

GLEN EIRA PLANNING SCHEME

AMENDMENT C247GLEN

EXPLANATORY REPORT

Overview

This amendment introduces a development framework for Bentleigh East Neighbourhood Activity Centre by implementing the *Bentleigh East Neighbourhood Activity Centre Built Form Framework* (Bentleigh East BFF), which was adopted in November 2021.

It does this by applying a new Schedule 13 to Clause 43.02 Design and Development Overlay (DDO13) and introducing the Bentleigh East BFF as a Background Document at Clause 72.08 Background Documents.

Where to view this amendment

The amendment can be inspected free of charge at:

- Glen Eira City Council website at www.gleneira.vic.gov.au.
- During office hours at the following places:
 - Glen Eira City Council - Town Hall
Corner Glen Eira and Hawthorn Roads
420 Glen Eira Road
Caulfield South VIC 3162
- Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 23 October 2023.

A submission must be sent to Glen Eira City Council, either:

- Online (preferred): www.haveyoursaygleneira.com.au/amendment-c247
- By Email: cityfutures@gleneira.vic.gov.au
- By Post: PO Box 42, Caulfield South VIC 3162

Panel hearing dates

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

- directions hearing: 29 January 2024
- panel hearing: 4 March 2024

Details of the amendment

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to all commercial, public use and mixed use zoned land within the Bentleigh East Neighbourhood Activity Centre (Bentleigh East NAC), as shown in Figure 1.



Figure 1- Land affected by the amendment

Bentleigh East is one of the eleven neighbourhood activity centres across Glen Eira, with the broader suburb of Bentleigh East home to approximately 30,500 residents (2021 Census, Australian Bureau of Statistics). The centre is in the south-eastern section of the municipality.

The amendment only applies to the core of the activity centre, which is predominately zoned Commercial 1 Zone, with small areas either zoned Public Use Zone Schedule 6 (Local Government) or Mixed Use Zone Schedule 1. Parking Overlay Schedule 2: Precinct 2-3 also applies to the affected land. A Heritage Overlay (HO99) applies to land at 675 Centre Road. These existing planning controls are not proposed to be changed through this amendment. The amendment does not apply to the residential zoned land within NAC boundary. The residential areas and controls are being reviewed and may change in the future subject to the recommendations of the recently adopted housing strategy.

A mapping reference table providing further information about the land affected by the amendment is at Attachment 1 to this explanatory report.

What the amendment does

This amendment introduces a development framework for the Bentleigh East NAC by implementing the adopted Bentleigh East BFF through the application of a new Design and Development Overlay Schedule.

Specifically, the amendment makes the following changes:

- Amends Planning Scheme Map Nos. 3DDO and 4DDO to apply the Design and Development Overlay Schedule 13 (DDO13) to land within the core of the Bentleigh East Neighbourhood Activity Centre.
- Introduces a new Schedule 13 to Clause 43.02 Design and Development Overlay.
- Amends the Schedule to Clause 72.08 (Background Documents) to insert the *Bentleigh East Neighbourhood Activity Centre Built Form Framework (September 2021)*.

Strategic assessment of the amendment

Why is the amendment required?

Bentleigh East as one of the neighbourhood activity centres in Glen Eira will continue to experience significant growth and development. Permanent built form controls will manage the anticipated growth of the centre and guide the scale of future development. This will provide certainty about development outcomes.

The Bentleigh East BFF sets out preferred development outcomes and requirements for building heights, setbacks and other design considerations for development within the core of this activity centre. These requirements are supported by rigorous analysis and guided by sound urban design principles appropriate to the context of the centre. This amendment introduces these requirements through a new schedule 13 (DDO13) to Clause 43.02 Design and Development Overlay.

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

The amendment gives effect to and is consistent with the following objectives of the *Planning and Environment Act 1987*:

- (a) To provide for the fair, orderly, economic and sustainable use, and the development of land.

This amendment will result in the fair, orderly, economic and sustainable use and development of land by implementing a well-planned, holistic framework and requirements for development in the commercial core that addresses the needs of the existing and future community of Bentleigh East.

- (b) To secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria

The amendment introduces new strategic directions for the Bentleigh East NAC that focus on creating an activity centre where the community can live, work and play safely. These new controls will guide the future growth and development of the centre.

- (c) To balance the present and future interests of all Victorians.

The proposed provisions in DDO13 have been drafted to ensure development occurs in a logical manner consistent with the objectives of planning in Victoria, ensuring balance in addressing future and present interests of the community.

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

- *Environmental*

The proposed amendment is expected to have a positive impact on the environment by ensuring new development is responsive to the setting in which it is proposed, and considers the existing streetscape, building form and environmental conditions, as well as contributing to the efficient use of existing services and infrastructure.

- *Social*

There are positive social effects associated with this amendment. The proposed amendment provides the community with greater clarity and certainty about the degree of change envisaged through new development within the Bentleigh East NAC. The proposed amendment also implements good urban design and built form outcomes which respect the character of the centre. This will foster the sense of belonging for residents. The application of DDO13 will also provide the opportunity to develop the centre and potentially accommodate more people in the neighbourhood.

- *Economic*

The proposed amendment will guide development within the centre and facilitate opportunities for economic growth, housing, and employment. There will be also more job opportunities regarding the growth of the commercial core of the centre that will increase job availability in proximity to residential development, minimising travel outside of the area.

Does the amendment address relevant bushfire risk?

The land affected by the amendment is not located in an area of identified bushfire risk.

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

The amendment complies with the requirements of the Ministerial Direction – the Form and Content of Planning Schemes (section 7(5) of the *Planning and Environment Act 1987*).

Ministerial Direction No. 9: Metropolitan Planning Strategy.

The amendment has been prepared with regard to Ministerial Direction No.9 Metropolitan Planning Strategy. While *Plan Melbourne 2017-2050* does not provide specific guidance for the Bentleigh East NAC, the relevant sections are as follows:

Outcome 2: Melbourne provides housing choice in locations close to jobs and services.

Direction 2.1 - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.

Policy 2.1.2 - Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs, and public transport.

The Bentleigh East NAC is located close to jobs, goods, services, and public transport. This amendment guides new growth and development within the centre, providing opportunities for new housing in an appropriate location and at an appropriate scale.

Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity.

Direction 4.3 - Achieve and promote design excellence

Policy 4.3.1 - Promote urban design excellence in every aspect of the built environment

This amendment introduces built form controls that guide building form and design, aiming to achieve high quality urban design outcomes within the Bentleigh East NAC.

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods.

Direction 5.1 - Create a city of 20-minute neighbourhoods

Policy 5.1.1 - Create mixed-use neighbourhoods at varying densities

This amendment guides new growth and development within the Bentleigh East NAC, providing opportunities for more jobs, and housing and subsequently delivering better access to jobs, services, and facilities in an accessible location.

Ministerial Direction No. 11: Strategic Assessment of Amendments

This amendment complies with Ministerial Direction No. 11 under section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which ensures comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This explanatory report provides a comprehensive strategic evaluation of the amendment and the outcomes it produces.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment is consistent with the following clauses of the Planning Policy Framework and will assist in achieving their intent:

11.03-1S Activity Centres – This Clause seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

This amendment applies to land in the commercial core of the Bentleigh East NAC. It does not propose to rezone any land. Commercial land uses in this area will continue to be guided by the Commercial 1 Zone, which does not prohibit retail, residential, commercial, administrative, entertainment or cultural development.

11.03-1L Activity Centres – This Clause supports:

- a transition of employment and housing growth across Glen Eira's activity centre network with more detailed guidance for different activity centres based on their scale.
- development in neighbourhood activity centres that provides commercial uses, and retail, entertainment, and community facilities and meets the needs of the local community.
- development that transitions in scale to the surrounding residential areas outside of the activity centre.

As mentioned above, the commercial core of the Bentleigh East NAC will continue to be guided by the Commercial 1 Zone. In addition to the zone controls, this amendment introduces built form provisions to guide the growth of the centre, facilitating both employment and housing. These provisions include varying height and setback controls, with specific guidance for development that directly adjoins residential areas.

15.01-1S Urban Design – This clause seeks to create urban environments that are safe, healthy, functional, and enjoyable and that contribute to a sense of place and cultural identity. It does so by requiring development to respond to its context in terms of character, cultural identity, surrounding landscape and climate.

This amendment reinforces the aim of this clause by including built form provisions that provide for weather protection, public safety, passive surveillance and the consideration of adjoining properties and residential areas.

15.02-2S Building design – This Clause seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

The planning controls introduced by this amendment are underpinned by a detailed built form analysis, which has considered the local context of the Bentleigh East NAC and how development responds to that context. The controls aim to guide and manage development to be constructed in a way that is responsive to the centre and its surrounds while positively contributing to the character of the area.

15.01-2L-01 Building Design – This Clause encourages the retention of shop fronts and street wall heights in commercial areas as the dominant built form elements in the street.

The permanent built form controls introduced as part of this amendment clearly define the street wall height and introduce setbacks for development above the street wall height to ensure the street wall remains the dominant built form element in the streetscape.

15.01-5S Healthy Neighbourhoods – Metropolitan Melbourne – This Clause aims to create a city of 20-minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20-minute walk, cycle, or local public transport trip from their home.

The Bentleigh East NAC has good access to public transport and is home to various restaurants, shops, and services. This amendment facilitates appropriate development in a suitable location to allow the community to meet their needs by walking, cycling, or taking public transport.

15.01-5S Neighbourhood Character – This Clause aims to recognise, support, and protect neighbourhood character, cultural identity, and a sense of place.

The built form controls introduced by this amendment are underpinned by a detailed built form analysis. This analysis has considered the character of the Bentleigh East NAC and aims to manage development in a manner that recognises and responds to the character of the centre.

15.03-1S Heritage conservation – This Clause seeks to ensure the conservation of places of heritage significance.

The proposed DDO13 includes a section of policy that is dedicated to heritage considerations. This section includes specific design considerations for land within or adjoining heritage overlays.

15.03-1L Heritage – This Clause seeks to ensure that individual heritage and heritage precincts are retained and protected.

There is a particular section in relation to commercial heritage places, and signs in commercial heritage areas. The proposed DDO13 includes a section of policy that is dedicated to heritage considerations for land within or adjoining heritage overlays. This ensures interfaces to heritage places are managed appropriately.

16.01-1S Housing supply – This Clause seeks to facilitate well-located, integrated, and diverse housing that meets community needs.

This amendment reinforces housing supply by introducing built form controls to effectively guide and manage future development within the Bentleigh East NAC. It includes a comprehensive schedule to the design and development overlay, which facilitates appropriate levels of development, including housing, in an area well-located to transport, goods, and services to meet the needs of the community.

16.01-1L-01 Housing supply – This Clause aims to direct substantial housing growth into Substantial Change Areas.

The Bentleigh East NAC falls within a Substantial Change area, and this amendment introduces built form controls to set clear guidance for new development with the centre in terms of height and scale. DDO13 allows development up to 6 storeys/ 21m. These controls will manage new development in an appropriate manner while still providing opportunities for increased housing in an area well-located to goods, services, and transport.

17.01-1S Diversified Economy – This Clause aims to improve access to jobs closer to where people live.

The Bentleigh East NAC is conveniently located and accessible by public transport and is surrounded by residential land. This amendment facilitates development in the centre at an appropriate scale and provides opportunities for new jobs and housing, which helps improve access to jobs closer to where people live.

17.02-1S Business – This Clause encourages development that meets the community's needs for retail, entertainment, office, and other commercial services.

The built form controls introduced as part of this amendment provide certainty to the local community about the scale and form of new development. In doing so, it provides opportunities for commercial, retail, or other services in an activity centre that is well located and serviced by public transport. Specific guidance within the controls also ensure development at ground floor is for commercial use, further enhancing the commercial aspect of the centre.

17.02-1L Business – This Clause seeks to maintain commercial zoning in the core of activity centres to support the economic function of these areas.

This amendment does not involve the rezoning of any land, and all commercially zoned land within the Bentleigh East NAC is retained. Specific controls relating to locating commercial uses on the ground floor supports the economic function of the area.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with the following clauses of the Municipal Planning Strategy and will assist in achieving the objectives of the clauses as follows:

Clause 02.01-3 Growth – This Clause outlines the population growth in Glen Eira by 40 000 people in 2036, resulting in the need for 18,000 new dwellings and 22,500 new jobs over this time.

This amendment provides certainty about the scale of form and development within the Bentleigh East NAC that allows for growth but does so at an appropriate scale given the context of the centre.

Clause 02.02 Vision – This Clause outlines Council's priority for a liveable and well-planned City.

This amendment responds to Council's strategic vision, as it plans for growth in the commercial core of Bentleigh East NAC.

Clause 02.03 Strategic Directions

Strategic directions for Glen Eira include an activity centre network which is designed to meet the retail, commercial and housing needs of the community for the medium to long term purposes. It also identifies the challenges between urban development pressures and facilitating high standards of design. They specifically highlight activity centres as Substantial Change Areas to respond to the demographic changes in Glen Eira. Moreover, this Clause recognises the need to provide more opportunities for local jobs within the municipality, stating Council will prioritise employment opportunities within activity centres with convenient access to public transport.

This amendment responds to these strategic directions by introducing and applying new DDO13 that provides opportunities for commercial and housing growth in a neighbourhood activity centre, which is a Substantial Change Area in Glen Eira. The introduction of DDO13 facilitates appropriate levels of growth in the Bentleigh East NAC in response to changing demographics. This ensures future development will occur at an appropriate scale, with setbacks, articulation, materiality and a high standard of design while still allowing the appropriate levels of growth.

Clause 02-04-1 Strategic Framework Plan – The strategic framework plan for Glen Eira denotes the activity centre network and neighbourhood residential areas. It highlights this part of Bentleigh East as a Neighbourhood Activity Centre.

This amendment reinforces the status of Bentleigh East as a Neighbourhood Activity Centre by introducing a specific DDO for its commercial core.

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

The amendment makes proper use of the Victoria Planning Provisions and introduces a new schedule 13 to Clause 43.02 Design and Development Overlay. In addition to other existing planning controls, this DDO will provide guidance for future design and development outcomes in the Bentleigh East NAC and will implement the objectives of the Bentleigh East BFF.

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

The views of relevant agencies will be considered through the public exhibition process.

Does the amendment address relevant requirements of the *Transport Integration Act 2010*?

The proposed amendment is consistent with the requirements of the *Transport Integration Act 2010*. It will facilitate development outcomes that promote the principles of transit-oriented development. According to transit-oriented development principles, future growth and development should occur in locations that have good public transport access, including the Bentleigh East NAC.

The amendment is unlikely to have a significant impact on the transport system as it is not increasing the capacity for development, rather providing controls over the scale and form of future development.

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

The amendment will have some impact on the general operation of Council's statutory planning through the introduction of a design permit trigger and the associated assessment of planning permit applications. The application of planning controls will provide direction for the consistent assessment of planning permit applications. The impact on the costs of Council is considered appropriate.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed changes		
				Zone	Overlay	Deletion
Bentleigh East	Land within the commercial core of the Bentleigh East	Glen Eira C247glen 001ddoMap03_4 Authorisation	• 619 – 801 Centre Road (odd numbers), Bentleigh East		DDO13	

	Neighbourhood Activity Centre.		<ul style="list-style-type: none"> • 658 – 730B Centre Road (even numbers), Bentleigh East • 157 – 177 East Boundary Road (odd numbers), Bentleigh East • 150 East Boundary Road, Bentleigh East • 10-16 Heather Street (even numbers), Bentleigh East • 1A Omeo Court, Bentleigh East • 24 Becket Avenue, Bentleigh East • 53 Browns Road, Bentleigh East 			
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