griffith Avenue would provide certainty for parties (for example, 95 per cent). This would satisfy the intent that the major Landowners are required to deliver these signals in an appropriate timeframe whilst complementing the traffic volume trigger of 2,000 vehicles in the peak hour.

Similar to the North Road/East Boundary Road/Murrumbeena Road intersection, the Panel supports the expert evidence that the future school traffic should be excluded from the traffic volume(s) that trigger the need for upgrade works to be undertaken.

Many submitters believed that these traffic signals should be installed before there is any further development in the precinct. Whilst implementing all intersection upgrades in the first instance would provide obvious benefits, funding and need must also be considered. In this instance, development is anticipated to commence from the south and the traffic experts identified that the Cobar Street traffic signals would not be required until the precinct was already well developed. As such, installing these signals at the start of precinct development is not supported.

For these reasons, the Panel recommends that for the North Road/Cobar Street intersection:

- the trigger exclude school traffic
- an alternative trigger based on percentage of land redeveloped south of Griffith Avenue is adopted
- the traffic signals are not required to be installed prior to further development in the precinct.

East Boundary Road/North Drive (IN-4C)

The Panel supports Council's proposed trigger based on a supermarket use which is significant traffic generator in its own right and most likely would require traffic signals to be installed. The Panel understands that this was verbally agreed with the Landowners.

The Panel recommends that this trigger be per Council's proposed wording.

East Boundary Road/South Drive (IN-5C)

The exhibited DCP trigger was:

At time of subdivision.

The key issue is to ensure that the traffic signals are delivered at the appropriate time. In this instance the Panel believes the wording proposed by the Landowners (shown below) provides greater flexibility while still ensuring that these traffic signals will (most likely) be delivered as part of the school site development.

At the time of the development of the school site; or

At the time of development of sites taking access to South Drive (subject to a traffic report identifying that additional traffic generated through the intersection warrants the upgrade, to the satisfaction of the Responsible Authority and Department of Transport.

Whichever is earlier

With Council's suggested wording, any building works, no matter how small would trigger the delivery of the traffic signals – potentially an unrealistic requirement.

The Panel recommends that the East Boundary Road/South Drive DCP trigger be as per the wording proposed by the Landowners.

DCP Cost apportionment/Equivalence ratios

The DCP includes a cost apportionment for the road and intersection projects with the apportionment based only on the PM peak hour, and attributes a percentage cost for residential (medium density), retail and commercial uses (refer to Table 8).

The Panel acknowledges Mr Walsh's suggestion that traffic infrastructure cost apportionment be based on the average of the AM and PM peak hour traffic flows. This is likely to achieve a more equitable cost distribution than the PM peak which may disproportionately weight the DCP costings to retail uses.

Table 8 Calculation of equivalent ratios²⁹

ITEMS ATTRIBUTABLE TO MAIN CHARGE AREA 1 AND 2							
Land Use Type	Number	Unit of Measure	PM Peak Traffic Movements	Total Traffic Movements PM Peak	Dwelling Equivalence ratio	Dwelling Equivalent Units	% Dwelling Equivalent Units
Residential	3,000	dwellings / units	0.38 per dwelling	1178	1.000	3,000	41.9%
Retail	12,000	m2 gross leasable floorspace	6.4 per 100m2	768	0.652	1,956	27.3%
Commercial	70,000	m2 gross leasable floorspace	1.08 per 100m2	756	0.642	1,925	26.9%
Commercial	10,000	m2 gross leasable floorspace	1.08 per 100m2	108	0.092	275	3.8%
						7,156	100.0%
ITEMS ATTRIBUTABLE TO MAIN CHARGE AREA 1 ONLY							
Land Use Type	Number	Unit of Measure	PM Peak Traffic Movements	Total Traffic Movements PM Peak	Dwelling Equivalence ratio	Dwelling Equivalent Units	% Dwelling Equivalent Units
Residential	3,000	dwellings / units	0.38 per dwelling	1178	1.000	3,000	43.6%
Retail	12,000	m2 gross leasable floorspace	6.4 per 100m2	768	0.652	1,956	28.4%
Commercial	70,000	m2 gross leasable floorspace	1.08 per 100m2	756	0.642	1,925	28.0%
						6,881	100.0%

Further work is required to ascertain exactly what impact(s) this will have on cost apportionment across the precinct and different land uses, and in particular, does not significantly advantage or burden one particular land use over another.

The Panel concludes that it is appropriate to further investigate if using an average of the AM and PM peak flows for cost apportionment would realise a superior outcome.

(iii) Conclusions and recommendations

The Panel concludes:

- The exhibited DCP triggers are generally satisfactory subject to minor modifications to improve clarity and nexus.
- An alternative trigger for IN-3C (North Road/Cobar Street) should be applied based on a percentage of land redeveloped south of Griffith Avenue.
- Traffic infrastructure cost apportionment should be reviewed by Council in consultation with the Landowners and the VPA to determine if the average of the AM and PM peak hour traffic flows realises a preferable outcome.

The Panel recommends:

Amend the East Village Development Contribution Plan to:

- **Include the following revised infrastructure provision triggers.**
 - **Intersection IN-1 must be constructed and completed:**
 - **before the commencement of the use of any development where a Traffic Impact Assessment identifies any movement at the intersection increasing by 10 per cent or more and also shows that the proposal under consideration generates more than 200 vehicle movements in a peak hour (excluding the proposed school traffic)**
 - **before the construction of North Drive.**

²⁹ East Village Development Contribution Plan, Table 11, page 29

- **Intersection IN-3 must be constructed and completed:**
 - once precinct traffic exceeds 2,000 vehicles in a peak hour (excluding the proposed school) unless it can be demonstrated that the road network can continue to operate effectively for all modes (including pedestrians and cyclists) to satisfaction of Responsible Authority and Department of Transport
 - before 95 per cent of land has been developed south of Griffith Avenue.
 - **Intersection IN-4 must be constructed and completed prior to the commencement of use of any supermarket floorspace within the Retail sub-precinct.**
 - **Intersection IN-5 must be constructed and completed:**
 - at the time of the development of the school site; or
 - at the time of development of sites taking access to South Drive (subject to a traffic report identifying that additional traffic generated through the intersection warrants the upgrade, to the satisfaction of the Responsible Authority and Department of Transport).
- whichever is earlier.

In addition, the Panel recommends that Council:

Review the traffic infrastructure cost apportionment to determine if the average of the AM and PM peak hour traffic flows realises a superior outcome and, if so, include a revised cost apportionment. Council is to undertake the review in consultation with the Landowners and the Victorian Planning Authority.

4.6 Internal road network

The internal road network is shown in the exhibited CDP (refer to Figure 8) which also includes various requirements and guidelines, and road cross sections.

The internal road layout generated considerable debate related to traffic engineering cross sectional requirements, urban design principles and preferred public realm outcomes.

The Landowners proposed some narrower road reservations than those indicated in the exhibited Amendment. These are summarised in Table 9.

Table 9 Internal road cross sections in the exhibited Amendment and proposed by the Landowners

Internal Road	Road reserve width (metres)	
	Amendment	Landowners
Connector Street – (future bus route)	27	23
North Drive	23	No change
Local Access Street	17	15.5
Local Access Street (with shared path)	16	14.5
Access Lane	9	No change
Pedestrian Lane	4	No change
Paper Road/Shared Road	9	4

Council's document D24 also provided further details and comparison of the various road cross sections.

Whilst traffic engineering requirements and standards have generally been well resolved, considerable debate occurred around public realm outcomes for the local street network. Where appropriate these are also discussed in Sections 6 and 7 of this Report.

(i) Evidence and submissions

Council submitted that the exhibited Connector Road cross section, which includes a 3 metre wide tree planting zone, was appropriate. It was concerned that combining the tree planting and parking bays as proposed by the Landowners will significantly limit the opportunity for tree planting because of the demand for on-street parking spaces, particularly around the school, Town Centre, pedestrian crossings and public transport stops.

The term 'nature strip' is somewhat of a misnomer, and Council suggested that it is more accurately referred to as a tree planting and furniture zone. The nature strips are proposed to be an urban setting with paving around the trees. The hardstand area would be used for street furniture, infrastructure, and footpath trading. If this space was not provided, and the Landowners' cross sections were used, then these items would need to be provided on the footpath, significantly reducing the available footpath width clear of obstructions.

In relation to the connector roads, the Landowners submitted that the bike paths should be on either side of the road as it allows for the predictable flow of bike movements in the same direction as car movements, allows motorists to only have to look one way, avoids bikes having to cross intersections when travelling from the opposite side of the road and in low speed environments, will lead to more confident riders using the road.

The Landowners submitted that the 15.5 metre wide (instead of 17 metres) local access street would have negligible traffic impacts and are an appropriate response to rationalising both the cost and practical delivery, whilst ensuring appropriate traffic outcomes.

The Landowners advised that paper roads/shared roads are proposed around the north-west corner of Central Park. Their primary purpose is to provide a street address (in particular for emergency services) but are predominately used as footpaths that are capable of accommodating vehicles. As such, these 'roads' do not require a full road reservation and the Landowners suggested a 4 metre width would be appropriate (similar to the recent Altona North CDP)³⁰. Mr McGauran submitted that a 2.5 metre path would be adequate (this is further discussed in Section 7 of this Report).

Council suggested a wider (9 – 17 metres) reservation was appropriate, in particular to limit overshadowing of the Central Park. Council's initial assessment for overshadowing had assumed the same width as the relevant street – only that it was closed to vehicles.³¹

The traffic conclave reached the conclusions outlined below.

³⁰ D43, page 50

³¹ D24

Connector Streets

- A reduced connector street cross section is acceptable from a traffic engineering perspective, noting that landscaping opportunities would be limited to the kerb outstands.
- A 3.0 metre wide two-way bicycle lane on one side of the road should be provided, as opposed to 2 metre wide bicycle lanes on each side of the road. (Mr Hunt clarified that in his opinion having one-way bike paths on each side of the road would require a cyclist to cross the road to make the return journey and that this is not practical)³². The conclave found that:³³
 - Subject to the retention of a 3.0 metre wide bicycle lane on one side and appropriate separation to pedestrians on the footpath and accessing parked cars it was agreed that from a traffic engineering perspective a reduced Connector Street cross-section would provide a comparable outcome.

Local Access Street

- Reducing the Local Access Street from 17.0 to 15.5 metres would have negligible traffic engineering impact with potential implications on utility services and landscaping.

Mr Walsh and Mr Hunt did not believe it was essential to provide dedicated bicycle paths on Local Access Streets as generally demand, traffic volumes and speed are lower, allowing cyclists to share the road space, similar to many other local roads.

During cross examination, Mr Davies clarified that one metre separation between the footpath and bicycle lane should be provided.

Internal road network - Urban Design issues

In terms of urban design, Mr Sheppard submitted that reducing the width of roadways was a desirable outcome as it enables more efficient land use and a more intimate environment less dominated by roads. He considered that integrating the nature strip and kerbside parking was appropriate in an urban context such as East Village. In relation to bicycle paths, he stated that two-way bike paths can create confusion for pedestrians when crossing – this view was supported by the Landowners.

Mr Sheppard, while generally comfortable with the proposed street network made the following observations:

- In order to provide a permeable, legible and well distributed traffic network, higher density urban precincts should have a grid of interconnected streets spaced at 70 – 100 metres and that:
 - the local road, east of East Boundary Road should ‘wrap around’ the substation and connect into Griffith Avenue
 - an additional north-south connection is needed through the Mixed Use sub-precinct (though he acknowledged that DG4 seeks a pedestrian link in this general location).

³² Hunt evidence report, section 6.2.6

³³ D17, paragraph 17

- The Local Access Street on the eastern boundary is not a preferred location for a street given it abuts the back fences of existing townhouses and is not necessary from a permeability perspective. However, he acknowledged that it may have a complementary drainage function.

Mr McPherson acknowledged that traffic engineering was beyond his expertise, but recommended various changes to the CDP in terms of the public realm intent to achieve more 'urban' and pedestrian-accessible streets:

- Replace all nature strips with paving and include tree planting squares (refer to Figure 11) to accommodate footpath trading.
- Design North Drive as the central street in the precinct and as a contemporary boulevard with clear pedestrian priority.
- Provide demarcated cycling infrastructure on North Drive and potentially all streets.
- Include more widespread application of contemporary, innovative and pedestrian-priority streetscapes, such as shared spaces.
- Include provisions for pedestrian connections to break up street block lengths with separation distances for through links to provide a maximum effective block length of 50—70 metres.

Figure 11 Excerpt from McPherson evidence report – Collins Street, Melbourne

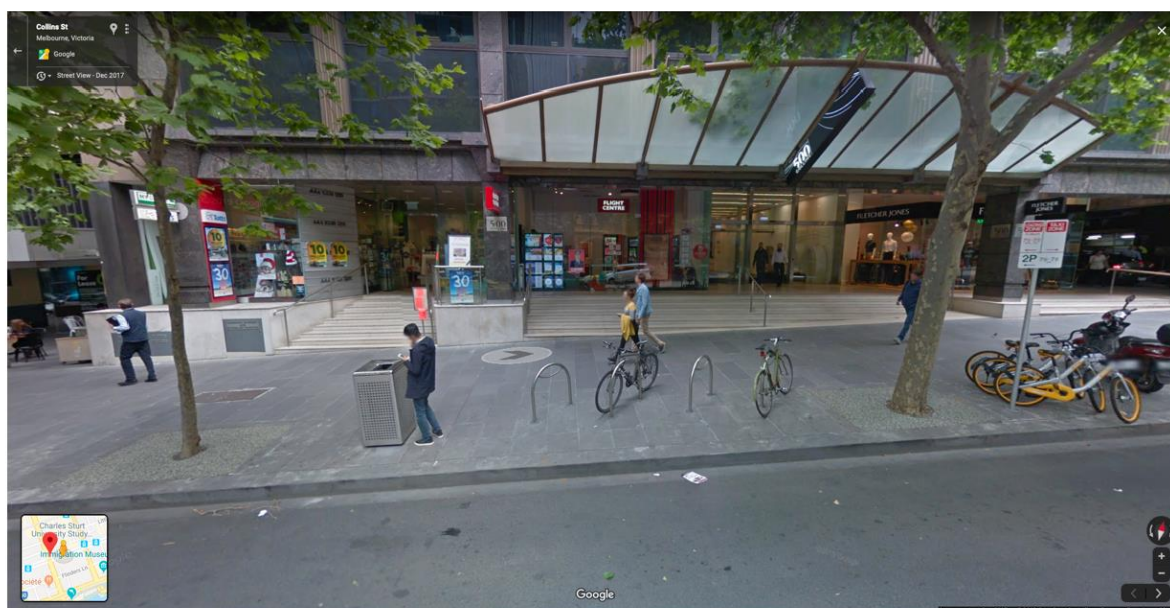


Figure 23: Collins Street with street trees in demarcated planting squares or tree pits, with the paved space in between accommodating street furniture and outdoor seating, to keep the footpath space clear for movement. I recommend this approach rather than continuous nature strips (image source: Google).

(ii) Discussion

Connector Street 27.0 metre cross section – footpath trading

The Panel agrees with Council's observation that the reduced cross section proposed by the Landowners has its impact on public realm, acknowledging that there is little scope to reduce the road pavement width or other traffic operations requirements. The Panel notes the traffic assessment considered the minimum requirement for the safe and efficient operation of the

road and did not consider the broader public realm issues, such as how much footpath trading would occur, how much space would it require and where would it be located. As the traffic conclave noted with the Landowners' cross section, landscaping opportunities would be limited to the kerb outstands.

The traffic conclave noted that appropriate separation between the footpath, bicycle lane and car parking is necessary. Mr Davies submitted that one metre would be the desirable minimum separation (where cyclists may conflict with a potential hazard such as street furniture or car doors opening) and the Panel notes that this is consistent with AustRoads Guidelines³⁴ which is traditionally used for the design of these facilities. The Landowners proposed a 3.6 metre wide footpath (generally adjacent to commercial/retail uses). Essentially, this would provide a 1.8 metre clear footpath for pedestrians with up to 1.8 metres of remnant footpath for footpath trading and street furniture. However, this space would be reduced once appropriate lateral clearances are provided to cyclists, providing little space for public realm activities.

The Panel acknowledges that this is a contrary view to the Landowners who supported the evidence of Mr Walsh and Mr Hunt that "*landscaped separation between the pedestrians and bike paths* (is not required)".³⁵

However, the conclave agreed that appropriate separation between pedestrians and the bike lane would be required. The Panel notes that potentially, greater separation for footpath trading and the bicycle lane may be required albeit, not necessarily landscaped.

The Panel supports the conclave's agreement that the two-way bicycle path on one side of the road was a practical outcome and is consistent with many other off-road bicycle facilities around Melbourne.

It is noted that the urban design experts submitted that hard standing areas instead of grassed/landscaped nature strips are appropriate for highly urbanised areas and the typical cross sections should be modified accordingly to avoid confusion.

For these reasons, the Panel recommends:

- the 27.0 metre wide connector street cross section (Council endorsed) be applied to maintain adequate space for public realm activities, including a 3.0 m bicycle path along one side of the road.
- grassed nature strips be replaced with hard stand areas.

Local Access Streets

The Panel supports a narrowing of the local access streets cross section from 17.0 metres to 15.5 metres (refer to Figure 12). This primarily occurs with the narrowing of the nature strips from 3 and 2.7 to 2.1 metres and the Panel is satisfied that this is an acceptable outcome, subject to providing sufficient space to accommodate utility services.

³⁴ AustRoads Guide to Road Design Part 6A Paths for Walking and Cycling, Section 5.5.1 Clearances

³⁵ D44, paragraph 142

Figure 12 Local Access Street 15.5 metre cross section (Landowner proposal)

The traffic experts and others noted that the local access street on the east side of the precinct is currently flagged to be an overland flow path (up to 16 metres wide) and practically the road reservation is needed to be this wide to accommodate the flood waters in a controlled manner that will maintain safety and limit upstream flooding. From a traffic operational perspective, a 14.5 metre width would be satisfactory by replacing the 3 metre shared path with a 2 metre footpath and slightly narrow nature strips.

Local roads are low speed and volume environments where it is readily expected and accepted that cyclists would share the road space and the Panel agrees with Mr Walsh and Mr Hunt in this regard. Further, the Panel notes that a cyclist on an internal road would not travel very far before reaching the connector street(s) where dedicated off-road bicycle lanes are provided.

For these reasons, the Panel recommends that Local Access Streets:

- should be 15.5 metres wide
- need not provide separate bicycle lanes
- should be 16 metres wide when used for overland flow purposes.

Paper Road/Shared Road

In terms of operational requirements, the Panel accepts that a 4 metre Paper Road/Shared Road as sought by the Landowners would achieve the required 'functional' outcomes of providing street address and pedestrian, service and emergency vehicle access.

As noted earlier, Council's support for the paper road being 9 - 17 metres wide was based on the contribution that it would make to reducing overshadowing of the central park and achieving other urban design outcomes. This is discussed in Section 7 of this Report.

Other issues

The urban design experts recommended or suggested other changes to the local street network.

Mr McPherson recommended strengthening the ‘urban and pedestrian accessible network’ with additional shared zones and potentially all streets having bicycle lanes.

The Panel believes that a bicycle lane along North Drive has merit and should be included, as North Drive services the retail precinct and would naturally be a high generator of pedestrian and bicycle traffic. As discussed above, in relation to Local Access Streets, the Panel does not consider that every street should have its own bicycle lane – a reasonable balance and expectation is required in this regard. The Panel also agrees that the proposed shared zones/pedestrian priority areas as shown in the CDP are appropriate and additional areas and/or pedestrian priority treatments, particularly along North Drive, could be considered during detailed design.

The Panel concludes that North Drive should include dedicated bicycle lanes and that additional shared zones be considered; however, these issues can readily be resolved during the detailed design phase.

In relation to Mr Sheppard’s suggestion for an internal road to ‘wrap’ around the electrical substation to enhance connectivity, the Panel accepts that this was considered during the preparation of the CDP but was discounted because of the potential for ‘rat running’ motorists.

(iii) Conclusions and recommendations

The Panel concludes:

- The Connector Street cross sections should retain the 27.0 metre width, including a 3.0 metre bicycle path along one side of the road (similar to the existing connector road cross section).
- The Local Access Street cross section width of 17.0 metres should be reduced to 15.5 metres as shown in Figure 12 above, except where it has an overland flow function that requires a 16.0 metre width.
- Local Access Streets need not include dedicated bicycle paths.
- The North Drive cross section should incorporate a bicycle path and consider further pedestrian priority treatments. These issues can be resolved during detail design.
- Paper/shared roads only need to be 4.0 metres wide to adequately perform their traffic function. This is discussed further in Section 7 of this report where other considerations are taken into account.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- **Reduce the Local Access Street cross section from 17.0 metres to 15.5 metres as shown in Figure 12 of the Panel’s report, except where a 16 metre width is required for overland stormwater flow.**

4.7 Parking

(i) Evidence and submissions

Parking was generally not a contested issue between Council and the Landowners, with the traffic experts supporting the statutory parking rates for the future land uses set out in the GEPS at Clause 52.06.

The Amendment's Access and Movement Report prepared by GTA discussed the use of Travel Demand Management, to encourage alternative travel behaviours and a corresponding reduction in car use and the need for car parking.

Many submitters raised general concerns about the impacts on car parking within and outside the precinct and sought a more detailed assessment of parking generation and provision. Many of these submissions reflected concerns about the existing parking overspill along East Boundary Road and in nearby residential streets. Parking issues were cited as a reason for the Amendment not proceeding.

(ii) Discussion

The Panel supports the provision of car parking based on the parking rates and criteria set out in Clause 52.06, noting that car parking will be determined and assessed as part of each future planning permit application. This process will also be influenced by various guidelines in the CDP, such as the provision of parking in various street cross sections and underground parking in various sub-precincts.

The Panel appreciates resident concerns regarding the existing parking overspill into nearby streets, but notes some of these long-standing uses (generating parking overspill), will ultimately be redeveloped. These sites will be required to provide parking in accordance with the GEPS which should dampen the need for on-street parking on nearby streets. The CDZ2 will also introduce a buildings and works application requirement for a 'traffic, parking and access report', that is to include among other things:

An assessment of the proposed car parking provision including suitability of scale, location and capacity to service the anticipated car parking demand.

The CDZ2 also includes a 'car parking' decision guideline.

In addition to these provisions and the need to provide adequate parking within the precinct, Council has a range of parking management tools available to ensure residential parking amenity outside the precinct is not unduly compromised should the need arise.

While parking issues will require monitoring and management, the Panel is satisfied that the mechanisms are in place to do this and there is no basis on which parking issues should preclude the Amendment from proceeding.

(iii) Conclusions

The Panel concludes:

- Parking provision within the precinct will be determined through the application of the Clause 52.06 of the GEPS and other relevant provisions such as the CDP and CDZ2.

- The redevelopment of the precinct provides an opportunity to address current parking overspill in the surrounding area.
- There are no parking reasons why the Amendment should not proceed.

4.8 Pedestrian and cycling links

(i) Evidence and submissions

Some submitters were concerned about the adequacy of pedestrian and cycle links within the precinct and their connectivity into the broader network. Specific issues included in pedestrian access through the school site and access from Marlborough Street and Barrington Street to South Drive.

Issues about the internal arrangement and provision of pedestrian and cycle links were discussed in Section 4.6 of this report, and the Panel generally supports the internal arrangements shown on the CDP Transport and Movement Plan (shown at Figure 8) and in the road cross sections.

In terms of external connections, the Panel is satisfied that pedestrian and cycling links to the surrounding area will be satisfactory and provide suitable permeability, particularly to the south and east of the site.

The proposed connections are shown on the CDP Transport and Movement Plan, while the EVSP provides further, more detailed guidance about how these connections might be provided.

These documents indicate that the precinct will be accessible from the south through the school site and Virginia Park, and from the south-east through the Marlborough Street Reserve.

(ii) Conclusions

The Panel concludes:

- Pedestrian and cycling links within and external to the precinct are satisfactory and will provide suitable permeability.

5 Housing

5.1 Overview

The exhibited housing CDP objectives include:

- 01 – *To create a mixed use precinct which provides jobs, housing, and community and retail services that contribute to day and night-time activity.*
- 05 – *To promote lot and dwelling types that allow for a diversity of households, including affordable housing, within the precinct.*

As described earlier, planning for East Village is based upon a yield of 3,000 dwellings. This is administered by the CDZ2 where Accommodation uses (including dwellings) are a Section 1 (no permit required) use provided there are no more than 3,000 dwellings. In the exhibited version a permit would be required for more than 3,000 dwellings. The following sub-precincts facilitate residential development and are shown in Figure 5:

- Residential East - located to the east of Cobar Street and its extension to the precinct's eastern boundary where it abuts established residential uses. A permit is not required provided there are fewer than 3,000 dwellings.
- Residential South – located to the south of South Drive, west of the school site and east of the Commercial West sub-precinct. A permit is not required provided there are fewer than 3,000 dwellings.
- Mixed Use – generally located centrally in the precinct to the west of Cobar Street, north and south of North Drive and east of the Commercial West sub-precinct. A permit is not required provided there are fewer than 3,000 dwellings, any frontage at ground floor level does not exceed 4 metres and it is not located on the second floor or above.
- Retail – located to the south of North Drive, surrounding the Town Square. A permit is not required provided there are fewer than 3,000 dwellings, any frontage at ground floor level does not exceed 4 metres and it is not located on the second floor or above.

Dwellings are prohibited in the Commercial West, Commercial North and Commercial North (subject to drainage controls) sub-precincts.

The provision of affordable housing is administered through the CDZ2 and by a section 173 agreement that was signed by Council and the Landowners prior to the exhibition of the Amendment and provides two options at no financial consideration:

- transfer of land comprising a net floor area of 10,500 sqm (based upon 150 dwellings at 70 sqm per dwelling); or
- transfer of lot(s) comprising completed affordable housing dwellings with an aggregate net floor area of 1,975 sqm.

This affordable housing requirement equates to five per cent of the 3,000 dwellings.

5.2 The issues

The key issues relate to:

- whether the provision of 3,000 dwellings will lead to an overdevelopment of the site

- making the dwelling cap mandatory or discretionary
- including limitations on residential uses
- the provision of affordable housing.

5.3 Dwelling yield, location and density

(i) Evidence and submissions

Many of the community submissions were concerned that the Amendment would lead to an overdevelopment of the precinct, with the provision of 3,000 dwellings a major cause of this. Some submitters expressed concern that these dwellings will be in apartment typologies. Ms Laurent (S87 and 157), for example, considered that a dwelling yield of 2,000 dwellings would be more appropriate.

Council's preferred version of the CDZ2³⁶ changes the dwelling yield from a discretionary 'soft cap' to a mandatory 'hard cap' with the addition of a Section 2 (permit required) condition in the table of uses that states:

Must be no more than 3,000 dwellings in the precinct boundary shown in Plan 1.

In support of this change Council submitted:

While at first blush this might seem a form of a blunt instrument, it must be considered in light of:

- the precinct's underlining vision as an innovative economic hub and the importance of ensuring that residential does not outperform commercial floorspace is tantamount to realising the East Village vision;
- the engineering, open space provision and social infrastructure planning and subsequently the DCP has been based around the 3000 dwellings;
- the affordable housing agreement entered into which form part of the Amendment (based on 3000 dwellings);
- capacity concerns as conveyed by the local community as to the existing road and street network;
- potential for the exploration of new infrastructure (unjustified on the existing numbers) but which may be necessary for dwelling numbers exceeding 3000
- potential servicing issues.³⁷

Council considered the mandatory dwelling cap was an important tool to manage the precinct's development as it provides certainty as to its residential capacity. Council noted that other brownfield metropolitan development sites referred to during the Hearing (including the Bradmill site, Alphington Paper Mill and Precinct 15 in Altona North) are effectively residential redevelopment sites with some commercial/retail uses, whereas the vision for East Village is as a vibrant health, education and innovation precinct and "*this must be distinguished from its capacity for (residential) growth*". If it was to be implemented as a mandatory provision, Council submitted:

If in the years ahead, perhaps with a maturation of the employment at the precinct, there is still thought to be added potential regarding the capacity for

³⁶ D46B

³⁷ D21, page 33, paragraph 167

*additional housing over and above the 3000 limit, then it is possible to amend the planning scheme to provide for additional housing. However, we do not anticipate that that would be the case for many years from now. The limit gives the developers and employment uses the incentive and opportunity to establish in accordance with one of the objectives for the precinct.*³⁸

Council considered the use of a hard cap would ensure the landowners actively deal with its implications as the precinct develops.

The Landowners' preferred version of the CDZ2 (Document 47A which uses Council's Document 46B as a base) retains the Section 1 'soft cap' for dwellings and deletes the condition that prohibits any dwellings in excess of 3,000. The Landowners also proposed that additional affordable housing could be provided, where a soft cap of 3,500 dwellings was exceed – this is discussed in Section 5.6 of this Report.

Mr Biacsi submitted that *"reference to a mandatory cap of 3,000 dwellings in Section 2 of the Table of Uses under CDZ2 is inappropriate and unreasonable given the significant opportunity presented by the Amendment Land."* In oral evidence, Mr Biacsi referred to the limitation of the NRZ (that applies in the broader area) to accommodate significant growth as a justification for ensuring that large-scale redevelopment opportunities in Glen Eira maximise housing growth opportunities.

Mr Sheppard considered the Commercial West and Commercial North sub-precincts could accommodate residential uses in higher built form. Council confirmed that the restriction on residential uses was from a strategic perspective, not an urban design approach and that the capacity analysis³⁹ confirmed the exhibited controls were able to meet the dwelling yield.

(ii) Discussion

All parties and those experts who commented on the precinct vision (Mr Biacsi, Mr Reid and Mr Sheppard to less of a degree) supported the strategic goal of creating a vibrant health, education and innovation precinct at East Village. This has been supported by Council's strategic work⁴⁰ and was broadly supported throughout the Hearing. While it is not identified in *Plan Melbourne* as a National Employment and Innovation Cluster, the precinct will be important at the local and sub-metropolitan level in providing for employment with a targeted purpose. Getting the balance right between residential and commercial uses at East Village is therefore important in protecting the vision for the precinct. Achieving a balanced outcome, or a net community benefit as required by Clause 71.02-3 in all planning schemes, should be informed by an appreciation of the suite of planning controls and how they collectively operate, and not individual controls operating in isolation.

The Panel acknowledges Council's concern that residential uses tend to 'outbid' other 'competing' uses and also conversely, that for the precinct to achieve its vision as a vibrant mixed use precinct, residential uses will be an important element. In addressing whether the dwelling cap should be discretionary or mandatory, other controls such as building heights

³⁸ D21, page 34, paragraph 174

³⁹ D11, Appendix 4 Analysis of Shadow Controls, Dwelling Capacity and Employment Capacity December 2018

⁴⁰ Refer to Activity Centre, Housing and Local Economy Strategy 2017 adopted by Council in July 2017

and the prohibition of residential uses in sub-precincts also need to be considered. Building heights are considered in more detail in Section 6 of this Report where the Panel supports discretionary building heights except for the Residential East and Residential South sub-precincts.

Table 10 summarises how the relevant controls are intended to operate across the precinct and indicates that most residential development is likely to occur centrally, in the Mixed Use and Retail sub-precincts where building heights are the greatest.

Table 10 Interaction of height and residential use provisions

Sub-precinct	Height	Dwelling Use
Residential East	3 storeys	No permit < 3,000 dwellings
Residential South	3 storeys	No permit < 3,000 dwellings
Mixed Use	8 storeys	No permit < 3,000 dwellings
Retail	8 storeys	No permit < 3,000 dwellings
Commercial North (x2)	4 storeys and 6 storeys for gateway site	Prohibited
Commercial West	4 storeys	Prohibited

The innovative employment, health and education vision for East Village is more reliant, not surprisingly, on employment uses being established. It is only in the Commercial West and Commercial North (x2) sub-precincts where employment uses will not have competition from residential uses. In all other sub-precincts, on perhaps 50 per cent of the precinct, employment uses will compete against residential uses and likely be restricted to lower levels with apartments above.

The Panel does not support the suggestion by Mr Sheppard that residential uses should be allowed in the Commercial West and Commercial North sub-precincts. This would allow an inappropriate level of flexibility that could challenge the vision for the precinct and make residential uses either 'as of right' or 'subject to permit' across the entire precinct. The danger of having a discretionary cap on dwellings is that the precinct simply becomes another brownfield residential, mixed use redevelopment precinct which would not support the agreed vision. It is noted that the Landowners did not adopt Mr Sheppard's recommendation in its preferred CDZ2 (Document 47A) where it retained the dwelling prohibition in the Commercial North (x2) and Commercial West sub-precincts. The Panel supports this prohibition.

While solely commercial buildings are not prohibited in the Mixed Use or Retail sub-precincts, it is likely that mixed use buildings will dominate these sub-precincts and therefore restrict larger employment uses. It is for this reason that the role of the commercial sub-precincts that front East Boundary Road and North Road will be vital in achieving the vision for the precinct. The Panel accepts there may be some attraction for commercial only buildings fronting the Central Park, however this is likely to be the exception rather than the rule given the residential amenity the park will provide and its co-location with the Retail sub-precinct.

The Panel accepts that Council's capacity analysis has shown there is ample capacity outside of the commercial sub-precincts for the dwelling yield to be achieved. This indicates that with two floors of employment uses, between 2,950 to 3,600 dwellings could be provided. As such, the Panel considers the prioritisation of the commercial sub-precincts for employment uses, without competition from residential uses, is more important than restricting dwelling yield to a hard cap of 3,000 dwellings. In forming this view, the Panel notes that there was no evidence that exceeding the 3,000 dwelling cap would compromise achieving the commercial floorspace targets.

Even though dwelling yield has formed a key input into the planning for the precinct and informs traffic assessments and DCP requirements, the capacity analysis does indicate a potential to exceed 3,000 dwellings. The Panel considers the best way to manage dwelling yield is as a soft cap with the ability to consider applications for dwellings in excess of 3,000. This is consistent with the approach supported by the Panel that considered a similar issue in relation to Precinct 15 in Hobsons Bay⁴¹. As such, the Panel does not believe a mandatory dwelling cap is strategically justified and agrees with submissions and evidence that it would fail to meet the criteria of PPN59. In forming this view, the Panel believes that the total suite of planning provisions adequately reflects the role and preferred extent of residential development in the precinct and provide a sound basis on which to regulate the preferred dwelling yield and mix of uses. However, the Panel does not expect that the cap could be significantly exceeded as this could have implications for a traffic network that is currently congested and without ready access to fixed rail public transport.

If in future years the soft cap has been met and there remains a number of undeveloped sites with residential potential then it may be appropriate to review the cap, informed by assessments of how additional dwellings will impact on the road network and other infrastructure.

(iii) Conclusions and recommendations

The Panel concludes:

- The ability to achieve the vision for the precinct must include a strategic appreciation of the suite of planning controls, and not individual planning controls in isolation.
- The prohibition of dwellings from the commercial sub-precincts is appropriate as this will enable the precinct vision to be achieved without competition from dwellings in those areas.
- The 3,000 dwelling cap should be applied as a soft cap, with the ability to apply for a permit for dwellings in excess of 3,000.
- Any significant exceedance of the dwelling soft cap would likely require a review of the CDP/CDZ2 and further traffic and other infrastructure assessments.

The Panel recommends:

Amend the Comprehensive Development Zone Schedule 2 to:

- **Apply a soft (discretionary) cap of 3,000 dwellings. This is reflected in the recommended CDZ2 at Appendix D.**

⁴¹ Hobsons Bay Planning Scheme PSA C88

5.4 Dwelling apportionment

(i) Evidence and submissions

The Panel issued a direction prior to the Hearing seeking advice on how dwellings would be apportioned across the site.

Council responded:

To this end, the Panel has queried with Council how it will monitor and manage the cap and consider how it will be apportioned across the precinct and relative to land ownerships. This is not an easy task. Indeed, we think that it is virtually impossible to manage the cap as long as it is discretionary. The only real solution to dealing with the issue of dwellings numbers is to provide the hard cap so as to ensure that the landowners actively deal with the implications of it. We also wish to make it clear that it is possible to change the cap with a planning scheme amendment. It is just not as easy to change it as going down to VCAT and seeking an additional 200 dwellings on the basis that it is discretionary. Another way for the panel to look at this is to ask, what basis would Council have to resist any significant bias towards dwellings rather than employment?⁴²

Council referred to the application requirements in Clauses 3.0 and 4.0 of the CDZ2 as a way of monitoring the apportionment of dwellings across the precinct. These require:

- A land budget table consistent with the CDP setting out the amount allocated to the proposed uses and expected population, dwelling and employment yields;
- Demonstration of how each individual application is contributing to the overall 3000 dwellings within the precinct.

Council and the Landowners did not consider there was a need to include a dwelling density plan to guide the apportionment of dwellings across the precinct.

(ii) Discussion

The Panel referred to the use of a dwelling density plan in Hobsons Bay PSA C88 and queried whether this would be appropriate at East Village. However, in the Hobsons Bay example, the density plan was part of the background documents that informed the Amendment, which the Panel did not have in this instance. It was also used to address the fragmented ownership of Precinct 15, which is different from the smaller, main landowner group at East Village. The Panel is satisfied that because of the prohibition of dwellings in the commercial sub-precincts and the smaller landowner group, the application requirements should suffice in ensuring dwellings are appropriately apportioned across the precinct.

(iii) Conclusion

The Panel concludes that:

- The use of the relevant application requirements in the CDZ2 will assist in ensuring an appropriate apportionment of dwellings across the precinct.

⁴² D21, page 35, paragraph 179

5.5 Limitations on accommodation uses

(i) Evidence and submissions

The exhibited and Council-preferred versions of the CDZ2 allow dwellings on the second floor or above in the Mixed Use and Retail sub-precincts without the need for a permit. A planning permit would be required for a dwelling on the first floor. Council advised that the purpose of this control was to ensure there would be a reasonable level of employment uses in the Mixed Use and Retail sub-precincts to assist in achieving the precinct vision and allow for larger rather than smaller floor-plate users.

Council's capacity analysis considered two scenarios:

- with employment use on the ground and first floor and
- with employment uses on the ground, first and second floors.

In both instances, irrespective of shadow requirements, the 3,000 dwelling yield and commercial office space floor area requirements will be achieved.

The Landowners did not support this provision and relied on the evidence of Mr Biacsi who submitted:

The basis for nominating 'must be located on the second floor or above' in the Table of uses for 'Accommodation' is mis-conceived and unduly restricts the flexibility that is fundamental to the delivery of the precinct and should therefore be reviewed.

Mr Biacsi considered this would be more aligned with the C1Z which requires a permit for dwellings on the ground floor, thus providing an incentive for shops and offices to establish on the ground floor to create active frontages.

The Landowners initially sought greater flexibility for residential uses in the Commercial West and Commercial North sub-precincts⁴³ but advised the Panel this was "*not a die in the ditch issue*" and they were prepared to accept this restriction, with the benefit of discretionary heights. Document 47A is consistent with this.

The Landowners also requested that the CDZ2 enable applications for Residential aged care facility in the Commercial West sub-precinct and reflected this in their preferred CDZ2. Mr Gobbo also referred to including Retirement village, but this was not included in the Landowners' preferred CDZ2.

(ii) Discussion

The Panel confirmed in Section 5.3 that it supports prohibiting dwellings in the commercial sub-precincts, thus ensuring that parts of the precinct are protected from 'residential creep' and competition. Other elements of the Amendment that seek to maximise employment floor space include:

- requiring a permit for a dwelling on the second floor of mixed use buildings
- allowing, without a permit, office floor space on the ground, first and second floors.

In combination, there would be some incentive to establish office uses across the first three floors and policy to discourage dwellings on the second floor.

⁴³ D44, paragraphs 53 and 54

The Panel understands the intent of the suite of controls is to maximise commercial office space to see the precinct vision achieved. It agrees with the Landowners that this approach is unusual, however the use of the CDZ provides the ability to tailor provisions to a specific purpose. The Panel notes that a permit could issue for second floor dwellings and is satisfied that this provision is supportive of the agreed vision for the precinct.

The Panel notes the Landowners have accepted the need to prohibit dwellings in the Commercial West sub-precinct (with the exception of Residential aged care facility) and the Panel supports this prohibition.

The Panel also supports the Landowners' request to make Residential aged care facility a Section 2 permit required use in the CDZ2. This use can be appropriate on a main road location and will not compromise the outcomes sought for this sub-precinct. The Panel also notes that facilitating these facilities is consistent with Clause 16.01-7S (Residential aged care facilities). Section 12 of this report supports the need to include this land use in the DCP.

(iii) Conclusions and recommendations

The Panel concludes:

- It is appropriate to require a permit for dwellings on the second floor in the Mixed Use and Retail sub-precincts.
- Residential aged care facility should be Section 2 (permit required) use in the CDZ2.

The Panel recommends:

Amend the Comprehensive Development Zone Schedule 2 to:

- **List Residential aged care facility as a Section 2 permit required use. This is reflected in the recommended CDZ2 at Appendix D.**

5.6 Affordable housing

(i) Evidence and submissions

Shai Diner (S18) supported the provision of affordable housing in the Amendment but also sought the inclusion of *“social housing that targets vulnerable populations on the Victorian Housing Register”*.

Kristi Le Brun (S30) and George Prasinos (S32) expressed concerns about the provision of affordable housing in the precinct, citing issues associated with crime, public safety and property values⁴⁴.

The CDZ2 includes provisions relating to ‘affordable housing’ that require a S173 agreement providing for the transfer of land and dwellings to a housing association/s registered under the Housing Act, or some alternative and agreed provision of affordable housing. Council and the Landowners have entered into a S173 agreement that implements these provisions. The agreement was included in the material that accompanied the exhibition of the Amendment. Council and the Landowners also agreed that the ‘affordable housing’ provision in the

⁴⁴ Issues associated with property values are discussed in Section 14.3 of this Report.

exhibited CDZ2 should be deleted because it is addressed through the section 173 agreement. This is reflected in the recommended CDZ2 at Appendix D of this Report.

Dr Manaszewicz⁴⁵ submitted that the provision of more than 3,000 dwellings (if permissible) should trigger additional affordable housing.

During the Hearing, the Landowners advised that they were “*prepared to accept an alternative section 2 cap condition to the effect that 10% of the number of dwellings over 3,500 must be affordable as defined by the Planning and Environment Act 1987*”.⁴⁶ This proposal was in response to Council’s proposed 3,000 dwelling ‘hard’ cap.

(ii) Discussion

The provision of affordable housing is consistent with Clause 16.01-45 (Housing affordability) of the GEPS that includes:

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.

It is also consistent with the *Glen Eira City Council Draft Social and Affordable Housing Strategy 2019 – 2023*, June 2019 that includes the strategy “*Negotiate affordable housing contributions when land is rezoned*” and uses the East Village rezoning as an example of how this might occur.

The provision of affordable housing is a significant and positive element of the Amendment and is supported by the Panel. How this housing will be used will be best determined by the relevant housing association/s in consultation with Council and is not something that the Panel can usefully comment on. Concerns about the social impacts of affordable housing raised by some submitters were not substantiated.

As noted earlier, the Panel supports the proposed yield of 3,000 dwellings, although it believes that this should be a ‘soft’ cap rather than a mandatory maximum. In the event that an exceedance of this cap can be justified in the future, the Panel supports the Landowners’ proposal that 10 per cent of those additional dwellings should be “*affordable*” as defined in the Act. The Landowners proposed that this requirement take effect when the number of dwellings in the precinct exceeds 3,500, however the Panel believes that the trigger should be 3,000 dwellings, consistent with the soft cap. The Panel has included a provision in the recommended CDZ2 table of uses at Appendix D of this report to achieve this, however a more comprehensive provision, such as that included in the exhibited Amendment might also be necessary. Council should review how to best draft this requirement before adopting the Amendment, preferably in consultation with the Landowners.

In forming these views, the Panel does not believe that an exceedance of the soft cap is an automatic entitlement or that the provision of affordable housing would, by itself, justify additional dwellings. As noted earlier, the 3,000 cap is based on an extensive strategic analysis, the vision for the precinct and its capacity for residential development.

⁴⁵ D38

⁴⁶ D44, page 20

(iii) Conclusion and recommendation

The Panel concludes:

- The provision of affordable housing is a positive element of the Amendment.
- The Amendment should provide for additional affordable housing in the event that the soft cap of 3,000 dwellings is exceeded.

The Panel recommends:

Amend the Comprehensive Development Zone Schedule 2 to:

- **Include a provision to the effect that 10 per cent of the number of dwellings over 3,000 must be 'affordable housing' as defined in the *Planning and Environment Act 1987*. This is reflected in the recommended CDZ2 at Appendix D.**

6 Built form

6.1 Overview

The exhibited 'built form' CDP objectives are:

- 03 – *To establish and visually reinforce the precinct's employment and retail focus through built form design.*
- 011 – *To ensure buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.*
- 012- *To limit the visual impact of taller buildings on the surrounding neighbourhood.*

Figure 13 contains a height plan from the EVSP⁴⁷ that outlines proposed building heights. The CDP, not the CDZ2, contains the height and setback controls. Generally, there is lower built form (in the order of 3-4 storeys) on the periphery of the precinct, particularly at the residential interfaces to the south and east. Higher built form is provided centrally, up to eight storeys with a three storey podium.

In the Commercial North sub-precinct, a gateway site can provide up to six storeys.

Section 2.2 of the CDP outlines the built form and landscape controls for the precinct. As noted earlier, there was some confusion over whether requirements operated as mandatory or discretionary provisions. As exhibited, Requirement R3 refers to Table 1 that administers buildings and setback provisions and contains the words "*must be generally in accordance with*".

Each sub-precinct contains guidelines that primarily relate to built form outcomes. Townhouses (refer to Guideline G14) are expected to be the dominant dwelling typology to reflect the lower built form expected in the Residential East sub-precinct with a direct residential abuttal. Whereas in the Mixed Use and Retail sub-precincts, apartments are the expected dwelling typology where higher built form is expected. This is also possible in the Residential South sub-precinct.

⁴⁷ Page 21

Figure 13 Proposed building heights in storeys

6.2 The issues

The key issues relate to:

- the appropriate building heights and setbacks
- the use of mandatory or discretionary controls
- whether heights should be expressed in metres and/or storeys.

6.3 Building heights and setbacks

(i) Evidence and submissions

Many submitters raised concerns that 8 storey buildings would be too high, particularly in light of the broader low scale residential context, with some supporting a maximum height of 4 storeys. Others had specific concerns such as overlooking and other impacts that might affect

adjoining residential areas. Many submitters also supported mandatory maximum building heights instead of discretionary heights because of the greater certainty that this provides.

The Landowners submitted that:

... the heights proposed within the exhibited Amendment, consistent with the urban design evidence presented to the Panel, can only be (properly) described as modest, not least because they are lower than the current height limits for parts of the land.

If the heights were proposed as discretionary, where a landowner may be able to achieve more on a certain site, this modesty may be regarded as appropriate. However, in the context of mandatory height controls, there must be a real concern that the development potential of East Village is not being maximised. Given the rare opportunity presented by the site, particularly within this municipality, it is essential that this potential be realised such that East Village makes a full contribution to not only the future employment needs of the municipality, but also its future housing needs.⁴⁸

Mr Sheppard considered that a four storey height limit along East Boundary Road was inappropriately low. Mr McPherson considered five storey development could be accommodated easily as it would only be half the width of East Boundary Road. The Landowners considered this *“could not reasonably be regarded as excessive or dominating, and certainly would not have any adverse overshadowing or other amenity implications.”*

The Landowners suggested a seven storey height limit along North Road would be appropriate *“keeping in mind that this is still lower than the 8 storey heights allowed by the current DDO in the centre of the site.”* In regard to Council’s justification for these *“modest heights”*, the Landowners submitted that *“not only has Council failed to demonstrate that the vast majority of proposals would be clearly unacceptable (in accordance with the requirements of the Practice Note), they have not demonstrated that greater heights would have any adverse impact at all.”* The Landowners suggested that if the Panel was to entertain mandatory heights then *“the order of priority ought to be as follows:*

- *Residential East can be mandatory 3 storeys*
- *Residential South can be mandatory 4 storeys*
- *Commercial North is less sensitive*
- *Commercial West is less sensitive again.”*

In regard to other sub-precincts, the Landowners submitted that Council had not demonstrated the need for mandatory controls against the provisions of PPN59.

Council explained that the MGS Urban Design Report *“was presented to the community in the extensive consultation that occurred in 2017 ... Undertakings such as relating to building heights and scale, were put to the community as being the outcomes proposed for the precinct. This is an important point.”*

Council submitted that *“the height model (coupled with shadowing analysis) has been tested to ensure that it easily achieves the expected and required yields.”* However, Council submitted *“if the panel recommends that there is some capacity, the preference would be to provide for it now on a comprehensive basis rather than a site-by-site basis over the next 10 years or so.”*

⁴⁸ D44, paragraphs 60-61

Council also proposed changes to the CDP following its consideration of submissions to strengthen and provide more certainty about building height. These included redrafting Requirement R3 to ensure it is read as a mandatory provision by removing “*generally in accordance with*”. Council submitted that mandatory heights needed to be considered in light of the broad exemptions from notice and review contained in the CDZ2 in that it gives the community some certainty that what is proposed will be consistent with the preferred heights. In its Part B submission Council provided a detailed assessment against the criteria of PPN59.

Mr Reid considered the use of mandatory controls provides “*certainty, orderly development of the precinct, and in recognition of the status of the locality within both the metropolitan and local activity centre frameworks.*”

Mr McPherson proposed a number of changes to the CDP that were included in Document 46C. He considered the requirement for 50 per cent of a façade along East boundary Road being indented to 3 metres “*is not useful*” and the less prescriptive Guideline G9 should suffice. The Landowners submitted that this provision should be deleted from the CDP.

Council considered the mandatory building height in the Residential South sub-precinct should be three storeys “*however if the landowner approach were adopted, the 4th storey should be required to be setback consistent with the AECOM review which identified a potential for a 4th storey at this interface.*”

The Landowners accepted that mandatory heights for the residential sub-precincts should be expressed in the CDP as requirements and discretionary heights should be guidelines. They suggested there could be a two-tiered approach to heights in the CDP with four storeys (for example) being a discretionary limit and six storeys being mandatory.

Council concluded by submitting that if the Panel did not support the exhibited heights being mandatory, then any increased height proposed by the Landowners should be mandatory.

In regard to the other height and setback provisions, Council submitted:

- the podium height in the mixed use sub-precinct, as it surrounds Central Park, should be zero metres to a height of 4 storeys, not 3 storeys
- the requirement for a 50 per cent façade indentation to three metres should be deleted.

(ii) Discussion

The Panel considers that the proposed building heights have broad strategic justification and are an appropriate response to the site’s context and the precinct vision. However, the Panel also acknowledges that the currently permissible building heights are higher in parts of the precinct than the proposed heights and on this basis agrees with the Landowners that the proposed heights could be described as ‘modest’.

The Panel supports the exhibited three storey height for the Residential East sub-precinct but believes that the preferred height for the Residential South sub-precinct should be four rather than three storeys, and that both controls should be mandatory maximums - a point that Council and Landowners agreed with. The Panel is satisfied that the Virginia Park interface can support four storey development, but agrees with Council that the more sensitive interface to the east of the precinct warrants a three storey maximum.

The Panel is also satisfied that in these sub-precincts the criteria of PPN59 support mandatory provisions and that greater height would lead to unacceptable planning outcomes. In the Residential South sub-precinct, the southern boundary laneway will assist in setting built form further away from the park, in conjunction with the exhibited three metre street setback in the CDP. The CDP states *“building height should gradually transition from the lower scale residential east and residential south areas towards the centre.”* Council submitted that if four storeys are to be permissible in this sub-precinct, the fourth storey should be setback consistent with the AECOM review. The Panel’s reading of this review suggests that the ‘setback’ was a proposed 5.5 metre laneway, rather than a specific fourth storey setback. In any event, the Panel is satisfied that the laneway, street setback, overshadowing and other provisions will provide a suitable framework to avoid any negative impacts of a fourth storey.

In addition, the Panel believes that the fourth storey of future buildings along the southern boundary of the Commercial West sub-precinct (the interface with Virginia Park) should be set back to reduce visual and overshadowing impacts on the Park. This area does not have the benefit of a laneway or specific setback control along this interface as does the Residential South sub-precinct. The Panel believes that an appropriate way to do this would be to apply a 3 metre setback for fourth storeys and above as a guideline in the CDP.

From an urban design perspective, land with main road frontages can generally accommodate higher built form, based on the width of the road as a guide. However, this is just one consideration and other policy and contextual issues should inform this assessment. The precinct is stand alone, is not currently or proposed to have a relationship with any existing activity centres and is surrounded by residential land where there is a mandatory height limit of nine metres. This is its immediate context. The Panel does not agree the land needs to ‘work harder’ in maximising its potential because of the wide use of the NRZ in Glen Eira. Although this might be a factor, it is of less significance than its immediate context. The MGS and AECOM urban design reports informed the exhibited heights and community consultation, and the Panel believes it would undermine these processes if there was any significant increase to the exhibited heights.

The Panel supports discretionary height limits where there are less sensitive interfaces (Commercial West, Commercial North, Mixed Use and Retail sub-precincts). In practice, whether these should be varied upwards goes beyond urban design considerations and should be considered in light of the suite of controls for the precinct and its vision. When these are considered they should act as a limit to this discretion. This is an important consideration, but not to a level that warrants mandatory heights across the entire precinct.

Building setbacks were not as a controversial as building heights and Council agreed that all setback provisions could be guidelines within the CDP.⁴⁹ The proposed changes to the setback provisions are supported by the Panel and were generally supported by the Landowners, apart from the setback provision for the East Boundary Road frontage which Mr McPherson submitted should be a guideline. The Landowners requested that this provision be deleted entirely. The Panel accepts that façade articulation along East Boundary might be appropriate in some instances, and for this reason it should be retained, but as a guideline rather than a requirement.

⁴⁹ D46, p9, para 24

(iii) Conclusions and recommendations

The Panel concludes:

- The exhibited building heights are generally appropriate; however the Residential South sub-precinct should provide for four storey buildings.
- The building heights in the Residential South and Residential East sub-precincts should be expressed as mandatory maximums and as requirements in the CDP.
- The building heights in the Commercial North, Commercial West, Mixed Use and Retail sub-precincts should be expressed as guidelines in the CDP.
- The fourth storey of buildings at the southern end of the Commercial West sub-precinct should be setback 3 metres from the Virginia Park frontage.
- All setback provisions, including the East Boundary Road setback provision, should be expressed as guidelines in the CDP.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- Refer to heights in the Commercial West, Commercial North, Mixed Use and Retail sub-precincts as ‘discretionary’ guidelines.
- Refer to heights in the Residential West and Residential South sub-precincts as ‘mandatory’ requirements.
- Include a ‘discretionary’ guideline for a 3 metre setback from Virginia Park for the fourth storey and above at the southern end of the Commercial West sub-precinct.
- Increase the maximum podium height in the Mixed Use sub-precinct, as it surrounds Central Park, from 3 storeys to 4 storeys.
- Refer to all setbacks, including the provision for a 50 per cent façade indentation to three metres along East Boundary Road, as ‘discretionary’ guidelines.

6.4 Metres vs storeys

(i) Evidence and submissions

The exhibited CDP Table 1 expressed heights as ‘storeys’, however some submissions sought the greater certainty associated with using ‘metres’. Following its consideration of submissions, Council resolved to use a combination of metres and storeys (as shown in Table 11).

Council referred to a number of VCAT decisions to justify the use of metres and referred to Planning Practice Note 60: Height and Setback Controls for Activity Centres, June 2015 (PPN60) which states “*reference can also be made in height in terms of storeys, however the definitive control should be in metres.*”

Table 11 Heights in metres and storeys

Sub-precinct	Maximum Height
Commercial north	<u>16 metres</u> (4 storeys) <u>23 metres</u> (6 storeys for gateway site)
Commercial west	<u>16 metres</u> (4 storeys)

Mixed Use and Retail	<u>29 metres</u> (8 storeys)
Residential East and Residential South	<u>11 metres</u> (3 storeys)

The Landowners preferred the use of 'storeys' and submitted that:

The difficulty in this case is the complex topography of the land. There are significant variations and cross-falls. Measurements in metres above natural ground level will undoubtedly create difficulties and potential dispute. It is far preferable to use storeys across the various sub-precincts understanding that this will result in a natural, and comfortable overall variation in building heights. In saying this, however 'storeys' should not include 'basements' with there being appropriate examples where they are excluded from built form standards otherwise focused on storeys.

Mr Biacsi submitted that:

The inclusion of 'metres' in addition to 'storeys' in Council's preferred version of Table 1 is considered unnecessary, as it unduly restricts ability to provide creative and high quality design outcomes with enhanced internal amenity through generous floor to ceiling heights (particularly mixed use buildings).⁵⁰

(ii) Discussion

The exhibited CDP refers to height in storeys. This issue is of less significance now that the Panel has supported discretionary height controls in all but the residential sub-precincts. This allows the flexibility to meet both metrics, particularly where commercial uses would require greater floor to ceiling heights than residential uses and may exceed the comparable standard in metres. As the Panel has supported mandatory heights in the residential sub-precincts, with no opportunity for commercial uses there is no need to provide height in metres.

(iii) Conclusions and recommendations

The Panel concludes:

- Referring to height in metres and storeys is appropriate where discretionary maximum height controls are proposed.
- There is no need to refer to height in metres and storeys in the residential sub-precincts where there are mandatory height controls proposed.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- **Refer to discretionary maximum heights in storeys and metres.**
- **Refer to mandatory maximum heights in storeys.**

⁵⁰ Biacsi evidence report, page 43, paragraph 135

7 Overshadowing

7.1 Overview

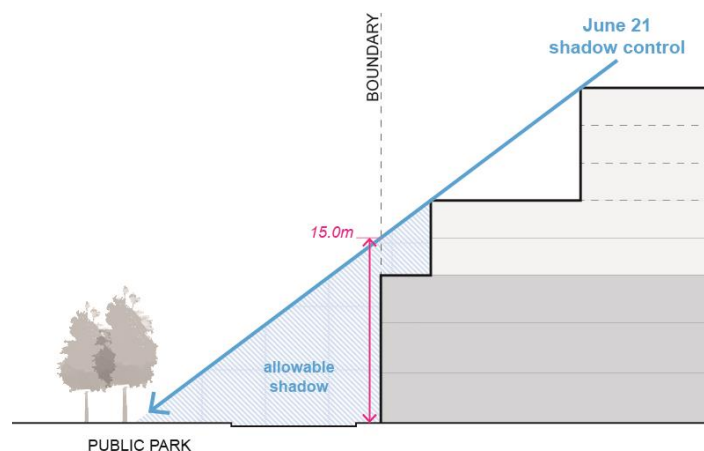
Provisions relating to the overshadowing of public areas are included in both the CDP and CDZ2.

The exhibited CDP includes the following requirement:

R8 Development must not unreasonably reduce the amenity of public spaces by casting excessive shadows on any public space, including public parks and gardens, major pedestrian routes including streets and lanes and privately owned spaces assessable to the public.

This requirement includes the following conditions that apply to “*new development*” that are also included in the exhibited CDZ2:

- Development must not cast a shadow over any part of Central Park as identified in the East Village Comprehensive Development Plan, December 2018 between 10am and 3pm on 22 September.
- Development must not cast a shadow over more than 20% of the Town Square as identified in the East Village Comprehensive Development Plan, December 2018 between 10am and 3pm on 22 September.
- Development must not cast any additional shadow cast by a hypothetical building built to boundary at a height of 15 metres on land immediately west and north of Central Park and Town Square as identified in the East Village Comprehensive Development Plan, December 2018 for the hours 11am to 2pm on 21 June.



- Development must not cast a shadow beyond the southern kerb-line of North Drive and South Drive as identified in the East Village Comprehensive Development Plan, December 2018 between 10am and 3pm on 22 September.
- Development must not cast a shadow over any part of Virginia Park and the Marlborough Street Reserve as identified in the East Village Comprehensive Development Plan, December 2018 for at least 5 hours on 22 September.
- Development must not cast any shadow on more than 25% of the area of any public open space described in Plan 2 of the East Village Comprehensive Development Plan, December 2018 between 11am and 2pm on 21 June.
- Development should not cast any unreasonable shadows over other public parks and gardens, pedestrian routes including streets and lanes and privately owned but publicly accessible spaces.

7.2 The issue

The key issue is whether the overshadowing provisions are appropriate, particularly around Central Park.

7.3 Evidence and submissions

The VPA (S152) expressed concern about the inclusion of *“more restrictive overshadowing controls for public open space, which would effectively result in mandatory height controls, reducing Council’s ability to consider future permit applications that are found to have merit”*.

Some submitters, including Neil Brewster (S12) were concerned about the extent of overshadowing that might occur.

In supporting the use of the solstice and the equinox for solar access to the Central Park and Town Square, Council submitted:

- East Village *“is a blank canvas unconstrained by existing built form, heritage or the like”* and provides the opportunity for mandatory controls for solar access to key open space areas. This approach was supported by the Fishermans Bend Advisory Committee.
- In order of priority, Central Park and the Town Square are the most important open spaces in the precinct and at the solstice no more than 25 per cent of any public open space should be in shadow.
- Compliance with the solstice requirement achieves compliance with the equinox.
- The shape of Central Park was determined by the landowners, which could be reconfigured to reduce overshadowing impacts.
- The use of the hypothetical wall height at the street frontage (as used at Fishermans Bend) ensures an equitable approach to the distribution of built form.
- Across the precinct it is only a very small part that is affected by the mandatory solstice provisions, and will not result in a yield loss that would threaten the vision for the precinct.

Council criticised the use of the 2.5 metre wide shared pathway in Mr McGauran’s evidence *“as it is not only not what Council proposed but neither is it practical or realistic”* and, as a narrow pathway, exacerbates the impacts of overshadowing on Central Park. Council advised:

The standards were devised based upon what the landowners had proposed in their Central Park concept plan which importantly, showed either a road or a shared road around the perimeter of the Central Park. The design shows how these areas were to be effectively incorporated into the park design.⁵¹

Despite Mr McGauran’s evidence, the Landowners advised the Panel that the local access street north of Central Park should be extended to its full abuttal length and at the western end it should be narrow. Council advised the shared road west of Central Park should have a width of nine metres. Generally, the Landowners submitted:

As overshadowing controls necessarily constrain development it is essential to ensure the right balance is struck. Striking the right balance will ensure that both the shadow

⁵¹ D46, page 6, paragraph 13

cast to open spaces is reasonable, and that the redevelopment is not excessively constrained.⁵²

Both Council and the Landowners accepted that the overshadowing provisions should be included in the CDP and need not be repeated in the CDZ2. In its closing submission, Council conceded *“that the shadow avoidance provisions on the south side of South Drive are probably not required as is the case with the impact on Virginia Park by the limited extent of built form (in Commercial West only) that is not required to be setback by the width of a street.”* Paragraphs 19 and 20 of Council’s closing submission and Document 46C outline the changes it supported to Requirement R8 and the creation of guidelines for discretionary provisions. In response, the Landowners accepted these changes, except that at the equinox no more than 10 per cent overshadowing of Central Park occur between 10am and 3pm, instead of no overshadowing at all.

Council referred the Panel to background reports, the CDP and the CDZ2 that indicated the road should be wide enough to convey emergency and service vehicles, in addition to pedestrians. Mr Reid and Mr McPherson supported the use of overshadowing controls based on the solstice and the equinox. Mr Reid suggested some changes to the provisions, but Council did not support this as it locked down the location of Central Park. Mr McPherson considered having over half the park in shade at the solstice was a poor outcome when dealing with a full redevelopment of the precinct and the opportunities that this presents.

Mr McGauran prepared overshadowing diagrams based on the proposed heights against each of the overshadowing requirements. Table 12 shows how each requirement performs.

Table 12 McGauran assessment of CDP overshadowing requirements

CDP Requirement	Detail	Performance
R8 – A Central Park	No overshadowing at equinox	Non-compliance between 6.5 and 8 levels Upper level setbacks would achieve compliance
R8 – B Town Square	No more than 20 per cent of town square at equinox	Complies
R8 – C Hypothetical 15 m	No additional shadow as cast by 15 m wall height west and north of central park and town square at solstice	Non-compliance between 6.5 and 8 levels Upper level setbacks would achieve compliance
R8 – D Southern kerb North and South Drive	No shadow beyond southern kerb line of South and North Drive at equinox	Non-compliance with loss of storey above podium
R8 – E Virginia Park/Marlborough Reserve	No overshadowing at equinox	Non-compliance at 4 storey for Commercial west precinct, requiring setbacks
R8 – F Winter Solstice (any public open space)	No more than 25 per cent overshadowing at solstice	Compliance achieved in all but Central Park POS

⁵² D44, page 28, paragraph 116

R9 – G No unreasonable shadow	No unreasonable overshadow for other open space	Performance based assessment
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All open spaces complied with R8 – F (solstice requirement) except for Central Park, which had 52 per cent overshadowed. In this instance compliance could be achieved with upper level setbacks north of Central Park. Mr McGauran considered the need to comply with the Central Park requirement would be *“at odds with the ambition to develop a Central Park to be at the centre of urban life for the densest part of the activity centre and highest population.”* He did accept that a reconfigured park could reduce the amount of overshadowing by reducing the length of its northern exposure.

Mr McGauran considered the precinct *“is remarkably well served by existing adjoining public open space in turn surrounded by low density housing with high levels of access to sunlight year-round.”* Based on this, he considered there was no need to have such onerous overshadowing provisions, which would *“result in a series of wedding cake stepped terrace forms above the podium forms with the majority south facing and expansive in scale limiting the level of engagement of upper levels with the park and utilisation of terraces minimal except in the most benign conditions.”*

Council noted it has the lowest provision of open space per capita⁵³ in metropolitan Melbourne in demonstrating the need to maximise the quantity and quality of the open space to be created.

In redrafting the CDP, Council submitted that the Central Park and Town Square overshadowing provisions should be requirements and the all other overshadowing provisions should be guidelines. These changes were outlined in Document 46C.

7.4 Discussion

It is apparent to the Panel that Council and the Landowners found more areas of agreement, and less disagreement, throughout the Hearing on the overshadowing provisions. This is appreciated by the Panel and leaves a limited number of matters unresolved. The Panel also notes that these issues are confined to a relatively small area of the precinct.

The unresolved issues include:

- the form of the paper road
- the use of solstice provisions around Central Park
- the use of mandatory or discretionary provisions.

(i) Paper Road

The use of a 2.5 metre wide *“shared path”* by Mr McGauran was not sourced from Council or the VPA, and ultimately is inconsistent with the EVSP. Requirement R7 of the CDP states:

A shared road must be constructed to the north of the Central Park prior to, or concurrent with, the development of the Central Park. (Panel emphasis added)

Plan 1 of the CDP refers to it as a *“paper road”*. The exhibited CDP also provides a cross section for an access lane (with a reserve width of 9 metres and pavement width of 5.5 metres which

⁵³ 11.7 sqm pf POS per person

the Panel assumes is how the ‘paper road’ was intended to be developed. The EVSP refers to it as a “*pedestrian only street*” as shown in red cross hatching in Figure 14 that shows how Central Park might be developed with its peripheral street network. The MGS urban design report provides a section⁵⁴ through where the paper road is proposed (Figure 15). This shows a street reserve width of 14.4 metres with a pavement width of seven metres.

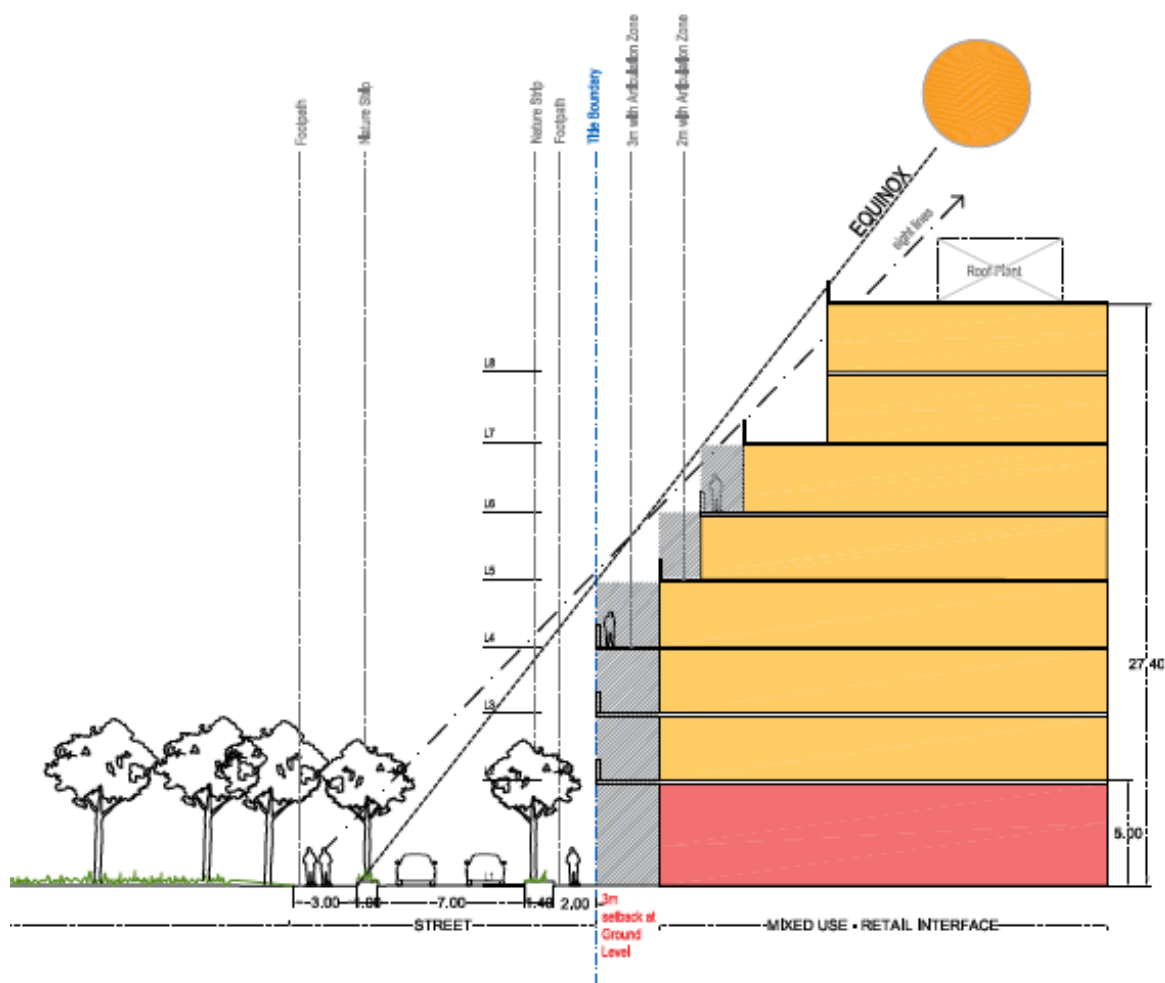
Figure 14 East Village Structure Plan – Central Park



Mr McGauran could not advise the Panel where his reference to the 2.5 metre wide shared path came from, even though it is only contained in his evidence. The use of a narrower ‘road’ serves to exacerbate overshadowing effects on Central Park and the Panel found this part of Mr McGauran’s evidence unhelpful.

The Panel supports the continuation of the local access street width for Central Parks’ entire northern boundary and a shared road width to its west of 9 metres.

⁵⁴ MGS Urban Design Report, page 26 (Section E)

Figure 15 Section E (north of Central Park)**(ii) Solstice provisions around Central Park**

The use of the solstice and not the equinox in planning for new public open space areas is not a new planning consideration. This precinct will be fully redeveloped and as a matter of principle this provides the opportunity to maximise solar access to key areas of open space. This approach was supported by the Fishermans Bend Advisory Committee where a higher level of overshadowing protection was afforded to key open space areas. All parties accepted that Central Park was the most important public open space at East Village. The Panel supports this same approach as it would achieve a superior outcome for the users of Central Park and impacts only a small portion of the precinct where discretionary heights may not be achievable. Ultimately a better approach to development north of Central Park may be buildings of reduced height; but the Panel does not wish to mandate this. If this was the case, the Panel considers this would not inhibit the achievement of the precinct vision and would still result in the framing of Central Park with higher, but variable, built form. As discussed earlier, the Panel has supported a 4 storey podium height (not 3 storeys) in the Mixed Use sub-precinct around Central Park, which will also assist in framing the open space.

The two requirements that use the solstice are:

- no additional overshadowing of a 15 metre high hypothetical building to Central Park and Town Square
- no more than 25 per cent overshadowing of any public open space.

Council proposed to delete the latter provision as the 15 metre hypothetical building provision achieves the same outcome, which the Landowners accepted. The Panel supports Council's revised Requirement R8 and the separation of discretionary provisions as guidelines. It does not support the 10 per cent limit of Central Park overshadowing as proposed by the Landowners as the redevelopment of the precinct presents the opportunity to avoid overshadowing at the equinox for the precinct's most important public open space.

(iii) Mandatory or discretionary provisions

The Panel considers that the redevelopment of large metropolitan sites, such as East Village, provides opportunities to achieve superior urban design outcomes that may not necessarily be achievable or practical in smaller redevelopment sites, particularly in the public realm and public open space areas. The Panel believes that it is appropriate to apportion greater weight to overshadowing provisions for key areas of public open space; in this instance Central Park and the Town Square and for those provisions to be mandatory. Greater discretion should be allowed for other areas of open space, including Virginia Park and Marlborough Reserve. There were no submissions or evidence that this would place the yield expectation for East Village under threat. A similar approach to that taken at Fishermans Bend is appropriate at East Village.

7.5 Conclusions and recommendations

The Panel concludes:

- The overshadowing provisions should be contained in the CDP only.
- Prioritising public open space and how it is protected from overshadowing is appropriate in a large precinct that will be fully redeveloped.
- The provisions will allow for an appropriate framing of Central Park.
- The shared road west of Central Park should be nine metres wide and the local access street should extend the full length of its interface with the north side of Central Park.
- The overshadowing provisions of the CDP should be amended in accordance with Council's revisions contained in Document 46C. This includes referring to overshadowing provisions for Central Park and Town Square as mandatory requirements (and others as discretionary) in the CDP.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- **Include the overshadowing provisions proposed by Council in Document 46C.**
- **Show the continuation of the local access street width for the Central Park northern boundary and a shared road width to its west of 9 metres.**

8 Retail

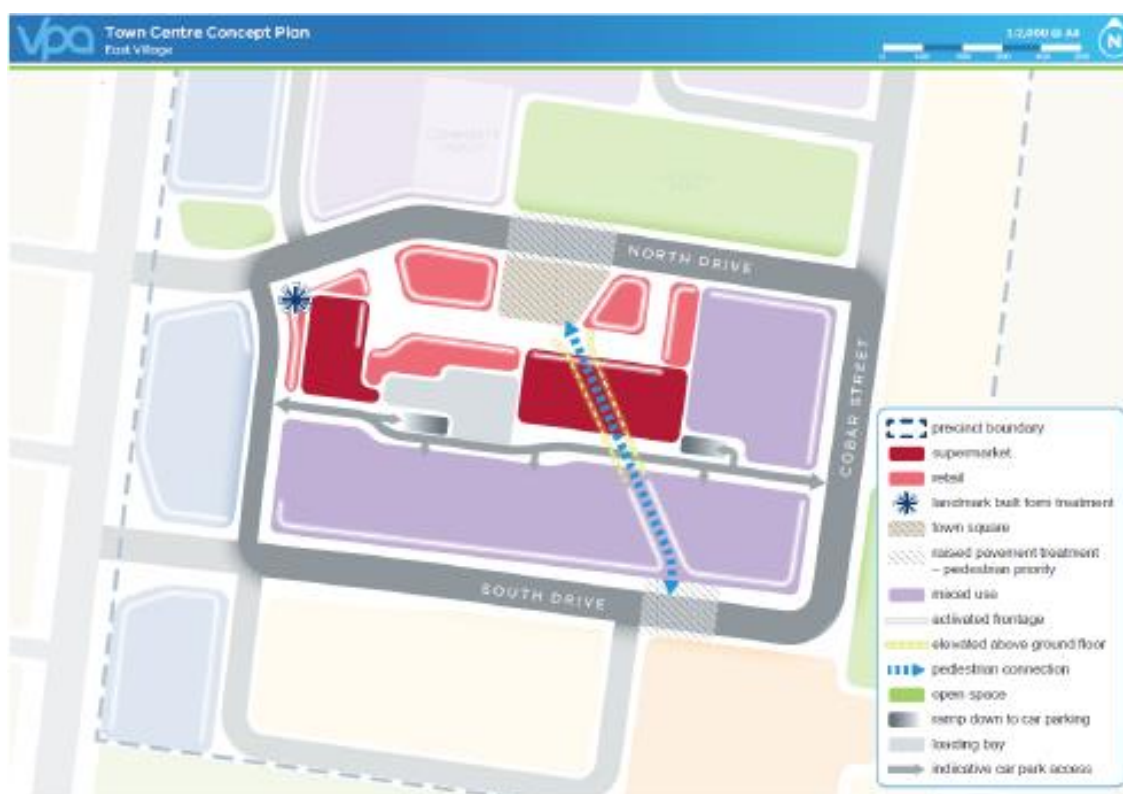
8.1 Overview

The CDP anticipates 12,000 sqm of gross leasable floor area (GLFA)⁵⁵ within the precinct.

The CDZ2 table of uses includes:

- Retail premises (other than Adult sex product shop and Trade supplies) as a Section 1 use (Permit not required), subject to the conditions:
 - Must be located in the Retail sub-precinct as shown on Plan 1; or
 - Must be located in a Mixed Use sub-precinct as shown on Plan 1 with a leasable floor area not exceeding 150 sqm.
- Retail premises (other than Adult sex product shop and Trade supplies) where the Section 1 conditions are not met, as a Section 2 use (Permit required) subject to the condition:
 - Must not be located in a residential sub-precinct as shown on Plan 1.

Figure 16 Town Centre Concept Plan, exhibited CDP



8.2 The issues

The key issues are related to:

- impacts on the Bentleigh East Neighbourhood Activity Centre (NAC)
- the suitability of the CDP design provisions relating to the Town Centre

⁵⁵ Chapter 3, Development Assumptions

- whether retail uses should extend further west along North Drive into the Commercial West sub-precinct.

8.3 External impacts

(i) Evidence and submissions

Ritchies Stores Pty Ltd (Ritchies) (S64) operates the Ritchies Supa IGA in the Bentleigh East NAC and was represented by Mr Wong at the Hearing.

Ritchies supported various elements of the Amendment but raised concerns about the potential impacts of retailing within the precinct on the Bentleigh East IGA supermarket and the broader NAC. Ritchies sought the following changes to the Amendment:

- The inclusion of three new requirements in section 2.1 of the CDP:
 - *East Village must not be used for more than two supermarkets.*
 - *The combined maximum floor area for 'Supermarket' use must not exceed 5,500 square metres.*
 - *The establishment of a smaller supermarket (with a floor area of less than 2,000 square metres) must not occur until at least 500 dwellings on the Land have been occupied and the establishment of a full line supermarket (with a floor area of less than 4,000 square metres) must not occur until at least 2,000 dwellings on the land have been occupied.*
- Changes to section 2 of the Table of uses in the CDZ2 to specify that Supermarket must be located in the retail sub-precinct.

Ritchies relied on the assessment in Mr Henshall's evidence report⁵⁶ that:

- The lack of any 'staging' mechanism in the Amendment was a significant omission if the retail component (the supply) is completed before the residential component (the demand).
- The early provision of new retail floorspace in the precinct would likely have negative implications for existing centres in the surrounding area, including the East Bentleigh NAC.

Mr Henshall recommended that the CDP and CDZ2 include *"a reference to the staging/timing of development of the East Village components, including residential and retail, and also specify the area of retail floorspace that is permitted in the development."*

Ms Laurent (S87 and 156) also expressed concern about the possible impacts on the Bentleigh East Supa IGA and the broader NAC, and supported Mr Henshall's recommendations.

The Landowners relied on the evidence report of Mr Ganly and agreed with the first two changes to the CDP sought by Ritchies, although they submitted that they should be guidelines not requirements. They did not support the third change and submitted that although a 'staging' provision was not necessary, they would accept a provision that reflected Mr Ganley's evidence that no supermarket floorspace be delivered before January 2023. In relation to the CDZ2 table of uses, the Landowners agreed that supermarkets should be limited to the retail sub-precinct.

⁵⁶ Retail evidence is discussed at Section 1.4 of this Report.

Mr Ganly provided an impact assessment in which he concluded that that none of the surrounding centres (including the Ritchies Supa IGA) “*are likely be sufficiently impacted that their ongoing viability is under threat*”. He also concluded that a floorspace cap is inappropriate because:

- The Town Centre is designated for an area already zoned, in part or fully, C1Z;
- The Town Centre Concept Plan clearly sets out the expectations for how and where retail floorspace is to be delivered; and
- East Village is a significant urban regeneration project with a long development timeframe and flexibility should be encouraged.

Council also supported the siting of supermarkets in the Retail sub-precinct, but was not convinced that there was merit in including floor space caps through a staging mechanism.

Mr Sheppard supported the ability of retail uses extending further west along North Drive into the Commercial West sub-precinct to provide a point of entry to the Retail sub-precinct. The Landowners did not support this proposal in its preferred CDZ2 (Document 47A).

(ii) Discussion

The number of supermarkets

The Amendment does not specify a how many supermarkets the precinct should provide, although the Town Centre Concept Plan (refer to Figure 16) indicates two supermarket sites. This seems to be based on the MacroPlan Dimasi conclusion⁵⁷ that the precinct could support a full range supermarket of around 4,000 sqm and a second smaller supermarket of around 1,500 sqm. The Panel accepts that this is the probable outcome, although a single, larger format supermarket might also be a possibility.

In any event, the Panel agrees that the Amendment should reflect the analysis that underpins the CDP and provide for a maximum of two supermarkets. This should be expressed as a guideline rather than a requirement.

Supermarket floorspace

The Amendment does not specify the amount of supermarket floorspace that the precinct should provide, other than the overarching reference to 12,000 sqm GLFA for all retail floorspace in the precinct. The 5,500 sqm supermarket floor space cap sought by Ritchies reflects the MacroPlan Dimasi assessment referred to earlier.

The Panel agrees that the Amendment should provide some guidance about the amount of supermarket floorspace anticipated for the precinct, and is satisfied that 5,500 sqm is consistent with the vision for the precinct and the background analysis. However, the Panel believes that this should be expressed as a guideline rather than a requirement in order to provide a degree of flexibility in the future. This approach is consistent with the 2013 reform of the VPP commercial zones that removed the ability to impose a retail floorspace cap under the commercial zones in metropolitan Melbourne. The Panel also notes (as did Mr Ganley) that the CZ1 that currently applies to the central area of the precinct and the associated DPO2 do not include any retail floorspace caps.

⁵⁷ East Village, Bentleigh East Assessment of Retail Potential, January 2018

Location

The table of uses in the exhibited CDZ2 provides for a supermarket to be located in any of the sub-precincts (except for a residential sub-precinct) subject to a permit. The changes sought by Ritchies would restrict supermarkets to the Retail sub-precinct.

The Panel agrees that locating supermarkets in the Retail sub-precinct would be consistent with the vision for the broader precinct and reinforce the function of the Retail sub-precinct. This was generally agreed by the parties and in the retail conclave statement⁵⁸ prepared by Mr Ganly and Mr Henshall.

The Panel agrees that the CDP should be modified so that supermarkets are only located in the Retail sub-precinct and to prohibit them elsewhere in the precinct. The Panel is satisfied that this provision should be mandatory given the significant role of the Retail sub-precinct and the key contribution that supermarkets will make to achieving that role. Council might also consider whether this should be reflected in the CDZ2.

Staging

There are various unknowns about the future development of the precinct, including the timing and extent of retail and residential development, although the Panel accepts submissions and evidence that the retail/town centre components are likely to proceed early in the development process and potentially before there is a supporting level of residential development (or the 'demand' as Mr Henshall described it). However, the Panel does not agree that the possible impacts on other centres of an early provision of supermarket floorspace warrant a staging mechanism as sought by Ritchies. While the Panel acknowledges the concerns expressed in Mr Henshall's evidence about the timing of development, it also notes the findings in the MacroPlan Dimasi report and Mr Ganly's evidence that there is an undersupply of retail floorspace in the catchment and that early retail development within the precinct will assist in addressing this undersupply. The Panel also accepts Mr Ganly's evidence that while the early development of supermarket floorspace will impact on other centres, the impact will not be significant enough to threaten the viability of the East Bentleigh Supa IGA or other supermarkets in the broader catchment.

For these reasons, the Panel was not persuaded that the Amendment should include triggers for the staging of the proposed supermarkets.

North Drive

The possibility of retail uses extending further west along North Drive as proposed by Mr Sheppard was not supported by the Landowners. The Panel agrees with this position and does not support Mr Sheppard's recommendation.

(iii) Conclusions and recommendations

The Panel concludes:

- The exhibited provisions relating to retailing and supermarkets are generally appropriate, but should provide more guidance about the location and amount of supermarket floorspace.

⁵⁸ D15

- It is not necessary to include a staging provision for the development of supermarket floorspace.
- The Retail sub-precinct should not extend further west along North Drive into the Commercial West sub-precinct.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- **Include a ‘discretionary’ guideline that the precinct should provide for a maximum of two supermarkets.**
- **Include a ‘discretionary’ guideline that the maximum supermarket Gross Leasable Floor Area is 5,500 square metres.**
- **Include a ‘mandatory’ requirement that supermarkets can only be located in the Retail sub-precinct.**

8.4 The Town Centre

(i) Evidence and submissions

During the Hearing, there was discussion about the suitability and application of the Town Centre Concept Plan (refer to Figure 16) and the Town Centre Design Guidelines in the exhibited CDP.

The Landowners were generally supportive of these provisions although they proposed some minor changes to the Town Centre Concept Plan, including renaming the ‘landmark built form treatment’ designation to ‘gateway site’ and deleting the references to ‘ramp down to car parking’, ‘loading bay’ and ‘indicative car park access’. They also proposed changing the ‘note’ to the plan by replacing the reference to it being a “*preferred*” outcome with it being “*one possible*” outcome. Mr Gobbo also provided background to the Town Centre Concept Plan and explained that it reflected preliminary plans for the Town Centre developed by MGS.⁵⁹ These plans show, among other things, the site stepping down a level from south to north.

The Landowners relied on the evidence of Mr Shepard, who agreed in his oral evidence that having an internalised mall in the Town Centre would not be a “*preferred*” plan.

Council’s closing submission described the exhibited Town Centre Concept Plan as “*inadequate*” and, to the extent that it seeks to implement Document 40, “*inappropriate*”. Council’s primary concern was that the Plan represented an internal mall style arrangement, rather than a street based, street activated configuration. Mr Reid shared Council’s view that the centre should be ‘street based’, rather than an internal mall. Council proposed that the Landowners prepare an agreed plan (based on Figure 12.0 in the EVSP⁶⁰) to replace the exhibited plan before the Amendment is adopted. Council also submitted that whatever plan is adopted, “*it should be identified as an indicative plan which illustrates one way that the Design Guidelines may transpire*”. Mr Reid suggested that the exhibited plan be deleted and that the Town Centre Design Guidelines be relied upon instead.

⁵⁹ D40

⁶⁰ EVSP Figure 12.0 – Public spaces: Town Square

Council's concerns were consistent with Mr McPherson's evidence about the Town Centre provisions and his following recommendations:

Recommendation 04: In my opinion, the retail area should be clearly configured as a highly urban, street-based village model, without an internal mall, in order to align with the precinct vision, maximise activity in the public realm, Town Square and central park, and reflect a contemporary 'town centre' or urban village condition.

Recommendation 05: I recommend inserting additional Requirements and/or Guidelines to require a street-based Town Centre configuration, to maximise activation and pedestrian activity in the public realm.⁶¹

Council provided responses⁶² to each of Mr McPherson's recommendations and proposed various changes to the exhibited section 2.2.3 of the CDP, including:

- three new requirements
- two new town centre design guidelines
- revisions to three design guidelines
- the deletion of a design guideline.

Following Council's closing submission, Mr Gobbo responded to Documents 46(a) and 46(c) and advised that the Landowners did not support the following additional requirements proposed by Council:

- The town centre must be designed as a street based village with a network of 'open to air' public streets that connect through the block. An internal mall configuration must be avoided.
- The town centre must include an 'open to air' public street that diagonally connects the town square and the school pedestrian crossing. The street connection must be DDA compliant, avoiding steps, lifts or escalators.

The Landowners submitted that these requirements were unworkable because of the topography of the land and the need to 'double-stack' development.

(ii) Discussion

It seemed to the Panel that the discussion about the Town Centre during the Hearing was hampered by a limited understanding amongst the parties about how the Town Centre Concept Plan had been derived. Mr Gobbo provided Document 40 (that informed the plan) on day 8 of the Hearing and it is not clear whether Council officers or the urban design experts had been aware of its existence or role in informing the Town Centre Concept Plan. It also seemed to the Panel that Council's responses to Mr McPherson's evidence and recommendations during the Hearing were not as considered or thorough as they might have been given that the evidence report had been circulated a week prior to the Hearing.

In any event, the Panel has reviewed the evidence and submissions in relation to these issues and has concerns about the extent to which the exhibited Town Centre Concept Plan is an acceptable response to the exhibited CDP vision, objectives, guidelines and design guidelines. In particular, it is not clear whether the plan provides the street activation and pedestrian connectivity sought in the CDP or clearly explains how it will deal with elevation change across

⁶¹ McPherson evidence report, page 35

⁶² D40(a) and 40(c)

the site. These concerns are heightened when the Concept Plan is read in conjunction with Document 40 on which it was based.

For these reasons, the Panel agrees with Council that the exhibited plan should not be included in the CDP, regardless of whether it is referred to as a 'preferred' or 'indicative' plan. The Panel is also reluctant to support the inclusion of the EVSP Figure 12.0 (or a version of it) in the absence of understanding how that plan was derived and without having tested its merits with the relevant experts at the Hearing.

Instead, the Panel believes that the Amendment should be adopted with a revised and strengthened set of requirements, guidelines and design guidelines that will provide more guidance about how the Town Centre should be planned and delivered. The Panel has reviewed Council's proposed changes (described earlier) together with the responses from the Landowners and supports the agreed changes being included in the CDP. In terms of the two additional requirements opposed by the Landowners, the Panel supports their inclusion in the CDP but as discretionary guidelines instead of mandatory requirements. This approach will provide more detailed guidance about the urban design outcomes that are sought while providing a degree of flexibility, particularly in response to topographical challenges. The Panel has modified the proposed inclusions (see below) to reflect that they are guidelines and to provide a greater degree of flexibility.

Finally, if Council and the Landowners can agree on a revised Town Centre Concept Plan that addresses the recommended guidance provisions in the CDP, it would support its inclusion in the adopted Amendment, subject to the qualification that it be described as an 'indicative' plan.

(iii) Conclusions and recommendations

The Panel concludes:

- The Town Centre Concept Plan is an inadequate representation of the urban design outcomes sought for the Town Centre in the CDP and should be deleted.
- The CDP should provide more guidance in support of a 'street-based' Town Centre.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- **Include the following additional Town Centre Design Guidelines:**
 - *The Town Centre should be designed as a street based village with a network of 'open to air' public streets that connect through the block. An internal mall configuration should be avoided.*
 - *The Town Centre should include an 'open to air' public street or link that diagonally connects the Town Square and the school pedestrian crossing.*
- **Delete the Town Centre Concept Plan.**

9 Open space

9.1 Overview

The exhibited CDP provides five open space areas as shown on Figure 17:

- Central Park (1 hectare)
- Marlborough Street Reserve extension (0.6 hectare)
- Gateway Park (1,900 sqm)
- Town Square (1,500 sqm)
- Barrington Street linear path.

Figure 17 Plan 2, Open Space, exhibited CDP



The DCP also provides for various open space infrastructure works to be funded or provided by the Landowners, including:

- Marlborough Street Reserve soccer field, landscaping and pavilion (Projects SR-1 and SR-2)
- Virginia Park landscaping and shared user path (Project OS-1)
- Central Park improvements (Project OS-2).

The exhibited Amendment also includes a revised schedule to Clause 53.01 (Public Open space Contribution and Subdivision) that applies a 5.7 per cent public open space contribution rate to the northern area of the precinct and an 11.4 per cent public open space contribution rate to the central and southern areas.

The exhibited Amendment was also accompanied by a section 173 agreement between Council and the Landowners that requires the provision of public open space.

9.2 The issues

The key issues relate to:

- the amount and location of public open space
- the schedule to Clause 53.01.

9.3 The amount and location of public open space

(i) Evidence and submissions

Many submitters raised concerns about the amount of open space and sought a uniform 11.4 per cent contribution across all of the precinct. They believed that the planned 6,000 residents would overwhelm the public open space areas and increase the pressure on other public open space in the area.

Dr Manaszewicz (S3) raised various concerns about how the open space contribution had been calculated and submitted that open space provision was inadequate to service the planned residential and employment populations in the precinct. She also submitted that this 'under provision' would exacerbate the broader under provision of public open space in Glen Eira and that it was inappropriate to rely on existing open space outside the precinct to compensate for a lack of open space within the precinct.

Ms Laurent (S87 and 156) raised similar concerns about a perceived under provision of proposed public open space and raised various issues about the utility and development of specific open space areas. Ms Laurent submitted the amount of public open space in the precinct should be increased, and that the CDP should also provide open space between buildings and in building setbacks, and a 'wetland' area.

The Landowners submitted that the proposed public open space was acceptable and relied on the evidence of Mr Sheppard who generally supported the arrangement and size of open space areas, but thought there could be *"greater flexibility in relation to the location and form of Central Park and the Town Square"*.

Council's Part B submission provided the following context for public open space issues:

It is fair to say that open space provision is a critical issue in this Amendment for Council. This is not only relative to the quantum of open space to be provided for the future occupants and residents of the precinct but careful regard is to be had to planning for the quality of the open space that is to be achieved for the community (both existing and future).

Providing and then protecting the amenity of public open space provided to Council is of critical importance to Council. This is because presently the municipality has the least amount of open space per capita in Victoria. A development such as the redevelopment of the subject land places further pressure on the open space network while only adding a relatively modest amount of public open space. In overall terms, the addition still leads to a step backwards once the expected population is taken into account. The total POS per person falls from 11.7 m² per person to 11.3 m² per person. The amount of open space provided per resident is only 4m² at East Village. If one adds employees and school kids into the demand mix, it is apparent that the POS is going to be used very intensively.⁶³

Council relied on the evidence of Mr Panozzo, whose firm (ASR Research) also prepared the *East Village Social Infrastructure Final Report*, September 2018 that informed the preparation of the Amendment, including the open space components. Mr Panozzo's evidence assessed the provision of 'passive' and 'active' open space and concluded that the Amendment would provide:

- A satisfactory quantity and distribution on new public open spaces performing a diverse range of functions
- Significant improvements to existing public open spaces (i.e. Marlborough reserve and Virginia Reserve).

Mr Panozzo noted that the proposed quantum of public open space (10 per cent of NDA) will "significantly exceed" the current rate of 5.7 per cent.

(ii) Discussion

Council and other submitters noted that Glen Eira has a relatively low provision of public open space compared to other metropolitan municipalities. This is discussed in the *City of Glen Eira Open Space Strategy*, 2014 (Open Space Strategy) that compared the provision of open space with adjoining municipalities and noted that the "*City of Glen Eira has the lowest amount of open space as a proportion of land area available and per person, due to the high density of development and lack of large Regional open space within the municipality*". However, the *Open Space Strategy* also found that Bentleigh East was one of three suburbs that "*have a reasonable distribution of open space*".

The Panel does not agree with the implied proposition in some submissions that the redevelopment of East Village is an opportunity to redress the broader under-provision of open space in the municipality. There needs to be a nexus between the demand for public open space that will be generated within the precinct and the amount of public open space that is provided within it. As the Landowners noted:

There should be absolutely no need to state that the redevelopment of East Village cannot, and cannot reasonably be expected to, cure any existing open space deficiency of the municipality.

⁶³ D21, page 14

In terms of the amount and location of public open space in the precinct, the *Open Space Strategy* identified the 'Virginia Park Business Centre' as a "*strategic redevelopment site*" and noted that:

Part of the land may be required for open space in order to accommodate a significantly increased population at this site, and for high density proposals this could exceed 5 per cent of the site subject to an appropriate analysis based on the principles on which this Strategy has been prepared. The site directly adjoins Marlborough Street Reserve and there may be an opportunity to increase the size of this open space to meet the open space needs of the future population. The site also presents an opportunity to improve an open space link between Marlborough Street Reserve and Virginia Park, however the final form and direction of what open space would be required is subject to assessment of the proposed scale, type, density and layout of a future development.⁶⁴

In the absence of a specific development proposal, including details about residential population, the *Open Space Strategy* did not assess how much open space might be required for the precinct, although it recommended an overarching municipal provision of 5.7 per cent that was subsequently included in Clause 53.01. Setting aside the amount of public open space that should be provided, the Panel notes that the Amendment is broadly consistent with the opportunities identified in the *Open Space Strategy*, including improvements to the Marlborough Street Reserve and Virginia Park. The Panel also notes that the size and location of the central park are consistent with the recommendations in the *Open Space Strategy* that 'Neighbourhood' open space should have a minimum area of 1 hectare and be "*Located within 500 metres safe and easy walking catchment from all dwellings*".

In terms of the amount of proposed open space, the Panel accepts Mr Panozzo's evidence that the CDP provides an adequate amount of open space and also notes that the precinct will be easily accessible to existing active and passive open space in the broader area, including the Marlborough Street Reserve, Virginia Park, Duncan Mackinnon Reserve and the Bailey Reserve.

The Panel also supports the distribution and arrangement of public open space within the precinct, including the central location and accessibility of Central Park, the opportunity to extend the Marlborough Street Reserve (including a link to Barrington Street) and the protection of existing vegetation within the Gateway Park. These outcomes are consistent with the recommendations and outcomes sought in the *Open Space Strategy*.

Finally, the Panel notes that the Amendment will provide a mechanism for Council to upgrade the Marlborough Street Reserve and Virginia Park, projects that would otherwise require separate funding.

(iii) Conclusions

The Panel concludes:

- The amount of public open space to be provided within the precinct is adequate, and will complement existing public open space in the immediate area.
- The arrangement of public open space within the precinct is a positive response to the future urban structure and the opportunities afforded by the Marlborough Street Reserve and Virginia Park.

⁶⁴ City of Glen Eira Open Space Strategy 2014, page 70

9.4 The schedule to Clause 53.01

(i) Submissions

The schedule to Clause 53.01 establishes the proposed public open space contribution rates. In addition to the issues about the amount and location of open space discussed earlier, there was discussion during the Hearing about the content and drafting of the schedule to the Clause, including the implications of the section 173 agreement agreed to by Council and the Landowners, and the need for a public open space equalisation provision.

Council's closing submission included a revised schedule (Document 46A) that retained the default 5.7 per cent contribution for the area north of Griffith Avenue but exempted the area owned by the Landowners. Under this arrangement the public open space contribution for this area would be provided through the section 173 agreement that requires, among other things:

- an area equal to at least 10 per cent of the net developable area of the precinct
- the siting of the public open space in accordance with the CDP.

The Panel understands that this approach was supported by the Landowners and negates the need for an equalisation provision.

(ii) Discussion

The Panel supports the revised schedule to Clause 53.01 agreed by Council and the Landowners on the basis that the provision of open space within the southern area of the precinct will be achieved through the section 173 agreement that is in place.

(iii) Conclusion and recommendation

The Panel concludes:

- The revised schedule to Clause 53.01 agreed by Council and the Landowners and should be adopted.

The Panel recommends:

Include the revised Schedule to Clause 53.01 Public Open Space and Contribution provided by Council in its closing submission (Document 46A).

10 School site

10.1 Overview

The CDP identifies a site for a proposed Government school in the south-east corner of the precinct as shown earlier on Figure 1. The school will be a second campus for the McKinnon Secondary College and is planned to open in 2022.

Mr Gobbo advised that the new campus *“will accommodate year levels eight and nine and is expected to open with approximately 600 students. This number is expected to grow to 1,100 students at ultimate capacity.”* He referred to the *Masterplan Overview – Community Engagement Summary* produced by the Victorian School Building Authority that includes an overview of the proposal, including indicative site and building height plans. These plans indicate a four level building form set along the southern boundary of the school site. Mr Gobbo also advised that the State Government has entered into a contract to purchase the site.

10.2 The issue

The key issue relates to the suitability of the proposed school site.

Some submissions discussed the ‘enrolment zone’ of the proposed school, however this is not a matter that is relevant to the Amendment or the Panel’s considerations, and is not discussed further in this Report.

10.3 Evidence and submissions

Submitters raised issues about the location of the school site, citing concerns about traffic and parking, pedestrian safety, proximity to industrial activity and impacts on adjoining open space. Some submissions proposed that the site be relocated to the East Boundary Road frontage.

Ms Laurent (S87 and 156) shared these concerns and submitted that the school development should be considered *“in its own right”* and that residents should be able to object.

Mr Williams (S53) raised various traffic and parking issues and submitted that the school should provide underground parking for staff and that plans should be prepared to demonstrate how drop-off and pick-up zones will work.

The Compass Church (S31) submitted that *“locating the school 500m from key bus routes on East Boundary Road would create a barrier to student public transport use”* and advocated locating the school in the south-west of the precinct, closer to East Boundary Road.

Council’s Part B submission noted that the location of the school site was the subject of extensive public consultation and *“was settled as part of the adoption of the East Village Structure Plan”*. Council submitted that the site will be accessible via the extension of Cobar Street and via South Drive and its connection to East Boundary Road. It will also have pedestrian and cycling connections through the expanded Marlborough Street Reserve and the existing Virginia Park. Council concluded that *“the location (away from North road and*

East boundary Road) abutting existing (Virginia Park) and proposed parkland (Marlborough Reserve) to be a superior location for the school.”

The Landowners submitted that the proposed the location of the school was “*appropriate*” and has “*a strong logic and rationale*”. Mr Shepard was satisfied that the school site was appropriate on the basis that it had been selected by the Department of Education and Training.

In response to questions from the Panel, Mr Walsh and Mr Davies advised that it was appropriate to locate the school on a connector road (less traffic flow), as opposed to an arterial road, as this enhances safety for pedestrians and motorists, particularly during drop-off and pick-up periods. Potentially, some school traffic and parking may occur on the local street network, south and east of the school due to pedestrian access from these locations, however this would be short term in nature.

10.4 Discussion

The Panel believes that proposed school site has a number of locational advantages, including:

- co-location opportunities afforded by abutments with the Marlborough Street Reserve and Virginia Park
- distance from the traffic, noise and other amenity impacts associated with East Boundary Drive and North Road
- proximity to residential development within the precinct.

Some submitters expressed concerns about traffic, parking and pedestrian safety issues, however, the Panel is satisfied that the site’s access to South Drive and Cobar Street and their proposed cross-sections will provide for adequate traffic circulation within and to outside the precinct. The road network and cross sections have also been designed to safely accommodate pedestrian and cycling movement, in addition to the additional ‘off street’ pedestrian and cycling links shown in the CDP. Although the Panel acknowledges that managing traffic and parking issues during pick and drop off times might be challenging (as is the case for many schools) these issues do not preclude the site from being successfully developed and used as a school. Should significant adverse amenity impacts occur, Council has a range of traffic and parking management tools which could readily be implemented.

The Panel acknowledges that the precinct is not well serviced by public transport options, with the closest services being the bus routes on East Boundary Road and North Road. However, the CDP provides for a future bus route through the precinct that will provide more immediate access to the school. In light of this, little would be gained by relocating the school site to the east side of East Boundary Road.

Some submitters also raised concerns about locating the school within an ‘industrial’ environment and the negative amenity impacts that this might have. These concerns overlook that the precinct will continue to transition over time from industrial use to a mix of more benign residential and commercial uses. The school site will also abut open space and residential areas to the east, south and west, and an area of mixed use development (including residential) to the north. The Panel is satisfied that the future urban structure planned for the precinct, particularly in the vicinity of the school, will readily accommodate and be compatible with the school.

Some submitters opposed the site on the basis that the school would negatively impact on the adjoining public open space (particularly Virginia Park) through overshadowing and overuse. The Panel agrees that these are legitimate concerns, but also believes that co-location can provide significant benefits for the school without compromising the broader public function of these spaces. Ultimately, it is up to Council to manage these open space assets and ensure that they can continue to be used for broader community benefit. In terms of overshadowing, the CDP and CDZ2 seek to address possible impacts on the public realm, however the Department of Education and Training is exempt from the need to obtain a planning permit and does not have to comply with these provisions.

On balance, the Panel is satisfied that the proposed school site is appropriate, although it acknowledges that addressing impacts on open space areas and managing traffic and parking issues will require careful consideration during the detailed design and operational phases.

10.5 Conclusions

The Panel concludes:

- The proposed school site has a number of locational advantages.
- Traffic and parking issues associated with the proposed school will require careful planning and management but do not preclude the site being successfully used for a school.

11 Community facilities

11.1 Overview

The CDP identifies a ‘community facility’ (refer to Figure 5) within the Mixed Use sub-precinct and adjacent to the Town Centre and Central Park. The DCP provides funding for its construction (Project CB1-C), but does not include a land component. The DCP costings provide for the construction of:

- Maternity and Child Health Areas
- Innovation Hub
- Kindergarten
- Ancillary Areas.

11.2 The issue

The issue is whether the proposed community facility is adequate for the planned population.

11.3 Evidence and submissions

Anne Kilpatrick (S63) submitted that the proposed community facilities will be inadequate given the planned resident and employment populations and suggested that proposed school and commercial facilities might be used on a ‘part time’ basis for community purposes.

Council relied on the evidence of Mr Panozzo who confirmed the need for a community facility, and concluded that the Amendment would provide for a centre “*with sufficient floor area to accommodate a range of services and activities for the new residential population as well as the existing surrounding population*”. He noted that further, more detailed planning would be needed to confirm that size and nature of the facilities to be provided.

Council and the Landowners also made submissions and relied on evidence relating to the DCP construction funding and the provision of land for the facility. The Panel understands that by the close of the Hearing there was agreement between these parties that the exhibited arrangements for funding the facility should proceed.

There was also agreement between Council and the Landowners that the site of the community facility should be relocated to the south side of North Drive, within the retail sub-precinct.

11.4 Discussion

The Panel accepts Mr Panozzo’s evidence that the planned size of the facility will be adequate to provide for the range of services necessary to service the precinct, in conjunction with existing facilities outside the precinct. Whether or not there is scope to co-use other facilities, as suggested by Ms Kilpatrick, is a matter that Council and the Landowners might consider when undertaking the detailed planning of the centre.

The Panel supports the relocation of the facility as proposed by the parties and agrees that locating it within the retail sub-precinct will be an acceptable arrangement. The Panel also

supports the funding arrangements that have been negotiated between Council and the Landowners.

The recommended CDZ2 at Appendix D notes that the Future Urban Structure (Plan 1) will need to include this change.

11.5 Conclusions

The Panel concludes:

- The proposed community facility will be adequate to service the needs of the population within the precinct, in conjunction with existing services outside the precinct.
- The community facility should be relocated to the south side of North Drive.
- The provision of the community facility should be consistent with the arrangements in the exhibited DCP.

12 Development contributions

12.1 Overview

Infrastructure for East Village is to be provided through a number of mechanisms, including the DCP. Other mechanisms include subdivision and construction works by developers, section 173 agreements, utility service provider requirements, capital works projects by Council and State government and Works in Kind (WIK) projects undertaken by developers on behalf of Council and State government agencies.

The DCP is based upon the following demand assumptions:

- 3,000 dwellings
- 80,000 sqm gross leasable commercial floorspace
- 12,000 sqm gross leasable retail floorspace.

The DCP provides funding for the following types of projects:

- RD – road projects (Cobar Street Connector 1)
- IN – intersection projects (North Road/East Boundary Road, Crosbie Road/Murrumbeena Road/Leila Road, Cobar Street/Crosbie Road/North Road, North Drive/East Boundary Road land and construction, South Drive/East Boundary Road land and construction, North Road/Murra Street land and construction, North Road/Carey Street land and construction)
- SR – sporting reserve projects (Marlborough Street Reserve construction)
- OS – open space projects (Virginia Park and Central Park construction)
- CI – community infrastructure (community facility construction)
- DR – drainage projects (within Marlborough Reserve).

The DCP will accrue \$60.6 million worth of contributions based upon the rates shown in Table 13.

Table 13 Rates per main charge area

SUMMARY - DEVELOPMENT INFRASTRUCTURE LEVY (DIL) BY MAIN CHARGE AREA		
Main Charge Area	Rate	
MCA1 (Residential)	\$10,403.45	per lot/dwelling
MCA1 (Retail)	\$1,074.20	per m2 GLFA
MCA1 (Commercial)	\$187.07	per m2 GLFA
MCA2 (Commercial)	\$96.14	per m2 GLFA
SUMMARY - COMMUNITY INFRASTRUCTURE LEVY (CIL) BY MAIN CHARGE AREA		
Charge area	Rate	
MCA1 (Residential)	\$831.65	per lot/dwelling
MCA1 (Retail)	N/A	
MCA1 (Commercial)	N/A	
MCA2 (Commercial)	N/A	

The section 173 agreement establishes the Landowners' public open space and infrastructure contributions, including:

- the quantum, location and conditions of transfer of public open space
- the stormwater storage function and capacity of the Marlborough Street Reserve
- the completion of connector roads.

12.2 The issues

The key issues relate to:

- the drafting of the DCP
- reference to intersection triggers
- recalculating the DCP.

12.3 DCP drafting and recalculation

(i) Evidence and submissions

Mr Shipp provided DCP evidence on behalf of the Landowners and was not involved in the drafting of the DCP. He considered that:

The DCP is well structured and consistent with the elements required under the Act. However, it is my opinion that a number of aspects of the DCP require further information or changes to improve transparency, equity and practical delivery.⁶⁵

Mr Shipp raised a number of detailed concerns with the DCP, which can be summarised as:

- the innovation hub and ancillary areas of the community facility should be reclassified as Community Infrastructure, not Development Infrastructure and it should have some external apportionment
- further clarity is required for the scope of works and allowances for land acquisition for intersection upgrades and to confirm the proposed components of the community centre
- service relocation costs for the intersection upgrades are high and should be avoided where possible
- Council fees, including plan checking and supervision fees should be deleted from developers works
- cost apportionment
- equivalence ratios
- correction of errors
- intersection IN-2C (Murrumbeena Road/Crosbie Street) is 500 metres north of the precinct and there is no external apportionment allocated
- an open space equalisation scheme should be added to the CDZ2
- infrastructure triggers require greater clarity and alignment with relevant items of the section 173 Agreement
- a WIK credit should equal the same amount shown in the DCP
- the process for Community Infrastructure Levy (CIL) payments should be defined in the DCP

⁶⁵ Shipp evidence report, page 11, paragraph 33

- the ability to vary from DCP projects should be defined further.

Mr Shipp's proposed changes to the DCP were reflected in Document 34.

In its Part B submission, Council considered many of the issues could be resolved:

There is a certain challenge regarding the funding of some aspects of projects and the trigger for the delivery of some projects, as has already been canvassed regarding traffic costings and earlier in this submission. We think those matters can be resolved with discussions.⁶⁶

Council also considered *"there is a need to carefully check the infrastructure costs (such as investigating the complexities of service relocation with care) and re-visiting and revising accordingly the trigger points for the delivery of the infrastructure items."*

In its closing submission, Council attached a table (Document 46C) that responded to Mr Shipp's suggested changes to the DCP (Document 34). On reflection, Council submitted:

As noted in the Part B submission, and confirmed by Mr Shipp, the DCP needs to be re-run. To re-run the plan, the costings of project need to be finalised. There is no dispute about the costing methodology, only what should be costed. Even then, the dispute seems relatively confined to:

- The Cobar Street intersection and whether it requires a deceleration lane; and
- How the Community Facility is costed although Mr Gobbo noted that this matter is not pursued by the landowners.⁶⁷

Council maintained there is no justification to externally apportion part of the community facility as the innovation hub is a multi-purpose meeting space and the ancillary activities are toilets, kitchen facilities, verandahs and store rooms and that:

Without further calculations being made and the adoption of some assumptions, it is not possible to say whether the cost allegedly not recoverable as DIL (Development Infrastructure Levy) can be recovered as CIL. The cap on the CIL is somewhere in the order of \$1150 per dwelling plus indexation to 2020 by the time this amendment starts. The current quantum of the CIL is \$831. If it was thought necessary to do so, there is some capacity to make a further call on the CIL but only up to the current cap.⁶⁸

The Landowners advised the Panel that they were prepared to accept the community facility as costed and defined as development infrastructure and with no external apportionment.

On other matters referred to by Mr Shipp, Council submitted:

- Providing a WIK credit equal to the amount of the project in the DCP would lead to windfall gains by the developers that construct projects for less than the DCP cost estimate which would include a contingency amount, which the developer should not get an automatic right to.
- It cannot comment on the redistribution of costs before understanding what the redistribution would be.
- The Landowners are not pursuing the equalisation of open space so the matter is settled.
- Project triggers should reflect those proposed by Council in its Part B submission.

⁶⁶ D21, page 20, paragraph 87

⁶⁷ D46, page 13, paragraph 42

⁶⁸ D46, page 14, paragraph 52

- The deletion of Projects IN-2C, IN-6 and IN-7 is agreed.
- It is understood that the owner of land south of North Drive has agreed in principle to provide sufficient land in a location with locational characteristics to be agreed and in sufficient area to house the extent of facility contemplated in the Prowse Quantity Surveyor Project Sheets. The parties have agreed in principle that the facility is not be a stand-alone facility.
- Where relevant, project triggers in the DCP should be consistent with those in the section 173 agreement.

Council advised it had received updated drainage costs from the VPA and these needed to be incorporated into the final DCP. The VPA also provided revised costs for the relocation of the East Boundary Road and North Drive intersection.

Intersection triggers

As discussed in Section 4 of this Report, Council was concerned that it may inadvertently be responsible for the delivery of infrastructure works and as such, submitted that the triggers need to be drafted into a binding document such as the CDP (as requirements) or directly into the CDZ2 so that the obligations fall on the appropriate developers. Council described how this should be done in its closing submission.⁶⁹

- The CDZ2 should include an application requirement for a Traffic Impact Assessment Report that specifically addresses the capacity of intersections in the area and the timing of the provision of the intersection projects identified in the DCP.
- The CDP (Requirement R13) should require the provision of intersection projects IN-05, IN-01, IN-04 and IN-03 consistent with their triggers (milestones).
- The CDP should provide for the milestones to be varied where:
 - the responsible authority agrees; and
 - there is a suitable section 173 agreement.

(ii) Discussion

As Council noted in its closing submission⁷⁰, the DCP needs to be re-run and to do this the project costings must be finalised. Council also added that *“there is no dispute about the costing methodology, only what should be costed”*.

Council and the Landowners both agreed that further discussion was required to finalise the DCP. As the author of the document and source of the costings, the VPA must be part of this discussion. It is clear to the Panel that it does not have sufficient information to make final recommendations on these unresolved matters and that the exhibition of the DCP was arguably premature given the nature and scope of these unresolved matters. In making this observation, the Panel notes that Appendix 3 of the DCP is titled *“Preliminary for Discussion Only”* and that for example, the community facilities costing includes *“refer over for detail”*, where no detail is provided.

⁶⁹ D46, paragraphs 5-7

⁷⁰ D46, paragraph 42

The Panel recommends these discussions occur as soon as possible to allow the DCP to be finalised and approved as part of the Amendment. It would not be appropriate for the DCP to remain unresolved, with other parts of the Amendment proceeding to approval.

The Panel acknowledges the general support for the DCP by Mr Shipp and agrees with Council that matters of detail can be resolved between the parties. To assist in these discussions the Panel provides the following comments:

- The changes agreed by Council and the Landowners that are outlined in Mr Shipp's tracked change DCP (D34) are endorsed by the Panel.
- The WIK costs should equal the actual cost of the project not the amount provided in the DCP.
- Re-distribution costs are to be part of further discussions between parties.
- There is no need to equalise open space as the Landowners are not pursuing this.
- Intersection project triggers are addressed in Section 4.5 of this report.
- The Panel supports the provision of the North Road/Cobar Street deceleration lane.
- DCP projects IN-2C, IN-6 and IN-7 should be deleted from the DCP.
- The land component for the community facility has been resolved between parties.
- Where relevant, project triggers should be consistent with those in the section 173 agreement. The Landowners have entered into a binding agreement for the provision of infrastructure and any variations from this are to be avoided.

The Panel agrees that the DCP costings should be updated, where necessary, and that the DCP should be 're-run' to reflect those changes. This includes the new drainage costs provided by the VPA and the updated costs for realignment of the North Drive/East Boundary Road intersection and suggested amendments to the other intersections.

As the Panel supports the ability for a permit to issue for a Residential aged care facility in the Commercial West sub-precinct, the DCP should be amended to include a contribution for this use.

Intersection triggers

Council proposed that the CDP and CDZ2 be amended so that they provide a statutory mechanism for requiring the delivery of this infrastructure, including an opportunity to vary the trigger (milestone) subject to Council's agreement. This would be in addition to the DCP provisions.

These changes were proposed by Council at the end of the Hearing, leaving little time for them to be discussed. It is not entirely clear to the Panel why these changes are necessary and there would be merit in Council discussing this issue with the VPA (as author of the DCP) before adopting the Amendment.

If these additional CDP provisions are to be included in Amendment, they should reflect the triggers recommended by the Panel in Section 4.5 of this Report.

The Panel's recommended CDZ2 at Appendix D includes Council's proposed requirements for a Traffic Impact Assessment. In relation to the CDP, the Panel has included a general recommendation to implement Council's approach, but with a reference to including the Panel's recommended triggers.

(iii) Conclusions and recommendations

The Panel concludes:

- There is general support for the DCP.
- The changes proposed by Mr Shipp and agreed by Council, the Landowners and the VPA should be included.
- Council's responses to Mr Shipp's proposed changes to the DCP are generally supported.
- Further discussion between Council, the Landowners and the VPA is required to finalise the DCP, including reviewing and finalising the relevant costings and 're-running' the DCP.

The Panel recommends:

Amend the East Village Development Contributions Plan to:

Include a re-run and finalised document that includes latest costings and any additional costings that need to be reviewed or that are required to be reviewed as a result of the Panel's recommendations. Council is to undertake the review in consultation with the Landowners, the Victorian Planning Authority and any relevant agencies.

Include changes supported by Council, the Victorian Planning Authority and the Landowners as contained in Document 34.

Clarify at page 13 (Public open space contributions) that local parks are provided through an agreement made under a section 173 agreement and for the Commercial North area via clause 53.01 of the Glen Eira Planning Scheme.

Delete Intersection Projects IN-2C, IN-6 and IN-7.

Add a contribution for Residential aged care facility in the Commercial West sub-precinct.

Where there is a project trigger for the same project in the DCP and the section 173 agreement, the project trigger in the DCP should refer to the section 173 agreement for trigger detail.

Add "*subject to indexation in accordance with the Act*" at page 25, paragraph 2, after "\$1,150 per dwelling".

Delete "*or as otherwise agreed for staged payment*" at page 38, under Community Infrastructure Levy, first sentence.

Amend the East Village Comprehensive Development Plan to:

Include the additional intersection project milestone requirements outlined in Council's closing submission (Document 46, paragraph 7), but based on the Panel's recommended intersection project triggers.

13 Other content and drafting issues

13.1 East Village Comprehensive Development Plan

(i) The issues

The key issues relate to:

- whether “*generally in accordance*” should be used to require consistency with the CDP
- what status “*requirements*” and “*guidelines*” should have in the CDP
- changes to the CDP precinct vision proposed by the Landowners.

(ii) Evidence and submissions

Various positions were put by the parties in regard to the drafting of the CDP and how requirements and guidelines should be referred to.

The VPA submitted that if requirements and guidelines were to be used, then the CDP should only contain discretionary guidelines, and no mandatory provisions. The VPA considered the CDP was intended to be a ‘guidance document’ and it is not necessary to include mandatory provisions.

Council supported the approach taken in Hobsons Bay C88 where mandatory provisions were requirements and discretionary provisions were guidelines. The final position (Document 47) of the Landowners also supported this, in line with the direction provided in the CDP preamble that requirements “*must be met*” and guidelines “*should be complied with*”. The Landowners did not pursue its original position on “*generally in accordance with*” for the description of requirements.

The Landowners preferred CDP (Document 47) proposed the deletion of the following text from the Vision:

- “... it will be supported by a diverse range of high quality housing and retail that caters for all.”
- “... which provide for small scale production style tenancies that encourage flexible studio spaces for diverse range of bespoke businesses.”
- “... and will be designed to facilitate cutting edge technology and accommodate changes to urban form that may be necessitated in response to changing practices in the future.”

(iii) Discussion

The Panel notes the structure of the CDP is derived from precinct planning in the growth areas, which the Panel agrees is an appropriate approach. However, the Panel notes that the issues associated with describing mandatory and discretionary provisions raised in submissions and evidence have been discussed at length in other forums and is surprised that there does not seem to be a consistent approach to these issues.

In the CDP, the interpretation of requirements and guidelines is informed by the section titled “*How to read this document*”, which states that requirements “*must be adhered to*”.

Council's position is that any requirement in the CDP is mandatory, although the exhibited Requirement R3 is less clear in its drafting:

Applications for residential development must be generally in accordance with the heights and setbacks as outlined in Table 1 (below) of this CDP.

With the use of "*generally in accordance with*" it is not surprising that the Landowners interpreted this as a discretionary provision. This Panel adopts the approach of the Hobsons Bay C88 Panel where it sought to provide clarity between CDP requirements and guidelines. Simply put, requirements are to be read as mandatory provisions and guidelines are discretionary. "*Must*" is to be used in drafting 'requirements' and "*should*" is to be used in drafting 'guidelines'. With these parameters in place, greater certainty will be provided. The Panel believes that the VPA and Council should adopt this practice in the future drafting of comprehensive development plans.

Similarly, the suggestion by the VPA that the CDP should only contain discretionary guidelines would introduce an unacceptable level of flexibility, particularly where Council and the Landowners have reached agreement on certain mandatory provisions. In making this observation, the Panel notes that the VPA's preference for discretionary rather than mandatory provisions seems to have been based on a matter of general principle, rather than an analysis of submissions and evidence about whether specific provisions should be mandatory.

The Panel considers that the Landowners' changes to the vision statement would dilute the need to provide uses and built form that are intended to support an innovative employment, education and health precinct. The Panel considers that any attempts to dilute the precinct vision should be resisted as the planning controls are targeted to achieving this vision. Council's preferred CDP did not make any changes to the vision statement.

(iv) Conclusions and recommendation

The Panel concludes:

- Requirements in the CDP must be complied with and drafted as mandatory provisions
- Guidelines in the CDP should be complied with and drafted as discretionary provisions
- The exhibited vision statement is appropriate.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- Ensure that requirements are drafted as 'mandatory' provisions and that guidelines are drafted as 'discretionary' provisions.

13.2 CDZ2 - notification and review exemptions

(i) The issue

The key issue relates to the appropriateness of the notification and review exemptions in the CDZ2.

The CDZ allows the zone schedule to exempt use and subdivision applications from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. The CDZ2 exempts use and subdivision applications provided *“it is generally in accordance with the East Village Comprehensive Development Plan, December 2018.”*

The CDZ exempts buildings and works applications from notice and review *“if it is generally consistent with the comprehensive development plan”* and the schedule can also exempt other applications. The head clause does not enable the building and works notice and review exemptions for to be ‘turned off’.

(ii) Evidence and submissions

Many of the community submissions were concerned that future applications, particularly for buildings and works, would be exempt from notice and review as they felt that the Amendment did not provide enough detail or certainty for these exemptions. For example, Dr Manaszewicz considered:

With so much unknown and so little contained in both the CDP and Schedule the ability to participate down the track becomes crucial. Even more crucial is that there is nothing in the current proposed Schedule which would require Council to make public the receipt of a development plan. In theory, permit decisions are then granted the legal right to remain ‘secret’. This is surely anathema in a society that purports to be open, transparent and accountable.⁷¹

Council and the Landowners generally considered there was sufficient guidance in the CDP/CDZ2 to exempt applications from notice and review that were generally in accordance the CDP. However, they varied on some matters of detail.

Council submitted that the more certainty provided in the CDP, the greater the opportunity for applications to be exempt. As an example, Council considered that if building heights were requirements (mandatory) in the CDP, this provided the community with certainty as to the upper limit of building height.

The Landowners submitted that the usual practice is that a CDP that has been developed with community input over time and has a degree of precision should benefit from the exemptions. Mr Biacsi considered that if a five storey building was proposed where a four storey discretionary limit applied then this would still be considered as ‘generally in accordance’ with the CDP, and should benefit from the exemptions.

(iii) Discussion

As a general matter of principle, the Panel is satisfied that exemptions should be available for applications considered to be generally in accordance with an approved CDP. Council took the Panel through the extensive background to the Amendment that commenced in 2016 and involved preparation of many technical reports, the establishment of a Community Reference Group and at least three community consultation sessions attended by the report authors. This pre-planning was not only designed to get the right outcome but also to ensure the community was involved and understood what was proposed.

⁷¹ D38

The CDP and CDZ2 provide a comprehensive suite of planning provisions, including some mandatory controls, and the Panel is generally satisfied that they provide suitable guidance and a reasonable level of certainty about how the key elements of the precinct will be developed.

The Panel believes that the key concerns held by the community submitters about the notice and review exemptions primarily related to buildings and works applications, particularly building heights. The Panel has some sympathy with these concerns in light of its recommendation that some of the building heights should be discretionary and because of the potential for an exceedance of the discretionary maximum height to be judged as *“being generally in accordance with the CDP”* and therefore triggering the exemptions. Although there is an argument that the exemptions should be ‘turned off’ for buildings that exceed discretionary maximum building heights, the CDZ head clause does not enable this to be done. Ultimately, it will be up to Council to assess whether or not applications that seek an exceedance of a discretionary maximum height are generally in accordance with the CDP, although the Panel is inclined to the view that such applications would not meet that test. In forming these views, the Panel notes the extensive technical analysis and community consultation that underpin the preferred heights and the reasonable expectation that they should only be exceeded in exceptional circumstances.

(iv) Conclusion

The Panel concludes:

- The exhibited CDZ2 exemptions from notice and review are generally appropriate.

13.3 Master planning

(i) The issues

The key issue relates to the need for a further level of master planning at the sub-precinct level.

The only form of ‘master plan’ included in the CDP is for the Retail sub-precinct (the Town Centre Concept Plan).

(ii) Evidence and submissions

In their evidence, Mr McPherson and Mr Sheppard supported some form of ‘master planning’ for the precinct. Mr McPherson considered:

The Framework Plan in CDZ2 (Plan 1 in the CDP) provides a high-level layout and broad areas for development, but not building footprints or configurations. While this level of detail is appropriate in a planning control, it is vital that built form is effectively guided to ensure outcomes which enhance the public realm and contribute to the precinct vision.⁷²

In its closing submission, Council also supported the need for some form of sub-precinct master planning *“so there is better management of the development of the precinct between the urban structure plan level as set out in the CDP and the planning permit. This would provide*

⁷² McPherson evidence report, page 34, paragraph 136

for better co-ordination of the development of precincts and sub-precincts identified in the CDP.” In Document 46B Council proposed the following addition to clause 3.0 in the CDZ2:

A masterplan must be prepared for each of the sub- precincts shown in red, green and blue in the diagram below and the first masterplan to be approved must also include Central Park:



Other than for the redevelopment of an existing building for its existing use, a permit for buildings and works or subdivision within a sub-precinct set out below cannot be granted until a masterplan has been prepared.

The masterplan must be to the satisfaction of the responsible authority.

A planning permit must be generally in accordance with the approved masterplan.

A masterplan must show or include the following:

- The proposed pattern of subdivision of the land other than the subdivision of buildings.
- The location of roads, lanes and accessways;
- How buildings will address roads, lanes and accessways;
- The proposed building envelope for each lot indicating:
 - height of the building envelope; and
 - setbacks from boundaries.
- location of all vehicle and pedestrian ways.
- location of car parking areas
- location of all public open space and any areas available to the public,
- a materials pallet
- a schedule of streetscape furniture and way finding signage schedule
- how development in that masterplan will provide for integration with development and roads or lanes on adjoining land including land which is yet to be developed
- location and details of development contribution projects

- location and details of affordable housing projects.

The masterplan may be amended with the consent of the responsible authority.

The Landowners submitted that the current controls 'do the job' and there is no need for sub-precinct master planning. They advised that if the Panel identifies gaps in guidance provided by the CDP then it should make recommendations to address them, instead of recommending an extra level of planning. Mr Biacsi shared this view, and queried who would prepare the masterplan/s and what level of flexibility they would they have.

(iii) Discussion

The Panel heard submissions that some elements of the higher level guidance provided in the CDP were too broad or general to properly assist the administration of the CDZ2 and the consideration of permit applications. It was suggested that this could be overcome by a process of sub-precinct master planning in support of the CDP.

Council proposed that a master plan be provided for the central area occupied by the Mixed Use and Retail sub-precincts. The first master plan approved would also need to show how Central Park would be developed. Each master plan would need to show the subdivision pattern, street network, building envelopes (including height and setbacks), car parking and accesses, public open space, affordable housing location and even a materials palette and a schedule of street furniture.

The Panel acknowledges Council's concern that a 'top down' approach for the development of the precinct might be assisted by sub-precinct master planning, but also notes that the exhibited CDP includes 25 requirements and 56 guidelines that are allocated across the precinct and 10 Town Centre specific design guidelines. The Panel considers the exhibited CDP and the improvements to it recommended by the Panel will provide an adequate level of guidance and rigour to ensure future development contributes to achieving the precinct vision. It is important to note that Council will be managing the approval process and if permit applications require further information or should be amended to achieve greater consistency with the CDP, then the process will allow for this.

The level of detail proposed by Council for a master plan almost assumes that there will be one permit application per master plan area. This is unlikely to be the case as further investment is made into the precinct. It is likely that a number of permit applications will be submitted per master plan area and the requirements that must be shown in all likelihood will not be known for the early initiators for all of the master plan area. The Panel also notes that many of the requirements sought by Council would routinely be provided as part of a competent permit application.

The Panel is satisfied that there is sufficient precinct wide and sub-precinct guidance provided in the CDP and that an additional level of sub-precinct master planning is unnecessary. The Panel also believes that the CDZ2, in particular the application requirements, will provide Council with a framework for addressing any guidance deficiencies in the CDP.

(iv) Conclusion

The Panel concludes:

- There is no need for an additional level of sub-precinct master planning.

13.4 Other drafting issues

(i) Issues

The key issues relate to:

- Whether some of the detailed elements of the exhibited documents are appropriate.
- Whether there should be repetition between the CDP, CDZ2 and DCP.

(ii) Evidence and submissions

In addition to other changes outlined in this Report, the Landowner CDZ2 version (Document 47A) deleted the following:

- Purpose - reference to the need for active frontages throughout the precinct
- Use – references to the funding method for works, services and facilities, including electricity infrastructure upgrades (if required and by whom) and the means of maintaining land not required for immediate use
- Subdivision – the drainage strategy for land south of Griffith Avenue, the ability of an Environmental Auditor to state the conditions of public open space are suitable for the sensitive use and the ability to strike a Works in Kind agreement.
- Buildings and works – inserting that *“a permit for buildings and works must be generally in accordance with the East Village Comprehensive Development Plan December 2018”*, deleting an application requirement that requires a plan that shows the proposed development in the context of the entire precinct and 3D images of the development, the need for a traffic report based on AM and PM peak demand and the need for a construction management plan, site remediation strategy and amenity assessment report.

Mr Biacsi generally supported the Landowner version of both documents (CDP and CDZ2). In relation to the CDP, he considered:

- The EVSP should be deleted as a background document from Section 5. Mr Reid considered it should be retained as a background document as a reference of ‘last resort’.
- Any reference to the DCP, such as the Precinct Infrastructure Plan at Section 2.5.3 should be deleted.
- Without making exhaustive references, some requirements should be drafted as guidelines. An example provided was Requirement R2 (housing typology mix) which he considered should be less prescriptive and be a guideline.

(iii) Discussion

The Panel generally supports Council’s versions of the CDZ2 and the CDP.

In response to specific issues, the Panel:

- Agrees that how future development addresses in situ use and development is an important consideration and that these requirements should be retained.
- Assumes the deletion of the drainage strategy requirement was proposed because the section 173 agreement addresses these issues. As a significant constraint on the

precinct's development, the Panel believes it is important for this to be addressed before development and that it should be retained in the CDZ2.

- Notes that the preamble for application requirements in the CDZ2 states they are to be *"as appropriate, to the satisfaction of the responsible authority."* Therefore, it considers there is sufficient discretion for the Council to not consider some requirements if, for instance, the proposal was minor or the requirement was not justified or relevant. The nature of future applications across the next 15 years or so is likely to be broad in scope, so deleting certain application requirements now might be unwise.

In response to issues raised by Mr Biacsi, the Panel:

- Notes that Council's CDZ2 in Document 46B has added to the purpose statement *"in appropriate locations"* to provide some discretion to the need for active frontages across the precinct. The Panel supports this inclusion.
- Finds that the EVSP provides relevant background and interpretative material and it is appropriate that it be retained as a background document
- Is satisfied that even though it supports a 4 storey building height in the Residential South sub-precinct, it considers a townhouse typology should still be a consideration in this sub-precinct, but that it should not be mandated. The Panel supports making this requirement a guideline.
- Agrees with the Landowners and Mr Biacsi there is no need to repeat DCP material in the CDP that is properly included in the DCP.

(iv) Conclusion and recommendations

The Panel concludes:

- The drafting of the CDP and CDZ2 is generally appropriate.

The Panel recommends:

Amend the East Village Comprehensive Development Plan to:

- **Convert Requirement R2 to a 'discretionary' guideline.**
- **Delete any material that unnecessarily repeats the Development Contributions Plan content, including the Precinct Infrastructure Plan and infrastructure triggers.**

14 General issues

14.1 Site contamination

(i) The issue

The issue is whether site contamination issues will be appropriately addressed.

(ii) Evidence and submissions

Gregory Papworth (S45) raised concerns about site contamination, particularly the release of airborne asbestos during construction.

Council's Part A submission outlined the various contamination investigations that have been undertaken across the precinct (listed in Section 2.2 of this Report) and discussions that had been held with the EPA during the preparation of the Amendment. Council noted that the EAO currently applies to the southern area of the precinct (the area subject to the C1Z and C2Z) and that the Amendment proposes to apply the EAO to the remainder of the site, consistent with the EPA's advice. The exhibited CDZ2 also includes various provisions relating to contamination and remediation.

The EPA (S60) advised that it supported the extension of the EAO and the CDZ2 requirement for an 'environmental site assessment' for applications in the Commercial North sub-precinct.

The Landowners supported the exhibited contamination provisions, although they sought the deletion of the proposed application requirement for a 'site remediation strategy' in the CDZ2.

(iii) Discussion

The Panel is satisfied that the application of the EAO provides a suitable framework for addressing site contamination issues and that the Amendment is consistent with *Ministerial Direction No 1: Potentially Contaminated Land*.

It is arguable whether it is also necessary to include the proposed contamination and remediation provisions in the CDZ2, however the Panel notes that they are largely supported by Council, the EPA and the Landowners and for this reason is satisfied that they should proceed.

(iv) Conclusion

The Panel concludes:

- The Amendment provides an appropriate framework for site contamination issues to be addressed.

14.2 Utility services and infrastructure

(i) The issue

The issue is whether adequate utility services and infrastructure are available to the precinct.⁷³

⁷³ Issues associated with traffic and parking infrastructure are discussed in Section 4 of this Report.

(ii) Evidence and submissions

Submitters queried whether adequate infrastructure services were available to the precinct to accommodate the planned residential and employment populations.

(iii) Discussion

Infrastructure services and demand were assessed in various background reports, including:

- *East Village Utility Servicing Assessment Report*, Wood and Grieve Engineers, August 2018
- *Stormwater Drainage Assessment Report East Village*, Cardno, September 2018.

These preliminary assessments concluded that the necessary utility services have sufficient capacity to service the precinct, subject to detailed design and appropriate augmentation where necessary.

The Panel accepts that there are no infrastructure availability or capacity constraints that preclude the precinct being developed as envisaged in the Amendment.

(iv) Conclusion

The Panel concludes:

- There are no infrastructure constraints that preclude the development of the precinct.

14.3 Property values**(i) The issue**

The issue is whether the Amendment will negatively impact on house prices in the area.

(ii) Evidence and submissions

Zhen Xian (S9) and Kristi Le Brun (S30) raised concerns about whether development in the precinct would impact on house prices in the area.

(iii) Discussion

The possible impact of an Amendment on property values is not typically regarded by Panels as a planning issue and there is no reason to depart from that approach in relation to this Amendment.

In any event, the concerns raised by submitters were not supported by detailed submissions or evidence, and it is conceivable that the redevelopment of an industrial area with new employment, retail, education, open space and other services will have a positive impact on housing values in the area.

(iv) Conclusion

The Panel concludes:

- The possible impacts of the Amendment on property values outside the precinct is not a relevant consideration.

14.4 Heritage

(i) The issue

The issue is whether the precinct has heritage values that should be protected.

(ii) Evidence and submissions

Anne Kilpatrick (S63) submitted that the precinct has post-contact heritage values that should be identified and protected, particularly in relation to agricultural and industrial development. Ms Kilpatrick provided a reference to a Melbourne University document⁷⁴ that described the opening of a tobacco factory in the precinct by the then Prime Minister Menzies in 1957.

Council advised that the possible heritage values of the precinct had not been specifically assessed during the preparation of the Amendment and that it was not intended to undertake an assessment as part of the Amendment process.

The Heritage Overlay is not currently applied within the precinct.

(iii) Discussion

The Panel has not been presented with adequate material or evidence to indicate whether the HO might be appropriate over all or part of the precinct, or to warrant a recommendation that a heritage assessment be undertaken.

While the precinct might have heritage values, this does not preclude the Amendment from proceeding.

(iv) Conclusion

The Panel concludes:

- The possible existence of heritage values within the precinct does not preclude the Amendment from proceeding.

⁷⁴ University of Melbourne Department of Architecture, Cross-Section, Issue No 61, November 1957

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Joyce and Donald Reyment	2	Glenda Barron
3	Rosetta Manaszewicz	4	Lily Lim
5	Ritu Gupta	6	Richard Cheah
7	Mary Conheady	8	Shane Genziuk
9	Zhen Xian	10	Hadas Boon
11	Simon Humphrey	12	Neil Brewster
13	Greg Coolahan	14	Istvan Csik
15	Yonatan Navon	16	Geoff Taylor
17	Sherry Ma	18	Shai Diner
19	Karyn Richter	20	Paul Humphreys
21	Mitchell McEnroe	22	Khalil Shihab
23	Mark Rennick	24	Daniel Grimm
25	Max Flanigan	26	Dave Douglas
27	South East Water	28	Thuy Thi Hoang
29	Alfred (Alf) Amery	30	Kristi Le Brun
31	Phill Brake	32	George Prasinis
33	David Stosser	34	Courtney Clancy
35	Tim Clancy	36	Amy Morley
37	Colleen and Ray Nielsen	38	Gail Cardullo
39	Carole Stewart	40	Susan Byrne
41	Tony Farfor	42	Mary Arulappan
43	Gregory Papworth	44	Jason Hart
45	Helen Chambers	46	Sussan Lau
47	Gerard Fitzgerald	48	Ian Hodge
49	Terence Pringle	50	John Taranto
51	Maria Donde	52	Avihu Donde
53	Richard Williams	54	Officeworks
55	Yaron Matityahu	56	Daniel Groszek
57	Kaylene Rimbaldo	58	Nancy Duckmanton
59	Melbourne Water	60	Environment Protection Authority

61	Fordtrans Pty Ltd, Griffith Avenue Pty Ltd and Make 246 EBRB Pty Ltd.	62	Adi Frisch
63	Anne Kilpatrick	64	Ritchies Stores Pty Ltd
65	Cristina Santos	66	Denis Kochkin
67	Kathryn Hayes	68	Mozhgan Jafari
69	Olga Ilyichova	70	Patricia Tchivilev
71	Hayley Fang	72	Patricia Owens
73	Patricia Derrick	74	Gudrun Bergman
75	Gary Pahoff	76	Yolanda Karpin
77	Dara Karpin	78	Catherine Carolan
79	John Lillis	80	Ligia and Alex Mirt
81	Ligia and Alex Mirt	82	Joan Kennedy
83	Helen Neal	84	Helen Bell
85	Jennifer Honey	86	Frances Brook
87	Marlene Laurent	88	Kathryn Pile
89	Carmel Dyt	90	Jane Bickers
91	Catherine Bickers	92	Jennie Bickers
93	Geoffrey Bickers	94	Susan Bickers
95	Greg Tantala	96	Ellie Vesel
97	Marjorie Sheppard	98	Trevor Wade
99	Paul Shewan	100	Jennifer Shewan
101	Maria Thursky	102	Donald Ferguson
103	A. Ruether	104	Stephen Abourizk
105	Stephen Strelecky	106	Carmel Therese and Glenn Roberts
107	Anita Jaye	108	Roselle Peltz
109	Anthony Hunt	110	Stephen Nicoll
111	Michael Hind	112	Paul Munday
113	Allan Monks	114	Terrence Borland
115	Silvi Simpson	116	Laurence Thorp
117	Vivianne Rorke	118	Lesley Raper
119	Rene Dallan	120	Rob Raper
121	Manny Phommachanh	122	Elizabeth Lakatos
123	Ayse Suleyman	124	Julie Cordell
125	Stuart Williams	126	Anne Slatter

127	Janice Sapir	128	Louise Canterford
129	David Wells	130	Michael Shulman
131	E. Deluca	132	Elisa Buckle
133	Leanne Kelly	134	Rob Karpin
135	Kathryn Fletcher	136	Voula Tsakiridis
137	Elizabeth Thomas	138	Shane Potter
139	Rosemary Taranto	140	Denise Brown
141	Amanda Walker	142	Kim Lakatos
143	Bette Hatfield	144	David Margetts
145	Markus Oswald	146	Mary Neighbour
147	Jacinta Smith	148	Penny Ward
149	Martyn Jacobs	150	Bernadette Pierce
151	Arlene Medeiros	152	Victorian Planning Authority
153	Brenton Lau	154	Glen Eira Football Club
155	Pauline Brennan	156	Marlene Laurent
157	Name unclear	158	Stephen Gall and Merryl Grinter
159	Department of Transport	160	Chris C
161	Tonka Rako	162	Officeworks
163	Barry Linton	164	Rohit Guliya
165	Riva Guliya	166	Natalie Trang

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Glen Eira City Council	<p>Terry Montebello (Maddocks) who called expert evidence on:</p> <ul style="list-style-type: none"> - Town planning from James Reid (Ethos Urban) - Urban design from Simon McPherson (Global South) - Traffic from Simon Davies (GTA Consultants) - Social Infrastructure from Robert Panozzo (ASR Research) <p>Mr Montebello was assisted by Council officers including Tracey Mihalos and Aiden Mullen</p>
Victorian Planning Authority	<p>John Hannagan (Harwood Andrews)</p> <p>Nick Power and Martina Johnson (VPA)</p>
Department of Transport	Bill Hronopoulos
Melbourne Water	Laurence Newcome
Griffith Avenue Pty Ltd, Fordtrans Pty Ltd and Make 246 EBRB Pty Ltd	<p>Jeremy Gobbo QC (Counsel) and Carly Robertson (Counsel) instructed by Planning Property Partners who called expert evidence on:</p> <ul style="list-style-type: none"> - Urban design from Mark Sheppard (David Lock Associates) - Traffic from Stephen Hunt (Ratio) - Traffic from Jason Walsh (Traffix Group) - Town planning from Andrew Biacsi (Contour) - Development contributions from Paul Shipp (Urban Enterprise) - Urban design from Robert McGauran (MGS) <p>An expert evidence report on retail economics by Justin Ganley (Deep End Services) was provided, but Mr Ganley was not called to give evidence.</p>
Ritchies Stores Pty Ltd	<p>Darren Wong (Planology)</p> <p>An expert evidence report on retail economics by John Henshall (Ethos Urban) was provided, but Mr Henshall was not called to give evidence.</p>
Yaron Matityahu	Reg Jebb (Jebb Consultants Pty Ltd)
Richard Williams	
Marlene Laurent	
Rosetta Manaszewicz	

Appendix C Document list

No.	Date	Description	Presented by
1	31/10/2019	Revised Comprehensive Development Plan	Council
2	31/10/2019	Revised CDZ schedule	Council
3	31/10/2019	Marlborough Street Reserve Drainage - Draft Functional Design Cost Estimate VPA 28 October 2019	Council
4	31/10/2019	Revised Future Urban Structure plan	Landowners
5	31/10/2019	Revised North Drive intersection	Landowners
6	22/11/2019	Response to Directions 1, 3 and 4, and copies of evidence reports	Landowners
7	22/11/2019	Revised CDZ2	Landowners
8	22/11/2019	Revised CDP	Landowners
9	22/11/2019	Title compilation plan	Landowners
10	22/11/2019	Response to directions 1, 2 and 9, other matters and copies of evidence reports	Council
11	22/11/2019	Part A Submission and attachments	Council
12	22/11/2019	Marlborough Street Reserve Drainage - Functional Design Cost Estimate VPA 28 October 2019	Council
13	22/11/2019	Marlborough Street Reserve Retarding Basin Design	Council
14	22/11/2019	Copy of evidence report	Ritchies Stores Pty Ltd
15	28/11/2019	Conclave statement of retail economics experts	Landowners
16	28/11/2019	Further information, including DELWP letter of authorisation and CDZ2, material relating to East Boundary Road/North Drive intersection, East Village Background Report and VPA Metropolitan Open Space Network report	Council
17	29/11/2019	Conclave statement of traffic experts	Council
18	2/12/2019	Comprehensive Development Zone Schedule 2 (CDZ2) and Comprehensive Development Plan (CDP) - Preferred version	Council
19	2/12/19	Map showing extent of notification for North Drive traffic signal relocation	Council
20	3/12/19	Letter regarding expert evidence	Ritchies Stores Pty Ltd
21	4/12/19	Part B submission	Council

No.	Date	Description	Presented by
22	4/12/19	East Village Strategic Site July 2017 Brochure	Council
23	4/12/19	East Village Strategic Site November 2017 Brochure	Council
24	4/12/19	Street cross section comparison	Council
25	4/12/19	Intersections - DCP and modified scope assessment	Council
26	4/12/19	Submission	VPA
27	4/12/19	Schedule 2 CDZ – tracked changes comparison	VPA
28	4/12/19	Planning Practice Note 59	VPA
29	4/12/19	Central Park preliminary concept plan	Council
30	6/12/19	Submission	DoT
31	6/12/19	Submission	Mr Williams
32	6/12/19	Speaking notes	Melbourne Water
33	6/12/19	Speaking notes	DoT
34	9/12/19	East Village DCP – tracked changes	Landowners
35	10/12/19	Submission – speaking notes	Mr Jebb
36	10/12/19	Transfer of Land for road widening 962 North Road	Landowners
37	10/12/19	Submission	Ms Laurent
38	10/12/19	Submission	Dr Manaszewicz
39	11/12/19	Additional submission – (responding to traffic evidence)	Mr Williams
40	11/12/19	Retail core - Preliminary concept plans	Landowners
41	12/12/19	East Village cross sections preliminary finished surfaces	"
42	12/12/19	Victorian Planning Provisions – building heights	"
43	12/12/19	Altona North – Comprehensive Development Plan	"
44	12/12/19	Submission	"
45	13/12/19	Submission	Ritchies Stores Pty Ltd
46	13/12/19	Submission	Council
46 A	13/12/19	Schedule to Clause 53.01 POS - Recommended changes	"
46 B	13/12/19	Schedule 2 – Recommended changes	"
46 C	13/12/19	Changes to the CDP and DCP - Recommended changes	"
46 D	13/12/19	Mr McPherson recommendations – Position statement	"
46 E	13/12/19	23 metre Connector Road Cross Section – Recommended changes	"

No.	Date	Description	Presented by
47	13/12/19	East Village CDP version 2	Landowners
47A	13/12/19	CDZ2 Version 2	Landowners
48	13/12/19	Additional submission (via email)	Dr Manaszewicz
49	16/12/2019	Email regarding further submissions	Panel
50	16/12/2019	VPA supplementary submission	VPA
51	16/12/2019	Marlborough Street Reserve Drainage - Functional Design Cost Estimate VPA 28 November 2019	Council
52	20/12/2019	Email advising of no further comments	VPA

Appendix D Panel's recommended version of the Comprehensive Development Zone Schedule 2

The Panel's recommended version of the CDZ2 is based on Council's final preferred version submitted as Document 46B and shows the Panel's additions and deletions. The recommended changes to the CDZ2 should be read in conjunction with the commentary provided in the Panel's report.

Tracked Added

~~Tracked Deleted~~

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SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ2**

EAST VILLAGE COMPREHENSIVE DEVELOPMENT PLAN

Land

This schedule applies to the land located at the corner of East Boundary Road and North Road in Bentleigh East as defined by the “East Village Comprehensive Development Plan, December 2018” as incorporated in this scheme. The land is shown on the planning scheme maps as CDZ2.

Plan 1 to Schedule 2 to Clause 37.02

Insert a revised Plan 1 that includes:

- Gateway sites
- Relocated Community facility
- Relocated North drive/East Boundary Road intersection
- Revised and renamed Paper Road
- Other relevant Panel recommendations

Purpose

To facilitate a transition in land use from industrial to mixed use.

To encourage high quality urban design and architecture that is environmentally sustainable, responsive to its environs, improves local accessibility and permeability through the precinct, and provides active edges in appropriate locations throughout the precinct.

To create a vibrant, safe, diverse and attractive public environment.

To encourage the intensive development of the land for a mix of uses including retail, residential, office, education, community and civic.

To ensure that new sensitive uses do not unreasonably impact on the ongoing operations of existing industrial uses as the land use mix within the precinct transitions.

1.0

Table of uses

Section 1 - Permit not required

[The table will need to be reviewed against VC159 approved 8 August 2019]

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Use	Condition
Accommodation (other than Corrective institution and Residential hotel)	<p>Must be located in a residential sub-precinct as shown on Plan 1; or</p> <p>Must be located in a mixed use sub-precinct or retail sub-precinct as shown on Plan 1:</p> <ul style="list-style-type: none"> -with any frontage at ground floor level not exceeding 4 metres -must be located on the second floor or above. <p>Must be no more than 3,000 dwellings in the precinct boundary shown in Plan 1.</p>
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Art and craft centre Child care centre Education centre Exhibition centre	Must not be located in a residential sub-precinct as shown on Plan 1.
Home based business	
Industry (other than Transfer station)	<p>Must be located in a mixed use sub-precinct or commercial north sub-precinct or commercial north sub-precinct (subject to drainage controls) as shown on Plan 1.</p> <p>Must not be a purpose listed in the table to Clause 52.10.</p>
Informal outdoor recreation Minor utility installation	
Medical centre	The gross floor area must not exceed 250 square metres if located in a residential sub-precinct as shown on Plan 1.
Office (other than Medical centre)	Must not be located in a residential sub-precinct as shown on Plan 1.
Place of worship	<p>Must not be located in a residential sub-precinct as shown on Plan 1.</p> <p>The gross floor area of all buildings must not exceed 250 square metres.</p>
Research centre	Must not be located in a residential sub-precinct as shown on Plan 1.
Restricted recreation facility	<p>Must not be located in a residential sub-precinct as shown on Plan 1.</p> <p>The gross floor area of all buildings must not exceed 500 square metres.</p>
Retail premises (other than Adult sex product shop and Trade supplies)	<p>Must be located in the retail sub-precinct as shown on Plan 1; or</p> <p>Must be located in a mixed use sub-precinct as shown on Plan 1 with a leasable floor area not exceeding 150 square metres.</p>

Use	Condition
Veterinary centre	Must not be located in a residential sub-precinct as shown on Plan 1. The gross floor area of all buildings must not exceed 250 square metres.
Warehouse	Must be located in a mixed use sub-precinct, commercial north sub precinct, or commercial north (subject to drainage controls) as shown on Plan 1. Must not be a purpose listed in the table to Clause 52.10.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Residential aged care facility Corrective institution and Residential hotel and Aged Care Facility where the Section 1 condition is not met)	Must not be located in commercial north, or commercial north (subject to drainage controls) or commercial west sub precinct as shown on Plan 1. Must be no more than 3,000 dwellings in the precinct boundary shown in Plan 1. 10% of the number of dwellings over 3,000 must be affordable housing as defined in the Planning and Environment Act 1987
Residential Aged Care Facility	Must not be located in commercial north or commercial north (subject to drainage sub precinct) sub precinct as shown on Plan 1.
Industry (other than Transfer station) where the section 1 conditions are not met	Must not be located in a residential sub-precinct or commercial west sub precinct as shown on Plan 1.
Leisure and recreation (other than Informal outdoor recreation and Indoor recreation facility)	Must not be located in a residential sub-precinct as shown on Plan 1.
Place of assembly (other than Exhibition centre and Place of worship)	
Residential hotel	
Retail premises (other than Adult sex product shop, and Trade supplies) where the section 1 conditions are not met	Must not be located in a residential sub-precinct as shown on Plan 1.
Trade supplies	Must be located in commercial north, or commercial north (subject to drainage controls) sub precincts as shown on Plan 1.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use

Adult sex product shop
 Brothel
 Corrective institution
 Transfer station
 Stone extraction
 Major sport and recreation facility
 Motor racing

2.0

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Use of land

Requirements

The use of land must be generally in accordance with the East Village Comprehensive Development Plan, December 2018 ([the CDP](#)). Any requirement in the CDP must be met.

Amenity of the neighbourhood

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements

The following application requirements apply to an application for a permit to use land in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

- The purpose of the use and the types of activities which will be carried out.
- The likely number of employees.
- The likely effects of the use on the local and regional traffic network and the following matters:
 - The works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained. ~~and~~
 - The proposed method of funding the required works, services or facilities.
 - ~~• The availability and capacity of the electricity, drainage, sewer water and digital networks; and~~
 - ~~• Any necessary upgrades to those networks; and~~
 - ~~• The proposed method of funding the upgrade works.~~
- The availability and capacity of the electricity, drainage, sewer water and digital networks; including
 - Any necessary upgrades to those networks.
 - The proposed method of funding the upgrade works.
- The likely effects, if any, on the neighbourhood, including noise levels, air-borne emissions and emissions to land and water, rubbish removal and storage, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:

- The type and quantity of goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

Exemption from notice and review

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the East Village Comprehensive Development Plan, December 2018.

Decision guidelines

The following decision guidelines apply to an application for a permit to use land in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The East Village Comprehensive Development Plan, December 2018.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The extent that the layout and design of the new use minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
 - existing uses are not compromised by a new use, or
 - a new use is designed to address amenity impacts from, and to, existing uses.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use on the capacity of the local and regional traffic network, ~~particularly in relation to the ability of the Cobar Street / North Road / Crosbie Road to function effectively without signalisation.~~
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.
- For residential uses the capacity of local utilities and community facilities to support the proposed number of dwellings.

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Subdivision

Requirements

~~A Masterplan must be prepared for each of the sub-precincts shown as red, green and blue in the diagram below and the first masterplan to be approved must also include Central Park.~~



~~Other than for the subdivision of land for the purpose of a boundary realignment, a permit for subdivision of any land within a sub-precinct set out above must not be granted until a masterplan has been prepared to the satisfaction of the responsible authority.~~

~~A masterplan must show or include the following:~~

- ~~* The proposed pattern of subdivision of the land other than the subdivision of buildings.~~
- ~~* The location of roads, lanes and accessways;~~
- ~~* How buildings will address roads, lanes and accessways;~~
- ~~* The proposed building envelope for each lot indicating:

 - ~~• height of the building envelope; and~~
 - ~~• setbacks from boundaries.~~~~
- ~~* location of all vehicle and pedestrian ways.~~
- ~~* location of car parking areas.~~
- ~~* location of all public open space and any areas available to the public.~~
- ~~* a materials pallet~~
- ~~* a schedule of streetscape furniture and way finding signage schedule~~
- ~~* how the construction program could be managed to minimise disruption to existing businesses~~
- ~~* how development in that masterplan will provide for integration with development and roads or lanes on adjoining land including land which is yet to be developed~~
- ~~* location and details of development contribution projects~~
- ~~* location and details of affordable housing projects~~

~~The masterplan may be amended with the consent of the responsible authority.~~

A permit for the subdivision of land must be generally in accordance with [the East Village Comprehensive Development Plan, December 2018.](#)

- ~~* the East Village Comprehensive Development Plan, December 2018; and~~
- ~~* the approved Masterplan~~

Any requirement in the CDP must be met.

Drainage Strategy – South of Griffith Avenue

A permit must not be granted to subdivide land south of Griffith Avenue until a drainage strategy for all land within the precinct to the south of Griffith Avenue has been prepared to the satisfaction of the responsible authority and Melbourne Water.

A drainage strategy must be designed to ensure that development of the precinct can meet the following requirements:

- No new lots created that are subject to inundation from 1% AEP flows (accounting for climate change scenarios).
- Any overland paths in road reserves meet Melbourne Water’s floodway safety criteria for depth of flow and flow velocity.
- Any overland flows be fully contained within reserves (roads, open space).
- Flooding cannot be increased either upstream or downstream of the precinct or for existing landholders.
- The drainage network must have capacity for the 5% AEP flood.

The drainage strategy may be amended to the satisfaction of the responsible authority and Melbourne Water.

A permit for subdivision must be generally in accordance with any drainage strategy approved under this schedule.

A permit may be granted to subdivide land prior to the approval of a drainage strategy if, in the opinion of the responsible authority, the permit is consistent with the requirements listed in this clause.

Standard of open space on transfer to municipal council

All public open space which is to be provided to the Glen Eira City Council must be finished to a standard that satisfies the reasonable requirements of the Glen Eira City Council prior to the provision of the public open space, including:

- Removal of all existing, disused structures, foundations, pipelines and stockpiles.
- Clearing of rubbish, environmental weeds and rocks.
- Levelled, topsoiled and grassed with warm climate grass.
- Provision of water tapping, potable, and where available recycled, water connection points.
- Sewer, gas and electricity connection points to land.
- A certificate of environmental audit for the land in accordance with Part IXD of the Environment Protection Act 1970.

Works to be provided in association with development

Development must provide and meet the total cost of delivering the following infrastructure.

- Connector streets and local streets.
- Local bus stop infrastructure where locations are agreed in writing by Public Transport Victoria.
- Landscaping, and where reasonably required by the Glen Eira City Council, fencing of abutting streets and roads.
- Intersection works and traffic management measures along arterial roads, connector streets and local streets.
- Local shared, pedestrian and bicycle paths along local roads, connector streets, utilities easements, local streets, waterways and within local parks including intersections and barrier crossing points.

- Bicycle parking.
- Appropriately scaled lighting along all roads, major shared and pedestrian paths and traversing the open space network.
- Local drainage system and water quality systems.

Where any of the infrastructure set out above is funded under an incorporated development contributions plan, the amount of funding available under the incorporated development contributions plan to be applied to that infrastructure must be determined in an agreement between the Owner, and the Responsible Authority, and the Collecting Agency and the Development Agency.

Application requirements

The following application requirements apply to an application for a permit to subdivide land in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written statement that sets out how the subdivision implements the East Village Comprehensive Development Plan, December 2018 and any relevant approved masterplan.
- A plan showing the location of public reserves or other land proposed to be provided to or vested in a Minister, municipal council or public authority.
- A Traffic Impact Assessment Report that specifically addresses the capacity of intersections in the area and the appropriate timing of the provision of the intersection projects identified in the Development Contributions Plan.
- Plans showing the design of streets, paths, parks and any other relevant public facility or infrastructure shown in the East Village Comprehensive Development Plan, December 2018, shown in a development contributions plan, or that is necessary as a result of the development.
- A plan showing the proposed subdivision in the context of Plan 1 or any other relevant plan contained within the East Village Comprehensive Development Plan, December 2018.
- A Public Infrastructure Plan which addresses the following:
 - What land may be affected or required for the provision of infrastructure works.
 - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
 - What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency.
 - The provision of public open space and land for any community facilities, and
 - Any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application for residential subdivision must include a site and context description and design response as required in Clause 56.

An application to subdivide land for an accommodation use, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must be accompanied by:

- A land budget table in the same format and methodology as those within the East Village Comprehensive Development Plan, December 2018 applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A demonstration of how the property will contribute to the provision of 3,000 dwellings within the precinct.

Exemption from notice and review

An application for the subdivision of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

This does not apply to an application that proposes to move a street, public open space or trail shown on any plan in the East Village Comprehensive Development Plan, December 2018 from one lot to another lot in different ownership.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The East Village Comprehensive Development Plan, December 2018.
- The location and function of public reserves, road reserves and other public spaces.
- How any proposed public roads integrate with the surrounding road network.
- The effect of the subdivision on the redevelopment of the area in the long term.

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Buildings and works

Requirements

~~A Masterplan must be prepared for each of the sub-precincts shown in red, green and blue in the diagram below and the first masterplan to be approved must also include Central Park.~~



~~Other than for the redevelopment of an existing building for its existing use, a permit for buildings and works within a sub-precinct set out above must not be granted until a masterplan has been prepared to the satisfaction of the responsible authority.~~

~~A masterplan must show or include the following:~~

- ~~▪ The proposed pattern of subdivision of the land other than the subdivision of buildings.~~
- ~~▪ The location of roads, lanes and accessways;~~
- ~~▪ How buildings will address roads, lanes and accessways;~~
- ~~▪ The proposed building envelope for each lot indicating:~~

- ~~• height of the building envelope; and~~
- ~~• setbacks from boundaries.~~
- ~~• location of all vehicle and pedestrian ways.~~
- ~~• location of car parking areas.~~
- ~~• location of all public open space and any areas available to the public.~~
- ~~• a materials pallet~~
- ~~• a schedule of streetscape furniture and way finding signage schedule~~
- ~~• how the construction program could be managed to minimise disruption to existing businesses~~
- ~~• how development in that masterplan will provide for integration with development and roads or lanes on adjoining land including land which is yet to be developed~~
- ~~• location and details of development contribution projects~~
- ~~• location and details of affordable housing projects~~

~~The masterplan may be amended with the consent of the responsible authority.~~

A permit is required to construct a building or construct or carry out works.

A permit for buildings and works must be generally in accordance with the East Village Comprehensive Development Plan, December 2018.

- ~~• the East Village Comprehensive Development Plan, December 2018 and~~
- ~~• the approved masterplan.~~

Any requirement in the CDP must be met.

The development of land for the following must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement:

- A dwelling if there is at least one dwelling existing on the lot.
- Two or more dwellings on a lot.
- A dwelling or extension of a dwelling if it is on common property.
- A residential building or extension of a residential building.

The development of one dwelling on a lot less than 300 square metres must meet the requirements of Clause 54.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required for the following:

- The construction or extension of one dwelling on a lot with an area of 300 square metres or more.
- Construction or carrying out works normal to a dwelling.
- Construction or extension of an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

~~⊗~~ A permit is not required for the following where located in a commercial/office sub-precinct or retail sub-precinct:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Drainage Strategy – South of Griffith Avenue

A permit must not be granted to construct a building or construct or carry out works on land south of Griffith Avenue until a drainage strategy for all land within the precinct to the south of Griffith Avenue, has been prepared to the satisfaction of the responsible authority and Melbourne Water.

A drainage strategy must be designed to ensure that development of the precinct can meet the following requirements:

- No new lots created that are subject to inundation from 1% AEP flows (accounting for climate change scenarios).
- Any overland paths in road reserves meet Melbourne Water's floodway safety criteria for depth of flow and flow velocity.
- Any overland flows be fully contained within reserves (roads, open space).
- Flooding cannot be increased either upstream or downstream of the precinct or for existing landholders.
- The drainage network must have capacity for the 5% AEP flood.

A drainage strategy may be amended to the satisfaction of the responsible authority and Melbourne Water.

A permit to construct a building or construct or carry out works must be generally in accordance with any drainage strategy approved under this schedule.

A permit may be granted to construct a building or construct or carry out works prior to the approval of a drainage strategy if, in the opinion of the responsible authority, the permit is consistent with the requirements listed in this clause.

Works to be provided in association with development

Development must provide and meet the total cost of delivering the following infrastructure, unless provided for in an incorporated development contributions plan:

- Connector streets and local streets.
- Local bus stop infrastructure where locations are agreed in writing by Public Transport Victoria.
- Landscaping, and where required by the Glen Eira City Council, fencing of abutting streets and roads.
- Intersection works and traffic management measures along arterial roads, connector streets and local streets.
- Local shared, pedestrian and bicycle paths along local roads, connector streets, utilities easements, local streets, waterways and within local parks including intersections and barrier crossing points.
- Bicycle parking.
- Appropriately scaled lighting along all roads, major shared and pedestrian paths and traversing the open space network.
- Local drainage system and water quality systems.

Application requirements

The following application requirements apply to an application for buildings and works in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Traffic Impact Assessment Report that specifically addresses the capacity of intersections in the area and the timing of the provision of the intersection projects identified in [an incorporated development contributions plan](#) ~~the Development Contributions Plan~~.

- A written statement that sets out how the development implements the East Village Comprehensive Development Plan, December 2018 ~~and any relevant approved masterplan.~~
- A plan showing the proposed development in the context of Plan 1 and the relevant plans in the East Village Comprehensive Development Plan, December 2018.
- A land budget table in the same format and methodology as those within the East Village Comprehensive Development Plan, December 2018 applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A demonstration of how the development will contribute to the provision of 3,000 dwellings within the precinct, including a plan showing the location and total number of existing dwellings within the precinct.
- A feature survey and site reestablishment plan.
- A staging plan showing staging of the development/road construction/service provision/land release to ensure that it would be developed in an orderly way.
- A site analysis plan showing:
 - Existing conditions.
 - The boundaries and dimensions of the site.
 - The location of existing buildings to be retained/demolished.
 - Relevant ground levels to AHD.
 - The location, height and purpose of buildings and works on adjoining land.
 - The location and height of all existing buildings on the land.
 - The location of existing services, easements and encumbrances on the land.
 - The location of existing driveways, car parking and loading areas, including the allocation of existing parking spaces on the site.
 - The location of private open space of adjoining properties.
- A design response plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - Relevant ground levels to AHD.
 - The layout of proposed buildings and works.
 - Proposed driveway, car parking and loading areas.
 - Proposed landscape areas.
 - Proposed external storage and waste treatment areas.
 - Areas not required for immediate use.
- Number of car parking spaces per dwelling and visitor car parking.
- Bicycle parking provision.
- Details of connections from any internal roads/accessways to existing roads and means of vehicular ingress and egress from the site.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Details of measures to mitigate noise, odour, vibration and other amenity impacts.
- Shadow diagrams at hourly intervals from 9am to 3pm at September equinox and from 11am to 2pm at winter solstice.
- Schedule of construction materials, external finishes and colours.
- Plans showing the design of streets, paths, parks and any other relevant public facility or infrastructure shown in the East Village Comprehensive Development Plan, December 2018, shown in an [incorporated](#) development contributions plan, or that is necessary as a result of the development.

- A plan showing the proposed development in the context of Plan 1 and any other relevant plan in the East Village Comprehensive Development Plan, December 2018.
- 3D images that depict the proposed development (taken from pedestrian eye-level) in the context of the adjacent (existing and approved/proposed) buildings. The photomontages / 3D images must be produced in colour and accurately depict the proposed palette of building materials and finishes.
- For applications within the mixed use and retail sub-precincts, and commercial sub-precincts, 1:20 scale elevation drawings of the primary, ground floor (street) level façade, accompanied by a detailed materials schedule and written statement explaining how the design of the ground floor façade encourages pedestrian activity and informal surveillance of the street from within the building.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- An arboricultural report.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- A waste management plan which includes the following, as appropriate:
 - The location of waste storage facilities on site and on collection days, including bulk waste collection bins or approved alternative and recycling bins.
 - The proposed method of waste collection (either private contractor or Glen Eira City Council). If private collection is proposed, it must incorporate recycling services and comply with the relevant EPA noise guideline relating to time of collection.
- A traffic, parking and access report which includes the following:
 - An assessment of the total vehicle movements to and from the entire precinct during peak periods. This is to include an assessment of the precinct's existing and the proposed development traffic generation during peak AM and PM periods.
 - An assessment of the likely traffic impacts associated with the proposed development, including ~~the ability of the Cobar Street / North Road / Crosbie Road intersection to function effectively without signalisation (if not already signalised), and~~ the implications on the operation of the broader network. ~~including the capacity of the North Road / East Boundary Road / Murrumbeena Road intersection.~~
 - Traffic management works which may be necessary to accommodate the predicted traffic generated by the development.
 - An assessment of the proposed car parking provision including suitability of scale, location and capacity to service the anticipated car parking demand.
- A site remediation strategy prepared by a suitably qualified professional that:
 - Demonstrates the proposed staging of development to accommodate any required remediation works and how any contamination is being managed to prevent any detrimental effect on the use and development of the subject land or adjoining land or on buildings and works. ~~and~~
 - Where applicable, provides recommendations regarding the suitability of the site for installation of underground water storage tanks.
- A construction management plan which includes an assessment of the impacts of noise and vibration from the proposed development. The plan should demonstrate that existing residents in the vicinity of the development will experience a reasonable level of amenity during the construction phase.
- A Public Infrastructure Plan which addresses the following:
 - What land may be affected or required for the provision of infrastructure works. ~~;~~
 - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment. ~~;~~

- What, if any, infrastructure set out in ~~the~~ [an incorporated](#) development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency.
- The provision of public open space and land for any community facilities. ~~and~~
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Neighbourhood and site description and design response

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Environmental site assessment – Commercial North

An application to construct a building or construct or carry out works on land in the Commercial North sub-precinct or Commercial North (subject to drainage controls) shown on Plan 1 of this schedule must be accompanied by an Environmental Site Assessment (Detailed Site Investigation) prepared by a suitably qualified practitioner in contaminated land assessment which takes account of the report titled *East Village Peer Review and Phase 1 Environmental Site Assessment* (Bluesphere Environmental, 25 July 2018) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use.
- Recommended remediation actions for any potentially contaminated land.

The Environmental Site Assessment (Detailed Site Investigation) must be completed in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (2013) and relevant Environment Protection Authority (EPA) legislation and guidance.

Amenity assessment – buildings associated with a sensitive use

An application to construct a building associated with a sensitive use must be accompanied by an amenity assessment report that includes the following:

- [An](#) acoustic assessment prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of acoustic amenity within the proposed building.
- [An](#) assessment of other potential amenity impacts from nearby non-sensitive uses including fumes, odour, light spillage prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of amenity within the proposed building.

Acoustic assessment for development with a direct interface to electrical substation

An application to construct a building on land with a direct interface to the electrical substation shown on Plan 1 of this schedule must be accompanied by an acoustic report prepared by a suitably qualified professional. The report should provide recommendations on suitable design responses that ensure future occupants will experience an appropriate level of acoustic amenity within the proposed building.

Sustainability management plan

An application to construct an office or apartment building must be accompanied by a sustainability management plan prepared by a suitably qualified professional or other suitably skilled person that demonstrates to the satisfaction of the responsible authority:

- The adoption of best practice environmental management during construction including:
 - Provision for the minimisation, re-use and recycling of materials and waste.
 - The inclusion of energy efficient street lighting that makes optimum use of smart technology to minimise energy use.
- That the building will be designed to provide the opportunity for reduced energy and resource use by occupants including:
 - Maximise access to natural ventilation of interior spaces.
 - Maximise direct daylight access and views to outdoor spaces.
 - Minimise hard surfaces and maximise vegetated areas in spaces ancillary to the building.
 - Passive design features to reduce heat gain in summer and maximise heat gain in winter.
 - Energy efficient building services.
 - Providing for on-site energy production.
 - Maximise opportunities for water capture and re-use.
 - Use of the Green Star Design or UDIA's EnviroDevelop tool (or alternative tool as agreed by the responsible authority) for design and construction of all buildings.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The East Village Comprehensive Development Plan, December 2018.
- The extent that the layout and design of the new development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
 - existing uses are not compromised by a new development, or
 - a new development is designed to address amenity impacts from, and to, existing uses.
- For a building associated with a residential use, whether the building is designed to effectively mitigate noise, fumes, odour, vibration and other associated amenity impacts from non-residential uses.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The effect of traffic to be generated by the development on the capacity of the local and regional traffic network. ~~including the operation of the East Boundary Road / North Road intersection.~~
- Where it is demonstrated that the traffic volume generated by the precinct is approaching or exceeds 2,000 vehicles at the peak hour, the ability of the Cobar Street / North Road / Crosbie Street intersection to function effectively without signalisation and the implications on the operation of the broader network, including the capacity of the North Road / East Boundary Road / Murrumbeena Road intersection.
- The provision of car parking.
- How the design of ground level building facades contribute to a fine-grain built form and a pedestrian friendly, visually interesting streetscape.
- The streetscape, including the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

- The location of storage for rubbish and materials for recycling.
- Whether there are clearly defined responsibilities and arrangements proposed for the maintenance of buildings, landscaping and paved areas.
- The overlooking and overshadowing as a result of building or works affecting adjoining land in the Neighbourhood Residential Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55.

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Signs

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Sign requirements are at Clause 52.05. All land located within a residential sub-precinct as shown in Plan 1 is in Category 3. All land located within a commercial sub-precinct, retail sub-precinct or mixed use sub-precinct as shown in Plan 1 is in Category 1. All other land is in Category 4.