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*Planning and Environment Act 1987*

**BOROONDARA PLANNING SCHEME  
AMENDMENT C70  
TOORONGA VILLAGE**

**Report of a Panel  
Pursuant to Sections 153 and 155 of the Act**

**Panel:**

**Kathryn Mitchell, Chair**

**Bob Evans**

**Ross Ramus**

**20 September 2006**

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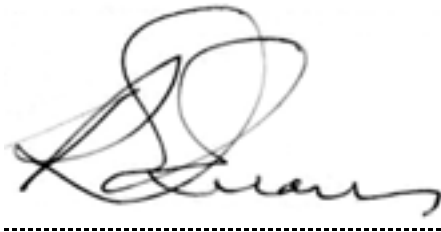
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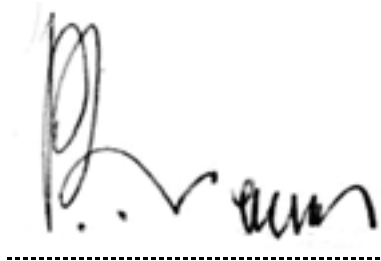
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**Ross Ramus, Member**

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## EXECUTIVE SUMMARY

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1. *Tooronga Village is a key strategic development site within the metropolitan area of Melbourne. It is visually prominent, it is strategically located, it is substantially under-utilised, it has been the subject of previous failed development proposals, it suffers from planning blight, and it is ready for redevelopment. The site has an area of 10.6 hectares, it sits at the junction of Toorak and Tooronga Roads and adjacent to the Monash Freeway, it sits beside a major creek and metropolitan bike path, it is located 7 to 8 kilometres from central Melbourne, 500 metres from a railway station, and is well located to major retail, educational, employment and community facilities.*
2. *In this context, a Panel to consider Amendment C70 to the Boroondara Planning Scheme, proposing the substantial redevelopment of this key site was appointed under delegation from the Minister for Planning on 24 May 2006 and comprised Ms Kathryn Mitchell (Chair), Mr Bob Evans and Mr Ross Ramus.*
3. *Amendment C70 applies to the land on the south-east corner of Toorak and Tooronga Roads, Glen Iris. The site includes the existing Tooronga Shopping Centre, the land on which the Coles Myer office building is located and adjoining land to the south to Gardiners Creek. As exhibited, the amendment primarily proposes to:*
  - (i) *Introduce a Priority Development Zone – supported by an Incorporated Document and a Reference Document;*
  - (ii) *Incorporate Policy Changes – introduce a new Local Policy and make minor changes to the MSS;*
  - (iii) *Introduce a new Environmental Audit Overlay;*
  - (iv) *Amend the Comprehensive Development Zone - to be retained on the land occupied by the Coles Myer office building; and*
  - (v) *Provide for the Minister for Planning to be Planning Authority and Responsible Authority.*
4. *As Planning Authority, the Minister for Planning exhibited the amendment for one month from 28 April 2006, from which 406 written submissions were received. All were referred to the Panel, and a hearing was held in relation to the amendment over a 16 day period from 10 July to 8 August 2006. The key issues and positions advocated by the various parties through submissions and during the course of the Hearing included:*
  - *Minister for Planning - generally supported the form and nature of the amendment, stating that Melbourne 2030 forms the strategic basis for the redevelopment of this significant redevelopment site. The Minister expressed*

*the view that the site provides the opportunity for a unique development, and its strategic position and attributes are well placed with regard to metropolitan Melbourne.*

- *Proponent (Stockland Development Pty Ltd) – the detailed controls were able to deliver good planning outcomes, and the built form and height of the proposed development were appropriate for the site.*
- *Boroondara City Council - advocated that the amendment does not provide an appropriate framework for the consideration of built form outcomes for the site land, and the proposed built form environment and amenity is inadequate and inconsistent with aspects of Melbourne 2030. It will not provide for an appropriate built form outcome, having regard to the location and characteristics of the site, and it does not provide confidence in terms of the built form outcomes, particularly with respect to the scale, height and setbacks for the proposed development. The amendment does not recognise the need to provide statutory planning controls for car parking related to the office occupied by Coles-Myer, and Council did not support the Minister for Planning being the Planning Authority and ongoing Responsible Authority.*
- *The Tooronga Action Group – raised concerns that the traffic generated by the proposed development will have a significant impact on the surrounding suburban road infrastructure, and the proposed parking ratios for the retail, office and residential components are inadequate. The proposed setback from the Gardiners Creek bike and walking path is inadequate, and the development will have an adverse impact on the neighbourhood amenity. The group was concerned about building heights and the quantum of the proposed development.*
- *VicRoads - adequacy of the local arterial road network to handle changes from the proposed development, and concerns relating to mitigation works. It raised the need for further property boundary offsets to provide for an 'on-road' bicycle path and to realign Toorak Road east of Tooronga Road.*
- *Stonnington City Council - need for a structure plan for the Tooronga Village Neighbourhood Centre and the surrounding industrial precincts, and raised concerns about the inadequacy of the proposed setback from the Gardiners Creek bike and walking path, potential noise impacts on nearby residents and poor pedestrian access.*
- *Local submitters - raised concerns about traffic, built form, density, loss of planning control to Boroondara Council, amenity impacts, and the potential for increased flooding.*

5. *In reaching its conclusions and recommendations, the Panel had regard to the Boroondara Planning Scheme, the State Planning Policy Framework, the Municipal Strategic Statement, Local Planning Policy, the Metropolitan Strategy – Melbourne 2030 and submissions and evidence of various parties.*
6. *In response to the urban design, built form and landscape issues raised by the proposal, it is the Panel's view that:*
  - *The principal of a mixed use development of the site, incorporating the functions of retail, office and residential uses, is an appropriate basis for the development of the site.*
  - *That the provisions of Schedule 1 to the Priority Development Zone and an Incorporated Plan, provide a planning framework supportive of the potential for quality urban design, architecture and landscape outcomes for the site.*
  - *That the issues of vehicular access and movement within the site, pedestrian movement and elements of the public open space network; together with provisions for landscaping within the site and connection to the Gardiners Creek corridor, are well resolved or have been demonstrated to be capable of resolution.*
7. *In response to traffic and access issues, the Panel considers that the proposal fits reasonably well into the surrounding road network. While it will add some traffic to Toorak and Tooronga Roads in the vicinity of the Tooronga Village site, the proposed improvements to these roads will provide adequate additional capacity to cope with this addition. The proposed car parking provision is adequate.*
8. *In response to environmental/physical infrastructure issues, the Panel considers that the Land Subject to Inundation Overlay should remain in place. While noting the community concerns, the Panel is satisfied that the existing powerlines operate within the current guidelines. The Panel is satisfied that acoustic issues can be dealt with through future planning permit conditions.*
9. *In response to social infrastructure issues, the Panel notes the provision of an assessment of the community benefit of the proposal. Overall, the Panel is satisfied that there will be a net community benefit arising from the redevelopment of the Tooronga Village site, if undertaken in the form as generally proposed.*
10. *The Panel finds that use of the Priority Development Zone, inclusion of an Incorporated Document, application of the Environmental Audit Overlay, and retention of the LSIO is generally supported as the primary planning tools for this site. It was common ground that the proposed new local policy at Clause 22.15 was not necessary. The key issues to be resolved related to the construction of the Priority Development Zone and*

*the level of detail in the Incorporated Document. The Panel did not support the inclusion of Development Plan provisions as part of the Priority Development Zone.*

11. *Overall, the Panel has found that subject site provides a major strategic redevelopment opportunity, given:*

- *Freeway, road and public transport accessibility, abuttal to a regional pedestrian and bike path;*
- *Accessibility to a range of employment opportunities;*
- *Proximity to a wide range of community facilities, retail nodes and recreation assets;*
- *Few sensitivities about the site, with the exception of the eastern residential interface; and*
- *Lack of heritage or urban character constraints.*

12. *For the reasons outlined above, the Panel recommends that Amendment C70 be adopted subject to modifications to the amendment. The principal modifications relate to removal of development plan provisions from the Schedule to the Priority Development Plan, refinement of the Incorporated Plan through various changes, including modification of setback and some height provisions to the Height Plan, and minor changes to the Urban Framework Plan. The Panel also recommends that the City of Boroondara be provided with the opportunity to comment on all aspects of any forthcoming permit application, within a 28 day period.*

13. *The Panel was greatly assisted by all parties and submitters during the course of its process, particularly during the hearing, and considers its recommendations fairly respond to the substantive issues raised. It commends this proposal to the Minister for Planning, the Proponent, the City of Boroondara and its community, and other parties with an interest in the site.*



## **1. INTRODUCTION**

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### **1.1 The Panel**

A Panel to consider Amendment C70 to the Boroondara Planning Scheme was appointed under delegation from the Minister for Planning on 24 May 2006 and comprised Ms Kathryn Mitchell (Chair), Mr Bob Evans and Mr Ross Ramus.

The Panel met in the offices of Planning Panels Victoria and the City of Boroondara for 16 days to hear submissions in respect of this amendment. In reaching its conclusions and recommendations, the Panel has read and considered all submissions and a range of other material referred to it in relation to the amendment. This includes written submissions and verbal presentations.

The Proponent for this amendment is Stockland Development Pty Ltd and the Planning and Responsible Authority is the Minister for Planning. The site is located in the City of Boroondara.

A Directions Hearing in relation to this matter was held on 20 June 2006. A number of directions were made about matters relating to the hearing and a copy of the letter that outlined those directions, along with the hearing timetable, is attached as Appendix 1.

During the course of the hearings, the Panel undertook unaccompanied site visits of the subject land and its general locality.

### **1.2 What is Proposed?**

Amendment C70 to the Boroondara Planning Scheme applies to the land on the south-east corner of Toorak and Tooronga Roads, Glen Iris. The site includes the existing Tooronga Village Shopping Centre, as well as the land on which the Coles Myer office building is located and adjoining land to the south to Gardiners Creek. As exhibited, the amendment proposes to:

- Rezone the Tooronga Village Shopping Centre and adjacent land to the south to Gardiners Creek (Tooronga Village Site) to a Priority Development Zone (PDZ);
- Insert a new clause and schedule to introduce the PDZ;
- Incorporate a plan into Clause 81 relating to the new PDZ;
- Apply an Environmental Audit Overlay over the southern part of the land affected by the PDZ;

- Alter the extent of the existing Comprehensive Development Zone (CDZ) to include only the land occupied by the Coles Myer office building;
- Incorporate a new plan into Clause 81 relating to the amended CDZ;
- Incorporate a provision to make the Minister for Planning the responsible authority for the land in the PDZ;
- Make minor alterations to the Municipal Strategic Statement;
- Include a new Local Planning Policy relating to the land affected by the PDZ; and
- Include a reference document to support the PDZ.

As exhibited, the amendment proposed the following built form components:

- Dwellings (not specified but assumed to be 600)
- Office - 6,000 square metres
- Shop - 10,000 square metres

These components were modified during the course of the hearing and are discussed further. The Explanatory Report for the amendment is included as Appendix 2.

### **1.3 Exhibition and Submissions**

The Minister for Planning exhibited the amendment for a one month period from 28 April 2006, from which 406 written submissions were received, all of which were referred to the Panel. A complete list of submitters is included as Appendix 3. Several submissions, in the form of letters were received after the exhibition process had concluded.

A Hearing in relation to the amendment was held over 16 days (from 10 July to 8 August 2006) at the offices of the Planning Panels Victoria and the City of Boroondara, during which time the following parties were represented and/or heard:

#### **Minister for Planning (Planning and Responsible Authority):**

- *Mr Chris Wren SC, instructed by Ms Kirsty Douglas, Department of Sustainability and Environment*
- *Mr Peter McEwan, Department of Sustainability and Environment*
- *Mr Peter Anderson, Department of Sustainability and Environment*

#### **Stockland Development Pty Ltd (Proponent):**

- *Mr Chris Canavan QC, instructed by Deacons*
- *Ms Susan Brennan of Counsel*
- *Ms Sally Macindoe, Deacons*
- *Ms Tamara Brezzi, Deacons*

- *Mr Chris Goss, Orbit Solutions*
- *Mr Barry Murphy, MDG Landscape Architects*
- *Mr Brendan Rogers, UrbisJHD*
- *Mr John Kiriakidis, GTA Consultants*
- *Mr Stephen Hunt, Grogan Richards*
- *Mr Peter Fearnside, Marshall Day*
- *Ms Maxine Cooper, UrbisJHD*
- *Mr Andrew Biacsi, Contour Consultants*
- *Mr Stephen Clark, Water Technology*

**City of Boroondara:**

- *Mr Greg Garde QC, instructed by Maddocks*
- *Mr John Rantino, Maddocks*
- *Mr Phillip Storer, Director, City Planning*
- *Ms Fiona Banks, Manager, Strategic Planning*
- *Mr Ian Gibb, Team Leader, Strategic Planning*
- *Ms Renae Jarman-Walker, Strategic Planner*
- *Mr Michael Deidun, Planning Appeals Coordinator*
- *Mr Craig Czarny, Hansen Partnership*
- *Mr Andrew O'Brien, Andrew O'Brien and Associates*
- *Mr Mark Bartsch, Landscape Australia Consultants*
- *Mr David Barnes, Hansen Partnership*

**City of Stonnington:**

- *Mr Peter O'Farrell of Counsel (until 17 July), instructed by Rigby Cooke*
- *Ms Sarah Porritt of Counsel (from 17 July), instructed by Rigby Cooke*
- *Mr Henry Turnbull, Traffix Group*

**Halberton Pty Ltd and Davidson Hughes Developments Pty Ltd:**

- *Ms Michelle Keen, Freehills*

**J T Snipe Investments:**

- *Mr Graeme Peake of Counsel, instructed by Rennick & Gaynor*

**Melbourne Water Corporation:**

- *Ms Carolyn Tsioulos, Program Leader, North Developer Works*

**VicRoads:**

- *Mr Ian Aspinall, Senior Planning Engineer*

**Tooronga Action Group:**

- *Mr Paul Kaufman, President*
- *Mr Richard Read*
- *Mr Stephen Hare*
- *Dr Bernard Barrett*
- *Ms Sabina Robertson*
- *Mr David Williams*
- *Mr Ray Elliot*

**Individual Submitters:**

- *Mr Alan Timcke*
- *Mr George Biantes*
- *Mr Stuart Marbug*
- *Mr John & Mrs Pauline Lewin*
- *Mr Michael Schiller*
- *Mr David Birrell*
- *Mr Remo Abbatangelo*
- *Ms Petrushka Owen*
- *Ms Avis Meddings*
- *Dr Bernard Barrett*
- *Mr Richard Read*
- *Ms Rosalind Rodie*
- *Mr Damien Brignell*
- *Ms Diana and Mr Brian Snape*
- *Mr Don Martin*
- *Mr Ray Elliot*
- *Ms Jennifer Kelly*
- *Mr Paul Kaufman*
- *Ms Sarah Vincent*
- *Mr Alistair Chisholm*
- *Mr Andrew Caroe*
- *Mr Colin Bates*
- *Mr David Williams*
- *Ms Hope Stewart*
- *Mr Ross Hudson*
- *Mr Bernie and Ms Lou McKenna*
- *Mr Graeme Stone*
- *Ms Jenny Schure*
- *Mr Mark Johnson-Turner*
- *Mr Philip Hawkins*
- *Ms Julia Blunden*
- *Dr Suzanne Bosisto*
- *Ms Vivien and Mr Andrew Furst*
- *Mr Ken Duxbury*
- *Ms Julianne Bell*
- *Councillor Coral Ross*
- *Mr Stephen Hare*
- *Miss Dorothy Wood*
- *Ms Mary Drost*

The Panel commented at the hearing and it re-iterates its views that it appreciates the way in which all parties presented at the hearing and for their contribution to this process. In particular it would like to acknowledge the way in which the Tooronga Action Group, through Mr Kaufman, presented its submissions and contributed to the hearing process. Seven different individuals presented on 10 matters, and the Panel considers their role greatly enhanced the process. It commends the group on the way it presented and its overall contribution.

## **1.4 Summary of Key Issues**

The Panel has considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the

Panel has been assisted by the information provided to it as well as its own observations from inspections of specific sites. The key issues raised in the submissions of the various parties are briefly summarised as follows:

***Minister for Planning – Planning Authority:***

- The Minister is generally supportive of the form and nature of this proposal.
- *Melbourne 2030* forms the strategic basis for the redevelopment of this significant strategic redevelopment site;
- The site provides the opportunity for a unique development, and its strategic position and attributes are well placed with regard to metropolitan Melbourne;
- Despite its strategic position, it has proved a very difficult site to redevelop over a 20 year period, despite having supportive planning controls;
- *Melbourne 2030* has changed that context by introducing a new development philosophy that has encouraged Stockland to put forward a concept incorporating an extensive residential component; and
- The site presents an excellent opportunity to demonstrate how a private sector led, government supported proposal can be delivered.

***Stockland:***

- Whether the detailed controls are apt to deliver good planning outcomes;
- Built form and height and, in particular, built form impact on the neighbourhood character on existing residential development to the east and on internal amenity;
- Traffic and, in particular, impact of the project on the level of service of the surrounding road network;
- The appointment of the Minister for Planning as Responsible Authority;
- Accommodation of Coles Myer's car parking needs;
- Set back from Gardiners Creek;
- Flooding and storm water; and
- Acoustic impact from the freeway.

*City of Boroondara:*

- The amendment does not provide an appropriate framework for the consideration of built form outcomes for the land;
- The amendment does not respond to the Urban Design Framework established for the land;
- The built form environment and amenity of the proposed residential area in the south east sector of the land is inadequate and inconsistent with Direction 5 of Melbourne 2030;
- The amendment will not provide for an appropriate built form outcome having regard to the location and characteristics of the site;
- The amendment does not provide any confidence in terms of the built form outcomes particularly with respect to the scale, height and setbacks for proposed buildings within each precinct and particularly those adjacent to Toorak Road, Gardiners Creek and the residential area to the east;
- The amendment does not recognise the need to provide statutory planning controls to ensure that the need for an additional 500 car parking spaces for Coles-Myer workers is a requirement attached to the Coles-Myer office site; and
- The Council does not agree that the Minister for Planning should be the Planning Authority and the ongoing Responsible Authority for this amendment.

*Tooronga Action Group:*

- The traffic generated by the proposed development will have a significant impact on the surrounding suburban road infrastructure;
- It is inappropriate for the Minister to be the Planning Authority;
- The proposed parking ratios for the retail, office and residential components are inadequate;
- The need to provide for at least an additional 500 car parking spaces for office workers using the building currently occupied by Coles-Myer;
- The scale and intensity of the project is not appropriate;
- The proposed setback from the Gardiners Creek bike and walking path is inadequate;
- The development as proposed will have an adverse impact on the neighbourhood amenity;
- The residential development extends too close to high voltage overhead power transmission lines;
- Drainage and flood issues; and
- The provision for open space is inadequate.

***VicRoads:***

- Adequacy of local arterial road network to handle changes from the proposed development;
- Concerns relating to mitigation works; and
- The need for further property boundary offsets to provide for 'on-road' bicycle path and to realign Toorak Road east of Tooronga Road.

***Stonnington City Council:***

- Need for a structure plan for the Tooronga Village Neighbourhood Centre and the surrounding industrial precincts;
- The proposed setback from the Gardiners Creek bike and walking path is inadequate;
- Potential noise impacts on nearby residents;
- Poor provision for pedestrian access; and
- Need for an environmental impact assessment of the proposal, especially in relation to Gardiners Creek.

***Individual Submitters:***

- Existing traffic conditions are extremely poor, and impact of additional traffic throughout the area will only make it worse;
- Increased demand for car parking and 'rat-running' in residential streets;
- Concern that the additional 500 car parking spaces for Coles-Myer staff will not be provided in perpetuity;
- Accessibility to public transport not as good as led to believe;
- Built form, density, overshadowing and bulk of the proposal, especially along the eastern edge of the proposal;
- Impact on Gardiners Creek, and the potential for flooding;
- Loss of planning rights for Boroondara City Council and the role of the Minister for Planning;
- Uncertainty about the impacts of development close to the power lines;
- Dust, noise and other environmental impacts from construction works; and
- Lack of social infrastructure to support 600 new households.

***Summary of Key Issues:***

From the submissions to the amendment, the key issues to be addressed relate to the planning context, built form and possible outcomes, urban design, structure and form of the amendment, landscape, traffic, access and car parking, engineering and physical infrastructure issues, community assessment and net community benefit.

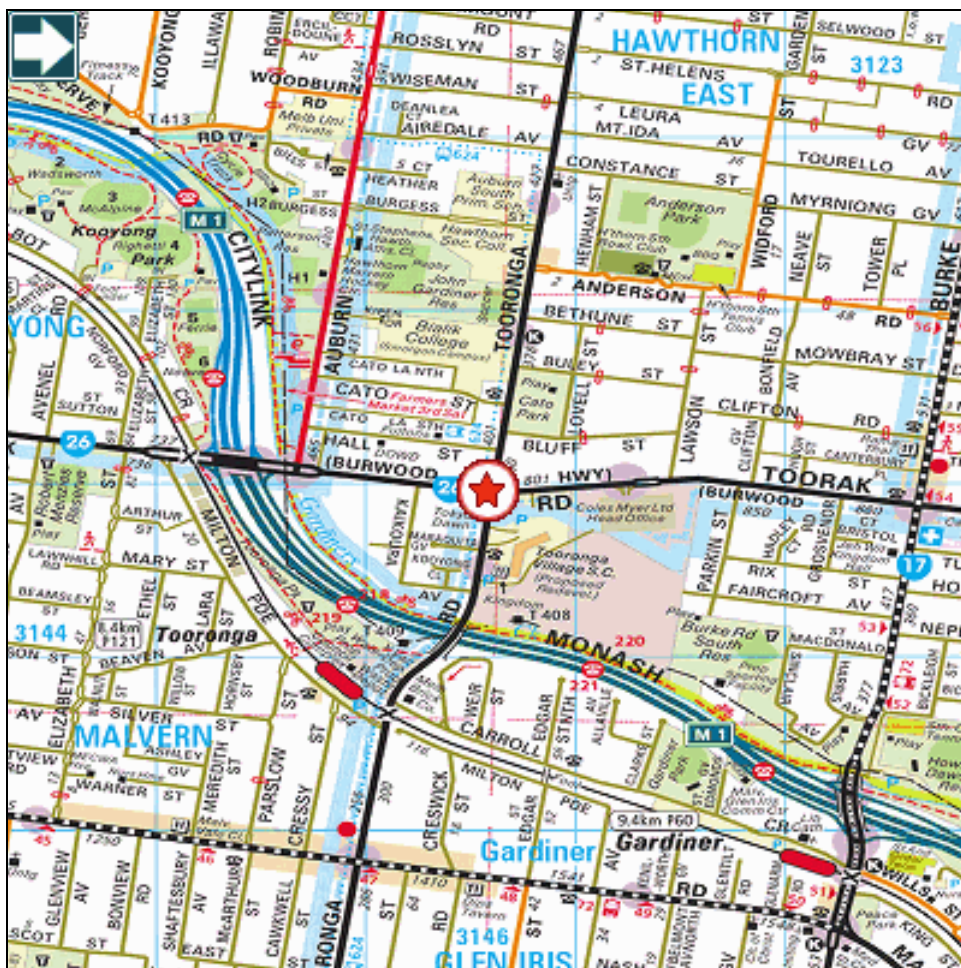
These issues are explored and addressed in the following sections of this report.

## 2. BACKGROUND TO THE AMENDMENT

### 2.1 Site Description and Locational Context

The subject site is an irregularly shaped 10.64 hectare parcel of land on the south east corner of Toorak Road and Tooronga Road, Glen Iris. It is bound on the north by Toorak Road, on the east by the Coles Myer Ltd head office, existing residential development and Burke Road South Reserve, to the south by Gardiners Creek and to the west by Tooronga Road.

Figure 1: Site Location



There is an existing shopping centre, Tooronga Village toward the north west of the site. The majority of the south eastern portion of the site was a former brickworks quarry which has been refilled to some extent.

The site is comprised of four separate titles, with the shopping centre and former



brickworks sites being contained on separate titles. There is an access easement which exists across the site linking the Coles Myer building site with Tooronga Road.

The major characteristics of the site include:

- A steep slope from north to south towards Gardiners Creek and from east to west;
- Altered topography as a result of the former use of the site as a quarry, resulting in a large escarpment running in an east-west alignment centrally through the site;
- The location of the Tooronga Village Shopping Centre on the north-western corner of the site. The centre has 7,835 square metres of gross leasable floor area and contains a Coles supermarket and specialty shops. The centre provides 400 at-grade car parking spaces along the Toorak and Tooronga Road frontages and serves the role of a local neighbourhood centre;
- Generally undeveloped land to the south of the escarpment, previously used as brickworks. A portion of this space is used for a sealed car park in association with the Coles Myer building; and
- High voltage power lines adjoining the southern site boundary, generally following the creek corridor in this location.

The Tooronga site context is comprised of a variety of different characters. Toorak Road creates the northern edge, which falls approximately 11 metres from east to west across the frontage. Opposite the site is a range of buildings that were previously single family residential but now contain a variety of both residential and commercial uses. The corner of Toorak and Tooronga Road is signalised.

Tooronga Road forms the western edge of the site, which falls approximately 7 metres from north to south before rising again at the southern end of the site in the form of the Tooronga Road overpass of the Monash Freeway. Opposite the site on the west side of Tooronga Road are primarily residential buildings ranging from single family detached to multi unit apartments. A three storey commercial building sits on the corner of Toorak and Tooronga Roads to the south west.

The southern boundary abuts Gardiners Creek which is a major drainage conduit for this broader area of Melbourne. The creek was substantially re-engineered in the construction of the Monash Freeway and is essentially a steep sided channel which has had revegetation work carried out on it. On the northern edge of Gardiners Creek is the Gardiners Creek cycle and pedestrian path which, in some locations, is located within the subject site. Two visually prominent high tension power line pylons are located along the southern boundary close to the eastern end and toward the western end.

The eastern boundary at its southern end abuts the Burke Road South Reserve, which is characterised by a band of eucalyptus trees. Further north along the eastern boundary, the site is adjacent to existing residential buildings of single detached character. A number of significant pine trees are located along the boundary. Faircroft Avenue adjoins the site but terminates at the site boundary. Further north from this eastern boundary, parallel to Parkin Street, are a number of single storey residential unit developments. The dominant character of the residential area to the east of the site is one of single family detached dwellings.

A large commercial building, which is currently the Coles Myer head office, sits to the north east of the site. This building forms a hard edge boundary to this portion of the site, and due to the topography, tends to dominate much of the surrounding area.

**Figure 2: Aerial Photo**



## 2.2 History of the Site and the Amendment

The subject site has had a long and involved history in terms of development proposals, a summary of which was outlined in the submission on behalf of the Minister for Planning, the relevant aspects of which are reproduced here:

**Table 1: Site History**

<b>DATE</b>	<b>PROPOSAL</b>
<i>Prior to 1984</i>	The site was used for industrial purposes including a brickworks and a tip.
<i>February 1984</i>	Application for rezoning to Comprehensive Development Zone No. 4 to allow the Coles Myer headquarters site.
<i>December 1984</i>	Amendment 280, Part 1 to the Melbourne Metropolitan Planning Scheme approved allowing Coles Myer headquarters and expansion of Tooronga Village Shopping Centre to 11,200 square metres of retail.
<i>December 1985</i>	The Brickworks site purchased by Hudson Conway Group.
<i>January 1986</i>	Proposal for 32,000 square metres of retail space considered by Minister but rejected on the basis of District Centre Policy.
<i>September 1986</i>	Application made for 15,000 square metres of retail and 2,176 square metres of non-retail space under Amendment 387 to the Melbourne Metropolitan Planning Scheme.
<i>October 1987</i>	Panel recommended the approval of Amendment 387.
<i>March 1988</i>	Minister advised that it would be preferable to plan for the development of the whole site including the Brickworks site.
<i>September 1988</i>	Request for 20,000 square metres of retail space on the Brickworks site and 20,000 square metres of office space on the existing shopping centre site.
<i>October 1988</i>	Request deferred whilst Kinhill study on land use and traffic undertaken.
<i>September 1989</i>	Kinhill report recommended 15,000 square metres of retail space for the Brickworks site and 20,000 square metres for office development on the shopping centre site.
<i>November 1989</i>	Hawthorn Council proposed that there be no rezoning in the surrounding areas. Agreement was reached on an expansion of the Tooronga Village to 15,000 square metres with additional car parking to offset the shortfall at Coles Myer. The public open space provision on the former brickworks site should be retained.
<i>March 1990</i>	Hudson Conway lodged an application for permit for 20,000 square metres of retail space and 2,700 square metres of non-retail space on the brickworks site together with 20,000 square metres of office space and hotel on the shopping centre site. The permit application was refused and an appeal was lodged.
<i>December 1990</i>	Hudson Conway made a request for Amendment RL137 to the Hawthorn Planning Scheme.

	<p>The amendment sought to rezone the land to enable the comprehensive development of the site for a mixture of uses comprising the following:</p> <ul style="list-style-type: none"> <li>• A shopping centre of 20,000 square metres of retail floor area, together with 2,700 square metres of non-retail floor area on the brickworks site;</li> <li>• An office development on the existing shopping centre site of 22,000 square metres of floor area.</li> </ul>
<i>December 1991</i>	<p>Following a Panel hearing, the Panel made the following recommendations:</p> <ul style="list-style-type: none"> <li>• The amendment not be upheld in its exhibited form.</li> <li>• The brickworks site be rezoned to a Comprehensive Development Zone No. 4.</li> <li>• Road widening along Toorak and Toorong Roads take place.</li> <li>• Use of the brickworks land for office and retail purpose.</li> <li>• Transfer of land for open space purposes to City of Hawthorn.</li> <li>• Ability to expand the existing centre up to 11,200 square metres of retail floor area and 1000 square metres of non retail floor area. Parking is to be provided at 8 cars per 100 square metres.</li> <li>• The location on the brickworks site of 25,000 square metres of office area with a car parking ratio of 3.5 spaces per 100 square metres.</li> <li>• Provision of an additional 56 car spaces to meet the existing shortfall in the number of spaces currently provided for the existing Coles Myer complex.</li> </ul>
<i>Mid 1990s</i>	<p>The site was sold by Hudson Conway to Coles Myer which then entered into an agreement with Becton. The proposed development involved 35,000 square metres of retail floor area. The scheme was abandoned due to a lack of financial viability and no formal application was ever made.</p>

In December 2000, Council initiated the preparation of an Urban Design Framework (UDF) for the land, which was developed together with Coles Myer and the local community. The plan has been adopted by Council but notably, it does not form part of the planning scheme.

Stockland Developments Pty Ltd purchased the site from Coles Myer in late 2004 and began a site analysis process in advance of an appropriate development concept for the site.

In January 2005, Stockland met with DSE officers and requested that the Minister become planning authority for the site and that the Priority Development Panel (PDP) be appointed to assess the merits of the amendment. After the Minister wrote to Council and Stockland advising of his intention to refer the matter to the PDP, the Boroondara Mayor wrote back to the Minister opposing the appointment of the PDP and the proposed timetable of actions. The Council suggested numerous

amendments to the PDP's Terms of Reference should the Minister decide to refer the matter to the PDP.

Stockland lodged a request for a planning scheme amendment for the Tooronga Village site with the Council in September 2005. A few weeks later, Council's Urban Planning Special Committee resolved to prepare and exhibit a planning scheme amendment for the Tooronga Village site. This amendment is known as Amendment C43. Council then requested further information from the proponent prior to the amendment being placed on exhibition.

The Minister wrote to the Council in October 2005, urging it to resolve to prepare and exhibit a planning scheme amendment. Council wrote back to the Minister, requesting him to authorize the preparation of Amendment C43 to the Boroondara Planning Scheme pursuant to section 9(2) of the Act. This amendment contained a number of changes to the Stockland proposal including;

- i) *Reducing the height of the two towers fronting Toorak Road in Precinct 1;*
- ii) *Introducing a 30 metre setback from the northern side of the shared pathway adjacent to Gardiners Creek; and*
- iii) *Including a statutory provision requiring the 500 car parking spaces for Coles Myer staff to be provided on site.*

Council then wrote to the Minister in early November 2005 clarifying a number of issues with respect to timeframes and reiterating its preference for the amendment to proceed in the form of Amendment C43. The Minister then referred the matter to the PDP, seeking its advice on specific matters, in particular, advice on what might be the appropriate form for a planning scheme amendment for the site, taking various factors into account.

A memorandum of advice was received from the Chair of the PDP in early January 2006 (*PDP17 – Stockland Project at Tooronga – Amendment C43 Boroondara Planning Scheme*) which made a number of comments, including:

**Precinct 1: Building Envelopes:**

*The amendment's provisions as a whole; the decisions guidelines etc offer sufficient scope for ensuring that an exemplary design solution can be achieved and with all of the stepping down and articulation that the Council believes a more tightly drawn building envelope can provide. As a general principle it is rarely necessary to lock in such detail at the planning scheme amendment stage when development plans and permits are to follow. (Paragraph 20)*

### **Precincts 2 and 3 - Setback from Bike Path:**

*On its face, and without any proper justification on the Council's part, a 30.0m setback from the bike path appears unnecessary. The transmission lines have a buffering effect in any case. (26)*

*A 30m buffer is a very blunt instrument for achieving the Council's objective of ameliorating the effects of built form, especially given the opportunities presented by this site in terms of achieving Government policy for higher density housing adjacent to public transport. (27)*

### **Coles Myer Excess Car Parking**

*It is understandable that the local community may be concerned that staff parking will transfer to local streets in the absence of an agreement between Stockland and Coles Myer. However, when the respective uses of the land meet their statutory requirements it is quite unreasonable to seek to redress this via the planning scheme. To do so would constitute a use of the planning scheme for an ulterior purpose. (34)*

*Importantly also, it could not be said to be consistent with the objectives of Melbourne 2030 to require the provision of car parking, substantially in excess of a development's statutory requirements, when the development is so proximate to a railway station. (35)*

The conclusion made by the PDP was that the changes proposed by Council were either unnecessary or unreasonable in the circumstances, and that preparation of the amendment could proceed without them.

Following the receipt of the advice from the PDP, the Minister wrote to Council conditionally authorising the preparation of an amendment subject to the deletion of the aforementioned three Council requirements. This decision was made pursuant to section 9(5) of the Act, which enables the Minister to authorize the preparation of an amendment, subject to "any conditions the Minister wishes to impose". The Minister noted that if Council did not wish to proceed with Amendment C43 in the modified form, he would consider exhibiting a Ministerial amendment.

Following a meeting with the Minister on 16 March 2006, the Council wrote to the Minister proposing that the Council exhibit an amendment generally consistent with Amendment C43 but with explicit reference to the Stockland proposal or that it exhibit two amendments (i.e. Amendment C43 and the Stockland amendment). The Minister wrote back to the Council reaffirming his intention to prepare a new amendment (C70) and seeking a response to the authorisation conditions by 5 April.

In April 2006, the Council wrote to the Minister stating that it was not prepared to exhibit an amendment containing the three conditions. The Minister resolved to prepare and exhibit Amendment C70 himself. However, the explanatory report was drafted to include reference to the changes requested by the Council. The Minister's amendment was placed on public exhibition for one month from 28 April 2006, and all submissions were referred to the Panel.



### 3. PLANNING FRAMEWORK

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This section of the report considers the existing planning context for the amendment and focuses on the strategic and policy issues. It assesses how the amendments meet the objectives of the Boroondara Planning Scheme. The following sections of this report include a brief appraisal of the State Planning Policy Framework (SPPF), and Local Planning Policy Framework (LPPF), the relevant zone and overlay controls, and the Metropolitan Strategy – *Melbourne 2030*. Following this analysis, the Panel then examines Amendment C70 in further detail, and provides commentary on issues relating to the Minister for Planning as Planning Authority and Responsible Authority.

The Panel was informed by the expert evidence of Mr Brendan Rogers of UrbisJHD and Mr Andrew Biacsi of Contour Consultants (who provided a peer review of Mr Rogers' evidence) for the Proponent, and Mr David Barnes of Hansen Partnership for the City of Boroondara. In addition, the submissions of Mr Canavan, Mr Garde and Mr Wren, and the Tooronga Action Group provided significant commentary on planning issues. Mr Rogers advised he had been involved in the proposal since 2003 (when Stockland began looking at the site), and his role has continued throughout.

#### 3.1 Existing Planning Context

##### (i) State Planning Policy Framework

The purpose of the SPPF in planning schemes is to inform planning authorities and others of those aspects of State level planning policy which need to be taken into account and given effect in determining planning and development proposals. Planning policies are directed to land use and development through the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

In assessing this amendment, consideration has been given to the Goal of the SPPF, which states at Clause 11.01:

*It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development.*

Further, Clause 11.02 states:

*The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*

Clause 11.03 – ‘Principles of Land Use and Development Planning’ contains general principles that elaborate on the objectives of planning in Victoria covering settlement, environment, management of resources, infrastructure, economic well-being, social needs, and regional co-operation.

The SPPF identifies principles of land use and development planning that must be supported and implemented by this amendment. These include:

Clause 12 – ‘Metropolitan Development’ envisages that Melbourne will grow by one million people within this timeframe and establishes an overall vision for the city to consolidate its reputation as one of the most liveable, attractive and prosperous areas in the World for residents, businesses and visitors. This policy contains eight key directions which aim to ensure that land use and transport planning and investment contribute to economic, social and environmental goals. Further discussion on Melbourne 2030 is provided in subsection (iv) following.

Clause 14 – ‘Settlement’ has the aim of ensuring that a sufficient supply of land is available for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 15 – ‘Environment’ has the goal of adopting environmental and resource management principles to achieve ecologically sustainable development (ESD).

Clause 16 – ‘Housing’ encourages the development of well-designed medium density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

Clause 17 – ‘Economic Development’ seeks to encourage development which meet the community’s need for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 18 – ‘Infrastructure’ seeks to ensure the planning and development of physical and community infrastructure that is efficient, equitable, accessible and timely. This includes efficient use of existing infrastructure.

Clause 19.03 - ‘Design and Built Form’ aims to achieve high quality built form and architecture that enhances the liveability, diversity, amenity and safety of the public realm.

## **(ii) Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement (MSS) and the local planning policies (LPPs). The Municipal Strategic Statement (MSS) for Boroondara is found at Clause 21 of the scheme. It provides the strategic planning, land use and development objectives to deliver the vision for the municipality, and the strategies and actions for achieving those objectives. In particular, the MSS provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority. The Local Policies are found at Clause 22 of the scheme. Relevant policies and objectives to this proposal are outlined below.

### ***Clause 21: Municipal Strategic Statement***

Clause 21.04 – ‘The Vision for Boroondara’ states that the mission for Boroondara is to contribute to the social, physical and economic well being of the City.

Clause 21.05 - ‘Urban Character’ relates to preserving the character of the City and the importance of the area’s character is identified in the Corporate Plan.

Clause 21.07 – ‘Residential Land Use’ relates to residential development within Boroondara and highlights that a variety of housing types and styles, along with high quality community services, close proximity to the CBD and good access to public transport are some of the qualities that make residential areas within the municipality an appealing and highly sought after residential environment.

Clause 21.08 - ‘Commercial Sector’ outlines a number of strategies, including:

- *Accommodate new commercial development in designated commercial areas throughout the City;*
- *Reinforce the retail function and vitality of our shopping centres;*
- *Integrate residential uses with commercial activities in select centres;*
- *Encourage industry that is of service to our business community and residents;*

- *Accommodate new office development in designated areas within the City;*
- *Comprehensively develop key sites within the City;*
- *Increase opportunities for sustainable home businesses; and*
- *Encourage the hospitality industry in the City.*

Clause 21.09 – ‘Community Facilities’ discusses the quality of social life in the city and the distribution of community facilities.

Clause 21.12 – ‘Movement’ seeks to improve traffic movement and to optimise car parking for the benefit of all users.

### ***Clause 22: Local Planning Policy***

Clause 22.03 – ‘Car Parking Policy’ sets out car parking requirements relating to all changes of use or new development in Boroondara. The policy establishes objectives and policy statements relating to the provision of car parking and the basis upon which requests for dispensations or reductions in car parking will be assessed.

Clause 22.08 – ‘Office Use and Development Policy’ applies to all commercial office use and development. It sets out general principles as well as parameters governing the design of office buildings including facades, setbacks, bulk and height, ground level treatments, car parking layout and access and pedestrian related issues. The policy also establishes decision guidelines for new office development.

Clause 22.09 – ‘Public Open Space Contributions Policy’ applies to application for subdivision and the assessment of the percentage contribution to open space (whether by levy or land).

Clause 22.10 – ‘Retail Centre Policy’ applies to all Retail Centres identified in the relevant table under this clause, including Tooronga Village Shopping Centre. The policy nominates the current role of the centre as a “*medium, convenience retail centre*” that is a purpose built supermarket based centre. The nominated future role is one of consolidation of its existing role as a convenience centre.

### **(iii) Zones and Overlays**

The Tooronga Village is currently in a Comprehensive Development Zone under the provisions of Clause 37.02 of the Planning Scheme. The purpose of this zone is:

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

The stated purposes of Schedule 1 (Concept Plan – Tooronga Activity Centre Comprehensive Development Zone, November 1999) is:

*To encourage and assist the overall development of the land for a mix of office, retail, open space and ancillary uses.*

*To ensure that the combination of uses and the scale and character of any redevelopment is compatible with the character, amenity and appearance of the surrounding area, the capacity of the existing and proposed road system to accommodate any increase in traffic, and the capacity of existing essential services including proposed modifications.*

*To ensure that open space areas and linkages are provided adjacent to Gardiners Creek and complement other public open space in the area.*

*To ensure that the retailing and office development is compatible with, and will complement the future development of the Camberwell District Centre.*

*To ensure that the land is developed in an orderly and comprehensive manner.*

Under the requirements of the schedule, a number of uses are as-of-right. Specifically, no permit is required for office or shop, on the condition that various size and car parking requirements are met.

The only requirement of Clause 2.0 of the schedule to the zone, relating to the use of the land, is that the “*use of the land must not adversely affect the amenity of the area*”.

The schedule exempts all buildings and works from the need for permit but does specify a range of requirements, including:

- *A section 173 agreement setting out requirements for various road works, restricting vehicle access to the east, provision of child minding facilities, a maximum floor area limit for any use other than office of 2,700 square metres and a requirement to provide 56 car spaces on the overall site for the existing shortfall of provision for the Coles Myer office complex.*
- *The preparation of an Overall Development Plan.*
- *The preparation of a Management Plan.*
- *The preparation of a Traffic Plan.*

The key elements of the plan incorporated into the scheme are:

- A building envelope plan.
- Vehicle entry/exit points.
- Landscape and open space areas.
- Road widening areas.
- Broad use precincts.

The requirement in the section 173 agreement that limits the floor area of any use other than an office or shop to 2,700 square metres effectively prohibits a significant residential component under the current controls.

The south-eastern corner of the site, as well as adjacently residentially zoned land to the south-east, is affected by the Land Subject to Inundation Overlay (LSIO) pursuant to clause 44.04. The relevant purposes of this Overlay include:

- ...
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority;*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimise flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity;*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act 1989 where a declaration has been made; and*
- *To protect water quality in accordance with the provisions of relevant SEPPs, particularly in accordance with Clauses 33 and 35 of the SEPP (Waters of Victoria).*

This overlay is not proposed to be altered as a result of this amendment.

#### **(iv) Melbourne 2030**

The Metropolitan Strategy - *Melbourne 2030* is adopted State Government policy. It is a strategy for Metropolitan Melbourne to achieve more sustainable growth to accommodate an additional one million people, while maintaining its liveability and attractiveness.

The strategy comprises a broad range of policies and initiatives developed under 9 key directions. The Victorian planning systems and planning schemes in particular, have a central role to play in implementing these directions and delivering the built environment outcomes across Melbourne. *Melbourne 2030* aims to ensure that land-

use and transport planning contribute to economic, social and environmental goals. These objectives lie behind the development of the key directions.

The key elements of Melbourne 2030 are set out in nine strategic directions, with those considered most relevant to the amendment including:

- Direction 1 – A more compact city
- Direction 4 – A more prosperous city
- Direction 5 – A great place to be
- Direction 7 – A greener city
- Direction 8 – Better transport links
- Direction 9 – Better planning decisions, careful management

Metropolitan Melbourne has a network of around 1,000 activity centres of various types and sizes. They are focal points for the community and meet a wide range of needs, and are classified into five types:

- Central Activities District
- Principal Activity Centres
- Major Activity Centres
- Specialised Activity Centres
- Neighbourhood Activity Centres

The Tooronga site is one of more than 900 small-scale Neighbourhood Activity Centres identified which are described in the Melbourne 2030 Strategy as playing “an important community role, offering access to local convenience needs and transport services.” Neighbourhood Activity Centres are dominated by small businesses and shops that provide a local convenience function and are highly accessible by foot or bicycle. They serve a small, local area and have an important role in encouraging people to walk or cycle to reach the services they need instead of using the car – an important factor in creating healthier communities and lowering greenhouse emissions.

Direction 1.1 sets out that key features of a Neighbourhood Activity Centre are:

- *Generally, a limited mix of uses meeting local convenience needs;*
- *Generally less than 10,000 square metres of retail floor space;*
- *Accessible to a viable user population by walking/cycling;*
- *Accessibility by local bus services, and public transport links to one or more Principal or Major Activity Centres; and*

- *Their roles as important community focal points, ideally close to schools, libraries, child care, health services, police stations and other facilities that benefit from good public transport.*

The Tooronga site has linkages to a number of the other Activity Centres located in Boroondara. In terms of existing transport linkages, Tooronga is located at the intersection of two major arterial roads and within a transport corridor that contains the Monash Freeway, Glen Waverley railway line and the Gardiners Creek pedestrian and bicycle trail. Bus route 624, between Kew and Chadstone/Oakleigh passes along Tooronga Road with a stop at the site. Tooronga Village is also close to Burke Road, which includes a north-south tram service and provides a linkage to the Camberwell Junction Principal Activity Centre.

#### (v) **Tooronga Village Urban Design Framework (UDF) 2001**

The City of Boroondara completed the UDF for the Tooronga Village Site in 2001. It was formally adopted by Council in November 2001, although it is not included in the Planning Scheme. The framework focuses on the size and form of buildings, vehicles and pedestrian movement, residential amenity and the Gardiners Creek environment. It includes a concept plan and objectives. Some components of the UDF have been carried forward into the Tooronga Village Reference Document.

### **3.2 Amendment C70 in Detail**

There are a number of key elements to this amendment, a summary of which was noted in Section 1.2 of this report. In reviewing the amendment in detail, there are a number of key components that resulted in significant discussion and commentary at the hearing and the Panel has de-constructed this amendment in the following form to further explore it, in order to make recommendations on how it all can fit together to ensure the most appropriate outcome for the site and its surrounds. The key elements of this amendment include:

- (i) **Priority Development Zone** - inclusion of Development Plan provisions, an Incorporated Document and a Reference Document;
- (ii) **Local Policy Provisions** – changes to the MSS and introduction of a new Local Policy;
- (iii) **Overlays** – introduction of a new Environmental Audit Overlay and the continuation of the Land Subject to Inundation Overlay.
- (iv) **Comprehensive Development Zone** - to be retained on the land occupied by the Coles Myer office building; and
- (v) **Minister for Planning** as Planning Authority and Responsible Authority.



Each of these is discussed in turn.

**(i) Priority Development Zone**

In its April 2004 Economic Statement *Victoria: Leading the Way*, the Government stated that the timely facilitation of projects of State and regional significance was critical to the Victorian economy. The Statement announced a number of initiatives including the Government's intention to create a new Priority Development Zone (and the establishment of the Priority Development Panel to support the new arrangements). The Priority Development Zone was introduced into the VPP by Amendment V005, gazetted on 3 September 2004.

The exhibited Priority Development Zone included a Development Plan, although both the proponent and the Minister did not support its inclusion. Council, the Tooronga Action Group and those submitters who commented on the form of planning control supported its inclusion.

The Development Plan was set out in exhibited Schedule 1 to the proposed Priority Development Zone. Schedule 1 states that a permit granted must be generally in accordance with the Tooronga Village Incorporated Plan, 2005 and, once approved, the Development Plan. The schedule establishes that the Development Plan must, where relevant:

- *Apply the use and development principles contained in the Tooronga Village Incorporated Plan, 2005;*
- *Have regard to the Tooronga Village Reference Document 2005;*
- *Show the layout of all road, pedestrian/bicycle circulation routes and car parking spaces and provide supporting information for the proposed road and pathway layout and quantum of car parking being provided;*
- *Show all site levels and levels of proposed buildings relative to AHD;*
- *Identify what road works/traffic management works are required on adjoining and nearby roads as a result of the proposed development as shown in the development plan having regard to the likely anticipated full development scenario for the overall site;*
- *Be accompanied by a draft section 173 agreement providing for the preparation and implementation of a:*
  - *traffic management plan*
  - *parking management plan*
  - *integrated transport plan*
- *Be accompanied by a draft section 173 agreement relating to the provision of development contributions through works in lieu or a monetary contribution in respect of the following:*

- *roadworks*
- *drainage works*
- *rehabilitation of the Gardiners Creek and environs*
- *wetlands for stormwater treatment and storage purposes*
- *a community facility of at least 50 square metres in the retail component within Precinct 1*
- *improvement of all open space areas*
- *Show three dimensional building envelopes and proposed floor space areas in respect of all buildings proposed within the precinct;*
- *Show the intended use of all buildings proposed within the precinct;*
- *Show the general location and size of all proposed open space or urban plaza areas;*
- *Include a conceptual landscape plan;*
- *Show all major works proposed in the precinct;*
- *Identify how roads, buildings and works will interface with any adjoining land or precinct; and*
- *Include a staging plan for the buildings and works shown within that development plan and how that staging relates to the staging of works in other approved development plans relating to other precincts.*

Resolution on the Development Plan is provided in Section 8 of this report.

The structure of Schedule 1 to the Priority Development Zone is such that it identifies the site and the land to which the zone applies, and then provides a number of objectives. The Schedule specifically identifies the Tooronga Village Incorporated Plan 2005. Clause 1 is the table of uses, and it is noted that many of the preferred uses are section 1 – permit not required, subject to conditions. Section 2 provides for uses not in section 1 and 3, as well as others that could be considered. The section 3 prohibited uses are typical of those to be discouraged in a residential area. Clause 2.0 specifies use of land and application requirements.

Clause 4.0 relates to buildings and works and provides application requirements and exemptions, while Clause 5.0 provides decision guidelines. Advertising sign requirements are included in Clause 6.0, car parking and traffic are included at Clause 7.0 and the Tooronga Village Reference Document is included at Clause 8.0.

### ***Tooronga Village Incorporated Plan 2005***

As exhibited, the Tooronga Village Incorporated Plan 2005 includes a written statement (Development Principles), an Urban Framework Plan and a Height Plan.

The Development Principles identify the land, the Plan and General Principles, which relate to Use, Links, Development Form, and Site Edges. Four Precincts are identified, each with specific objectives. The precincts include:

- Precinct 1 – Mixed Use (Retail)
- Precinct 2 – Mixed Use (Commercial)
- Precinct 3 – Residential
- Precinct 4 – Open Space

The Urban Framework Plan provides a structural framework for the development of the site. It identifies precincts, main roadways, public open space and pedestrian movement within the site and key interfaces.

The Height Plan establishes building height envelopes within the precincts and in addition shows existing level conditions.

### ***Tooronga Village Reference Document – September 2005***

The amendment includes the Tooronga Village Reference Document 2005 which was prepared to provide more detailed information on the site analysis and design response that underpins the Incorporated Plan. It includes excerpts of an indicative development concept, but does not include an Indicative Development Plan.

#### **(ii) Local Policy Provisions**

The amendment proposes two changes to the policy provisions of the Boroondara Planning Scheme, these being minor changes to the MSS and the introduction of a new policy at Clause 22.15.

#### ***Minor Amendments to the MSS***

Clause 21.08 – Commercial Sector of the MSS is amended to include an additional dot point 21.08-3 as follows:

*Objectives, strategies and implementation*  
*Implementation*  
*Zones and overlays*

- *Applying the Priority Development Zone to the Tooronga Shopping Centre/Brickworks sites in Hawthorn to enable specific development outcomes to be achieved.*

The Framework Plan – Commercial is amended at Clause 21.3 to show the Tooronga Village Priority Development Zone.

### ***Introduction of Clause 22.15***

The amendment proposes the introduction of a new local policy at Clause 22.15 of the scheme, which is proposed to specifically apply to the Tooronga Village site. The policy basis describes the location and notes:

*The site is in close proximity to central Melbourne and with good existing and potential transport linkages. The redevelopment of this site for a mix of uses, including a significant residential component, provides the opportunity to repair the urban fabric of this strategic site in an integrated manner with the existing community.*

The Panel agrees with this policy basis, and also the objectives as noted below in Clause 22.15-2:

- *To facilitate the redevelopment of the Tooronga Village site as an integral part of the broader Tooronga precinct.*
- *To encourage a mixed use redevelopment that will complement the broader precinct.*
- *To manage movement and access to and through the site to improve the permeability of the site.*
- *To maintain and enhance the community retail role of the centre.*
- *To ensure that the scale and intensity of all use and development that occurs on the site is supported by appropriate infrastructure.*
- *To encourage the provision of diverse and usable public spaces.*
- *To promote excellence in the design of new buildings and the public realm.*
- *Encourage opportunities for residential development throughout the site.*
- *Contribute to residential amenity.*
- *Incorporate ecologically sustainable development principles.*

The policy is then provided at Clause 22.15-3, and includes specific policy for land use, movement and access, built form, integration, and open space and environment. The Tooronga Village Reference Document 2005 is noted as such at Clause 22.15-4.

### **(iii) Overlays**

The amendment proposes to introduce an Environmental Audit Overlay to the southern portion of the land, and to retain the Land Subject to Inundation Overlay with no changes proposed. There was very little discussion about the overlays in relation to this amendment.

#### *Environmental Audit Overlay*

There was no issue that an Environmental Audit Overlay would be introduced over the southern half of the land proposed to be rezoned to Priority Development Zone. All parties accepted the need for this overlay due to the previous use of the land for industrial (brickworks and land fill) purposes. The Panel supports that aspect of the amendment as exhibited.

#### *Land Subject to Inundation Overlay (LSIO)*

As mentioned previously, the south east corner of the site, as well as the adjacent residentially zoned land is included in the LSIO. This overlay is to be retained and the Panel supports its retention.

### **(iv) Comprehensive Development Zone**

The amendment proposes to alter the extent of the existing Comprehensive Development Zone to include only the land occupied by the Coles Myer office building.

There was no issue that the boundary of the Comprehensive Development Zone would be amended to reflect the land proposed to be occupied by Coles Myer, and the boundary of the new Priority Development Zone. The Panel supports that aspect of the amendment as exhibited.

### **(v) Minister for Planning as Planning/Responsible Authority**

The Panel understands that the Minister for Planning determined to become the Planning Authority for the amendment in April 2006, after Stockland made representations to him that Council was not prepared to place the amendment on exhibition in the form preferred by Stockland.

Mr Wren advised the Minister anticipates remaining Planning Authority until such time as the amendment is gazetted. When asked how long the Minister might

remain as Responsible Authority, Mr Wren indicated that it may be “*until such time as any development as appropriate is completed*”, which given the timeframe for development, is anticipated to be over a ten year period. The Council and the local community did not support this.

There was some discussion about whether the Minister, through DSE, would have the resources to deal with the various planning permit applications and the extent of detail required to assess them. Council in particular was critical of what it suggested was a lack of resources to deal with the myriad of permits and their considerations. Mr Storer argued that the Boroondara Council had all the resources required to deal with any permit (planning, urban design, traffic, landscape, and the like) and provided an inventory of its staff. Council suggested DSE had one planning officer to look after Boroondara and Monash, and would not be able to handle the work required. This was also put forward in Council’s initial submission, where they stated:

*The Minister lacks the appropriate resources to properly administer and enforce the scheme for the life of the project.*

The Minister for Planning, through Mr Wren refuted this, and indicated that DSE had the resources and capabilities to deal with any future planning permit application. From paragraph 36 of the Minister for Planning’s closing submission:

*This suggestion shows a lack of understanding in the resources that are available within and external to the Department to bring to such a task. The Port Phillip Regional Office of the Department has a team leader and manager who will be available to assist. The Regional Office has also recently undertaken a capability review and in response to the recognised need for additional resources, two dedicated officers are in the process of being appointed to assist in facilitating the delivery of major projects. Development facilitation officers will be available from the Department’s Central Office. The Urban Design Unit will be available to assist in the assessment of any planning permit application, as will be the State Architect. The Department therefore has more than one officer to handle applications that are submitted to redevelop the site and to administer the Planning Scheme in respect of the site. This is a view accepted by Messrs Czarny and Barnes.*

*If necessary, the Department is also able to engage additional resources.*

*The Panel may be aware that, under delegation, officers of the Department’s Port Phillip Regional Office are successfully administering the Monash Planning Scheme in relation to the redevelopment of Waverley Park, in respect of which the Minister for Planning is the responsible authority.*

*A similar function is also currently being undertaken by officers of the Department's Port Phillip Regional Office in relation to the redevelopment of the Kew Residential Services site.*

*The Department is therefore confident that it can meet the extra demands in terms of staff time and resource allocation if the Minister for Planning is the responsible authority for the Boroondara Planning Scheme in respect of the Tooronga Village site.*

Overwhelmingly, the Council and the community objected to the Minister for Planning being the Planning and Responsible Authority for this amendment and proposal. At the same time, the proponent strongly supported the Minister taking on this role and retaining it indefinitely. The Minister is part through his duties as Planning Authority by exhibiting the amendment, so the focus of the following discussion relates to his potential role as Responsible Authority, once the amendment is gazetted in its final form.

The Panel is not able to take this matter any further. This decision has been made by the Minister and while the Panel heard various submissions and opinions about this, it is not relevant to its deliberations. It is aware that DSE has a range of resources, and it supports consideration of use of the State Architect Development Facilitation, and the Urban Design Unit. Additionally, a Section 151 Advisory Committee could also be considered as an option to provide advice on applications. However, further commentary on how the Responsible Authority and Council could better interact, particularly through the permit process, is provided in Section 8 of this report.

### **3.3 Panel Findings**

A review of the existing planning context for the site reveals that there is a strong strategic underpinning for this amendment, through the SPPF, the Metropolitan Strategy and the local provisions. Without repeating the various provisions, an objective of the State Planning Policy Framework, at Clause 12.01-1, is:

*To facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

A strategy to achieve this objective, under the heading "Activity Centres" in Clause 12.01-2, is:

*Build up activity centres as a focus for high-quality development, activity and living for the whole community by encouraging higher density housing in and around Neighbourhood Activity Centres that is designed to fit the context and enhances the*

*character of the area while providing a variety of housing options for different types of households.*

The Tooronga Village site is a neighbourhood activity centre, however it would appear that designation only takes in the existing retail component. It is clearly a major strategic redevelopment site. Other strategies to achieve this objective, under the heading “*Housing*” in Clause 12.01-2, are:

- *Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport by:*
  - *Increasing the proportion of housing to be developed within the established urban area, particularly at activity centres and other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
  - *Encouraging higher density housing development on sites that are well located in relation to activity centres and public transport.*
- *Identifying strategic redevelopment sites for large residential development that are:*
  - *In or beside Neighbourhood Activity Centres that are served by public transport.*
  - *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

Melbourne 2030 places a particular emphasis on the role of activity centres and strategic redevelopment sites in directing an increased proportion of population growth to locations within the existing metropolitan area to create a city that is more sustainable in its form and function.

Even though Council does not support the amendment in its current format – even if the site did have a setback of 30 metres to Gardiners Creek, the tallest elements were reduced by two storeys and there was a statutory provision for 500 car parks on the site, it would not alter the fact that the site would be significantly redeveloped to be a major activity centre – even if the designation was “*neighbourhood*”. The clear intent of Amendment C70, to provide for a mixture of residential, office and retail uses, is extremely well aligned with current metropolitan planning policy.

With regard to the form of the exhibited amendment, the Panel supports the application of the Priority Development Zone, and the inclusion of the Incorporated Plan and Reference Document. It further supports the application of the Environmental Audit Overlay, and the retention of the land subject to Inundation Overlay. Specific recommendations about some of the detail of the amendment is provided in Section 8.

The Panel therefore finds that the existing planning framework supports further development of the Tooronga Village site, and the Priority Development Zone



provides the most appropriate statutory tool to deliver this proposal.

## **4. URBAN DESIGN AND BUILT FORM**

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Evidence and submissions on urban design and landscape presented to the Panel was in the form of an indicative concept plan for the project, together with three dimensional representations of the plan, and in expert reports and statements of evidence to the Panel. These included:

- Stockland: Tooronga Village Urban Context and Planning Report, September 2005, prepared for Stockland for purposes of public exhibition of the proposal.
- Tooronga Village Reference Document, September 2005, prepared by UrbisJHD.
- MDG Landscape Architects on behalf of the proponent; Urban Design and Landscape Architecture Statement of Evidence, June 2006, and represented at the Panel Hearing by Mr Barry Murphy.
- Hansen Partnership on behalf of the City of Boroondara; Tooronga Village Design Review, Statement of Evidence, June 2006, and represented by Mr Craig Czarny.
- Landscape Australia Consultants on behalf of the City of Boroondara, Amendment C70 Tooronga Village Site, Statement of Evidence, July 2006, and represented by Mr Marc Bartsch.

In addition, Council tabled a report prepared by Leigh Woolley, Architect and Urban Designer; Comments in Response to Redevelopment Concepts, September 2005. Mr Woolley did not present evidence at the Panel Hearing. The Tooronga Action Group (TAG); submission, Built Form and Open Space, August 2006 was presented by Mr Stephen Hare. A number of individuals in submissions at the Panel Hearing also raised issues related to the impact of the development, development form, and landscaping of the site.

### **4.1 Urban Structure**

#### **(i) The Site**

The Tooronga Village site is strategically located approximately 8 kilometres south east of central Melbourne. It lies within the City of Boroondara, and abuts the City of Stonnington to the south.

The site might be said to be defined by its physical disconnection from the surrounding urban fabric, while its identity is to a large extent determined by the conditions at its edge. There are strong lines of demarcation provided by the

arterials of Toorak and Tooronga Roads to the north and west, and the presence of the Gardiners Creek landscape corridor along the southern boundary. The corridor contains a shared pedestrian bike path and high tension power line cables and pylons, and in turn is bounded on its southern edge by the Monash Freeway.

Long views to, from and within the site, characterise its presence within the surrounding urban fabric. Other identifying factors are the natural and man made topography of the site including site falls to the west along Toorak Road and south along Tooronga Road, and large escarpment running east west across the site. There is the added feature of the Coles Myer building, impacting on the site, and its future development, both at the level of its physical presence and the dominance of its singular, if not over simplified architectural image.

In addition the site is impacted by environmental factors of traffic and freeway noise, flood water inundation, and the presence of drainage, power transmission, and access easements.

In summary, and from a development perspective, the site is difficult and complex in the range of factors impinging on it; factors no doubt contributing to the current condition and use of the site. At the same time the peculiarities of the site are the very factors that may seed the particularities of the development response and its architectural resolution, making it in the future a special place in which to live or work or shop.

## **(ii) Urban Design Framework 2001**

In 2001 Boroondara Council established a working group to develop an urban design framework for the Tooronga Village site. The intention was to examine the site in the context of the Comprehensive Development Zone, with a view to informing future development proposals. The resulting framework, in the form of an illustrated report, was subsequently adopted by Council, but is not an incorporated or reference document in the Boroondara Planning Scheme.

Elements of the framework include design objectives; height and massing principles; public realm components; and a concept plan for the site. The concept plan identified six public realm components: a main avenue; edge and interface conditions; reception space; pedestrian links; a buffer space; and a parkland space, parallel with the creek corridor.

The framework concentrates on these public components, it is not specific on the matter of a functional programme for the site except in its anticipation of a mix of

uses including offices, retail, and residential use in the form of multi dwelling development. Similarly it is not specific on the intensity of development, except that *“site use and floor area are limited by infrastructure capacity (eg the surrounding road network) and the potential impact on the sites surrounds (eg traffic and amenity)”*.

The Panel heard evidence and submissions, as to the importance or otherwise that should be accorded the 2001 framework, and its relevance to the current application for amendment. Its status in relation to the Planning Scheme was noted, similarly its inception prior to the introduction to Melbourne 2030.

The Panel is of the view that the original urban design framework, while useful in informing the further development stages, is in large part the product of conditions pertaining at the time and that while a particular framework might be preferred, it is not a definitive or exclusive prescription for development in that it does not rule out other solutions, solutions of equivalent merit.

### **(iii) Tooronga Village Incorporated Plan 2005**

The Tooronga Village Incorporated Plan 2005 includes an Urban Framework Plan (UFP) and a Height Plan, both of which underpin the future development of the site. These plans, as exhibited, are included as part of Appendix 2. The UFP and the associated Height Plan are the primary mechanisms for structuring the layout planning and development form proposed for the site.

An indicative concept plan for development of the site was prepared, together with a three dimensional representation of this plan in the form of computer modelling and animation. This plan formed the basis of evidence from Mr Murphy and Mr Goss, as well many submissions from other parties and the community. The plan demonstrated one possible outcome of the application, taking into account the parameters of the suite of documents proposed as part of the amendment. The indicative concept plan does not form part of the amendment documentation.

Mr Murphy advised in evidence that the Urban Framework Plan evolved from the Council’s original Urban Design Framework. The Panel considers the current Urban Framework Plan is more specific of a functional programme for the site and the distribution of elements of that programme within the site. Further it delineates precincts which organise both the programme and the proposed built form, thus providing for distinct zones of activity within the site, zones of different intensity of development, and of different character. In addition the definition of precincts provides a basis for a strategy for undertaking the works and programming the construction phases of the project.

There were no submissions to the Panel questioning significant elements or the structure of the proposed Urban Framework Plan, or its appropriateness for the current purpose.

Mr Czarny however, took the position that the amendment documentation in general was inadequate to assess the urban design implications of the proposed development, and generally sought to provide a tighter more prescriptive framework of controls for the site.

In the course of the hearing Mr Rantino provided the Panel with a comparative report prepared for the Council by Leigh Woolley undertaking an assessment of the Urban Framework Plan in the context of the original UDF. Mr Woolley found in summary:

*It is evident that the public realm components identified in the original UDF have broadly been translated into the current Urban Framework Plan and underpin the indicative development concept. The principal variation is the extended site coverage of development proposed on the low ground, and the height of development on the escarpment of the high ground.*

Both Mr Canavan for the proponent and Mr Wren for the Minister, supported a more flexible framework of controls, rather than the Council position that controls should be tailored to a particular development concept; a concept that may or may not be realised in its current or indicative form.

The Panel is generally supportive of this position, believing that better urban outcomes derive from urban design by design, rather than urban design by prescription or regulation. It is of the view that a balanced set of controls are required, that provide both certainty in terms of acceptable outcomes, and the freedom for an appropriate design response and qualitative architectural solutions. This can be achieved through the provisions of the Incorporated Plan, subject to specific modifications.

#### **(iv) Panel Findings**

The Panel considers that in relation to urban design and site development that the Urban Framework Plan, with minor amendments, provides a sound basis on which to structure the proposed development of the site.

In particular, it finds that the designation of precincts within the site provides a framework for the distribution of elements of the functional programme; the basis for the built form proposal; and for staging of the development and programming the works.

To ensure consistency within the amendment, the Panel has made a number of recommendations relating to the wording of the key to the Urban Framework Plan.

The Panel recommends that the Notes on the Urban Framework Plan be amended to read as follows:

- **Note 2:** *“buildings of significant architectural merit to provide a marker to the site”*
- **Note 5:** *“main entry boulevard and urban retail street, comprising boulevard treatments, active frontage and calmed traffic to form important elements of the public realm”*
- **Note 6:** *“open space link to Gardiners Creek corridor, and pedestrian and bike path”*
- **Note 10:** *“reconstructed retail facilities”*

## **4.2 Site Functions**

### **(i) Site Mix**

During the course of the hearing, the proponent ‘locked in’ the floor areas, or limits of development for individual functions within the site. Previously the proposal had been a balance within a total allowable floor area for the development, such that an increase in the area allocated for one purpose saw a corresponding reduction in the allocation for another. This had the practical effect of not being able to establish limits for such items as car parking and traffic generation for the site. The fixing of these areas provided clarity of intention during the process of the hearing.

Components of the programme, together with the floor area or limits proposed for the development, are as follows:

- Office; to a maximum of 4000 square metres of total leasable floor area.

- Shop; to a maximum of 8000 square metres of total leasable floor area.
- Dwellings; a maximum of 600 dwellings, comprising approximately 400 apartments, 184 townhouses and 6 detached houses.
- Community Facility; use to be determined, in order of 100 square metres.

The development proposal is broadly described as mixed use in terms of its functional programme. Individual functions are included in or distributed across the site precincts as follows:

- **Precinct 1: Mixed Use**  
Contains a combination of retail, commercial and residential uses, this precinct occupies the northern portion of the site and is intended to be the most intensely developed of the precincts. It contains the shopping centre, associated office development, multi-storey residential towers above a landscaped podium, and underground car parking to service these uses. It also includes a pedestrian mall and outdoor central plaza.
- **Precinct 2: Mixed Use**  
Occupies the south west portion of the site, it is proposed the precinct include mixed uses of multi-storey residential buildings, together with small scale retail or entertainment uses at the ground level; alternatively commercial uses.
- **Precinct 3: Residential**  
Located below the escarpment in the southern portion of the site, the precinct will contain a variety of housing forms including low level apartments, town houses, and detached housing located along the eastern boundary.
- **Precinct 4: Open Space**  
Centrally located within the site, the precinct contains the major open space component of the development. It further serves to connect the central plaza located above the escarpment, with the landscape corridor along Gardiners Creek.

In his closing submission to the Panel Mr Wren, in noting that the Tooronga Village site is both part of a Neighbourhood Activity Centre and a strategic redevelopment site, concluded *“The intent of Amendment C70, to provide for a mixture of residential, office and retail uses, is therefore aligned with current metropolitan planning policy”*. The Panel agrees with this view, and it endorses Mr Wren’s conclusion on the appropriateness of the proposed use and mix for the site.

## **(ii) Site Intensity**

Although there was little or no opposition to the proposal for mixed use development or the general content of the uses proposed for the site, evidence and submissions raised questions as to the intensity of the proposed development, on the part of Council and a number of the submitters. This was not always expressed directly, rather it took the form of opposition to actual or supposed outcomes resulting from the intensity of development proposed for the site. These included:

- Difference in volumes included in the height plan, and the development intent as represented in the indicative development plan.
- The number of dwelling units proposed to be incorporated in the development.
- Height of the proposed residential towers.
- Traffic volumes generated by site usage, and the impact on already congested roadways.
- Building setbacks along Gardiners Creek.
- Insufficient provision for open space within the site.

In a general sense, the Panel notes that the limits on the proposed development of the site are in large measure dictated by capacity and amenity constraints, determined both from within and outside of the site. Such constraints include:

- Traffic generation and its impact on the internal road system, and the capacity of the surrounding roads to absorb such impact; including giving over of land area for roadway improvements.
- Car parking and its capacity to be accommodated on the site; including allowance for Coles Myer parking.
- Provisions for both public and semi-public open space within the site area.
- Power line easement; provisions for flood water inundation; environmental overlays; and setback requirements along the Gardiners Creek corridor.
- Proposed inclusion of detached dwellings as the building form at the interface with the east boundary.

The Panel agrees with the broad proposition that in its totality, it is appropriate that the level of development be determined or dictated by the capacity of the site, amenity constraints, and external and environmental impacts.



### **(iii) Panel Findings**

The Panel endorses the principle of a mixed use development of the site and finds the proposed uses of retail, commercial and residential to be an appropriate basis for this mix.

Further, the level or intensity of development to the upper limits of floor area and numbers of dwellings proposed is appropriate for the site on the basis of demonstrated capacity, amenity constraints, external and environmental impacts.

In this regard, the Panel supports the modified Schedule 1 to the Priority Development Zone as provided at the conclusion of the hearing (Version 4).

## **4.3 Development Form**

### **(i) Building Form and Mass**

The proposed development form is predicated in part on division of the site into precincts; these are used to organise the site into zones containing one or more functional elements of the programme, and provide the framework for the volumetric or built form component of the proposal. This is done through the introduction of the Height Plan as part of the proposed planning controls, whereby precincts in whole or in part, are extruded to achieve a volumetric envelope, as a mechanism for limiting the extent of development of built form.

It should be noted that an interpretation of proposed building form, or any appreciation of the massing or stacking of forms, must take cognisance of the topography of the site; similarly a reading of the development envelopes in the Height Plan.

The representation of the built form in the indicative development plan might best be described as an eclectic mix of elements of architectural composition: tower buildings; podium structures; roof decks; point blocks; slab blocks; and detached or freestanding buildings. These are assembled in such a way as to generate extremes in density, or in the distribution of building mass or volume, and hence intensity of activity within the site.

As a consequence, the proposal sets out to offer a collage of possible experiences ranging from the intensely urban, to the near arcadian experience of the central landscape spine and its engagement with the creek corridor.

One observation, on the basis of the material presented, is that the concentrations of building mass do not necessarily correspond with finer grained or scaled building

elements within the site. The proposed breaking down of volumes, fragmentation of the form, variety of heights and the modulation of the façade along the Toorak and Tooronga Road frontages in Precinct 1, is in sharp contrast to the horizontality, the scale, and in part the height of the 'gateway building' or residential slab block in Precinct 2; addressing as it does Tooronga Road, then tracking back along the creek corridor, and engaging as it must with the freeway.

Elsewhere in the development, building volume is 'buried' within the folds or shifts in topography, and built form is used to visually frame or camouflage the edges of the transition between levels.

Broadly, it may be surmised that the built form component of the indicative proposal, is the product of commercial imperatives; the dictates of the programme and its mix within the site; the particulars of the conditions at site; and the contextual and interface issues bearing on the development. In essence the proposition of the Proponent is that out of this process, the proposal offers the potential for a variety of urban and landscape experiences; a diversity of built form and spatial experiences; and mix of activities and uses within the site; in short that it has the potential to be a "*... visionary development ... of significant architectural merit.*"

It is the detail of the built form proposal that was contested in the Panel hearing; detail including the location and scope of the development envelopes, the height of development, building set backs, and the treatment at the interfaces with adjoining sites. These issues are dealt with in the following sections.

## **(ii) Development Envelopes and Height Plan**

The position of the proponent in relation to building height and form as expressed in the Reference Document is that: "*The Tooronga Village site offers the rare opportunity to introduce some vertical scale on an inner urban infill site without having any negative amenity impacts for adjoining properties or the neighbourhood generally due to the proposed location of higher built form.*"

Opposing views were put to the Panel in relation to building envelopes and the role of the Height Plan in controlling the development outcome; these positions are broadly outlined above.

Specifically, in noting the disparity between the allowable envelopes and the proposed development as represented in the indicative plan, Mr Czarny sought envelopes more tightly fitting the proposal, or prescriptive in their intended outcomes.

The Panel is of the view, that in itself the 'loose fit' or general nature of the height envelopes is not the principal matter at issue. The Height Plan is one of a suite of planning controls proposed, and that to assume that quantitative criteria alone will dictate the development outcome, that other factors will not be considered and qualitative assessments will not be made in approval stages of the project, is incorrect.

In his evidence to the Panel Mr Czarny tabled photomontages of the projected envelopes, from locations in the surrounding urban fabric. He further tabled an alternative height plan, and a tabulated analysis, precinct by precinct, comparing the height envelopes with the proposed development plan. Specifically, he recommended amendment of the Height Plan, to:

- *Reduce the height of each of the tower forms in the order of 2 stories so that their presence is limited and an improved relationship exists with the lower 3 storey podium,*
- *Better integrate towers with the existing Coles Myer building, through setting back of the north most tower and stepping of each tower to form a more delicate projection,*
- *Realise a stepping of the Precinct 3 escarpment form to achieve a true scale transition to the southern residential area,*
- *Reduce the scale and proximity of the south-western form in Precinct 2 to the Gardiners Creek corridor, and*
- *Vary the extent of uniform building height across the southern and eastern portion of the land, including a sensitive stepping towards the creek corridor.*

Boroondara Council in a letter to residents dated 27 April 2006, had sought to: *"Increase the setback of the tower near Toorak road to lessen its impact on the streetscape, and that the upper levels were further set back to 30 metres."*

The Tooronga Action Group submitted that the original UDF was clear that the absolute limit on height for the development should be the Coles Myer building. In noting a failure of the current scheme, it reiterated a principal established as part of the UDF: *"To encourage built form to reinforce and represent the topography of the site (ascending, descending, stepping)"* and *"to encourage public realm elements to reinforce and represent the topography of the site in order to facilitate an awareness of the form and composition of the site."*

Mr Pruser, in his submission, argued that: *"The proposed buildings' heights and setbacks are not appropriate. The site is on a hill and the proposed two extra towers will dominate the whole area, rather than blend in to the existing development."* In his submission, Mr Timcke stated: *"Some of the concept or indicative building heights are well beyond that of the UDF 2001, and not within the spirit of heights of buildings decreasing in sympathy with*

*the topography. Mr Murphy, for Stockland, has declared that it is not an important consideration."*

In the matter of building envelopes and the Height Plan, the Panel considered three issues pertinent to its assessment: developer intent in relation to building heights; survey level information; and breaking through of the height envelopes.

### ***Development Envelopes and Developer Intent***

In the Reference Document, the underlying intent of the development proposal in relation to the Coles Myer building is clear. Under Design Directions, specifically in relation to interface treatment, the principal is established whereby *"Setbacks of higher built forms from street frontages should address amenity and interface issues. These forms to be no higher than the Coles Myer office building to the east."* Similarly in reference to indicative development concept, in relation to built form: *"The two towers in Precinct 1 .... would be of a scale that is compatible to the relative height of the Coles Myer building."*

The Panel supports the position whereby building heights and setbacks, particularly in relation to the towers, take as a reference and in so doing establishes a relationship with, the built form of the existing Coles Myer office building.

Following from this, on the matter of the east tower building envelope in Precinct 1, and its setback from Toorak Road, it is the Panel's assessment that the envelope (should) be relocated south, such that the setback from Toorak Road aligns with the north face of the second row of office modules on the Coles Myer site.

### ***Survey Level Information***

The Panel noted variations in the level information provided and as a consequence the height datums adopted for various of the envelopes. As part of the exhibited amendment, a drawing indicating the Coles Myer roof heights shows the highest office module at AHD 58.90; the drawing and the levels indicated appear to be extracted from an earlier Hawthorn Council planning drawing. Subsequent survey plans prepared by Parry Fraser and Jones Engineers and Surveyors, and tabled at the Hearing, revise this level to AHD 57.84.

It is the view of the Panel that the latter survey should take precedence, and that the envelope height of 58.90 metres should be amended to 57.84 to align with the height of the Coles Myer office building.

In the case of the western tower, located within a height envelope of 54 metres, the Panel notes that the height control under the existing Comprehensive Development

Zone is 54.00 metres. The Panel is not convinced that a significant stepping of the tower forms is a necessary or logical consequence once the tower blocks rise from a podium, as distinct from the natural topography of the ground.

### ***Breaking Through Building Height Envelopes***

In site elevation drawings prepared by Plus Architecture, and tabled at the hearing, building elements were shown to project above the heights envelopes. The rationale for this appears in the notes included on the Height Plan *“The building height does not include architectural features or building services, provided such elements are to the satisfaction of the responsible authority”*.

SPPF at Clause 19.03-2 Architectural Quality, appears to support argument against this statement *“Any rooftop plant, lift overruns, service entities, communication devices, and other technical attachment should be treated as part of the overall design.”*

The Panel supports the position that the envelope heights are ceilings or maximum heights in relation to architectural features and roof top protuberances.

Concluding, the Panel notes that on the Height Plan, building envelopes are taken to the existing site boundaries. If and when the site boundaries are adjusted, the building envelopes should be modified accordingly.

### **(iii) Interface Conditions and Building Set Backs**

This section examines conditions relating to site edges and interfaces, and deals with the issue of building setbacks appropriate for the site, together with other measures mediating the built form. Edge and interface conditions for the site can be described as disparate, and are dealt with as follows: Toorak and Tooronga Roads, eastern residential interface, and the Gardiners Creek corridor.

#### ***Toorak and Tooronga Roads***

Toorak and Tooronga Roads, forming the north and west boundaries of the site respectively, are fronted by and opposite built form predominantly of a residential character. Within the proposed development, the functions along Toorak Road, and Tooronga Road north of the entry boulevard, are primarily office with some retail use.

At the junction/ intersection of the two roads is a pedestrian reception space, leading to an internal retail arcade. In Tooronga Road south of the intersection, is an

indented bus stop. South of the entry boulevard, is a landscaped site edge where the buildings are set back from the road, as it rises and curves away to the south west.

The built form fronting the roadway edges of Precinct 1, comprises a podium structure, internally focused on its retail functions and bordered at its edges by office volumes, modulated, and stepping in plan and varying in height.

It is proposed that treatment of the site perimeter, be that of broad footpath areas with street trees and low planting such that it mediates the experience of the heavily trafficked roadways.

As part of its assessment of the edge conditions to the precinct, the Panel was assisted by sectional drawings provided by the proponent, showing roadway and edge sections, building envelopes, heights and setbacks, and varying with the shifting alignment of the roadway reserves.

In the course of the Hearing, the proponent acknowledged the importance of visual permeability of the building faces/facades, as contributing both to the experience of the development at its edge, and its engagement with activities surrounding the site.

The Panel in its deliberations, considered the importance of the site perimeter and edge treatments to the precinct, in providing both a significant component of entry and address and contributing to the (experiential) quality of the development overall. Similarly, it took the view that its assessment of this matter, applies to much of the interior of the precinct, particularly in its addressing the area of the central plaza.

The Panel assessed, that in combination the proposed edge treatments to the podium form, visual permeability of activities within the site, setbacks appropriate to the height of the development at its edges, and the site perimeter treated sensitively by use of hard and soft landscaping; the proposed development provided appropriate interfaces to Toorak and Tooronga Roads.

It is of the view however, that where the retail function housed within the podium abuts the edge, they should be opened and exposed to view from the outside exterior.

Specifically, in the matter of the building line or building setbacks to Toorak and Tooronga Roads, it is the Panel assessment that the minimum setback, final kerb position to building line, be 6.0 metres and that this be widened where appropriate at points of site arrival, pedestrian entry or assembly.

### *Eastern Residential Interface*

The development interface, with the residential fabric of single and two storey dwellings abutting the eastern boundary, is sensitive physically and politically.

The development proposal comprises built form elements located in Precinct 3, and within two building height envelopes; this reflects the proposed building form of townhouses approximately 3 stories in height, and detached dwellings at 1-2 stories.

At this edge the boundary itself is irregular, in that it is indented into the eastern residential fabric at its northern most end. Ground levels along the indented section rise sharply from AHD 14.00, to AHD 21.00 at the north east corner of the site.

At the higher end the height envelope is 34.00 metres. This provides the base for a series of level rises or height envelope steps, west along the escarpment; on one hand concealing the escarpment face on the other providing the backdrop for the low rise residential buildings within the body of the precinct.

Existing mature trees are in place along the boundary at the northern end; it is intended that these remain, forming a visual screen and a buffer to the new development. The Incorporated Plan states that *"Where possible and appropriate, retain the established pine trees adjacent to that portion of the site abutting the existing residential lots."* The Panel notes that at the stage of the Landscape Plan, provision will need to be made for supplementary planting or later replanting of this strand of trees.

The direct interface at the east boundary comprises six detached dwellings; within a 21.00 metre height envelope. The Incorporated Plan provides for *"Reasonable rear setbacks to detached dwellings at the eastern edge of the development, at the interface with the existing residential development"*. Setbacks here are also determined by the existence of a drainage easement along the boundary.

Further, the proposed Schedule 1 to the PDZ provides for exemption from notice and review as follows *"The exemption from the notice and decision requirements and review rights set out in Clause 37.06-6 does not apply to an application for buildings and works on land within the area with a building height of AHD 21.00 on the Height Plan in the Tooronga Village Incorporated Plan."*

It is the Panel's assessment that the development form proposed at this boundary together with retention of the boundary setback as a landscape buffer, and with exemption from the notice and decision requirements and review rights; provides

for the satisfactory resolution of issues related to the east boundary residential interface. To strengthen this, the Panel has recommended later in Section 8, that properties within 30 metres of the eastern site boundary not be exempt from notice and decision requirements. This allows review rights to those private properties abutting the 34.0 metre envelope.

### *Gardiners Creek Corridor*

The southern site boundary with the Gardiners Creek corridor along its edge, is complicated by the range of factors required to be considered. These include the creek and its course along the corridor, the existence of power transmission lines and pylons and the associated easement, and the combined pedestrian bicycle path and its route within the corridor. In addition there are environmental audit and floodwater inundation overlays, all impacting on the built form solution.

It is noted that the site boundary itself is irregular along its southern edge, such that mid way along the corridor, coinciding with the bend in the creek towards the site, the boundary is within 8.0 metres of the line of the creek. At this point the pedestrian bicycle path is located within the (land) area of the site.

Precincts 2 and 3 abut the creek corridor. Proposed built form along the edge varies considerably; at its western end the 'gateway building' addressing Tooronga Road, extends one wing along the site at 6-7 stories high, turning its back on the power lines and pylon. It then connects with a curvilinear wing, which steps down as it runs east and closes on the line of the creek; at this point the building is 2 and 3 storeys in height. In the central portion of the site are proposed low rise townhouses of 2 and 3 stories, terraced in form. At the eastern most end a 3-4 storey apartment building is proposed, serving the purpose of 'book ending' the development.

Central along the corridor also, is a landscape open space connecting the corridor with the central landscape spine of Precinct 4. It is intended that the creek environs be revegetated, such that a seamless connection is made with the landscape of the site.

Similarly it is proposed that the pedestrian bicycle path be realigned along the corridor; in part within the site boundary. In addition, the corridor is to be punctuated by a number of access streets providing permeable connection into and out of the development.

To assist in its deliberations, the proponent provided the Panel with an offset plan, with dimensions for the setback of buildings along the corridor. Generally the built



form elements are located along or abut the line of the power line easement; effectively adopting this as a building setback line. Setbacks from the creek vary from 34 metres at the west or Tooronga Road end of the site, to a minimum of 44 metres in the east; in between, setback distances vary from 50 metres, closing to 22 metres.

In addition, the proponent provided comprehensive shading studies based on modelling of the proposed development conditions; the studies covered a full twelve month period. The Panel notes however, that the Orbit studies are not consistent with the shadow diagrams included in the earlier statement of evidence by Mr Murphy.

For purposes of its assessment of overshadowing, the Panel adopted the normative method for Victoria of using the equinox as the reference dates.

In submissions, various setback distances for buildings along the southern boundary were proffered. Mr Bartsch for Boroondara, in his witness statement suggested a 30 metre setback from the current pathway alignment. Ms Coral Ross in her role as a Councillor, in a letter to residents (dated 27 April 2006) referred to a 30 metre setback from Gardiners Creek, and in a letter to the Minister (dated 27 May 2006) as a submitter, refers to a set back of 30 metres from the shared path.

It is the Panel view that the proposal, specifically in relation to its treatment of the southern interface, will significantly enhance conditions within the creek corridor, and the experience of the landscape in this area. In addition there are generous donations of private land for purposes of public use, albeit if such donations are aided by easements and other constraints on use.

On the issue of overshadowing, the Panel is of the view that the only overshadowing of the pathway and creek corridor, assessed at the equinox, will be confined to the Tooronga Road end, resulting from the return wing of the 'gateway building'; it does not believe this to be a significant detriment to users of the area.

On the issue of the pedestrian and bicycle path, and its proximity to buildings, the Panel is of the view that a prescriptive approach is unhelpful, and that in the further development stages of the project the route of the path be reconsidered, such that a more appropriate balance is achieved between private use, and public activity within the corridor space.

In the specific matter of building setbacks along the corridor, the Panel's assessment is that 30 metres, measured from the alignment of the creek, is the appropriate

setback distance to be adopted. It believes this will impact on the current proposal in one place only; and notes that the east end of the low curvilinear wing had been subject to revision, in versions of the indicative development plan provided to the Panel.

#### **(iv) Panel Findings**

The Panel considers the proposed development form as represented in the indicative concept plan offers the prospect of realising a project of significant architectural merit, and has the potential to provide a diverse range of urban, spatial, and landscape experiences within the site.

The Panel considers that the Height Plan is not the sole determinant of the built form outcome for the site, rather it is one of a suite of planning considerations to be applied in the assessment of any development proposal. Specifically the Panel considers that a more responsive position in respect to the built form of the Coles Myer building – for example in the matter of building heights and setbacks – will lead to an enhanced development outcome.

With respect to Toorak and Tooronga Roads, the establishment of a 6 metre minimum setback distance from the kerb to the ground floor face of the building and widened where appropriate; the opening of internal functions to view; visual permeability of the building façades; and appropriate hard and soft landscape treatments along its edges, combine to provide a satisfactory resolution of roadway interfaces.

That limits of height provided for in the Height Plan in the eastern residential interface, together with provision for the (later) deletion of the exemption from notice and decision requirements and review rights, contained in Schedule 1 to the PDZ as revised, provides for the satisfactory resolution of issues at this interface. (Section 8)

The Panel considers a building setback of 30 metres measured from the northern edge of the waterway alignment of Gardiners Creek be adopted for the purposes of development. Further, the proposed route of the pedestrian and bicycle path be reconsidered to ensure appropriate separation from adjoining residential buildings is established.

The Panel recommends:

**The Height Plan be retitled to Building Height and Setback Plan, and amended as follows:**

- That the notes be numbered, and the first note amended to read *“That envelope heights be treated as maximum height limits and that rooftop plant, lift overruns, service entities, communication and other technical attachments be treated as part of the design”*.
- That a third note be added *“In the event of new title boundaries being established for the site, the height envelopes are to be adjusted to correspond with the new lines of the boundary”*.
- The building envelope height, designated as 58.9 be amended to 57.84.
- The building envelope currently designated as 58.9 (and to be amended to 57.84) be relocated south, such that the setback from Toorak Road is aligned with the first height step in the Coles Myer building; that is approximately 36.0 metres measured from the existing site boundary, and the plan be amended accordingly.
- That building setback lines be included and appropriately notated to provide for a minimum setback distance along Toorak and Toorong Road of 6.0 metres.
- That a fourth note be included stating that: *“Building setbacks to Toorak and Toorong Roads (6.0 metres) are ground level setbacks measured from the line of the kerb to the face of the building, and that the kerb line be taken as any new line established as part of the external road works undertaken as a consequence of the development of the site”*.
- That a fifth note be included, requiring: *“A building setback along Gardiners Creek of 30 metres measured from the northern edge of the waterway of the creek”*.

**Amend the Principles of the Incorporated Plan under the heading Precinct 1 - Mixed Use (Retail):**

- delete dot point two (reference to building up to Toorak and Toorong Roads at ground level).
- add a new dot point to read *“Setback built form from the site edges at least the distances described in the Building Height and Setback Plan”*.
- amend dot point 8 to read *“Ensure that retail and commercial development maximises activity, visual permeability and public accessibility to all key frontages and public spaces”*.

#### **4.4 Public Open Space and Landscape**

The principles underlying the approach to the public realm component of the development were outlined in the statement of evidence by Mr Murphy, as follows:

- *Create a minor but important public realm gateway at the corner of Toorak and Tooronga Roads;*
- *Create the main public realm open space in the centre of the site with clear visual links to the outside, capitalising on the opportunity to create one space which spans the escarpment and overcomes its potentially divisive character;*
- *Create strong public links from Toorak and Tooronga Roads into the open space heart of the site as well as to and from the Gardiners Creek corridor;*
- *Create an easy to use pedestrian link to the existing residential neighbourhood to the east from Faircroft Avenue; and finally,*
- *Integrate the development with the existing open space of Burke Road South Reserve and capitalise on opportunities to improve the Gardiners Creek corridor along the length of the site.*

The proponent has sought to incorporate these principles into the Amendment via their inclusion within the Urban Framework Plan.

##### **(i) Movement, Access and Site Permeability**

A development objective, in an overall sense, has been to provide a movement network within the site that improves local accessibility and connection, and facilitates permeability through the site.

Key roadway access points have been identified, and the layout of the main avenue through the site established, relative to the development precincts. The result is that commercial vehicles accessing the northern precinct have no necessity to traverse that section of the avenue leading to the southern residential precincts. This section in turn, leads to a network of access and service roads dividing the southern half of the site.

Technical aspects of the roadway and access networks, together with their intersection with the surrounding road system, are discussed in later sections of this report. It is noted, that the only connection proposed between the site and the residential and open space areas to the east, are pedestrian and bicycle linkages. Two components of the movement network within the site, located internal to built form elements, the reception space and the retail concourse, are of concern to the Panel. They are discussed here and in a later section of the report.

The first, is the nature of the space, and the allocation of area to the reception space at the corner of Toorak and Tooronga Roads. In the Panels estimation the role and importance of the space has been undervalued in the proposal as presented. In addition to providing entry to the retail centre, it is potentially a point of pedestrian arrival at the site; a reception space; a place for waiting and meeting, talking or just hanging about.

Creating further open space at the intersection per se, will not mediate exposure to the traffic, the wind or rain; however some combination of semi enclosed and internal open space, responding to these needs and distinct from the function of the retail concourse, would go some way to introducing neighbourliness into the centre.

A further matter of concern, is the possible limits to access of the retail concourse; and as a consequence of these limits, on connection to and the functioning of the network of movement and connection within the site.

It was suggested (to the Panel) in the course of the Hearing that the supermarket would operate on a twenty four hour basis; the likelihood or otherwise of this occurring, is not a sufficient basis on which to guarantee ongoing access to a component of the movement network, required for completeness of its operation. In the Panels assessment this access needs to be assured, and the requirement for this incorporated in the planning controls for the site.

## **(ii) Public Open Space**

Public open space within the development, is seen as a linking structure that provides for movement between, and the connection of activities within the precincts. In addition, it presents a range of recreational opportunities for residents, and serves to integrate the development with urban and landscape areas surrounding the site.

The principal elements of open space proposed for the development, include:

- Upper Level Podium
- Central Plaza
- Central Park and Escarpment
- Crescent Park
- South East and South West Open Space Areas

It is the Panel assessment, that the provisions for public open space indicated for inclusion, together with areas of semi private open space, and provisions for access and movement within the development, are seriously considered, and constitute a

workable and legible network of spaces, and provides for a range of possible landscape experiences within the site.

The Panel is of a view however, that a direct connection between the upper level podium and the central plaza via an external stair, would further enhance connectivity within the site area.

### **(iii) Landscape**

Comprehensive landscape proposals, and evidence on landscaping were provided to the Panel. In addition, Clause 4 of the PDZ requires the submission of *"A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, irrigating and maintaining the landscape area."*

The stated objective with regard to landscape is to *"Demonstrate how landscaping can be appropriately integrated into the site, provide linkages and deliver an overall development that contributes to the strong garden character of the broader area."*

The landscape proposal for the site, in so far as it was represented, was largely uncontested in submissions and in evidence at the Hearing.

In the Panels assessment, noting the requirements under Schedule 1 above, the indicative concept demonstrates the importance of, and a commitment to the provision of a qualitative landscape outcome for the site. The Panel further notes, that as part of the development obligation the proponent has committed to revegetation and upgrading works along the Gardiners Creek corridor.

### **(iv) Panel Findings**

In relation to public open space, the Panel considers that provisions contained within the UFP provide a sound basis on which to develop the requisite elements of open space within the site. Further, open space network represented in the Indicative Concept Plan, satisfactorily provides the linking structure for movement between, and the connection of activities within the precincts.

With regard to the reception space, the Panel finds that while it is incorporated in the UFP, its inclusion as represented in the Incorporated Plan is insufficient for the role and public importance that attaches to the space. The Panel notes that the space itself might be interpreted as open space, partially or fully enclosed public space, or some combination of these.

In the matter of access to the retail concourse, the Panel considers that for reasons of amenity and the proper functioning of the movement network within the site, access to the concourse should be on a twenty four hour basis.

In relation to landscape, the Panel considers that with minor modifications, the requirements contained in the Incorporated Plan and in Schedule 1 to the PDZ, make adequate provision for, and provide the requisite degree of certainty in relation to the future landscaping of the site.

In addition, the provision for upgrading and revegetation of the Gardiners Creek environs allow for the integration of the open space network and landscaping of the site with that of the corridor.

The Panel recommends:

**Add a final objective to Schedule 1 to the PDZ: *“To provide for the upgrading and revegetation of the Gardiners Creek corridor where it adjoins the site”.***

**That the Incorporated Plan be amended**

- **Under Development Form, the fifth dot point be amended to read: *“To provide a convenient and symbolic entry point at the corner of Toorak and Tooronga Roads in the form of a public space, of appropriate form and size for the purpose”.***
- **Under Development Form, the sixth dot point be amended to read: *“To encourage a linking of public spaces through the site, and the maintaining of public access to these spaces on a twenty four hour basis”.***
- **Under Site Edges, the fourth dot point be amended to read: *“To improve the quality of open space along Gardiners Creek, by means of upgrading and revegetation of the creek environs and re-routing (as required) of the pedestrian and bicycle path”.***
- **Under Precinct 3 – Residential, the final dot point be amended to read: *“Where possible and appropriate, retain the established pine trees adjacent to that portion of the site abutting existing residential lots, supplement this planting as required and make provision for replanting at a later time”.***

## 4.5 Urban Character and Architectural Design

### (i) Urban Image and Neighbourhood Character

The development image as represented in the modelling of the indicative development plan, is one of a comprehensive development delivered largely within a single architectural vision for the site. There is a recognisable architectural language, recurrent formal elements, and a vocabulary of materials and finishes proposed throughout. The image is contemporary and mainstream, and arguably a representative image of the intensification of life in inner Melbourne. Maintaining this vision over the projected development period, will be a test on both the part of the architects, and the developer.

Even if the development were not to be realised under the current structure of ownership and delivery, there is an inherent logic in maintaining a totalising image for the development, not least in terms of creating added value internal to the site. Saying this is not to preclude a response based on the particularities of the site and the development of precincts substantially different in their character.

The Panel heard little in evidence and submissions, directly on the subject of neighbourhood character. There seemed to be a consensus that the scale of the site, its zoning and proposed programme of use, and its development in a comprehensive manner would as a consequence dictate an outcome, distant or separate from the fabric surrounding the site. There may have been an expectation embedded over the years, that a development of the sort proposed, would be the likely outcome.

Mr Canavan, in his submission to the Panel commented on the *“Absence of adverse shadow, bulk and privacy impacts on residential properties, given the size of the site and its interfaces.”* Indeed, he argued the degree of autonomy from the surrounding urban fabric would see the site establish its own distinctive character.

The Panel, in noting the Amendment stage is early in the planning process to assess issues of image, of character, and architectural resolution, accepts this broad proposition, and agrees that a degree of autonomy in the matter of neighbourhood character attaches to the site. It is cognisant however, that both the planning and commercial outcomes for the project will be in large measure be determined by the quality of the architectural solution.



## **(ii) Architectural Design**

There is a specific matter of design that arises in part out of submissions to the Panel. It relates to the public spaces within the project, specifically the retail concourse, and is in addition to the possible limits on access as discussed above.

A number of submitters noted an affection for the existing shopping facilities at the site. Acknowledging it is in a run down state, it serves both a pragmatic function and a social role within the local community. It is believed these qualities may be lost if as a result of the development, a generic shopping space or a utilitarian retail mall is the outcome of development.

The Panel concurs with this view, and suggests the role of the space extends beyond that of retail activity alone. The need is for a social space that is accessible and not dependant on the operating retail activity at its edges to sustain it, a space that is integral to the network of movement within the site that will be used for purposes other than retail, and for linkages to and beyond the site. The challenge is to reconceptualise the architecture of the mall or concourse as a larger entity, and the experience should be that of a public place rather than a commercial space.

## **(iii) Panel Findings**

In relation to urban image and the development proposal, the Panel agrees the site is challenging. The imperatives of a totalising image or one commensurate with its comprehensive development on one hand, might be seen as conflicting with a development response particular to the peculiarities of the site and the desire to differentiate the character of individual precincts on the other. In addition, there is the issue of maintaining an architectural vision over the period of time required for completion of the development.

In the matter of neighbourhood character, the Panel supports the proposition that a degree of autonomy attaches to the site, and that development would see the site establish its own neighbourhood character.

In relation to architectural design, the Panel considers that in the particular matter of the retail concourse, a conceptualisation that extends beyond the pragmatic needs of movement and the function of retail access is required. The need is for a public place that serves a communal and social purpose.

The Panel recommends:

**Amend the fourth objective to Schedule 1 to the PDZ to read: *“To encourage high quality urban and architectural design that is responsive to the site’s features and characteristics, as well as the wider site context”.***

**Amend the Incorporated Plan under the heading Precinct 1 - Mixed Use (Retail)**

- **dot point six, to read *“Ensure that all buildings developed within the site are of significant architectural merit”***
- **add a new dot point to read *“Provide a retail concourse that is a public place and serves a social purpose in addition to the requirements for movement and retail access”.***

#### **4.6 Panel Findings**

The Panel has provided specific findings and recommendations in relation of each of issues addressed above, and it does not propose to repeat these.

In summary however, and in response to the urban design, built form and landscape issues raised by the proposal, it is the Panel’s opinion that the principal of a mixed use development of the site, incorporating the functions of retail, office and residential uses, is an appropriate basis for the development of the site.

The provisions of Schedule 1 to the Priority Development Zone, with an Incorporated Plan, provide a planning framework supportive of the potential for quality urban design, architecture and landscape outcomes for the site.

The issues of vehicular access and movement within the site, pedestrian movement and elements of the public open space network; together with provisions for landscaping within the site and connection to the Gardiners Creek corridor, are well resolved or have been demonstrated to be capable of resolution.

## 5. TRAFFIC AND ACCESS

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Traffic, access and parking issues relating to the proposal were presented in the following expert witness statements:

- GTA Consultants on behalf of the Proponent, two reports, June 2006 (for public exhibition) and July 2006 (updated), represented at the Panel Hearing by John Kiriakidis. The later GTA July report is referenced in the following. This report updates some of the information and analysis in the earlier (exhibited) report and was relied upon by Mr John Kiriakidis of GTA in his oral evidence before the Panel;
- Grogan Richards on behalf of the Proponent, Traffic Engineering Assessment 30 June 2006, represented by Mr Stephen Hunt;
- Andrew O'Brien and Associates on behalf of the City of Boroondara, July 2006, represented by Mr Andrew O'Brien; and
- Traffix Group on behalf of the City of Stonnington, represented by Mr Henry Turnbull.

Submissions and inputs on traffic and parking issues were also received from or presented by:

- VicRoads, together with correspondence between VicRoads and GTA (for the Proponent) represented by Mr Ian Aspinall;
- Letter from Ratio Consulting Pty Ltd to the Proponent, 1 September 2005;
- Tooronga Action Group, Traffic Impacts Submission presented by Mr Ray Elliott and Car Parking Submission presented by Ms Sabina Robertson; and
- Many members of the community also raised traffic and parking issues in their written submissions and in their verbal presentations to the Panel.

The GTA report assessed:

- The existing traffic and car parking conditions along Toorak and Tooronga Roads in the vicinity of the site;
- The parking demand likely to be generated by the site and the proposed car parking provisions;
- The likely traffic generated by the site;
- The proposed access arrangements and internal road system for the site; and
- The impact of the generated traffic on the surrounding road network.

The Grogan Richards report is essentially a peer review of the GTA report for the

Proponent and generally agrees with the findings of the GTA report.

The Andrew O'Brien report concludes that the GTA and Grogan Richards reports significantly under-estimate the traffic likely to be generated by the proposed development and that this will result in an increased impact on the road network.

The Traffix Group report is generally supportive of the GTA report with minor qualifications, including a slight under-estimate of generated traffic, a need to ensure the development of the site is constrained (discretionary additional floor space should be excluded) and the Tooronga Village developers should contribute to proposed works at the Tooronga rail level crossing and the intersection of Milton Parade/Carroll Crescent.

The Tooronga Action Group were concerned about the lack of present day data to determine the capability of the existing network and were of the opinion that, given the likelihood of other developments in the area, the road network over a wider area would be placed under considerable pressure to the detriment other road users, particularly those living in the area. There was also concerned about safety issues outside schools in the area. The Group was also of the view that if adequate parking was not provided on-site (particularly for the existing Coles-Myer office), overflow into the existing street network would eventuate to the detriment of local amenity. The views of the Tooronga Action Group were echoed by most of the individual submitters.

## **5.1 The Existing Road Network**

The GTA report describes the existing operation of the road network adjoining the site. The site is bounded to the north by Toorak Road, a four lane road set in a 20 metres (approximate) road reserve, with kerbside parking except for morning peak west bound clearway and evening peak east bound clearway. Toorak Road also interchanges with the Monash Freeway 0.5 kilometres west of the site, providing convenient access from the site to the freeway network. The west boundary is Tooronga Road, also a four lane road set in a 20 metres (approximate) road reserve. Kerbside parking is prohibited on both sides of Tooronga Road adjacent to the site. Toorak Road carries about 24,350 vehicles per weekday immediately east of Tooronga Road and Tooronga Road carries about 22,350 vehicles per weekday immediately south of Toorak Road.

The existing Tooronga Village Shopping Centre and the brickworks car park (used by Coles-Myer employees) currently generate 903 vehicle movements in the AM peak hour (717 in, 186 out) and 1,081 vehicle movements in the PM peak hour (316 in, 765 out). The car park beneath the Coles-Myer building generates 526

movements in the AM peak hour (488 in, 38 out) and 459 movements in the PM peak hour (37 in, 422 out).

The Toorak/Tooronga Road intersection is operating under critical conditions during peak periods. Three legs of the intersection (east, west and south) operate with demand exceeding theoretical capacity resulting in long queue lengths and delays. Average delays on the eastern approach (Toorak Road) leg are 126 seconds in the AM peak and 98 seconds in the PM peak. The report points out that, given Melbourne's continuing development and resultant traffic growth, desirable levels of service are not always achieved, particularly for intersections within fully developed urban areas during peak operating periods.

Sealed pedestrian pathways are provided on both sides of Toorak and Tooronga Roads with a signalised pedestrian crossing south of Maraquita Grove on Tooronga Road. Pedestrians can cross Toorak Road at the signals at the entrance to the Coles-Myer car park on Toorak Road and across all legs at the signalised intersection of Toorak and Tooronga Roads. The Gardiners Creek shared pedestrian/bicycle path runs along the southern edge of the site and there are bicycle lanes along Tooronga Road north and south of the site but with a gap past the site.

Tooronga rail station is located 400m south of the site, the Burke Road tram (Camberwell to Parkville) is about 650m east of the site and bus route 624 (Kew-Oakleigh) operates along Tooronga Road with a stop outside the site immediately south of the Toorak Road intersection.

The issue of the availability of adequate existing traffic data as raised by the Tooronga Action Group is not seen as a problem by the Panel. GTA demonstrated that changes in traffic volumes as a result of the proposed development will not be significant, particularly away from the immediate environs of the site. This view was supported by the Grogan Richards peer review and not argued strongly by Mr Turnbull or Mr O'Brien, although Mr O'Brien is critical of under estimates of traffic generated by the proposal (discussed later in this section).

The Tooronga Action Group were of the view that extra traffic generated by the proposal would have an impact on other roads in the wider area such as Auburn Road and Tooronga Road north of Toorak Road. This was a view shared by several of the local residents. Colin Bates (Submission No. 23) said "*At present, Tooronga Road is clogged at peak times, with stationary northbound traffic often reaching as far south as High Street, Malvern. Any increase in traffic in the area will be detrimental.*"

The Panel recognises these as legitimate concerns but agrees with the expert witnesses that peak hour traffic is unlikely to increase significantly because of the

development. These roads, under the management of the City of Boroondara, have been controlled to limit the amount of peak traffic that can use them. Both roads have one effective through traffic lane in each direction with a shared parking/bicycle kerb-side lane on each side. This ensures traffic through the residential areas and past the several schools in the area is 'calmed' to a degree, providing a safer environment for pedestrians and cyclists. These roads have a degree of congestion during the peak hours but this is as a result of a deliberate and legitimate policy to limit through traffic. As a consequence, these roads are unlikely to accommodate significant additional traffic during peak periods which would require either a diversion of traffic (if alternatives were available), an increase in the length of the peak period (which has probably already happened to a degree) or a suppression of trips by car. The other remaining option is to reconfigure Tooronga and Auburn Roads to two through traffic lanes in each direction but this has not been put to the Panel. As a result the Panel accepts that the existing traffic management strategy should continue.

## 5.2 Car Parking Requirements & Traffic Generated by the Proposal

Table 2 summarises the car parking requirements (as determined by GTA) for the proposed development.

**Table 2: Car Parking Provision**

Use	Size/Number	Car Parking Rate	Car Spaces Required
Retail	8000sqm	5.5/100sqm	440
Restaurant	800sqm	5.5/100sqm	44
Strata offices	3800sqm	3.5/100sqm	133
Residential Apartments	405	1.5/dwelling	608
	Visitors	0.2/dwelling	81
Townhouses and dwellings	189	2/dwelling	378
	6	2/dwelling	12
<b>Sub-total</b>			<b>1696</b>
Coles-Myer replacement	500 spaces	N.A.	500
<b>Total</b>			<b>2196</b>

GTA notes that the current provision for car parking in the building occupied by Coles-Myer falls short of the requirements of the CDZ over that part of the site (see later discussion in Section 5.5).

The spaces identified in Table 2 compare to the statutory requirements set out in clause 22.03 of the Boroondara Planning Scheme (see Table 4.1 in GTA report) which would require 360 retail spaces plus 60 for the restaurant, 114 for the strata offices

and the same number for residential.

Grogan Richards reviewed the data and parking rates for the existing Tooronga Village against other sites and demonstrated that:

- While Tooronga Village had a peak parking demand of 3.01 spaces per 100 square metres of retail floor area, other similar sized retail centres averaged 3.75 spaces per 100 square metres, requiring 320 retail spaces in the proposed development;
- Evening parking demands for restaurants are generally of the order of 0.3 to 0.4 spaces per seat and lunch-time demands about half this. Grogan Richards estimate a demand for 142 spaces in the evening and 71 at lunch;
- Based on surveys of other suburban office developments with comparable accessibility to public transport as Tooronga Village, they expect that the office component would generate parking requiring 3.0 spaces per 100 square metres of floor area or 114 spaces;
- For residential development, Grogan Richards data indicates appropriate parking space rates of 1.5 spaces per apartment, 2.0 spaces per townhouse and house and 0.12 spaces per dwelling for visitors, giving a total of 1047 spaces for the residential component; and that
- A total of between 1552 and 1,623 spaces would be required (excluding the Coles-Myer replacement parking).

This range compares favourably with the proposal to provide 1696 spaces as recommended by GTA as per Table 2 above.

Chapter 7 of the GTA report discusses GTA's traffic impact assessment. Using recognised authoritative references for trip generation rates and data acquired locally, GTA estimated the likely peak hour trip generation from the site following completion of the proposed development (refer to Tables 7.1 and 7.2 in the GTA report). The outputs of this analysis, together with trips generated by the existing Coles-Myer underground car park (which are assumed to remain as today) are summarised in the following Table 3. The table also includes the current (existing) trip generation for comparison.

**Table 3: Comparison of Generated Trips - Existing and Proposed**

	<b>IN</b>	<b>OUT</b>	<b>TOTAL</b>
<b><u>EXISTING</u></b>			
<b>AM Peak Hour</b>			
Tooronga Village + Brickworks	717	186	903
Coles-Myer Building	488	38	526
Total	1205	224	1429
<b>PM Peak Hour</b>			
Tooronga Village + Brickworks	316	765	1081
Coles-Myer Building	37	422	459
Total	353	1187	1540
<b><u>PROPOSAL</u></b>			
<b>AM Peak Hour</b>			
Development	787	439	1226
Coles-Myer Building	488	38	526
Total	1275	477	1752
<b>PM Peak Hour</b>			
Development	556	891	1447
Coles-Myer Building	37	422	459
Total	593	1313	1906
<b><u>DIFFERENCE</u></b>			
Proposal less existing			
AM Peak Hour	+70	+253	+323
PM Peak Hour	+240	+126	+366

**Note:** The analysis for the **proposal** includes the peak hour trips generated by 500 replacement car parking spaces for the current Brickworks car park used by Coles-Myer staff (less that the current number of spaces –discussed later). This represents increases in traffic to and from the site due to the proposed development of 323 and 366 vehicles during the AM and PM peak hours respectively.

Based on the existing distribution of traffic to and from the site, and by accessing Australian Bureau of Statistics ‘Journey to Work’ data, GTA anticipated that the overall distribution of traffic to/from the site would be as follows:

- Via Tooronga Road to/from the south 25%
- Via Toorak Road to/from the east 25%
- Via Tooronga Road to/from the north 20%
- Via Toorak Road to/from the west 30%

Traffic would leave or enter the site from the most appropriate exit/entry point leading to the distributions shown in Figures 7.3, 7.4 and 7.5 in the GTA report.

Having examined traffic volume changes at the Toorak/Tooronga Road intersection at 2001 and 2005, GTA have concluded that there would be minimal traffic growth (or indeed, negative growth on some links in the network) over that period. Given



that 250 of the current Brickworks car parking spaces will not be replaced, and the assumption that a better internal road network will allow drivers to utilise the most appropriate entry or exit from the site (rather than using the closest as they may do today resulting in more turn movements at Toorak/Tooronga Roads intersection than would otherwise be the case), GTA conclude that the total volume changes due to the development proposal at the Toorak/Tooronga Roads intersection will be of the order of an additional 320 and 370 vehicles during the AM and PM peak periods respectively.

Grogan Richards suggests that the peak period trip generation rates adopted by GTA are conservative, that is, they are higher than expected, particularly in the AM peak period. The analysis carried out by Grogan Richards therefore shows reduced traffic into and out of the site in the AM peak. They have assumed the same PM trip generation as GTA. Grogan Richards have also made minor adjustments to the distribution of traffic to and from the residential component of the proposal to take into account suggestions made by VicRoads that up to 50% of this traffic would be to/from the west (Toorak Road and the Monash Freeway).

Mr Turnbull was of the view that as the operation of the proposed improved intersection of Toorak and Tooronga Roads would be approaching critical conditions once again following redevelopment of the Tooronga Village site, the Schedule should limit development to the figures assumed in the development proposal shown in the Indicative Plan, or as he put it, 8,000 square metres of retail and 4,000 square metres of office. The Panel agrees with this basic premise, and has supported the Proponent's changes to the Schedule (see Section 8 of this report).

Mr O'Brien is critical of the trip generation work by GTA. His original work was based on a misinterpretation of GTA's trip generation rates and his second report (which is referenced in the following) corrects this. From the detail in his report, his main criticisms refer to two matters:

- GTA have not accounted for the 84 vehicles that currently enter the Coles-Myer building car park from the rear access, that is from Tooronga Road via the 'brickworks' car park access road (note, Mr O'Brien's Table 1 infers 138 but examination of Figure B3 in his original report shows 84 during the nominated hour of 7:30 to 8:30am);
- He assumes that the peak hour rate of access to the replacement car park (500 spaces) will remain similar to the current rate for the 750 car spaces on the 'brickworks' site, that is, 343 vehicles in the peak hour. GTA have assumed a pro-rata reduction of 88 to arrive at a figure of 255 for the proposed reduction to 500 spaces).

According to Mr O'Brien, this would result in an additional (84 + 88) 172 vehicles entering the site in the AM peak. Note that in 2.3 of his report, Mr O'Brien says this is 430 inbound trips but this appears to be an error carried over from his earlier report. He believes that these extra trips could have an impact on the proposed intersection improvements and that these need to be re-evaluated.

On the first issue, the Panel believes this could add another 7% to the 1227 vehicles estimated by GTA to enter the site in the AM peak period assuming the arrival time characteristics of the workers in the Coles-Myer building stay the same as at present. However, if access to the Coles-Myer building car park is to be also available through the development site (via the access route to the truck loading bay) then this increase will not occur. As a result, if access is to be available via the rear entrance (through the site) then this matter needs no further consideration. If this is not so, the Panel is of the view that further testing should be carried out at the permit application stage on the assumption that the 84 vehicles currently entering the Coles-Myer building car park via the rear entrance from Tooronga Road may still wish to enter the site at this time via the front entrance on Toorak Road.

With respect to the number of peak hour arrivals into the 500 replacement car park, Mr O'Brien offers no evidence to suggest this will remain as it is at present. The hypothesis inferred by GTA's work is that the rate per 10 spaces may remain the same. Mr O'Brien's hypothesis would result in an increase of traffic into the site of about 7% during the AM peak period.

While it is not possible for the Panel to reach a final conclusion on these issues, it is clear that the 'errors' are not as significant as Mr O'Brien suggested, and may therefore require adjustments to the proposals rather than rejection. It is therefore the Panel's view that these matters **do** need to be examined further in the detailed analysis that would accompany any permit application.

### **5.3 Road Network Improvement Proposals**

Appendix 5 shows the improvements to the Toorak/Tooronga Roads intersection, the proposed site access via two signalised intersections - one on each Toorak Road and Tooronga Road, and the internal road layout, as indicated on GTA Drawing DM1801-07. The proposal includes:

- The extension of the right turn lanes on all approaches to the Toorak/Tooronga Road intersection to better accommodate the anticipated queue lengths;
- The provision of an exclusive left turn slip lane from Toorak Road (east) to Tooronga Road (south);

- The introduction of two new signalised intersections to access the site, one on Toorak Road about 135 metres from Tooronga Road and the other on Tooronga Road about 155 metres from Toorak Road;
- The provision of 'No Stopping' restrictions on the west side of Tooronga Road north approach (from Toorak Road to Cato Street) during the AM and PM peak periods;
- The provision of 'No Stopping' restrictions on the north side of Toorak Road east approach from Tooronga Road to the Coles-Myer signalised intersection) during the AM peak period;
- The adjustment of the traffic signal settings at Toorak/Tooronga Road intersection and the synchronisation of the signals along Toorak and Tooronga Roads to maximise efficiency and to allow traffic platoons to progress through the area; and
- The provision of 'No Stopping' restrictions along the west side of Burke Road (between Turner Street and Clifton Road) and along the east side (between Turner Street and Middle Road) both during the PM peak period (already in place during the AM peak period).

The Panel note that the works along Toorak Road and Tooronga Road past the site of the proposed development require the widening of the right-of-way along the Toorak Road frontage by up to 8 metres and the Tooronga Road frontage by up to 5 metres both into the subject land.

GTA tested the proposal using the Paramics and SIDRA models to review the anticipated changes to traffic volumes and queue lengths. In simple terms, the model is first calibrated against the existing road network operation (i.e. adjusted to replicate the current traffic movements) then the post development traffic changes and road improvement descriptions are fed in and the network tested. If necessary, the mitigating road network improvements are further adjusted (i.e. lengthen right turn lanes, adjust traffic signalling sequences etc.) and this iterative process is continued until the most efficient operating conditions are found. The key comparative outputs from these models are shown in Table 4.

**Table 4: Toorak/Tooronga Road Intersection, Comparison of Operating Conditions for Current and Proposed Treatments and Traffic Levels**

			<b>Existing</b>	<b>Proposed</b>
<b>Weekday AM Peak average all four legs (source GTA Table 2.1)</b>	Degree of Saturation		<b>1.07</b>	<b>1.02</b>
	95th percentile queue length		<b>512 metres</b>	<b>409 metres</b>
	Average Delay (seconds)		<b>87 seconds</b>	<b>83 seconds</b>
<b>Weekday PM Peak Average all four legs (source GTA Table 7.9)</b>	Degree of Saturation		<b>1.00</b>	<b>0.95</b>
	95th percentile queue length		<b>355 metres</b>	<b>320 metres</b>
	Average Delay (seconds)		<b>54 seconds</b>	<b>50 seconds</b>

This table demonstrates that the intersection will cater for the proposed additional traffic generated by the development with some minor improvements over the existing operations. Using GTA’s assumption that existing traffic on Toorak and Tooronga Roads will not increase significantly over the period of implementing the proposed development of the Tooronga Village site, the results in the table also demonstrate that traffic operating conditions will be improved – the ‘degree of saturation’ will decrease (all-be-it to a level which is still high) and queue lengths and average traffic delays will also decrease. GTA’s analysis (on their page 42) also indicates that the proposed right turn lanes (with increased lengths) will accommodate the 95<sup>th</sup> percentile right turn queue lengths, adding significantly to the efficiency of the proposed intersection and the operation of the through lanes on both Toorak and Tooronga Roads.

GTA’s Tables 7.10 and 7.11 also clearly indicate that the intersections on Toorak and Tooronga Roads that will provide access to the site will operate efficiently, with peak period ‘degree of saturation’ ranging between 0.58 and 0.79, 95<sup>th</sup> percentile queue lengths between 60 and 109 metres and average delays between 3 and 45 seconds.

The analysis carried out by Grogan Richards generally confirms the results from GTA. Their analysis of the Toorak/Tooronga Roads intersection and the site access intersections on Toorak and Tooronga Roads show a marginally better improvement in the AM peak period and similar results in the PM peak. The sensitivity analysis carried out with the minor adjustment to the distribution of residential traffic (as suggested by VicRoads) shows only minor changes in the operation of the key intersections with no adverse consequences.

GTA surveyed the operation of the railway level crossing at Tooronga during the peak periods and concluded that the resulting (small) traffic increases from the proposed development would have only a marginal impact on traffic queuing and delays at the crossing.

### *Discussions with VicRoads*

VicRoads made an initial review of the analysis carried out by GTA and set out a number of concerns in a letter to GTA on 10th May 2006. GTA responded on 9 June 2006, VicRoads wrote again on 26 June and Grogan Richards commented on the issues raised in the expert witness report and presentation. The concerns raised by VicRoads were:

- While VicRoads agreed that clearways would be an acceptable option to complement the capacity of the Toorak Road/Tooronga Road intersection, an extensive consultation process with Council and the local community is first required, to be managed by VicRoads. The outcome of this process cannot be guaranteed so it would be prudent to also consider other options;
- It is necessary to give consideration to retaining VicRoads ability to introduce bicycle facilities along Toorak and Tooronga Roads with no more difficulty than current conditions present;
- The change in direction along the west bound alignment of Toorak Road through the Tooronga Road intersection is a safety concern;
- The right-turn from Toorak Road into Kaikoura Avenue is a concern given that this movement may be blocked by north-bound traffic queues;
- The access road approaches to the internal roundabouts must be of sufficient length to prevent queuing back onto the arterial roads;
- There is concern that more than 30% of residential traffic exiting the site will wish to travel to/from the west. If this is higher, the length of the right-turn slot in Toorak Road (for trips into the site from the west) may not be sufficient resulting in queuing spilling onto the through (east-bound) traffic lanes. This would be a potential hazard as this over-spill may not be visible to traffic travelling to the east from the west leg of the intersection only 60 metres away. The limited visibility is due to the steep rise in Toorak Road from the west as it approaches the crest of the hill at the Tooronga Road intersection. VicRoads have requested further sensitivity analysis to review possible queue lengths.

Regarding the issue of Clearways GTA responded by suggesting 'No Stopping' restrictions instead of 'Clearways' (these can be applied over short sections of road). 'No Stopping' restrictions are proposed at the Toorak Road/Tooronga Road intersection on the west side of Tooronga Road (north), extending the existing

restrictions further north from Hall Street and Cato Street during both peaks and on the north side of Toorak Road (east) between Tooronga Road and the Coles-Myer entry during the AM peak. VicRoads conceded the use of 'No Stopping' signage but again indicated that this would be subject to a consultation process by VicRoads before acceptance. Grogan Richards suggested that the proposed 'No Stopping' restrictions are only minor elements in the provision of extra capacity at the intersection and the operation of the intersections will remain satisfactory with the other more substantive works in place.

While the proposed 'No Stopping' restrictions will only have a minor impact on kerb-side parking, they only need to be considered if the post implementation assessment of the intersection shows that they would be appropriate additions. The Panel agrees with Grogan Richards that the need for 'No Stopping' restrictions on Tooronga, Toorak and Burke Roads are not critical and can be reviewed after development.

On the need to retain the opportunity for VicRoads to implement bicycle facilities along Toorak Road, GTA responded will that this will not be diminished as the verge width will be increased from the existing 3 to 4 metres along both main road frontages. However, VicRoads remained adamant that the through lanes along Toorak and Tooronga Roads remain at their current width of 3.5 metres to enable the implementation of wide kerbside lanes in the future (and avoid the costly relocation of services including power lines). Grogan Richards said that, given the substantive intersection improvements proposed by GTA as a result of setbacks and the maintenance of the existing lane widths along Tooronga and Toorak Roads, additional widening to facilitate possible future bicycle lanes is unreasonable.

Perusal of the plan prepared by GTA (Figure 3 in this report) indicates that past the site, the current widths of the western carriageway (north bound lanes) are maintained (2 x 3.0 metres) while the eastern (south bound) lanes widths along the site frontage are maintained at 3.0 + 3.3 metres (this matches the existing lane widths at the southern end of the site). An extended right-turn lane is proposed (2.7 metres wide, from the south to the east) and a left-turn lane for accessing the site is also included (3.3 metres width). The verge (to contain planting and the footpath) is to be extended from 3 to 4 metres. The resultant widening past the site requires the property boundary along Tooronga Road to be set back 5 metres. It should be possible, at a later stage, to introduce a shared bicycle lane with minimal changes to the proposed lane widths. Any service relocation as a result of the proposed road widening should consider the requirements for the long-term bicycle facility.

As a result of the major contribution to resolving the **existing** problems at the Toorak/Tooronga Road intersection, and has proposed that the existing lane widths

would generally be maintained, the Panel agrees with GTA and Grogan Richards that the proponent should not be made responsible for making provision for cycling facilities along Toorak and Toorong Road that are not already in place.

Regarding the potential safety problem due to the minor change in direction for west-bound traffic through the Toorak Road/Toorong Road intersection GTA responded that this has been addressed by a widening into the subject property and a minor change in direction on the eastern approach to the intersection has been achieved. VicRoads further response recognised that the redesigned west-bound approach to the Toorong Road intersection was improved but it was still not satisfactory, and that further options should be investigated. The Panel is of the view that the proponent has given some consideration to the existing misalignment of the eastern approach to the Toorak Road/Toorong Road intersection. With the introduction of the left-turn slip lane (3.3 metres) and the larger verge (increased from 3 to 4 metres), there may be the opportunity for a further minor adjustment of the alignment or for the introduction of other traffic devices (such as the use of 'chevron' signs on the safety rail along the south side of Toorak Road immediately west of the intersection to indicate the minor change in direction) that could be adopted to inform drivers. It is therefore the Panel's view that any further improvements requiring substantial realignment works or property acquisition should be the responsibility of VicRoads.

With respect to the right-turn into Kaikoura Avenue from Toorong Road, GTA submitted that this is a minor movement with only 9 movements per hour predicted during the peak period. The introduction of 'Keep Clear' line marking on the Toorong Road pavement would assist in ensuring this turn could take place in congested conditions. Grogan Richards agreed that the design for this movement is satisfactory but conclude that, if it is a problem, then it could be banned with the potential right turners turning west along Toorak Road to enter Kaikoura Avenue from its other end. The Panel agrees and believes this can be resolved at the detailed design stage.

VicRoads is concerned that the length of the internal roadways between the intersections with the external roads (at Toorak and Toorong Roads) and the internal roundabouts is sufficient to accommodate any queuing that might occur at the roundabouts. GTA responded by saying that their analysis indicates that the 95<sup>th</sup> percentile queue length in peak periods is expected to be 3 vehicles, well within the storage capability of the site entrance/exit roadways. Grogan Richards commented that the principles of access design and layout are generally satisfactory but that the detailed design and operation of the internal road system is an issue which should be thoroughly examined at the development application stage. Given that the site access intersections with Toorak and Toorong Roads are satisfactory, the Panel is of

the view that internal details the may impact on access can be resolved at the detailed design stage.

VicRoads is concerned that if a higher proportion of the residential traffic entering the site is form the west along Toorak Road and from the Monash Freeway is greater that anticipated (GTA have assumed 30%), the length of the right-turn queue wishing to enter the site may exceed the length of the right-turn slot and, as a result, become a traffic hazard as the east-bound traffic from Toorak Road may not have a clear view of any stationary cars in the through lanes (the steep incline approaching Tooronga Road from the west limits site distance over the crest at the intersection). In order to verify the 30% assumption, GTA surveyed the routes taken by residential traffic in and out of Maraquita Grove. The results of this demonstrated that their estimate of 30% to/from Toorak Road west (and the freeway) was conservative (i.e. high). The 95<sup>th</sup> percentile queue length would therefore be 42 metres in length, well within the proposed 60 metre right-turn lane length and therefore safe. Vic Roads are critical of the small sample (Maraquita Grove) used to determine the likely distribution of residential traffic to/from the proposal and requests more work is required to determine the length of the right-turn lane from Toorak Road into the site. While the Panel accepts that the GTA survey results validate their assumptions and that the length of the right-turn lane may be adequate, the Panel agrees with VicRoads that the sample is indeed small and is of the view that the matter requires further investigation at the detailed design stage.

## **5.4 The Internal Road Network**

The internal road network for the site is also shown in Appendix 5. The major elements consist of two entry boulevards (each with two lanes in each direction) from Toorak and Tooronga Roads (through signalised intersections), and roundabouts at the internal ends of the boulevards connected by a two lane two way 'urban retail street'. The internal network also includes a residential 'collector' street and local residential streets servicing the medium rise residential development in the south-west corner and the low rise residential area on the ex-brickwork site.

Access to the 500 replacement car park and the Coles-Myer building loading bay is via the roundabout at the south end of the entry boulevard from Toorak Road. GTA have demonstrated how larger trucks can access the Coles-Myer loading dock by a truck turning analysis. Access to the low rise residential area is via the roundabout at the east end of the entry boulevard from Tooronga Road. Access to the underground car parking servicing the retail and high rise residential in the north-west corner of the site is via four sets of driveway/ramps from the two boulevards, the roundabouts and the connecting retail street.



Also shown are access to the retail shops loading bay from Tooronga Road via left-turn in and left-turn out only. A truck turning circle analysis demonstrates how large articulated trucks can access the loading bays. Access to the various parking areas including the extra 500 parking spaces for Coles-Myer and the Coles-Myer building loading bay is also via the internal road. The signalised intersections on Toorak and Tooronga Roads will be synchronised with the intersection and the existing signals at the Coles-Myer building entrance.

This internal road system has been tested by applying the SIDRA analysis model with minimal queuing and delays (refer to GTA report tables 7.15 and 7.16).

Grogan Richards have indicated that the design and operation of the internal road system is a detailed design issue to be thoroughly reviewed at the development application stage. They are satisfied that the principles of access design and layout shown in Appendix 5 provide a good basis for the later detailed design.

## **5.5 Coles Myer Replacement Car Parking**

The office building occupied by Coles-Myer generates a demand for car parking well in excess of the basement car park capacity. This has resulted in the provision of about 750 spaces for the use of Coles-Myer employees in the 'Brickworks' car park which is part of the site that is the subject of the Stockland proposal. This number of spaces within the 'Brickworks' site is confirmed GTA and Grogan Richards who say the site includes about 550 sealed spaces with a further 200 informal parking spaces around the periphery. The local community has also expressed concerns that this is insufficient and cite demand for on street parking to cater for the overflow.

While the building currently occupied by Coles-Myer is not part of the redevelopment proposed for the Tooronga Village, it is never-the-less part of the wider activity centre in which the site sits. Although the building occupied by Coles-Myer is not owned but leased to it, the Tooronga Village redevelopment site is still owned by a Coles-Myer entity.

It has also been put to the Panel that the parking provided within the Coles-Myer building does not meet the statutory car parking requirements for the current Comprehensive Development Zone in the Boroondara Planning Scheme. The Planning Scheme requires 3.0 spaces per 100sqm of office space, or in this case approximately 42,000sqm x 3.0/100 = 1260 Spaces. Only 1200 have been provided leaving a short-fall of about 60 spaces. This approximation has been refined elsewhere and a shortfall of 58 spaces agreed.

The proposal includes a separate under-cover car park for 500 cars for the use of

Coles-Myer employees within the Tooronga Village redevelopment site. The Panel have been informed of a formal arrangement between Coles-Myer and the proponent for this car park to be provided by the proponent for 10 years. The long term continuance of the availability of these spaces is not part of the planning scheme provisions and is therefore not assured. These are included in Clause 7.0 of Schedule 1 to the Priority Development Zone.

The Schedule includes the requirement for a Section 173 agreement to include the 58 spaces as a statutory requirement to meet the short-fall for the current Coles-Myer building. These spaces are part of the 500 spaces, but, as they will be 'attached' to the Coles-Myer building via the planning scheme, these will be assured in the long-term.

A number of issues have been raised by parties at the hearing and are of major concern to the local residents. These are:

- The longevity of the 'contract' to provide the 500 spaces;
- The justification for 500 replacement spaces and not 750; and
- The potential impact of the lack of on-site parking on the amenity of the local neighbourhood.

Regarding the longevity of the provision for the 500 replacement spaces, many submitters were concerned about the lack of a long term car parking strategy. Mr Timcke summed up these concerns in his written submission: *"An agreement between Coles Myer and Stockland to provide only 500 car spaces does not solve the problem. Moreover, the agreement is between Coles and Stockland and does not ensure that any future tenant of the Coles Myer building will be accorded the same facility."*

While the Panel shares this concern it cannot see any justification to include this as a statutory provision in the Planning Scheme. The Panel notes the arguments put forward by Mr Garde in his final submission but does not believe these carry sufficient weight. The Panel did ask the Council to provide examples of how or where this has occurred elsewhere, but it could not. The Coles-Myer building is not part of the proposed Priority Development Zone, nor does the Panel's responsibility extend to the CDZ containing the Coles-Myer building. It has been pointed out to the Panel that, with the Section 173 Agreement in place for the 58 statutory short-fall spaces, the Coles-Myer site would fulfil its obligations under the Planning Scheme provisions.

As far as the justification for providing only 500 replacement spaces and not 750 as present demands indicate, the Proponent has suggested that Coles-Myer are undertaking two initiatives to address this:

- Reduced staff numbers; and
- Introduction of a Green Travel Plan which includes priority parking spaces for car-pooling participants, a shuttle bus to public transport hubs, variable working hours and improved facilities for bicycle users.

The Panel is sceptical of the likely success of these measures as no evidence was provided to demonstrate commitment or progress towards either initiative. The Panel was concerned that Coles Myer made no submission nor was it represented at the Hearing. However the owner of the site (Halberton Pty and Davidson Hughes Developments Pty Ltd) attended the hearing through Ms Keen of Freehills, and made submissions in respect of the legal requirement to accommodate 58 additional car spaces on the Stockland site as part of this planning process.

Anecdotal information was presented that head office staff numbers are declining, but it was also said that any reductions at head office would provide space for staff at other locations to be relocated to Tooronga. No evidence was presented to indicate a level of success in Green Travel Plans that would give a reduced demand for 250 car parking spaces.

The view expressed by several submitters was one of doubt that these actions (by Coles-Myer) would result in reduced parking demands. Mr Timcke said *"It is naïve of the developer to suggest that Coles Myer staff can be convinced not to drive to work by imposing parking fees, provision of car pooling and shuttle buses to connect to public transport."*

That being said, the Panel recognises that like many large entities, Coles-Myer may undergo major restructuring that may well diminish the need for such numbers of staff at Tooronga or may, one day, move away from the site. Also, other factors that influence the mode of travel, such as increased fuel prices, may have an impact on the numbers travelling by single occupant car.

The third issue, that of the prospect of increased use of local streets for car parking if insufficient on-site parking is not provided, is a matter of major concern to locals and to the Panel. Mr Sean Slattery voiced the concerns of many local residents in his submission when he said: *"The car parking that will be lost to the development will mean that side streets will become a de facto car park for Coles Myer employees."*

The Panel has heard much anecdotal input about the current impact of on-street parking due to Coles-Myer staff. It was said that this is not only due to on-site staff but also to staff and other visitors to Coles-Myer for meetings and other business.

The Panel made several visits to the local area during the morning and evening peak periods and during the early afternoon. These were not comprehensive surveys where data was collected and analysed but rather inspections to become familiar with the area and the issues raised. It is apparent that the City of Boroondara has been actively involved in controlling parking in a balanced way, recognising needs of both the residents (and their visitors) and the employees of (and visitors to) the businesses located in the area. Streets near the Cato Street/Hall Street industrial area and the Coles-Myer office (including Buley and Bluff Streets west of Lawson Street, Lawson Street and Clifton Grove and Clifton Road) all had 2 hour limits along one side and no restrictions on the other. Resident parking permits were required in several streets, giving residents further parking priority. This was seen as meeting long-term demands while retaining the ability to allow for short-term visitors. The unrestricted spaces were all well utilised during working hours while the 2 hour spaces were more often than not vacant.

The Panel is of the view that most of the all-day parking in Bluff, Buley and Lawson Streets are used by workers from the Cato and Hall Streets area and those along Clifton Grove and Clifton Road by workers from Coles-Myer. The Panel also observed some parking at the north end of Parkin Street in locations with 1 or 2 hour restrictions. Otherwise, there was very little parking in the area south of Toorak Road immediately east of the Coles-Myer office. It is most important that, as the development proceeds, the Council continue to review its parking strategy for this area and continue with a reasonable level of enforcement.

On these issues, the Panel concludes that:

- The provision of the 500 replacement car parking is not readily enforceable through planning legislation and the planning scheme, but the 58 short-fall for the Coles-Myer office is and should therefore be included as a permit condition;
- The argument that the proposed 'Green Travel Plan' will reduce Coles-Myer staff parking demand is not convincing, but should be retained as an initiative to assist in convincing staff to minimise car use as fuel prices increase;
- Given the initiatives by the City of Boroondara to control parking in the vicinity of the Coles-Myer office and the Cato Street/Hall Street industrial area, the threat of increased parking demand can be reasonably controlled provided the council is prepared to maintain a reasonable level of enforcement;

Given these conclusions, the Panel is of the view the provision of the 500 replacement spaces (or 500 less 58 = 442) is a reasonable outcome, but it can only be the subject of a private agreement between the proponent and Coles Myer. It is not

able to be enforced through the provisions of the Planning Scheme.

## **5.6 Other Traffic Issues**

### **(i) Toorak Road/Burke Road Intersection**

The proposed development will generate a small amount of additional traffic that will pass through this intersection. GTA has suggested that a small increase in capacity can be gained by introducing 'No Stopping' parking restrictions during the evening peak period on the west side of Burke Road from Turner Street to Clifton Road and on the east side from Turner Street to Middle Road. It was noted that Clearways already exist along both sides of Burke Road during the AM peak period. The traffic signal timing at this intersection can be adjusted to enable the intersection to operate more efficiently in both peak periods.

Grogan Richards analysed the operation of the Toorak Road/Burke Road intersection with the proposed Tooronga Village development in place. They concluded that during the AM peak period (which currently has clearways in operation along Burke Road), the additional traffic through the intersection as a result of the development would have a negligible impact on the operation of the intersection due to the small additional increment of traffic. In the PM peak period (which currently has no clearways on this section of Burke Road), Grogan Richards found that queue lengths would increase as a result of the intersection already operating at capacity. The introduction of the proposed 'no stopping' restrictions on Burke Road in the PM peak would significantly improve both the existing and post development operation of this intersection with reduced degrees of saturation and queue lengths. Grogan Richards conclude that the improvement is clearly related to the existing intersection operation and as a result, these improvements should be considered regardless of the proposed development.

### **(ii) Rat Running**

'Rat-running' is a term generally used to identify traffic that uses local streets to avoid congestion and delays on the arterial road network. The potential for rat-running through the site is diminished by the design of the proposed internal road network. The internal road linking Toorak and Tooronga Roads through the site passes through two roundabouts and features a raised pedestrian crosswalk (effectively a speed hump) midway along its length. Also, those wishing to turn left from Toorak Road east to Tooronga Road south would be encouraged to use the improved left-turn slot at the intersection and, as a consequence, discouraged from rat-running through the site.

At present, it appears that Kaikoura Avenue is used by several of the drivers exiting the Coles-Myer brickworks car-park via Tooronga Road and then heading west along Toorak Road to the Monash Freeway or the inner suburbs. Access to Toorak Road through the shopping centre car-park is difficult under existing arrangements, but with easier access to Toorak Road in the proposal, these drivers will find it more convenient to use Toorak Road rather than Tooronga Road and Kaikoura Avenue.

**(iii) Bus Public Transport**

Bus route #624 runs between Kew and Chadstone/Oakleigh along Tooronga Road past the site. Appendix 5 shows the proposed bus stop for the south bound service at the Toorak Road end of the left-turn deceleration lane into the site from Tooronga Road. This provides a bus stop sheltered from through traffic. The north bound bus stop is in the left running lane as per the present location. No provision has been made to detour into the site as this would add to route length and running time. The Boroondara Integrated Transport Strategy nominates a future bus service along Toorak Road to link Burke and Glenferrie Roads. The proposed design makes no allowance for this as the available road space (in Toorak Road) is earmarked to cater for necessary traffic movements. This issue will need to be further addressed when detailed planning for this bus route commences.

**(iv) Access to Local Properties**

GTA proposes full turning movements at both Kaikoura Avenue and Maraquita Grove (both at Tooronga Road). 'Keep Clear' line-marking on Tooronga Road at Kaikoura Avenue is required to ensure the right-turn traffic from the south into the site (the right turn slot will extend to the south past Kaikoura Avenue) does not block access into Kaikoura Avenue (from the north). This matter has been discussed with VicRoads and more assessment is required at the detail design stage.

Access to properties along the north side of Toorak Road opposite the subject property will be restricted to 'left in' and 'left out' because of the placement of the proposed median in Toorak Road. Motorists wishing to enter these properties from the east (currently by a right-turn from Toorak Road) would need to divert to Tooronga Road (via the local street network) to then turn left into the property from Toorak Road. GTA say that there is sufficient pavement width at the proposed signalised intersection serving the site from Toorak Road to enable a u-turn for vehicles wishing to leave the properties along the north side of Toorak Road and right- turn to the west. There will be some inconvenience for the users of these properties but the present arrangement that allows right-turns in and out is potentially hazardous.

#### **(v) Redevelopment of the Stonnington City Council Depot**

Issues regarding the potential redevelopment of this site and the likely cumulative impact of traffic generated by both the Tooronga Village site and the Council depot site on Tooronga Road have been raised by several submitters. Access to this site is potentially complex due to the adjacent rail level crossing, the intersections of Milton Parade immediately south of the crossing and Carroll Crescent immediately north of the crossing and the need to provide pedestrian and car parking access to the Tooronga railway station. GTA have included this part of the network in their Paramics model review of the future operation of the network and have used future traffic volume estimates from work by Ratio Consultants Pty Ltd (for the City of Stonnington) as input to the model. GTA are of the view that access to the City of Stonnington site can be expected to operate satisfactorily during peak periods, and that traffic volumes on Tooronga Road at this location are expected to only increase marginally as a result of the Tooronga Village development scenario.

Mr Turnbull suggested that as a result of likely increases in pedestrian movement to the Tooronga Rail Station and because of increases in traffic generated by the Tooronga Village proposal on Tooronga Road at the rail level crossing, the Proponent should make a contribution to the cost of improving the crossing and the adjacent intersections with Carroll Crescent and Milton Parade. The Panel does not support this suggestion. Increased traffic on Tooronga Road south of the Tooronga Village will be minor and the pedestrian movements to and from the station can utilise the proposed signalised intersection at the Tooronga Road entrance to the site in order to safely cross Tooronga Road to access the station.

### **5.7 Panel Findings**

With respect to traffic, access and parking, the Panel finds that the proposal, as it stands, 'fits' reasonably well into the surrounding road network. While it will add some traffic to Toorak and Tooronga Roads in the vicinity of the Tooronga Village site, the proposed improvements to these roads will provide adequate additional capacity to cope with this addition.

A key factor in this outcome is the need to limit development to the quantum agreed in principle at the hearing, that is 8000 square metres of retail space, 4000 square metres of office development and 600 residential units. Any increase above this quantum will lead to the need for more extensive road works and an imbalance in the operation of the road system in the area. The linked 'chain' between magnitude of development, parking requirements, traffic generation, management of traffic on-site, interface with the external network and operation/capability of the external

network is a valid and key determinant in defining and constraining the 'size' of the development.

As far as traffic and related issues are concerned, the Panel is of the view that the proposals in the Indicative Plan are an acceptable guide to the layout required and provide a good basis for the proposed Incorporated Plan Principles and the Urban Framework Plan.

The Panel is cognisant of the local community view that the road system is already under stress and that the proposal will generate traffic that will exacerbate this situation. However, the Panel is of the view that the current traffic management strategy for the area is appropriate and that the Proponent has presented a traffic scheme for the proposal that will manage the relatively minor traffic increases without detriment to the existing traffic situation.

The Panel is also of the view that the Proponent has indicated a willingness to make major improvements to the intersection of Toorak and Tooronga Road and to each of these roads past the site. Clearly, improvements at this intersection are required even without the development. The Panel is of the view that the improved intersection to be provided by the Proponent will cope with any additional traffic generated by the site while providing minor improvements to the exiting traffic flows. The proposal also includes the widening of the road reservations into the Tooronga village site by up to 8 metres along the Toorak Road frontage and 5 metres along the Tooronga Road frontage. Having provided these improvements, the Panel does not support the VicRoads view that the Proponent should further increase the reservation width to cater for the possibility of shared bicycle lanes along Toorak Road or the need to further realign the Toorak Road eastern approach to the Toorak/Tooronga Roads intersection for additional safety measures. If VicRoads require any further widening they should, as a matter of urgency, determine what is required and apply to amend the Public Acquisitions Overlay accordingly so that the property owner is eligible for compensation.

The Panel is of the view that traffic increases due to the proposal will result in only minor traffic increases at the Tooronga Road level crossing and that pedestrians wishing to access Tooronga rail station will cross Tooronga Road at the proposed signals at Maraquita Grove. As a result, there is no justification for the Proponent to make a contribution to works at the level crossing or outside the Council depot site next to the station.

The Panel accepts that the provision of 500 replacement car parking spaces for Coles-Myer staff is adequate but is concerned that this is only a ten-year 'contract' between the Proponent and Coles-Myer and is not attached to the ownership of the building



occupied by Coles-Myer. While the Panel is not convinced that the Coles-Myer proposed 'Green Travel Plan' is viable, it should be initiated. The Panel supports the maintenance of the Council parking strategy for the surrounding streets. That said, there are a number of issues that require further action or ongoing consideration. These include:

- the number of those parking in the existing Coles-Myer building and currently entering the site via Tooronga Road that would make this movement in the future (if such a movement would be possible) and any adjustments that need to be made to the assumed traffic volume entering the site via Toorak Road;
- the rate of peak hour traffic likely to enter the '500 replacement car park' site and any adjustments that would need to be made to the detailed design of the road system improvements and additions;
- the likely proportion (and number) of vehicle movements generated by the site heading to or coming from the west (Toorak Road and the Monash Freeway), in order to determine the required length of the right turn lane into the site from Toorak Road (for safety reasons, this lane must accommodate the peak hour 95<sup>th</sup> percentile right-turn queue length);
- the adequacy of the proposed turning movements at the intersection of Kaikoura Avenue and Toorak Road; and
- the adequacy of the detailed design of the entry/exit roadways into/out of the site on Toorak and Tooronga Roads.

These matters should be addressed and construction and traffic plans modified prior to the construction of the external roadworks in advance of the development as required by the Section 173 agreement in Clause 7.0 of Schedule 1 to the Priority Development Zone. Specifically, it is recommended that the following words be added to the last paragraph in Clause 7.0 of Schedule 1 to the Priority Development Zone:

*"Matters to be taken into account include the detailed consideration of peak period access to and egress from the site and the adequacy of the provision for turning movements into, out of and adjacent to the site."*

As development occurs on the site, further surveys and consultation with the local community through VicRoads will be required to determine the need for implementing 'No Stopping' restrictions on the north side of Tooronga Road between Hall and Cato Streets in both peak periods, on the north side of Toorak Road between Tooronga Road and the Coles-Myer building entry and along both sides Burke Road north and south of Toorak Road in the evening peak period.

## **6. ENVIRONMENTAL/PHYSICAL INFRASTRUCTURE ISSUES**

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There were a range of other environmental and physical infrastructure issues raised through submissions and during the course of the hearing, and these are addressed further.

### **6.1 Flooding and Drainage**

Flooding and drainage issues relating to the proposal were presented in the following:

- Water Technology, consultants on behalf of the Proponent, report of 31 May 2006 and summary of expert witness statement, represented by Mr Stephen Clark, Director, at the hearing.
- GHD, consultants on behalf of Boroondara City Council, expert report of 30 June 2006 by George Mallory, Principle Water Resources Engineer (did not appear at the hearing).
- Melbourne Water, submissions dated 10 July and 4 August 2006, represented at the hearing by Ms Carolyn Tsioulos, Program Leader, Developer Works. The final draft of the Melbourne Water Gardiners and Scotchman's Creeks Waterways Plan 2006 was also tabled.
- Submissions dated 10 and 16 July 2006 for JT Snipe Investments Pty Ltd (owner of property in Weir Street, Glen Iris) by Mr Graeme Peake (instructed by Rennick & Gaynor) and a Report on Flood Management Issues by David Fairbairn Consulting Engineer and Planner for JT Snipe Investments Pty Ltd (Mr Fairbairn did not appear at the hearing).
- Flood Management Submission of August 2006 presented by Mr David Williams for the Tooronga Action Group and a note from Mr Alan Timcke regarding estimates of filling placed in the flood plain of Gardiners Creek.
- Several members of the community also raised floodway issues in their written submissions and in their verbal presentations to the Panel.

The key issue was the potential impact of the proposed development on the Gardiners Creek flood plain. Gardiners Creek is one of the major urban waterways for the eastern suburbs (with a catchment of some 100 square kilometres) and runs along the southern edge of the site. The Rix Street Main Drain caters for storm water runoff from the local catchment in Camberwell and Glen Iris and passes through the south-east corner of the site. Part of the development site is currently subjected to inundation from Gardiners Creek and the Rix Street main drain during the design 1 in 100 year flood event and as a result, the Planning Scheme includes a Land Subject to Inundation Overlay (LSIO) covering that part of the site.

Flood mapping and flood mitigation studies were recently undertaken for Melbourne Water for the Gardiners Creek system and the topographic data and the hydrologic analysis results were utilised by Water Technology in their study of this site. The areas subject to inundation by the 1 in 100 year design flood for each the Gardiners Creek and the Rix Street Main Drain are clearly delineated in the Water Technology Report. This conforms with the flood-prone areas shown in the Melbourne Water Gardiners and Scotchman's Creeks Waterway Plan. The LSIO in the Planning Scheme conforms closely to these flood-prone areas.

Water Technology developed and tested two flood management options:

- Option 1: Reroute the Rix Street Main Drain through a wetland to be located within the Burke Road South Reserve (Council land) with an overland path in the south-eastern corner of the site (leaving the bulk of the site flood-free).
- Option 2: realign and enhance the Rix Street Main Drain within the development site with modifications to the Gardiners Creek channel.

The computer modelling and analysis carried out by Water Technology demonstrate that both options are feasible and will reduce flooding on the site to allow the development to proceed. Water Technology said that there would be no detriment to flood levels on other private properties (with some minor improvements).

While it appears that both options are feasible, each would require agreements, actions and expenditure by others for the improvements to be in place to allow the LSIO to be removed and development to proceed. For Option 1, the Council would need to agree to part of the Burke Road South Reserve being redeveloped as wetlands, and, for Option 2, Melbourne Water would need to carry out further improvements to the channel and banks of the Gardiners Creek before the Tooronga Village development took place.

The GHD report was critical of some detail and effectively concluded that:

- if Option 1 were to proceed before or without the Rix Street wetland, this may result in decreased floodplain storage and a rise in flood levels: and
- if Option 2 were to proceed, it would be reliant on the prior widening of Gardiners Creek by Melbourne Water.

The Proponent was asked to review whether it would be possible to contain the current flood retarding/storage capability on site, with all the necessary works to be the responsibility of the Proponent without the need for others (Melbourne Water and/or the Council) to commit to changes beyond the site. Both Water Technology

and Melbourne Water were of the view that this would be possible but would need to be thoroughly assessed using computer modelling techniques before acceptance.

Melbourne Water reiterated their basic requirements that the proposal (any proposed works) should not add to the flooding impact on private property, increase stream velocity or decrease flood storage. It was put to the Panel that, desirably, any mitigating works should be on the subject property, leaving other (external) initiatives to assist in reducing flooding impacts along the extended Gardiners Creek valley.

The Tooronga Action Group and members of the local community were concerned that the fill placed on the south-east part of the subject land during the construction and modifications of the Monash Freeway had substantially reduced the flood storage capacity on the site and that this must be taken into account in any proposal to alter the flood plain to accommodate the development. While it appears that this has been taken into account (the diagrams in the Water Technology Report clearly show these areas), the Panel agrees that any further investigations must take these into account.

In his submission for JT Snipe Investments Pty Ltd (the owner of a site in Weir Street on the south side of the Monash Freeway east of Tooronga Road), Mr Peake raised the issue of the potential for flood levels on his client's property to increase as a result of works on the Tooronga Village site. In summary, he submitted that there must be no changes to the flooding regime of Gardiners Creek as a result of the proposed development and that the Planning Scheme Amendment should contain mandatory requirements relating to Gardiners Creek to this effect.

While the Panel has some sympathy with this view, it is of the view that Section 44.04 of the Boroondara Planning Scheme requires Melbourne Water as a referral authority to take account of the matters raised in his submission. Melbourne Water said in their submission that:

*Melbourne Water has advised the Proponent that the development must not increase flood levels or divert flow in such a way that adjacent properties are adversely affected. For this reason, Melbourne Water will be undergoing a thorough consultation process with the proponent prior to approving subdivisional plans and development lines.*

*The LSIO will remain over the site as part of the Planning Scheme until approved otherwise; Melbourne Water believes that there is adequate control over the determination of the ultimate development line to ensure that there is no impact on flood levels.*

The Panel is therefore of the view that the LSIO should remain in place and not be

reviewed until this matter is resolved to the satisfaction of Melbourne Water before any development permits are issued.

## 6.2 Powerline Easements

The issue of the powerline easement and the potential health impacts of power transmission was raised in several submissions but dealt with in some detail by Mr David Williams for the Tooronga Action Group (part of Submission 69) and Ms Sarah Vincent (Submission 10). Both submitters presented well researched sources to make the point that proximity to high voltage powerlines was hazardous and a potential source of a range of cancers. Both recommended a precautionary approach with Mr Williams concluding that a set-back of 70m was desirable and Ms Vincent 100m. Mr Williams was of the view that the powerlines adjacent to Gardiners Creek were carrying 500kv and Ms Vincent suggested the lines were carrying 330kv.

Following a request by the Panel for further information, Mr Rantino for Council provided a copy of '*A Guide to Living with Transmission Line Easements*', a publication from SPI PowerNet, the owner/operator of the powerlines adjacent to the site. This publication deals mainly with the management of powerline easements, but says, on the issue of electric and magnetic fields that:

*Health authorities appropriately determine the assessment of possible health effects and the Victorian Human Services Department and the National Health and Medical Research Council guide SPI PowerNet in these matters.*

PowerNet refers to a booklet published by them on the subject '*All about Electric and Magnetic Fields From Transmission Lines*'. In this booklet, SPI say:

*Interim guidelines on limits of public and occupational exposure to EMF have been published by the National Health and Research Council of Australia (NHMRC) and SPI PowerNet designs and maintains its network within these guidelines.*

The NHMRC guidelines referred to were published in 1989. SPI's interpretation of the NHMRC interim guideline is that public full-time exposure limits from electric fields is 5kV/m, and for magnetic fields, 1,000mG. They claim that under 330 and 220kV powerlines that measured electric fields range up to 5kV/m and magnetic fields up to 80mG. These reduce to a maximum of 1kV and 25mG at the edge of easements, within the NHMRC guidelines.

It should be noted that examination of the SPI and the Victorian Energy Network Corporation web sites indicates that the powerlines past the site are rated at 220kV (part of the Rowville to Richmond powerline).

On the matter of the powerlines easement, a search of the title information provided to the Panel (Document 81 - Council) indicates that the plans handed up to the Panel (Document 76/10 - Mr Murphy) properly show the powerline easement, and that the indicative plan has taken this into account. It is noted that SPI generally require an easement width of 40m for 220kV powerlines (that is, the easement edge needs to be 20m from the centre-line of the array of power-lines).

The Panel notes community concerns, however, based on the limited research as indicated above, the Panel is reasonably satisfied that the existing powerlines operate within the current guidelines.

### 6.3 Acoustics

Information on potential traffic noise impacts relating to the proposal were presented to the Panel by Marshall Day Acoustics on behalf of the Proponent. This consisted of the 'Acoustic Report' of September 2005 and amended in April 2006 and a series of updated noise contour plans that were handed up when Mr Peter Fearnside appeared before the Panel as an expert witness.

The purpose of the acoustic assessment was to test if the proposal met the VicRoads 'Requirements of Developers' guidelines for noise attenuation. It is the stated policy of VicRoads that '*VicRoads will not take action to protect any..... new buildings or subdivisions abutting any existing road under the control of VicRoads*'.

VicRoads also requests Councils to apply a number of conditions to any development permit. Conditions relevant in this case include:

- *The developer shall ameliorate noise from the abutting road reservation to a level of 63dBA L10 (18 hour) or less measured at the Façade of the building that faces the road reservation (note: VicRoads points out that this applies to the lowest habitable level of the development or the ground floor); and*
- *Noise sensitive buildings abutting the road reservation, where the future traffic noise levels are predicted to be in excess of 60 dBA L10 (18 hour), should be designed and constructed to the acoustic standards set out in AS 3671-1989 "Acoustics-Road Traffic Noise Intrusion – Building Siting and Construction" (note: this generally means any facing windows need to be sealed and glazed with acoustic glass).*
- *Where the developer decides, in consultation with VicRoads and Council, that it is not desirable to erect noise barriers, then the development must be designed and constructed to meet the preceding condition and the acoustic standards set out in AS 2107-2000 "Acoustics-Recommended Design Sound Levels and Reverberation Times*

*for Building Interiors”.*

Mr Fearnside’s report and presentation sets out the procedures and results of measuring existing noise levels around the site and the modelling work done to estimate likely future noise levels and to recommend appropriate noise attenuation measures. The report demonstrates that the VicRoads requirements could be met by installing 4m high sound attenuation barriers along the site frontage with the Monash Freeway and by applying the standards above to provide suitable building treatments along the Toorak and Tooronga Road facades and for the upper levels of development proposals along the Monash Freeway frontage.

Some local submitters raised concerns about the possible reflection of noise from heightened barriers along the north side of the Monash Freeway onto existing buildings that intrude above the barriers already in existence along the south side of the freeway. Mr Fearnside produced the results of a test to review this and demonstrated that reflected noise levels will not increase and no alterations are required to the south side barrier height.

He recommends that the following clauses are included within any Planning Permit requirements:

- *Prior to construction of the development, a report shall be prepared by a suitably qualified acoustic consultant providing recommendations for the control of noise from the Monash Freeway, Tooronga Road, Toorak Road and any other significant environmental noise source such as mechanical services noise associated with the development, to the satisfaction of the Responsible Authority.*
- *Prior to occupation of the dwellings, a report shall be prepared by a suitably qualified acoustic consultant showing that the measured noise levels comply with the appropriate criteria.*
- *The appropriate criteria may include, but are not limited to:*
  - *VicRoads “Requirements of Developers”*
  - *TG302/92 Noise Control Guidelines*
  - *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1)*
  - *Australian Standard AS 107-2000 Acoustics –Recommended design sound levels and reverberation times for building interiors.*

The Panel accepts Mr Fearnside’s analysis and recommendations and commends these requirements to the Responsible Authority.

## 6.4 Other Environmental Issues

Golder Associates were employed by the Proponent to report on **Environmental Audit issues** at the Tooronga Village site. Golder Associates recommendations are summarised as follows:

- A Statutory Audit of that part of the site progressively used as a quarry, brick-making and land-fill, to meet the requirements of the EPA;
- Environmental Assessments of the existing retail site and the previous service station site to the required standards; and
- The preparation of a site Environmental Management Plan to control impacts associated with site earthworks and construction activities.

Ecological Engineering prepared a **Water Cycle Management** Report, September 2005, for the Proponent. This consultant is part of the Proponent's design team providing input on water sensitive urban design (WSUD) measures. Key elements of the WSUD strategy for the site include:

- Water efficient household fittings throughout the development;
- Rainwater tanks to collect roof runoff for reuse and water efficient landscaping; and
- Wetland and bio-retention systems integrated into the landscape within the development to achieve best practice treatment of stormwater runoff.

The consultant suggests that these initiatives should reduce potable water consumption on the site by at least 31% (or 26ML of water) compared to water use in conventional urban developments across Melbourne. Further initiatives that could result in savings of up to 46% are being pursued.

Ecological Engineering have also had input to the design and integration of the proposed wetlands on the Burke Road South Reserve to treat the runoff from the Rix Street Drain should the Council agree to this as part of the floodplain control mechanism.

Cundall Johnston & Partners have been employed by the Proponent to prepare **Ecological Sustainable Development** (ESD) principles and methodology for the proposed mixed use of the site.

A 5-Star house and apartment energy rating has been set, with a challenge to achieve a 5.5-Star performance. While the Australian Building Greenhouse Rating scheme does not cover strata offices, a commitment has been made to 3.4-Star performance with a challenge to achieve 4-Star performance. Water (see above) and construction



waste targets have also been set.

An ESD planning framework has also been set with principles and goals covering the design and management of open spaces, reduced atmospheric emissions, water cycle and waste water management, transport, energy consumption and materials, indoor environmental quality and waste disposal.

There were no requests for these specialists to present at the Panel Hearing and their reports were not challenged in any submissions. As a result, the Panel commends and supports the measures put forward in these three reports.

## **7. SOCIAL INFRASTRUCTURE ISSUES**

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Ms Maxine Cooper of UrbisJHD provided a statement of evidence relating to an assessment of community benefits of the proposal. Council initially expressed concern about the inclusion of this evidence, as it was not disclosed at the Directions Hearing. Council sought leave to respond to this evidence if required, but it did not seek to pursue this any further.

In her overview, Ms Cooper commented that her brief was somewhat limited, and did not extend to a full social impact assessment. She did not undertake any new primary research. In essence, she was asked to prepare a report on whether the amendment resulted in a net community benefit. While there was no competing evidence in relation to social infrastructure issues, many submitters provided anecdotal views and opinions about the range and availability of community facilities in the area.

### **7.1 Assessment of Community Benefits**

#### **(i) Policy Imperatives**

Section 3 of Ms Cooper's report provides an outline of relevant legislation and social policy, with the key imperatives being noted as follows.

- State Planning Policy Framework
  - Clause 11 Introduction, Goals and Principles
  - Clause 12 Metropolitan Development
  - Clause 14 Settlement
  - Clause 15 Environment
  - Clause 16 Housing
  - Clause 17 Economic Development
  - Clause 18 Infrastructure
  - Clause 19 Design and Built Form
- Growing Victoria Together
- Community Building Initiative
- A Fairer Victoria – The Victorian Government's Social Policy Action Plan
- Beyond Five Million – The Victorian Government's Population Policy
- *Planning and Environment Act 1987*
- Melbourne 2030 – Planning for Sustainable Growth Policies and Neighbourhood Principles
- Boroondara Planning Scheme
  - Corporate Plan

- Municipal Strategic Statement
- Local Policies
- Community Safety Plan
- Social Housing Policy
- Open Space Policy

Ms Cooper outlined the above legislation and policy in some detail, and it is not proposed to repeat that in this report. She did however, provide a brief summary in the form of implications for the policy and noted:

*The review of legislation and social policy has revealed the Amendment complies with all policies with the exception of affordable housing as demonstrated in the subsequent sections of this report.*

*It also reveals among other things, the growing importance attached to the dimensions of social sustainability and community building. The present State Government is committed to the development of connected communities more involved in decision-making.*

## **(ii) Overview of Facilities**

Ms Cooper provided an overview of the extent of facilities within an approximate five kilometre radius around the subject site, including retail, education, community, health, leisure, childcare and other facilities. Her evidence suggested the area was rich in a range of facilities and subsequently there was no identifiable need or missing piece of the social infrastructure jigsaw in the immediate area.

While the proposal advocates a community space in the order of 50 square metres, Ms Cooper suggested it should be increased to 100 square metres as it would be a more flexible space. When asked what this space could be used for, Ms Cooper contended that could not be answered at this stage, and it would be better to wait until the new community became established. She rightly indicated, in the opinion of the Panel, that it should be Council, in conjunction with the new community who should determine how such a space should be used. Mr Rantino queried why the Council had not been consulted about the potential use and management of this space, and Ms Cooper considered it was premature to specify this at this stage of the proposal, although it would be desirable to do so at a later and more appropriate stage. The Panel agrees.

Mr Rantino, through his cross-examination of Ms Cooper, was critical of her evidence in that she did not seek to find out whether in fact any of the community facilities she identified as having the potential to serve the new community at

Tooronga Village, had sufficient vacancies to service the 600 new households. Nor had she consulted with the Council. Ms Cooper agreed she had not undertaken an inventory of any of these facilities and nor could she identify whether they were at capacity, or had capacity. Mr Rantino suggested that in order for there to be a proper analysis, one would need to know how the facilities are operating and whether there are waiting lists. In response to these concerns, she argued that the proposal will not generate such an increase in population where it will impact on the critical mass of service and facility provision.

Several submitters expressed similar concerns to Mr Rantino, and gave anecdotal views that many of the schools and childcare centres were full, with extensive waiting lists. The Panel was informed that the Auburn South Primary School was “zoned” in order to maintain a ceiling on enrolments, and the Anderson Reserve Child Care Centre had the most extensive waiting list in the immediate area.

In his submission, Mr Dale Rogers wrote: *“The Tooronga Road/Hawthorn East zone is home to Auburn Primary School, Bialek College, Hawthorn Secondary College plus Anderson Road Kindergarten and other church based and day care centres”*. He questioned how Stockland intended to manage the demands on the schools, in addition to the *“added dangers and traffic flow that will use side streets as cut throughs”*. Mr Gary Campbell, the Principal of Auburn South Primary School, stated *“The new houses will mean a potential increase in the local student population. An increase in pupils will adversely affect our school which is already limited by ground space and classroom facilities and unable to accommodate existing levels of interest.”*

Mr Mark O'Connor questioned what consideration the proposal has given for *“provision of community facilities and services, future availability of schooling for the Site’s residents/employees’ families and for safe access to such into the future.”*

This may well be true and they do have some merit; however one of the problems with those arguments is that the demographics of an area may change, and so may the needs of a community. The Panel agrees with Ms Cooper that the community will be building and developing over a 10 year plus time frame, and its social infrastructure requirements would need to be monitored.

### **(iii) Demographic Profile**

Ms Cooper was asked by the Panel to provide an indication of the likely social profile of the new community, but she indicated it would be too difficult to predict. She expected that the average household size would be in the order of 2.29 persons, and with the proposed 600 dwellings, could realise a population in the order of 1375. Clearly this would be a diverse community with a range of needs. Some submitters suggested this would double the immediate surrounding population and would place extreme stress on existing community facilities. Ms Cooper noted that at the time of the 2001 census, *“some 1474 people live in the immediate area of influence, 500 metres from the site”*.

If one looked at provision of social facilities in isolation, there may be some merit in those concerns. However, it must be recognised that the bulk of service provision will be much improved road infrastructure, including road widening and additional traffic turning lanes. Notwithstanding this, the injection of some 1300 to 1400 new people in an area will result in a different social dynamic and the Panel wonders whether one 100 square metre space is sufficient. There will be a considerable increase in use of a range of facilities, and depending upon the social structure and needs of the community, an additional contribution to existing facilities could be considered.

### **(iv) Social Integration**

A further issue that should be explored is the issue of integration, that is integration of the new community with the existing established community. The Panel suggested the proposal will introduce a completely new community and asked Ms Cooper how it could be integrated with the existing community, particularly given the issues the local community are facing as a result of this proposal. The Panel notes the new community will use the shops, some will be employed in the surrounding area (Cato Street, Coles Myer Group, retail facilities etc), some will walk to the railway station, many will use the bike path for cycling or walking, some will use the Burke Street South Reserve, some will go the local schools (Bialek College, Hawthorn Secondary College, Auburn South Primary), a few may go to the nearby Melbourne University campus, some will walk around the local streets and so on.

The reason for people choosing to live at the new Tooronga Village would include access to the various facilities noted above. But they are not going to live in isolation, and they will become part of a broader community.

From the submissions made to the Panel, it would appear that the existing local community do not want this new community in the form proposed, however many of the submitters acknowledged that the site will develop in one form or another. While all acknowledged there should not be a vehicular access or linkage through Faircroft Avenue to the site, some also expressed a view that there should not be pedestrian access either. The reason for this seemed to be because it may then reduce the opportunity for Coles Group staff to park in the adjacent eastern residential area and then walk through. For reasons of social integration, the Panel does not agree with this view. It will be important for both the existing and new community to feel connected, and pedestrian access between the two areas is one way of achieving this.

The subject site should not be seen or considered as an island, nor should there be a physical boundary that prevents pedestrian integration along the eastern side. Some submitters did encourage such a link, and the Panel supports that a view.

The proponent will have a social responsibility to not only its own residents, but also to the surrounding community, in that it should consider the preparation of a community plan (or similar) to take account of these and other matters. It is suggested that a community development officer, funded by Stockland might be a good starting point.

It is a fundamental tenet of Melbourne 2030 that urban sprawl be contained, and the Urban Growth Boundary has been established to place limits on Melbourne's outward growth. It follows then that some increase in density is essential to provide for growth in inner and middle metropolitan Melbourne. The Panel has concluded that this is a suitable site for such a development and a good location for a higher built form.

One of the matters not addressed at the hearing was the concept of "*Ageing in Place*". Many submitters did not accept that urban consolidation provides for a community to stay in its own location. The Panel was concerned about some community submissions that argued that there is sufficient land on the fringe of metropolitan Melbourne to accommodate projected increases in metropolitan population. This type of argument ignores important planning, housing and social policy and the Panel is not persuaded by these type of arguments. Each area and municipality has a planning and social responsibility to provide a range of housing opportunities to accommodate diverse household needs – for both existing and future communities. This site is as good as any to accommodate an injection of substantial housing.

**(v) Consultation and Community Submissions**

The Panel would like to comment on the consultation process and the subsequent community submissions. It considers that a consistent theme was presented which raised common issues. Most of the submissions were reasonable, and for those who presented at the hearing, the Panel was impressed with the thought that went into those submissions. Many good ideas were raised, and the Panel has incorporated some of these. Not one single submitter suggested the site should be left as it is, and most recognised the site was ready (if not well overdue) for a major redevelopment.

In commenting on the implications of the policy framework for this amendment, Ms Cooper noted that:

*It is therefore incumbent on proponents of major developments such as that associated with this Amendment, to ensure consultation and community participation in decisions that affect local people. Comprehensive, quality processes that engage people in the planning, design, development and management of communities provide such opportunities, build social capital, sense of belonging and community networks. While there is some opposition to this Amendment, to date an extensive community engagement program has been undertaken by Stockland and the State through the Amendment process. However, it will not be until later, in the more detailed design stage, that the benefits of this will be realised and acknowledged by the community.*

Most submitters acknowledged that a predominantly residential outcome was appropriate, with some retail. While it was acknowledged that the existing retail facilities were tired and rundown, many submitters expressed great affection for their "village". Of interest was the view that some submitters did not like the proposal to change the open and exposed nature of the existing retail area to an "enclosed mall". This, they submitted would significantly change the dynamics of the retail offer, and would result in it losing its village feel and atmosphere. Others indicated it would change from a local neighbourhood centre to a regional facility – even though the total floor area would tend to indicate otherwise.

Mr Rantino was interested to know from Ms Cooper what changes had been made to the indicative plan and the amendment that could be attributed directly as a result of the community consultation process. She responded that she understood some of the urban design treatments and interfaces on the eastern side had been amended. Mr Rantino suggested that in order for the community to consider that it had been properly consulted, it would like to think that its issues had been taken on board, a point with which Ms Cooper agreed, although she indicated she was somewhat constrained in commenting more fully as she was not involved in the consultation process.

Given the level of angst about this proposal by many submitters, the Panel would like to see Stockland make a concerted effort to work with the Council and the local community through an ongoing consultation process to ensure a successful project from a community perspective – including the existing and the proposed new community.

**(vi) Social and Affordable Housing**

One of the matters the Panel raised at the hearing was the issue of provision of social and/or affordable housing. Ms Cooper was asked whether such had been considered, and she responded that it had not. She clearly stated the lack of affordable housing on the site was a disbenefit to the project. The Panel asked whether it should be considered, and she commented that this location is not the right area.

Melbourne 2030 supports the provision of affordable housing and Action 2 in xx sets out that *“an adequate supply of affordable housing in the right locations is essential for the social and economic well-being of such households. It is needed also to nourish a sustainable housing industry and an efficient and buoyant economy”*. It further states that a goal of Melbourne 2030 is *“Creating opportunities to provide appropriately located affordable housing involves such issues as land supply, design and construction standards and encouraging suppliers of affordable housing”*.

The proposal, when completed, will provide for up to 600 dwellings, of varying forms. The Panel considers it unfortunate that in a large development proposal such as this, neither the proponent or the Government (State and Local) see the provision of some social housing, integrated within the complex, as being worthy of consideration. If a small contribution of affordable housing is not able to be made available for social opportunities in locations or proposals such as Tooronga Village, the Panel questions where could it be?

The site is near a major employment node, it is accessible to public transport, it is within walking distance to retail and some community facilities, it abuts a regional bike path that provides good access to the central city, and it provides an excellent opportunity for integrated housing that could be designed to be in no way distinguished from its neighbours.

The Panel is of the opinion that major new residential opportunities, no matter what the location, should be considered to provide an element of social and/or affordable housing. These comments should not be interpreted as a criticism of Ms Cooper, the proponent, or the Government. The Panel simply raises it because the question was



asked at the hearing, and while no answer could be provided, it is a matter that ought to be considered in future proposals, by way of policy.

## 7.2 Net Community Benefit

Ms Cooper provided a limited assessment of the net community benefit of the proposal. She noted that key benefits would relate to access and equity, community building, and neighbourhood planning and design. Further, she concluded, *“the Amendment will give effect to environmental, economic development, employment, social recreational, transport and other higher level strategic advantages”*. Mr Rantino was critical of her approach and suggested to Ms Cooper that in order to identify whether a proposal resulted in a net community benefit, it would be necessary to identify the benefits and then disbenefits, and then balance that up to see what the net result is. Ms Cooper conceded that a net community benefit analysis involves weighing up community benefits and disbenefit, but considered this proposal did not offer tangible disbenefits.

In her evidence statement however, Ms Cooper indicated that the lack of provision of affordable housing could be seen as a community disbenefit. Under cross examination from Mr Rantino, she further conceded that another disbenefit could accrue to the sector of the community who do not want this proposal, as it would be difficult for that part of the community to understand what the proposal will be like. Mr Rantino contended this would be even more so because of the uncertainty of the Indicative Plan, a point with which Ms Cooper did not agree. She considered the community has had considerable say to date.

Mr Biacsi undertook a limited net community benefit assessment in his planning report, where he said in relation to community benefits:

*... the Amendment will give effect to environmental, economic development, employment, social, recreational, transport and other higher level strategic advantages. The Amendment will facilitate a development that proposes substantial housing, a higher level of physical and landscape amenity, improved access to services and facilities including shopping and employment, enhanced open spaces and recreational linkages through and outside the site and a sense of place for the new and established communities on and in the vicinity of the site. Many of these outcomes embrace the principles of sustainability and generally enhance the environment and setting within which the site currently sits. Broader strategic benefits such as facilitating urban consolidation, improving the efficiency of urban infrastructure, maximising the use of public transport, minimising car use and achieving associated environmental gains are also acknowledged.*

In terms of potential community impacts or disbenefits, Mr Biacsi observed that a review of the objectives and strategies of the Planning Scheme does not highlight any significant concern in relation to the Amendment. He did note however:

*There may be certain issues relating to the potential consequences of the ultimate development about which individuals may have differing views (i.e. building heights, parkland interface, traffic, car parking, urban design etc) however, the overarching strategic policy thrust of the Planning Scheme is not threatened or challenged by the Amendment.*

Mr Biacsi suggested one of the consequences of the amendment is that it is proposed to streamline the planning approvals process, enabling better and more effective decision-making that translates into greater certainty, speedier decisions and effective development facilitation. Many submitters, including the Council disputed this. Mr Biacsi further noted that individuals have concerns about the issue of third party rights, but suggested this factor in itself is not an issue that is fundamental to the net community benefit test.

While the Panel accepts that Ms Gallagher (Strategy Workshop) had assisted the Proponent in the early days with regard to consultation with the community, the Panel considers that a full Social Impact Assessment might have been more helpful had it been undertaken at the commencement of the project.

### **7.3 Panel Findings**

The Panel considers that the provision of an assessment of the community benefit of the proposal appears to be undertaken as an “*after thought*” – that is after the exhibition of the amendment. Certainly such a study did not form part of the exhibition material, nor was it anticipated at the time of the Directions Hearing. This has resulted in a rather limited analysis of community benefit, and as Mrs Cooper acknowledged, it certainly was not a full social impact assessment of the proposal.

The community benefit assessment provided an overview of relevant legislation, an analysis of the location of a range of existing facilities, and an estimate of the likely number of people who may live in the village once completed.

The Panel is of the opinion that a major community benefit arising from this proposal is certainty. The site has been in a state of blight for over 20 years, and this proposal will ensure development in accordance with key State Government policy. It will result in a predominantly residential mix, with some retail and office uses. While the community did not agree, a further benefit will be improvements to the traffic conditions immediately external to the site.

The proposal will provide the opportunity for the local and wider community to have access to additional and more diverse housing opportunities, as well as a revitalised retail centre. It increases employment opportunities in the immediate area. The Panel reiterates this proposal is not too far apart from what Council was prepared to exhibit as Amendment C43.

The community disbenefits relate to perceived problems with traffic, and a reluctant community who do not want the intensity of development. The challenge for the government and the proponent is to turn that around and to now gain the support of the community in a positive way.

The Panel is concerned that no provision has been made for affordable housing as part of this proposal, particularly given that in the order of some 600 dwellings are proposed. Further, there is some concern that the existing community facilities such as schools, child car centres and kindergartens are at capacity, and will not be able to cope with additional enrolments. Council and the community seemed to think that an additional 1400 people will see community facilities at breaking point. But the 1400 people will be built up over a 10-year period. Monitoring of facilities will enable improved planning.

As put by Mr Biacsi, the site has been long regarded as a "*blighted site*", with no land use conflict issues. He summarised its potential by noting it provides "*the opportunity to showcase Melbourne 2030*". It is a 10 hectare site, located 7 kilometres from the City, it abuts a freeway, it sits at the intersection of two major roads, it is grossly undeveloped and it has a limited interface to a potentially sensitive urban boundary. He advised the site has sat in that condition for a long time even though it had permission to develop.

In this context, various representatives of the Proponent argued the site and/or the proposal should be considered as having metropolitan significance. Council saw it as having regional significance, while some submitters considered it should be seen in its neighbourhood context. Under Melbourne 2030, the site is designated as a Neighbourhood Activity Centre. For the reasons noted above, the Panel considers the site, and this proposal should be regarded as being of regional significance.

The Panel considers that the Neighbourhood Activity Centre designation merely focuses on the existing role of the shopping centre. A much wider activity centre is evident in this location, which centres on the shopping centre, but will broaden significantly once the Tooronga Village site is redeveloped. The redeveloped site would then be the central element in an activity centre that could extend from the railway station and Gardiners Creek path to the south, the Burke Street South

Reserve and the Coles Group office complex to the east, the Cato Street/Auburn Road employment precinct and education node to the north and the freeway to the west. In addition the vacant site (Leighton site) to the west near the freeway is being considered as a Homemaker Centre. This activity centre would extend out from the site to these other nodal facilities for some 500 to 1000 metres, thus ensuring it is of major regional strategic significance.

The Panel therefore considers the strategic issues (both planning and social) relating to development of this important site should be seen in this context. While the Panel can accept that there may be an increase in traffic, it is difficult to accept some of the views of the submitters that their neighbourhood character and ambience would be lost due to this proposal. Those who have purchased property in the vicinity of this site would have been well aware over many years that this site, and the area would one day be redeveloped. Some of the submitters living on Toorak and Tooronga Roads, also would be well aware of the existing traffic conditions, and their impacts on lifestyle. Many of those living to the immediate west of Tooronga Road in the small residential pocket have bought into that area over the past few years, in the knowledge of its location near a freeway, a railway line, an employment node, a retail area, a major office complex, and a redevelopment site, both to the west and the immediate east.

Time does not stand still, and development opportunities should not be frozen. Planning is about embracing change, and managing its impacts. The west side of Tooronga Road is not a pristine Residential 1 zoned area that is protected by heritage or neighbourhood character overlays. The community cannot claim ignorance on the future development of this important strategic site.

Conversely, the residential area to the east of the site is much more established, and the Panel agrees it reflects a different character and ambience. It supports its protection through limited vehicular access opportunities, strategies to discourage on-street parking by nearby employees, and through ensuring a sensitive interface.

Many of the submitters from this area expressed extreme dismay about the way in which the Coles Myer building developed, and its impact on their neighbourhood. This is understandable, and the Panel accepts their submissions about the need to ensure such an outcome is not repeated.

Taking all these matters into consideration, the Panel considers that overall, there will be a net community benefit arising from the redevelopment of the Tooronga Village site, if undertaken in the form as generally proposed.

## **8. RESOLUTION ON THE FORM OF THE AMENDMENT**

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From the preceding analysis of the various issues in relation to Amendment C70, in the opinion of the Panel, there was much in the way of common ground about the amendment, particularly as it related to the form of the amendment and the relevant strategic planning issues. In summary, the following was generally supported:

- Use of the Priority Development Zone;
- Inclusion of an Incorporated Document;
- Application of the Environmental Audit Overlay; and
- Retention of the Land Subject to Inundation Overlay.

It also seemed to be common ground that the proposed new local policy at Clause 22.15 was somewhat superfluous, and probably not necessary.

The key issues of dispute related to the construction of the Priority Development Zone and the level of detail in the Incorporated Document.

Other matters that seemed to not raise irreconcilable issues of dispute included:

- Acceptance that the subject site provides a major strategic redevelopment opportunity;
- Locational benefits of the site, including freeway, road and public transport accessibility (although it is acknowledged that some questioned whether the distance to the railway station was too great), abuttal to a regional bike path;
- Accessibility to a range of employment opportunities;
- Proximity to a wide range of community facilities, retail nodes and recreation assets;
- There are few sensitivities about the site, with the exception of the eastern residential interface; and
- Site has no heritage or urban character constraints.

The following commentary provides the recommendations of the Panel in relation to the construction and form of the amendment. These recommendations have been informed by consideration of the submissions and the Panel discussion in the preceding sections of this report.

## 8.1 Priority Development Zone

The Panel has carefully reviewed the submissions made about the Priority Development Zone and based on the conclusions it has reached throughout this report, has resolved the following in relation to this zone. Principally, the Panel supports the application of the Priority Development Zone over the subject site and acknowledges that application of this zone brings with it, certain assumptions about the level of exemptions proposed.

Using the Stockland Version 4 as the base model, the Panel adopts this version and uses it as the basis of further commentary.

It supports the modified objectives and the various components in the table of uses, including the addition of the word “total” in relation to the various floor spaces proposed.

The Proponent advised that it considered the Development Plan to be superfluous to the amendment, and Mr Rogers advised that the original draft of the amendment did not have a Development Plan, but it was included at Council’s insistence. He said Council raised it as it wanted more detail and prescription. Mr Rogers saw the Development Plan as an extra step in the process and could not see why it was required.

Mr Rogers argued that the Priority Development Zone (without the Development Plan) provides for the appropriate level of certainty, while allowing for discretion. He said the zone should provide flexibility and the right level of balance. As mentioned, the Panel supports the application of the Priority Development Zone for the site. It provides the right level of flexibility, it adopts a facilitative approach, and there is ample justification for the zone.

Council indicated a Development Plan was needed to ensure that a high level of detailed planning occurred prior to consideration of any permit, and indeed, to ensure that any permit was consistent with the overall development intent of the site. The Panel did consider there was some merit in the Council’s arguments, and it does consider there is a need for greater specificity and clearer parameters for issues such as:

- Internal road and pedestrian network;
- Open space; and
- Setbacks from Toorak and Tooronga Roads and Gardiners Creek.

Further, one of the reasons Council and community submitters argued in support of

a Development Plan related to the potential for the site to be subdivided and/or sold by Stockland to one or more developers. This type of argument is common to many large sites that have redevelopment potential, but the robustness of the planning control means that it should not matter who owns the site. The planning control transfers with the land, irrespective of the owner, and any potential buyer would be well aware of the planning requirements as part of a due diligence.

A typical development plan would provide a better understanding of the conceptual intent for development of the site, but the Panel is also wary of too much in the way of planning control. Close scrutiny and review of the Application requirements in Clause 4.0, the objectives to the schedule and the requirements of the Incorporated Plan provide a sound basis for any application and its subsequent consideration.

Therefore, the Panel concludes that there is no need for a Development Plan as the matters of detail that would have been included would be better expressed in the Incorporated Document, which would provide the required level of certainty desired by the Council and the community. This would also alleviate concerns that if the site was subdivided and parts sold off, the 'vision' and the development concept would be retained and be binding by law.

As a result, the Panel concludes that the draft Clause 3 of the proposed amendment is not required and should be removed. *Specifically, the Panel recommends the deletion of the requirement for a Development Plan.*

In Clause 4.0, Council had requested an additional clause that related to the Land Subject to Inundation Overlay, and advised the words to this came from the submission of Melbourne Water. The Proponent rejected this clause and noted:

*The LSIO will contrive to apply to the land until earthworks are carried out to raise the land above the height necessary to allow the LSIO to be removed. Until that time, a permit will be triggered by the LSIO for all buildings and works and must be referred to Melbourne Water pursuant to Section 55 of the Planning and Environment Act 1987. It is a duplication of the planning controls to incorporate LSIO requirements into the Priority Development Zone.*

The Panel accepts that advice and has not included that additional clause sought by Council.

Also, in Clause 4.0 of the schedule, there was considerable discussion about the exemptions from notice and review. This is a difficult issue to resolve, because while on the one hand the Priority Development Zone is meant to facilitate development with the advantage of key exemptions, the Panel does recognise the sensitive eastern

residential boundary. The Proponent preferred the exemptions to only relate to land adjacent to the AHD21 building height, while Council took the view that it should relate to land within 30 metres of the boundary.

The Panel considers the whole eastern interface is sensitive matter, and accordingly, recommends the exemption clause be modified to read:

*The exemption from the notice and decision requirements and review rights set out in Clause 37.06-6 does not apply to an application for buildings and works on land within the area with a building height of AHD21 on the Height Plan in the Tooronga Village Incorporated Plan, or to land included within the Residential 1 Zone up to 30 metres along the eastern residential boundary of the site.*

The Council also wished to have an additional line included with this clause that applied a 10 year time limit on exemptions. The Panel does not find there is any reason to place a time limit on this clause.

Other matters of detail in Clause 4.0 that require modification are as follows:

- The required Traffic Report should have the following added to it *'This report shall include:'* and the reference to the traffic management plan, the parking management plan and the integrated transport plan shall be sub-points of the traffic report.
- The reference to the acoustic report shall have the words *'and the ongoing maintenance of these'* added after the words *'...attenuation measures'*.
- The reference to the costing of infrastructure works shall have the words *'the construction and ongoing maintenance of'* added after the words *'An assessment and preliminary costing of'*.

The Schedule to the Priority Development Zone has been adjusted accordingly.

In Clause 5.0 – Decision Guidelines, Council was concerned that all the objectives and standards of Clause 55 (ResCode) should be applied (except for development of four or more storeys). The Proponent did not include standards B6 (walls of buildings setback from streets), B7 (building height objective), B17 (side and rear setbacks), B18 (walls on boundaries). Stockland commented that a site of this size and a proposal of this complexity needs flexibility to deliver Melbourne 2030 outcomes, a point with which the Panel agrees. This is a diverse site that will realise a diverse housing outcome. The standards to be excluded will assist in providing for the outcomes sought.



Many submissions were made to the Panel about firstly, the desire to have Boroondara reinstated as Responsible Authority, and secondly providing Council with the opportunity to comment on any planning permit application.

The Proponent proposed that Council could be provided with the opportunity to comment on those aspects of an application that relate to “*infrastructure in the nature of roads, drainage and open space, if received within 21 days*”. The Council wanted to comment on all aspects of an application, within 28 days. Council put strong submissions on this, and the Panel sees some merit with their position. Given that this proposal will take in the order of 10 years to implement, the Panel was convinced that firstly, Council should be provided with the opportunity to comment on plans, and secondly, a reasonable time frame for this is 28 days. The Panel considers that some Council input would be beneficial to a good outcome. Even though the Minister may be Responsible Authority, at the end of the day it is a proposal that is located in the City of Boroondara, and there is a need for some Council and community ownership for it to be successful. Any final decision will remain with the Minister, and it would be rare to find a planning outcome that has not been enhanced by third party input. Even though Council would not be satisfied by it being a “third party”, it has assured the Panel it intends to undertake its responsibilities with regard to this proposal with good intent and integrity. In the mind of the Panel, the social and housing outcomes of this proposal are just as significant as the physical infrastructure issues, and the Panel is not persuaded by the Proponent that Council input should be limited to physical infrastructure issues. It therefore recommends Clause 5.0 be modified as follows:

*If Boroondara City Council is not the Responsible Authority, the views of Council should be considered, if received within 28 days of the date Council is provided with the application.*

The Council may opt to seek opinions from the community during this time, but that is a matter for Council to determine if this recommendation is accepted and if their time frame permits.

However the Panel does agree with the Proponent that there is no need for a Section 173 agreement to implement traffic plans for on-site works (these will be adequately defined in the required traffic report), and it rejects Council’s suggested additional clause in this matter. It further accepts the Proponent’s opinion about the need for a Section 173 agreement regarding the provision of development contributions and the like. It should be noted that the Panel agrees with the inclusion of the Section 173 agreement at the end of Clause 7 requiring external traffic management road works (generally in accordance with the proposals tabled by GTA at the Panel Hearing) prior to the commencement of works on the site.

With regard to Clause 7, car parking and traffic, the Panel has commented at length in Section 5.5 of this report about the mandatory provision of 500 cars on the site, and it does not repeat any of those arguments here. Suffice to say, the Panel accepts the 58 additional spaces as far as the amendment is concerned, but not the 500. The Panel notes the agreement between the owner of the tenanted Coles Myer land (Halburton and others) and Stockland.

The Panel is also cognisant of the need to ensure access to the loading dock in the building occupied by Coles-Myer, and agrees with the Council that the following is to be added to Clause 7.0: *“Access to the loading dock in the building occupied by the Coles-Myer office must be provided from Toorak Road and Toorong Road and one of these access ways must accommodate ingress and egress to the loading dock of a 19 metre long vehicle.”*

The Panel has included its revised version of the Schedule 1 to the Priority Development Zone in Appendix 4.

## 8.2 Incorporated Plan

The Panel is generally satisfied with the Incorporated Plan as exhibited except that additional detail is required to avoid the need for a Development Plan as part of the Priority Development Zone to accompany any permit application.

Apart from the matters raised in Section 4 of this report, other (minor) changes to the Incorporated Plan are set out below.

### Development Principles

- ‘Use’: second point, add *‘to minimise potential impacts on surrounding residential areas’*.
- ‘Links’: second point, include *‘into, out of’* after the word ‘movements’.
- ‘Development Form’: third point, change ‘curve’ to *‘alignment’*; seventh point, add *‘and from’* after ‘...opportunities to’
- Precinct 1 – Mixed Use (Retail): add *‘to’* after ‘site edges’.

Additional changes to the Urban Framework Plan include:

- Note that the Primary Road network is to '*generally conform to GTA drawing DM1801-07*'.
- The bike path location requires adjustment to be clear of the creek waterway.
- The site boundary needs to be defined and correctly shown on the plan.
- The 'Managed interface with existing residential' '3' needs to be extended to the north (the whole eastern boundary of the site).
- Amend note 4 to ensure the '*Public Plaza connects to all precincts and to the creek beyond*'.

### **8.3 Reference Document/Indicative Concept Plan**

While the reference document is not a document incorporated into the Planning Scheme, it is designed to assist in the interpretation of the development proposal. UrbisJHD say, in the introduction to the report:

*The Reference Document has been prepared to provide more detailed information on the site analysis and design response that underpins the Tooronga Village Incorporated Plans – the Urban Framework Plan and Height Plan. The Reference Document is intended to provide Council and the Boroondara community with a more complete picture of Stockland's long-term vision for the site. It will also guide the Council in making decisions about future land use, buildings or works proposals that require approval under the Priority Development Zone (PDZ).*

The document describes the preparation of the Indicative Concept Plan which was exhibited to indicate to the community how the development proposal may evolve. However, while parts of the Indicative Concept Plan are shown in the document, the full plan is not. While this plan has already been 'on show', and has been relied upon by the Proponent in the hearing to indicate how the development occur, the Panel is of the view that the Indicative Concept Plan is but one option that could evolve from the application of the Incorporated Plan. The full recommendations of the Panel may result in various changes to the indicative concept. Therefore, the Panel accepts the Reference Document as generally presented.

## 8.4 Policy and Overlay Elements

In Section 3.3 of this report, the Panel concluded that it supports the application of the Priority Development Zone and the inclusion of the Incorporated and Reference Document. It further supports the application of the Environmental Audit Overlay, and the retention of the Land Subject to Inundation Overlay.

The Panel supports the proposed inclusions to the MSS, but recommends that the wording of the Clause be amended for consistency, to read *“Applying the Priority Development Zone to the Tooronga Village site to enable ....”*.

However, the Panel has concluded that the proposed new local policy at Clause 22.15 is not warranted and recommends that it be deleted. While the Panel considers the objectives and policies of the proposed Clause 22.15 to be reasonable, it has concluded they add very little to the amendment, particularly in the light of the detailed Schedule 1 to the Priority Development Zone and the Incorporated Document. The objectives are somewhat repetitive and could be described as being “motherhood”.

There was little discussion about this policy at the hearing, with there being a general and tacit view that it ought not to be included in the final documentation. The Panel shares that view and recommends that the policy at Clause 22.15 be deleted.

## 9. PANEL CONCLUSIONS

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Tooronga Village is a key strategic development site within the metropolitan area of Melbourne. It is visually prominent, it is strategically located, it is substantially under-utilised, it has been the subject of previous failed development proposals, it suffers from planning blight, and it is ready for redevelopment.

The site has an area of 10.6 hectares, it sits at the junction of Toorak and Tooronga Roads, adjacent to the Monash Freeway, it sits beside a major creek and metropolitan bike path, it is located 7 to 8 kilometres from central Melbourne, 500 metres from a railway station, and is well located to major retail, educational, employment and community facilities.

But it is a difficult site. It is adjacent to the Coles Myer development which, while it won numerous awards when developed, is seen by many in the local community as an architectural monstrosity. It is big, bulky and unsympathetic to its neighbours. As noted by a submitter in the hearing, *"it sticks out like a sore thumb"*.

It has also had the effect of colouring views about the redevelopment potential of the subject site. When viewed from the adjacent eastern residential area, it looms large over the traditional urban form of development, especially to the immediate east.

The site also has an unsympathetic topography, which presents many challenges. The former brickworks/drive-in site has previously been earmarked for major retail and office development, both in the 1980s and 1990s. This never eventuated despite seemingly genuine intention.

This proposal, now before the Panel for residential, office and retail development, represents the third major proposal in consecutive decades. Will it succeed? The Panel acknowledges that it is a comprehensive development proposal, one which is ambitious and one which does not have the full support of the local Council and the local community. There seemed to be no issue that the site should develop; the key issue is the extent of development.

On the face of it, the areas of concern between the proponent and the Council related to setback from major roads and Gardiners Creek, the height of the two taller building forms, the detail of the planning control, and the parking and traffic concerns. The Panel questions whether these issues are insurmountable. The community on the other hand, was much stronger in its resistance to the Proponent's concept. Some simply did not like any aspect of the proposal, and many were very

concerned about traffic impacts, the building form and the impact on the creek.

A reading of the previous Panel reports (Amendments 387 and RL137) reveals that some of the objectors to this proposal similarly objected to the previous proposals. What does this show? Does it mean they do not support any development on the site or does it mean that none of the proposals have met community expectations? Does it mean that the local community objects for the sake of objecting? The Panel thinks not. The community clearly accept the need for redevelopment and are some are generally in accord with concepts similar to the Proponent's indicative development plan, provided their concerns are addressed in a meaningful way.

The Panel has fairly evaluated the submissions and issues raised, and it supports this proposal, principally because:

- The site has significant locational benefits, including ease of access to the local arterial network and the Monash Freeway, reasonable access to public transport and the Gardiners Creek bicycle pathway, accessibility to employment opportunities, and its proximity to a wide range of community facilities, retail centres and recreation opportunities;
- The site has few interface sensitivities (apart from the eastern residential interface) and has no heritage or urban character constraints;
- It has the opportunity to be an integral part of and a focal point for a significant activity node including the Cato Street industrial area, the education campuses along Tooronga and Auburn Roads, the redevelopment of the former gas works site on Toorak Road and the Stonnington Council Depot site adjacent to the Tooronga rail station;
- It is a rare opportunity for a significant development of a site that has long been underutilised and an eyesore in an area renowned for its urban landscape; and
- Development of the site meets State Government planning objectives set out in the *Planning and Environment Act 1987*, the Boroondara Planning Scheme and Melbourne 2030.

The Panel acknowledges that while the City of Boroondara and a high proportion of the local community have some difficulties with particular aspects of the proposal, they support the redevelopment of the site in a manner not overly dissimilar to that proposed. The Panel is confident that the issues raised have been addressed and that most will accept the outcome as reasonable.

The Panel acknowledges the site is designated as a Neighbourhood Activity Centre, but considers this is largely because of its existing retail function. The proposal will almost certainly change the face of this part of Boroondara, and will result in a

visually prominent development. But this is what Melbourne must and should support in key strategic locations for broad ranging metropolitan policy to be successful. Melbournians have a suspicion that height may be unsightly and may allow visual intrusion into their properties. It can be argued that given a well conceived development, it could be demonstrated that height can generate positive outcomes as is the case in many cities around the world.

Substantial development in key activity centres in strategic locations will ensure Melbourne can grow and develop to ensure a cosmopolitan and diverse built environment. It is a fact that Melbourne 2030 encourages such growth, and while on the one hand there is high level support for directions such as limiting sprawl through the urban growth boundaries, there is little or no support for a higher built form in the suburbs. This proposal, if developed will demonstrate what Melbourne 2030 can achieve.

A bold architectural outcome is an essential ingredient in determining the success of this proposal. Ordinary, bland and boring is not required. The tools are there to ensure that this proposal can, and should make a statement. Diversity in built form and in housing product is essential. While the proposal will take approximately 10 years to complete, at the end of the day, the best outcome would be for this proposal to be a metropolitan showpiece – one that is visited by students of planning and architecture, by visitors to the State, by the local community who are proud of this village – as an exemplar of housing product and architectural quality.

Can this be achieved? The Panel thinks it can – but only if Stockland are bold enough to see their vision through, the Council strong enough to provide critical support, the Minister as Responsible Authority to promote it, and the local community to embrace it. Proposals such as this need a whole of city (Melbourne) strategic approach and the Panel recognises it represents a substantial paradigm shift for local communities. But housing future communities is a metropolitan responsibility, not just a local issue, particularly for important strategic redevelopment sites.

The proposal is at the cutting edge of metropolitan development and policy. If it is successful, it will surely encourage other sites to redevelop, and it will provide a fitting example of what can be achieved with vision, foresight and commitment.

The Panel commends Amendment C70 to the Boroondara Planning Scheme, and recommends its approval, subject to modifications.

## 10.1 PANEL RECOMMENDATIONS

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For the reasons set out in this report, the Panel appointed to consider Amendment C70 to the Boroondara Planning Scheme recommends that it **BE ADOPTED** subject to the following modifications:

### 1. Priority Development Zone

1.1 Adopt Version 4 of Schedule 1 of the Priority Development Zone as included in Appendix 4, subject to the following further modifications:

1.2 Include the following additional/modified objectives:

- Amend the fourth objective to Schedule 1 to the PDZ to read: *“To encourage high quality urban and architectural design that is responsive to the site’s features and characteristics, as well as the wider site context”*.
- Add a final objective to Schedule 1 to the PDZ: *“To provide for the upgrading and revegetation of the Gardiners Creek corridor where it adjoins the site”*.

1.3 Delete the requirement for a Development Plan, and renumber the clauses accordingly. (The Panel has not renumbered the clauses and the following discussion relates to the existing clause numbers.)

1.4 Modify Clause 4.0 – Exemption from notice and review as follows:

*“The exemption from the notice and decision requirements and review rights set out in Clause 37.06-6 does not apply to an application for buildings and works on land within the area with a building height of AHD21 on the Height Plan in the Tooronga Village Incorporated Plan, or to land included within the Residential 1 Zone up to 30 metres along the eastern residential boundary of the site.”*

1.5 Modify the third and (then fourth and second last) dot points in Clause 4.0 – Application requirements as follows:

- *“A traffic report prepared by a qualified traffic engineer detailing car parking generation, details of any works required, details of internal and external traffic arrangements and the timing of any required works. This report shall include:  
- a traffic management plan  
- a parking management plan*



*- an integrated transport plan"*

- *"An acoustic report describing proposed noise attenuation measures and the ongoing maintenance of these for buildings adjacent to the freeway or fronting Toorak or Tooronga Roads."*
- *"An assessment and preliminary costings of the construction and ongoing maintenance of any infrastructure works on public land necessitated by the proposal."*

1.6 Modify the second last dot point of Clause 5.0 to read:

*"If Boroondara City Council is not the Responsible Authority, the views of Council should be considered, if received within 28 days of the date Council is provided with the application."*

1.7 Add a new paragraph to Clause 7.0 (to be second last) that reads:

*"Access to the loading dock in the building occupied by the Coles-Myer office must be provided from Toorak Road and Tooronga Road and one of these access ways must accommodate ingress and egress to the loading dock of a 19 metre long vehicle."*

1.8 Include the following words to the last paragraph in Clause 7.0 to read:

*"Matters to be taken into account include the detailed consideration of peak period access to and egress from the site and the adequacy of the provision for turning movements into, out of and adjacent to the site."*

## **2. Incorporated Document**

2.1 Amend the Development Principles as follows:

- (i) Use
  - Second dot point amended to read *"Provide convenient and sufficient on site parking to minimise potential impacts on surrounding residential areas"*.
- (ii) Links
  - Second dot point amended to read *"Provide safe and convenient vehicle, pedestrian and other movements into, out of, through and around the site"*.
- (iii) Development Form
  - Third dot point amended to read *"Ensure development adjacent to Gardiners Creek reflects the alignment of the creek and enhances pedestrian links along the*

*Creek and into the site”.*

- fifth dot point be amended to read: *“To provide a convenient and symbolic entry point at the corner of Toorak and Tooronga Roads in the form of a public space, of appropriate form and size for the purpose”.*
- sixth dot point be amended to read: *“To encourage a linking of public spaces through the site, and the maintaining of public access to these spaces on a twenty four hour basis”.*
- Seventh dot point amended to read *“Recognise long distance view opportunities to and from the west, south and south-east”.*

(iv) Site Edges

- the fourth dot point be amended to read: *“To improve the quality of open space along Gardiners Creek, by means of upgrading and revegetation of the creek environs and re-routing (as required) of the pedestrian and bicycle path”.*

(v) Precinct 1 - Mixed Use (Retail):

- delete dot point two (reference to building up to Toorak and Tooronga Roads at ground level).
- add a new dot point to read *“Setback built form from the site edges to at least the distances described in the Building Height and Setback Plan”.*
- add a new dot point to read *“Provide a retail concourse that is a public place and serves a social purpose in addition to the requirements for movement and retail access”.*
- amend dot point six, to read *“Ensure that all buildings developed within the site are of significant architectural merit”.*
- amend dot point 8 to read *“Ensure that retail and commercial development maximises activity, visual permeability and public accessibility to all key frontages and public spaces”.*
- amend dot point 5 to read *“Setback higher built form from site edges to at least the distance described in the Height and Setback Plan”.*

(vi) Precinct 3 – Residential

- final dot point be amended to read: *“Where possible and appropriate, retain the established pine trees adjacent to that portion of the site abutting existing residential lots, supplement this planting as required and make provision for replanting at a later time”.*

## 2.2 Urban Framework Plan

- (i) Amend the Notes and Key to the Urban Framework Plan as follows:
- Amend Note 2 to read as follows: *“buildings of significant architectural merit to provide a marker to the site”*.
  - Amend Note 4 to read the *“Public Plaza connects to all precincts and to the creek beyond”*.
  - Amend Note 5 to read as follows: *“main entry boulevard and urban retail street, comprising boulevard treatments, active frontage and calmed traffic to form important elements of the public realm”*.
  - Amend Note 6 to read as follows: *“open space link to Gardiners Creek corridor, and pedestrian and bike path”*.
  - Amend Note 10 to read as follows: *“reconstructed retail facilities”*.
  - In reference to the primary internal road layout, add the words *“generally conforming with GTA drawing DM1801-07”*.
  - Designate the Bike Path (as shown along Gardiners Creek) as *“Pedestrian and Bike Path”*.
  - The bike path location requires adjustment to be clear of the creek waterway.
  - The site boundary needs to be defined and correctly shown on the plan.
  - The ‘Managed interface with existing residential’ ‘3’ needs to be extended to the north (the whole eastern boundary of the site).

## 2.3 Height Plan

- (i) Retitle to *Building Height and Setback Plan*, and make the following changes:
- Notes be numbered, and the first note amended to read *“That envelope heights be treated as maximum height limits and that rooftop plant, lift overruns, service entities, communication and other technical attachments be treated as part of the design”*.
  - That a third note be added *“In the event of new title boundaries being established for the site, the height envelopes are to be adjusted to correspond with the new lines of the boundary”*.
  - The building envelope height, designated as 58.9 be amended to 57.84.
  - The building envelope currently designated as 58.9 (and to be amended to 57.84) be relocated south, such that the setback from Toorak Road is aligned with the first height step in the Coles Myer building; that is approximately 36.0 metres measured from the existing site boundary, and the plan be amended accordingly.
  - That building setback lines be included and appropriately notated to provide for a minimum setback distance along Toorak and Tooronga Roads of 6.0 metres.

- That a fourth note be included stating that: *“Building setbacks to Toorak and Tooronga Roads (6.0 metres) are ground level setbacks measured from the line of the kerb to the face of the building, and that the kerb line be taken as any new line established as part of the external road works undertaken as a consequence of the development of the site”*.
- That a fifth note be included, requiring: *“A building setback along Gardiners Creek of 30 metres measured from the northern edge of the waterway of the creek”*.

### **3. Local Policy**

- (i) Clause 21.08 be amended to read *“Applying the Priority Development Zone to the Tooronga Village site to enable ....”*.
- (ii) Delete the proposed new Local Policy at Clause 22.15.

**Kathryn Mitchell**  
**20 September 2006**

**Bob Evans**

**Ross Ramus**

**APPENDIX 1: DIRECTIONS LETTER AND TIMETABLE**

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Ref: PPVkmhb05.043

22 June 2006

Dear As Addressed

**RE: BOROONDARA PLANNING SCHEME:  
AMENDMENT C70**

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Ms Kathryn Mitchell (Chair), Mr Bob Evans and Mr Ross Ramus were appointed under the provisions of Sections 153 and 155 of the *Planning and Environment Act 1987*, under delegation from the Minister for Planning, to consider the above amendment.

The Minister for Planning is the Planning Authority for this amendment and the proponent is Stockland Development Pty Ltd.

A Directions Hearing was held at the offices of Planning Panels Victoria on 20 June 2006 to consider preliminary matters, give directions about the conduct of the hearing and resolve other administrative matters.

As a result of issues raised at the Directions Hearing, a timetable has been prepared with the Hearings to occur over 16 days commencing the week of Monday 10 July, in accordance with the attached timetable.

At the Directions Hearing, the Panel heard a request for deferral of the hearing by the City of Boroondara and others, but after some consideration it declined to defer the matter. The key reasons for this were due to the length of time the amendment has been in the public arena, and also because advance notice of the hearing dates was provided with the exhibition material.

Submissions were made to hold all or part of the hearing in the Camberwell offices of the City of Boroondara. Some other parties preferred the hearings to be held in the offices of Planning Panels Victoria. After due consideration, the Panel agreed to hold the week of community submissions at Camberwell. As discussed at the Directions

Hearing, the Panel determined that the hearings will be held in the offices of Planning Panels Victoria, Level 1, 8 Nicholson Street, East Melbourne for the first three weeks, then at the offices of the City of Boroondara for the fourth week. The closing submissions will be heard in the office of Planning Panels Victoria.

Further, the Panel considered whether to group like evidence together, but due to the time requested by Stockland (the proponent), it considered that for this case it would be preferable to hear submissions and evidence in full. The Panel does however, consider there is merit in hearing an opening submission from the key parties and it has timetabled this accordingly on Day 1. The Panel request that Stockland provide a full outline of the way in which it intends to call its witnesses on the morning of Day 1 of the hearing, so that all parties can be more fully informed of the order of its witnesses.

As a person who indicated that you wished to be heard by the Panel, and as a result of matters raised at the Directions Hearing the Panel directs the following:

**Direction No. 1: Additional Material**

Prior to the hearing, four copies of the following should be made available to the Panel by Monday 3 July:

**Proponent:**

- Summary of issues raised in the submissions and how the amendment deals with those issues.
- All data related to traffic, flood and acoustic modelling to parties calling evidence, upon direct request.

**City of Boroondara:**

- A full copy of the MSS and relevant Local Policies of the Boroondara Planning Scheme.

**All Parties:**

- Any strategic report any party intends to rely upon during the course of their presentation.

**Direction No. 2:**

The following information is to be provided at the hearing, as part of the submissions and/or evidence of the Proponent:

**1. Traffic and Car Parking Report (GTA Consultants)**

It is assumed the proponent will be responsible for improvement works along Tooronga Road and Toorak Road, including this intersection and the intersections providing access to the site, including access to the existing Coles Myer office complex.

Although not part of the proposal, clarity is required re the location of and access to car parking to replace the parking currently used by Coles Myer staff on the subject site.

**2. Water Cycle Management Report (September 2005) by Ecological Engineering:**

Section 4.8 Flood Mitigation Measures refers to flood modelling carried out by Water Ecology – this report should be made available.

**3. A response to the Strategic Assessment Guidelines**

**4. A large scale site plan and aerial photograph that shows the subject site and surrounds for display at the hearing**

**5. A large scale zone plan for display at the hearing**

**6. A plan showing the location of submitters properties (as appropriate).**

**7. A1 scaled drawings of:**

- Urban Framework Plan;
- Height Plan, which includes the locations of the precincts;
- Indicative Concept Plan;
- Retail Level(s) Plan;
- Landscape Plan;
- Elevational views to Toorak and Tooronga Roads; and
- Aerial oblique views of proposal or massing on site.

It would be of assistance to the Panel if the Elevational and aerial oblique views to Toorak and Tooronga Roads were made available at A3 size, either at commencement of the hearing or distributed with expert witness reports.

As advised at the Directions Hearing, the Panel will request VicRoads attend the hearing and respond to the GTA report, other traffic evidence and matters raised by the Panel. The Panel will seek a response from VicRoads in relation to the noise abatement requirements as proposed for the upper floors of the apartment blocks adjacent to the Monash Freeway. The Panel will also request Melbourne Water to respond to the Water Cycle Management reports.



### **Direction No. 3:**

Any party who intends to rely on an expert witness report or statement must provide the nominated number of copies direct to the following parties by 12 noon on Monday 3 July as follows:

Planning Panels Victoria	4 copies
Minister for Planning/Department of Sustainability and Environment	3 copies
Stockland – Proponent (Deacons)	3 copies
City of Boroondara (Maddocks)	3 copies
City of Stonnington (Rigby Cooke)	1 copy
Tooronga Action Group (Mr Paul Kaufman)*	2 copies
VicRoads	1 copy
J T Snipe Investments (Rennick & Gaynor)	1 copy
Halberton Pty Ltd (Freehills)	1 copy

All reports are to be provided unbound (can be stapled and/or clipped) and two-hole punched. DSE and the City of Boroondara must ensure that there are copies of these reports available for inspection at a public counter, as will Planning Panels Victoria. Disks or direct email of all material in Word format should be provided at the hearing.

*\*Please contact the office of Planning Panels Victoria for the address of Mr Kaufman.*

### **Direction No. 4: Concluding Comments**

The Panel will allow for concluding comments in the form of a right of reply by the Minister for Planning, the City of Boroondara and the Proponent.

**Please note that these directions must be complied with under the provisions of Sections 159(1) and (2) of the *Planning and Environment Act 1987*.**

Should you have any further queries about any of these matters, please do not hesitate to contact the office of Planning Panels Victoria on **(03) 9637 9694**.

Yours sincerely

**KATHRYN MITCHELL**  
**Panel Chair**

**BOROONDARA PLANNING SCHEME: AMENDMENT C70****PANEL:**

<b>Ms Kathryn Mitchell</b>	<b>Chair</b>
<b>Mr Bob Evans</b>	<b>Member</b>
<b>Mr Ross Ramus</b>	<b>Member</b>

<b>DAY</b>	<b>DATE</b>	<b>VENUE</b>
1	Monday, 10 July 2006	Planning Panels Victoria
2	Tuesday, 11 July	Planning Panels Victoria
3	Wednesday, 12 July	Planning Panels Victoria
4	Thursday, 13 July	Planning Panels Victoria
5	Monday 17 July	Planning Panels Victoria
6	Tuesday 18 July	Planning Panels Victoria
7	Wednesday 19 July	Planning Panels Victoria
8	Thursday 20 July	Planning Panels Victoria
9	Monday 24 July	Planning Panels Victoria
10	Tuesday 25 July	Planning Panels Victoria
11	Wednesday 26 July	Planning Panels Victoria
12	Tuesday 1 August	City of Boroondara
13	Wednesday 2 August	City of Boroondara
14	Thursday 3 August	City of Boroondara
15	Friday 4 August	City of Boroondara
16	Tuesday 8 August	Planning Panels Victoria

**DETAILS OF VENUES:**

**PLANNING PANELS VICTORIA  
LEVEL 1, 8 NICHOLSON STREET  
EAST MELBOURNE VIC 3002**

**CITY OF BOROONDARA  
COUNCIL CHAMBERS  
CAMBERWELL 3124**

ANY QUERIES REGARDING THIS TIMETABLE SHOULD BE MADE TO:  
MS HYACINTH BENTLEY **PHONE (03) 9637 9694 FAX (03) 9637 9700**

***PLEASE NOTE THAT THIS TIMETABLE MAY BE AMENDED WITHOUT NOTICE.***

**BOROONDARA PLANNING SCHEME  
AMENDMENTS C70**

**TIMETABLE FOR PUBLIC HEARING: VERSION 1**

**DAY 1**

**DATE: MONDAY, 10 JULY 2006**

**VENUE: PLANNING PANELS VICTORIA**

<b><u>Time</u></b>	<b><u>Name</u></b>	<b><u>Time Requested</u></b>
10:00am – 10:30am	Panel Opening Comments	30 mins
10:30am – 12:30pm	Proponent – Opening Submission, presentation of case, and overview of amendment – Stockland Development Pty Ltd, represented by Mr Chris Canavan QC with Ms Susan Brennan, instructed by Deacons Lawyers	2 hours
12:30pm – 1:00pm	Minister for Planning – Opening Submission, represented by Mr Chris Wren SC, instructed by Ms Kirsty Douglas, DSE	30 mins
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 2:45pm	City of Boroondara – Opening Submission, represented by Mr Greg Garde QC, with Mr John Rantino, Maddocks	30 mins
2:45pm – 3:15pm	City of Stonnington – Opening Submission, represented by Mr Peter O’Farrell, instructed by Rigby Cooke	30 mins
3:15pm – 3:45pm	Halberton Pty Ltd & Davidson Hughes Developments Pty Ltd – Opening Submission, represented by Ms Michelle Keen, Freehills	30 mins
4:00pm – 4:30pm	Tooronga Action Group - Opening Submission, represented by Mr Paul Kaufman	30 mins
4:30pm – 5:00pm	J T Snipe Investments – Opening Submission, represented by Rennick & Gaynor (indicated not available on this day, but opportunity is extended to make an opening submission on this day only if required)	30 mins

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**DAY 2****DATE: TUESDAY, 11 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Minister for Planning, represented by Mr Chris Wren Surf Coast, instructed by Ms Kirsty Douglas, DSE	3 hours
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent – Stockland Pty Ltd, represented by Mr Chris Canavan QC with Ms Susan Brennan, instructed by Deacons Lawyers. Calling planning, design and landscaping, traffic, acoustic, drainage, ESD and ecological evidence. The final order of witnesses is to be provided on Day 1 of the hearing.	Day 1 of 7 days

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**DAY 3****DATE: WEDNESDAY 12 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Proponent - continued	Day 2 of 7 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent - continued	

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**DAY 4****DATE: THURSDAY 13 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Proponent - continued	Day 3 of 7 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent - continued	

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**DAY 5****DATE: MONDAY 17 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Proponent - continued	Day 4 of 7 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent - continued	

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**DAY 6****DATE: TUESDAY 18 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 10:25am	Mr Alan Timcke (Submission No. 9)	25 mins
10:25am – 1:00pm	Proponent - continued	Day 5 of 7 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent - continued	

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**DAY 7****DATE: WEDNESDAY 19 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Proponent - continued	Day 6 of 7 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent - continued	

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**DAY 8****DATE: THURSDAY 20 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Proponent - continued	Day 7 of 7 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Proponent - continued	

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**DAY 9****DATE: MONDAY 24 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 10:05am	Mr George Biantes (404)	5 mins
10:05am – 1:00pm	Boroondara City Council, represented by Mr Greg Garde QC, with Mr John Rantino, Maddocks, and calling traffic, urban design, planning landscape and flood management and drainage evidence	Day 1 of 2 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Boroondara City Council - continued	

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**DAY 10****DATE: TUESDAY 25 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Boroondara City Council - continued	Day 2 of 2 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Boroondara City Council - continued	

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**DAY 11****DATE: WEDNESDAY 26 JULY 2006****VENUE: PLANNING PANELS VICTORIA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 12:00pm	Stonnington City Council, represented by Mr Peter O'Farrell, instructed by Rigby Cooke, and calling traffic evidence	2 hours
12:15pm – 1:15pm	Halberton Pty Ltd & Davidson Hughes Developments Pty Ltd, represented by Ms Michelle Keen, Freehills	1 hour
<b>1:15pm – 2:30pm</b>	<b>LUNCH</b>	
2:30pm – 5:30pm	JT Snipe Investments Pty Ltd, represented by Rennick & Gaynor, Solicitors, & David Fairbairn	3 hours

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**DAY 12****DATE: TUESDAY, 1 AUGUST 2006****VENUE: CITY OF BOROONDARA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Tooronga Action Group, represented by Mr Paul Kaufman, with submissions from others	Day 1 of 1.5 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 4:30pm	Tooronga Action Group - continued	

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**DAY 13****DATE: WEDNESDAY, 2 AUGUST 2006****VENUE: CITY OF BOROONDARA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 1:00pm	Tooronga Action Group - continued	Day 0.5 of 1.5 days
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>	
2:15pm – 2:45pm	Mr Stuart Marburg (72)	30 mins
2:45pm – 4:15pm	Ms Pauline & Mr John Lewin (83)	1.5 hours

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**DAY 14****DATE: THURSDAY, 3 AUGUST 2006****VENUE: CITY OF BOROONDARA**

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 10:10am	Mr David Birrell (34)	10 mins
10:10am – 10:20am	Mr Remo Abbatangelo (78)	10 mins
10:20am – 10:30am	Ms Petrushka Owen (20)	10 mins
10:30am – 10:35am	Ms Carla Sharp (375)	5 mins
10:35am – 10:50am	Ms Avis Meddings (302)	15 mins
10:50am – 11:10am	Dr Bernard Barrett (317)	20 mins
11:30am – 11:45am	Mr Richard Read (377)	15 mins
11:45am – 11:50am	Mr Bernie & Ms Lou McKenna (15)	5 mins
11:50am – 11:55am	Ms Rosalind Rodie (55)	5 mins

11:55am – 12:10pm	Mr Damien Brignell	(237)	15 mins
12:10pm - 12:30pm	Ms Jenny Schure	(312)	20 mins
12:30pm – 12:45pm	Mr Andrew Caroe	(323)	15 mins
12:45pm – 1:00pm	Ms Sabina Robertson	(204)	15 mins
1:00pm – 1:15pm	Mr Mark Johnson-Turner	((268)	15 mins

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**DAY 15**

**DATE: FRIDAY, 4 AUGUST 2006**

**VENUE: CITY OF BOROONDARA**

<b><u>Time</u></b>	<b><u>Name</u></b>		<b><u>Time Requested</u></b>
10:00am – 10:05am	Mr Don Martin	(86)	5 mins
10:05am – 10:50am	Mr Ray Elliott	(215)	45 mins
10:50am – 10:55am	Ms Jennifer Kelly	(171)	5 mins
10:55am – 11:05am	Mr Paul Kaufman	(114/301)	10 mins
11:05am – 11:25am	Mr Thomas Arthur & Ms Sarah Vincent	(10)	20 mins
11.25am – 11.40am	Mr Michael Schiller	(67)	15 mins
12noon – 12:05pm	Mr Colin Bates	(23)	5 mins
12:05pm – 12:25pm	Mr David Williams	(64)	20 mins
12:25pm – 12:30pm	Ms Hope Stewart	(17)	5 mins
12:30pm – 12:35pm	Mr Ross & Ms Rosemary Hudson	(365/366)	5 mins
12:35pm – 12:40pm	Mr Graeme Stone	(190)	5 mins
<b>1:00pm – 2:15pm</b>	<b>LUNCH</b>		
2:15pm – 2:40pm	Mr Alan Timcke	(9)	25 mins
2:40pm – 2:50pm	Ms Julia Blunden	(32)	10 mins
2:50pm – 3:05pm	Ms Suzanne Bosisto	(290)	15 mins
3:05pm – 3:10pm	Ms Vivien & Mr Andrew Furst	(38)	5 mins
3:10pm – 3:30pm	Mr Ken Duxbury	(214)	20 mins
3.45pm – 3.50pm	Ms Diana Snape	(99/287)	5 mins
3.50pm – 3.55pm	Mr Brian Snape	(288)	5 mins
3:55pm – 4:05pm	Mr Philip Hawkins	(196)	10 mins
4:05pm – 4:25pm	Ms Julianne Bell	(340)	20 mins



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**DAY 16****DATE: TUESDAY 8 AUGUST 2006****VENUE: PLANNING PANELS VICTORIA**

**PLEASE NOTE: THE FINAL ARRANGEMENTS FOR THIS DAY WILL BE RESOLVED CLOSER TOWARDS THE CONCLUSION OF THE HEARING**

<b><u>Time</u></b>	<b><u>Name</u></b>	<b><u>Time Requested</u></b>
10:30am – 11:30am	Right of Reply & Concluding Comments - Minister for Planning	1 hour
11:45am – 12:45pm	Right of Reply & Concluding Comments – City of Boroondara	1 hour
<b>12:45pm – 2:00pm</b>	<b>LUNCH</b>	
2:00pm – 3:30pm	Right of Reply & Concluding Comments - Stockland	1.5 hours

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**\*\*\* END OF HEARING \*\*\***

**APPENDIX 2: AMENDMENT C70 – EXPLANATORY REPORT**

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*Planning and Environment Act 1987*

**BOROONDARA PLANNING SCHEME**

**AMENDMENT C70**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, and the Minister for Planning is the planning authority for this amendment.

The amendment has been prepared at the request of Stockland Development Pty Ltd.

**Land affected by the amendment**

The amendment affects the land on the south-east corner of Toorak and Tooronga Roads, Glen Iris. The site includes the existing Tooronga Village Shopping Centre, the land on which the Coles Myer office building is located and adjoining land to the south to Gardiners Creek.

The entire site is currently in a Comprehensive Development Zone.

**What the amendment does**

The amendment proposes to:

- Rezone the Tooronga Village Shopping Centre and adjacent land to the south to Gardiners Creek (Tooronga Village Site) to a Priority Development Zone (PDZ).
- Insert a new clause and schedule to introduce the PDZ.
- Incorporate a plan into Clause 81 relating to the new PDZ.
- Apply an Environmental Audit Overlay over the southern half of the land affected by the PDZ.
- Alter the extent of the existing Comprehensive Development Zone (CDZ) to include only the land occupied by the Coles Myer office building.
- Incorporate a new plan into Clause 81 relating to the amended CDZ.
- Incorporate a provision to make the Minister for Planning the responsible authority for the land in the PDZ.
- Make minor alterations to the Municipal Strategic Statement.
- Include a new Local Planning Policy relating to the land affected by the PDZ.
- Include a reference document to support the PDZ.

The existing Land Subject to Inundation Overlay will continue to apply to part of the site.

Boroondara City Council does not support some aspects of the proposal as exhibited and had resolved to make a number of additional alterations to the amendment. These alterations included the following:

- A reduction in the scale of the two higher building envelopes proposed for Precinct 1, occupying the site's north-east quadrant, abutting Toorak and Tooronga Roads, so as to ensure that no building is higher than the Coles Myer building and that the height of built form "steps" down the site.
- The introduction of a 30m setback from the northern side of the shared bike path along the site's southern boundary, adjacent to Gardiners Creek.
- The inclusion of a statutory provision in the amendment to formalise the existing use of part of the land as a spill-over staff car park for up to 500 cars for the adjoining Coles Myer office use.

Pursuant to section 9(2) of the *Planning and Environment Act 1987* (the Act), Boroondara City Council sought authorisation from the Minister for Planning to prepare an amendment with these alterations.

In response, pursuant to section 9(5) of the Act, the Minister for Planning granted authorisation to Council to prepare an amendment conditional on the proposal not including the alterations.

As Council did not agree to the conditions imposed by the Minister for Planning, the Minister decided to prepare Amendment C70 to the Boroondara Planning Scheme and place the amendment on public exhibition.

The Minister for Planning expects that the exhibited amendment, together with Council's concerns and all other public submissions, will be thoroughly tested by way of the formal amendment process, and will include assessment by an independent Panel.

### **Strategic assessment of the amendment**

- *Why is the amendment required?*

The amendment is required to facilitate the redevelopment of the Tooronga Village Site, which has an extended history of underutilisation. The amendment proposal includes a mix of primarily residential uses with a limited range of commercial uses, including retail and office, and associated car parking.

The proposed mix of uses is compatible with the surrounding neighbourhood.

The amendment acknowledges the strategic importance of the site.

When the land is fully developed, it may need to be rezoned to a more appropriate long-term zone.

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

The amendment assists in the implementation of the following objectives of planning in Victoria as set out in section 4(1) of the Act:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) ...
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

- (d) ...
- (e) ...
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a) ... [and] ... (c);
- (g) to balance the present and future interests of all Victorians.

An incorporated plan identifies the broad pattern of land use and the likely scale of development. The use and development of the land must be generally in accordance with the incorporated plan.

General and precinct specific use and development criteria provide direction for the granting of development approvals utilising a development plan to ensure co-ordination within and between precincts and planning permits to provide for the detail of development.

The requirement for certain obligations to be contained within section 173 agreements is to ensure the delivery of broader initiatives that relate to the site or a precinct that are proposed in the course of the development approvals process.

- *How does the amendment address the environmental effects and any relevant social and economic effects?*

#### *Environmental Effects*

The amendment will have a number of positive environmental effects. It will facilitate urban consolidation, efficient use of resources and infrastructure and improved linkages to public transport, all of which have substantial flow-on environmental benefits.

The proposed planning controls will facilitate the provision of increased public open space areas within the site for existing and future residents.

The amendment also includes requirements to upgrade land adjacent to Gardiners Creek and the open space corridor, improve the visual amenity of the area generally through the development of the land and provide appropriate traffic measures to ensure that the impacts of traffic are well handled.

The introduction of the Environmental Audit Overlay over the southern part of the site will ensure that any potential contamination issues are addressed prior to the commencement of any future sensitive land use.

The Land Subject to Inundation Overlay will address stormwater as will the requirement to provide a new wetland to treat and store stormwater.

It is envisaged that the amendment will not have any significant negative effects on the environment.

#### *Social and Economic Effects*

The amendment will facilitate the redevelopment of an underutilised strategic site. The strategic significance of the site is a function of its size, its relatively undeveloped nature and its proximity to the CBD and major transport routes.

The existing state of the site is a result of the complex interplay of constraints and other conditions impacting on the site and the matrix of authorities that are stakeholders in any redevelopment. The amendment will provide the opportunity to repair the urban fabric, providing linkages as well as improved public access, surveillance and safety to the Gardiners Creek environment.

The amendment will enable the site to be developed for a combination of residential, retail, office and other commercial uses, thereby increasing housing choice and diversity and job opportunities in the area and improving access to a range of local retail and other commercial services and new public open space areas.

The proposed restrictions on the extent of retail development will ensure that there will be no alteration to the existing retail network, while still providing benefits in terms of access to, and the quality of, facilities for existing and future residents.

The amendment will facilitate development to improve the overall appearance of the site and its relationship to the surrounding area.

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

#### Minister's Direction on the Form and Content of Planning Schemes

The amendment is consistent with the *Minister's Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

#### Minister's Direction No. 1

The amendment is affected by Minister's Direction No. 1 – Potentially contaminated land under section 12(2)(a) of the Act. Given the previous use of the site as a brickworks and filling of the site, there is the potential for parts of the site to be contaminated. It is proposed to introduce an Environmental Audit Overlay over the southern half of the site to ensure that any contamination issues are addressed prior to the commencement of a sensitive land use.

A review of the site has been undertaken by a registered auditor who has advised that a statement can be issued for the northern part of the site to indicate that it can be developed for sensitive uses.

#### Minister's Direction No. 9

The amendment is also affected by Minister's Direction No. 9 – Metropolitan Strategy under section 12(2)(a) of the Act.

*What aspects, if any, of the Metropolitan Strategy are relevant?*

The following directions of *Melbourne 2030* are relevant:

- Direction 1 – “A more compact city”.
- Direction 5 – “A great place to be”.

- Direction 7 – “A greener city”.
- Direction 8 – “Better transport links”.

The amendment will facilitate an infill development of a key strategic site within both the City of Boroondara and metropolitan Melbourne.

*How does the Metropolitan Strategy affect the amendment?*

The Metropolitan Strategy is of relevance as the amendment seeks to facilitate the redevelopment of a key strategic site for a combination of residential and commercial uses within an established urban area. The facilitation of development on the site will allow for the efficient use and development of the site in a manner that the existing controls have not been able to deliver.

*Is the amendment consistent with any directions and policies in the Metropolitan Strategy?*

The redevelopment of the key strategic site for residential and commercial purposes is consistent with *Melbourne 2030*.

Specifically, the amendment is broadly consistent with the following directions and policies:

- Policy 1.1 Build up activity centres as a focus for high-quality development, activity and living for the whole community.
- Policy 1.2 Broaden the base of activity in centres that are currently dominated by shopping to include a wider range of services over longer hours and restrict out-of-centre developments.
- Policy 1.3 Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.
- Policy 5.1 Promote good urban design to make the environment more liveable and attractive.
- Policy 5.2 Recognise and protect cultural identity, neighbourhood character and sense of place.
- Policy 5.3 Improve community safety and encourage neighbourhood design that makes people feel safe.
- Policy 5.5 Promote excellent neighbourhood design to create attractive, walkable and diverse communities.
- Policy 5.6 Improve the quality and distribution of local open space and ensure long term protection of public open space.
- Policy 5.7 Rectify gaps in the network of metropolitan open space by creating new parks and ensure major open space corridors are protected and enhanced.

- Policy 7.1 Ensure that water resources are managed in a sustainable way.
- Policy 7.3 Contribute to national and international efforts to reduce energy usage and greenhouse gas emissions.
- Policy 7.4 Reduce the impact of stormwater on bays and catchments.
- Policy 8.7 Give more priority to cycling and walking in planning urban development and in managing the road system and neighbourhoods.
- Policy 8.8 Promote the use of sustainable personal transport options.

Many of the strategic directions of *Melbourne 2030* have been incorporated into the objectives and requirements of the proposed Schedule to the PDZ. This will ensure that the redevelopment of the site is consistent with the key directions identified above.

*Does the amendment support, give effect to or assist in the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?*

The amendment will assist in the implementation of the Metropolitan Strategy.

*Will the amendment compromise the implementation of the Metropolitan Strategy?*

The amendment will not compromise the implementation of the Metropolitan Strategy.

*How does the amendment support or implement the State Planning Policy Framework?*

The amendment is consistent with the strategic intent of the State Planning Policy Framework in the Boroondara Planning Scheme.

Specifically, the amendment supports the State Planning Policy Framework by:

- Increasing the amount of land available for residential (Clause 16), commercial (Clause 17) and recreational (Clause 15.10) uses.
- Including higher residential densities in some parts of the site, consistent with policies relating to metropolitan development (Clause 12), settlement (Clause 14), housing (Clause 16) and car parking and public transport access to development (Clause 18).
- Consolidating the site and repairing the urban fabric, consistent with policies relating to metropolitan development (Clause 12), settlement (Clause 14) and design and built form (Clause 19.03).
- Ensuring that development of the site does not affect Gardiners Creek, consistent with the policy relating to protection of catchments, waterways and groundwater (Clause 15.01).



*How does the amendment support or implement the Local Planning Policy Framework?*

The amendment is consistent with the strategic intent of the Local Planning Policy Framework in the Boroondara Planning Scheme. The amendment provides the opportunity to consolidate the predominantly residential character of the neighbourhood and upgrade the existing commercial facilities.

Specifically, the amendment supports the commercial sector (Clause 21.08), retail centre (Clause 22.10), urban character (Clause 21.05), residential land use (Clause 21.07), recreation and leisure (Clause 21.10), infrastructure (Clause 21.11), movement (Clause 21.12) and public open space contributions (Clause 22.09) policies.

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

The use of the PDZ and a local planning policy are appropriate to acknowledge the metropolitan significance of this strategic and complex site and will assist in the facilitation of the redevelopment of the site in a manner that will ensure its full integration with the surrounding neighbourhood and the larger regional area. The requirements of the PDZ establish a set of use and development criteria at the general and specific (precinct) level to provide appropriate standards and guidance to assess subsequent planning permit applications. These applications will be exempt from the notice and decision requirements and review rights of the Act if they are generally in accordance with the incorporated plan and, when approved, the development plan.

The modifications that are proposed to the CDZ are appropriate to reflect the reduction in the area of land affected by this zone.

The application of the Environmental Audit Overlay and the retention of the Land Subject to Inundation Overlay will ensure that potential environmental and flooding impacts are considered, making appropriate use of the Victoria Planning Provisions.

The suite of controls proposed are appropriate to ensure that future development of the site, including the interface with adjoining land, is appropriately managed.

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

Consultation with key stakeholders has occurred during the preparation of the amendment. Also, the amendment has been referred to all relevant agencies as part of the notification process, allowing their views to inform the final form of the amendment.

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

The amendment applies to a limited area of land and therefore it will not significantly impact on the resource and administrative costs of the Minister for Planning, as the responsible authority.

### **Where you may inspect the amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Department of Sustainability and Environment  
Planning Information Centre  
Ground Floor  
8 Nicholson Street  
East Melbourne

City of Boroondara  
First Floor  
8 Inglesby Road  
Camberwell

Submissions about the amendment must be sent to:

Minister for Planning  
ATTENTION: Adrian Williams  
Planning Panels Victoria  
Department of Sustainability and Environment  
PO Box 500  
EAST MELBOURNE 3002

**by 29 May 2006.**

All submissions will be forwarded to an independent Panel to be appointed by the Minister for Planning. It is anticipated that the Panel will begin its hearings in early July 2006.

**APPENDIX 3: LIST OF SUBMITTORS**

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Sub No.	First Name	Last Name	Title	Organisation
229	Glenn Keil	1st Choice Superstore		Individual
78	Remo	Abbatangelo	Mr	Individual
48	Judith	Adams	Ms	Individual
106	Peter	Alan	Mr	Individual
405	Graham	Alderman	Mr	Individual
44	Andrea	Andrewartha	Mrs	Individual
42	Frank	Andrewartha	Mr	Individual
394	Ian	Angus	Mr	Boroondara Residents Action Group
10	Thomas	Arthur	Mr	Individual
273	Rosemary & Cederic	Auwardt	Mr & Mrs	Individual
343	Phillip	Ayres	Mr	Individual
207	Trish	Ayres	Ms	Individual
75	Edward	Bailey	Mr	Individual
266	George & Elizabeth	Baintes	Mr & Mrs	Individual
310	Ann M Reid	Ban L Wee		Individual
293	L J	Barker	Mr & Mrs	Individual
317	Bernard	Barrett	Dr	Individual
80	Heather	Barrington	Mrs	Individual
401	Violet	Barrow	Mrs & Mr	Individual
23	Colin	Bates	Mr	Individual
4	John	Bayly	Mr	Individual
12	Jeremy	Beaver	Mr	Vic Roads
275	Lau	Bejer	Dr	Individual
58	G	Bell		Individual
340	Julianne	Bell	Ms	Protectors of Public Lands Victoria
145	B G	Bennett	Dr	Individual
161	N L	Bennett		Individual
127	Richard	Bennett	Mr	Individual
383	Rita & David	Bentley	Ms & Mr	Individual
371	Julia	Bertalli	Ms	Individual
192	J.	Bethell		Individual
404	G & E	Biantes	Mr & Mrs	Individual
388	Tamara	Bickford	Ms	Individual
396	Theo	Billa	Mr	Individual
216	Tamara	Birchford	Ms	Individual
34	David	Birrell	Mr	Individual
46	Joy	Birrell	Ms	Individual
45	Margaret	Birrell	Mrs	Individual
43	Novar	Birrell	Mr	Individual
265	M	Blafour	Mr	Individual
32	Julia	Blunden	Ms	Individual
84	Minnie	Boltin	Ms	Individual
146	Steven	Booth	Dr	Individual

169	Susan	Booth	Dr	Individual
290	Suzanne	Bosisto	Dr	Individual
372	Pauline	Bourdolone	Ms	Individual
194	N.A	Bourke		
199	Rohan	Boyd	Mr	Individual
102	Carmel	Brignell	Ms	Individual
237	Damien	Bringnell	Mr	Individual
351	Sue	Brink	Ms	Individual
261	Margaret	Bristow	Ms	Individual
252	B.	Brown		Individual
41	Bronwyn	Brown	Mrs	Individual
373	Fiona	Brown	Ms	Individual
40	Stephen	Brown	Mr	Individual
2	Catriona	Bruce	Ms	Individual
328	K R	Bryan	Mr & Mrs	Individual
376	Helen	Bryant	Ms	Individual
3	Sue	Burman	Ms	Individual
208	Sue	Burman	Ms	Individual
220	Antoinette	Byrne	Ms	Individual
1	Kathy	Cameron	Ms	Individual
355	Kathy	Cameron	Ms	Individual
303	Gary	Campbell	Mr	Auburn South Primary School
57	J	Campbell		Individual
407	Luci	Campbell	Ms	Individual
272	D	Cannington		Individual
323	Andrew	Caroe	Mr	Individual
60	J	Carolan	Mr & Mrs	Individual
406	Eleanor	Carswell	Ms	Individual
39	Graeme & Barbra	Castles	Mr & Mrs	Individual
155	R W & B F	Cawthorn	Mr & Mrs	Individual
100	Nicholas	Celic	Mr	Individual
262	J G	Charles		Individual
134	Jill	Cheal	Mrs	Individual
254	A & L	Chipp	Mr & Mrs	Individual
186	A C	Chisholm		Individual
348	Margaret	Chivers	Mrs	Individual
218	Irene	Clarke	Ms	Individual
279	Elizabeth	Cook	Ms	Individual
305	J B	Cook	Mr & Mrs	Individual
156	Margot	Cooper	Mrs	Individual
185	Betty	Cottin	Ms	Individual
249	R G H	Cotton		Individual
153	Margaret	Couihan	Ms	Individual
277	Carolyn	Coventry	Mrs	Individual
209	M K	Curtis	Mrs	Individual
136	Kristen and John	Dale	Mr & Mrs	Individual

231	Bargain	Day		Individual
318	Patricia	Denis	Me	Individual
370	E & D	Devanish	Mr & Mrs	Individual
397	E & D	Devenish	Mr & Mrs	Duplicate of 370
315	Douglas	Dickson	Mr	Individual
70	Sarah	Dixon	Ms	Individual
24	Gavin	Dodlan	Mr	Individual
267	Mrs Sanet	Dr Don Brownstein		Individual
393	Stuart	Draffin	Mr	City of Stonnington
400	R & B	Drew	Mr & Mrs	Individual
234	Mary	Drost	Ms	Individual
148	Brian	Dubowilz	Mr	Individual
268	Ruth	Duncan	Ms	Individual
386	Ken	Duxbury	Mr	Individual
214	Kennith	Duxbury	Mr	Individual
295	Mark	Dwyer	Mr	Freehills/ Davidson Hughes Developments & Halberton Pty Ltd
313	Boryl	Elliott		Individual
130	Bruce	Elliott	Mr	Individual
215	R A	Elliott	Mr & Mrs	Individual
403	Fiona	Field	Ms	Individual
238	Malcolm	Fielden	Mr	Individual
81	David	Fisher	Mr	Individual
380	Wendy	Flannery	Ms	Individual
228	Max's	Flowers		Individual
8	I	Frostmanis		Individual
299		Fulcrum Town Planners		
353		Fulcrum Town Planners		Colonial First State Property Management
38	Vivien & Andrew	Furst	Mr & Mrs	Individual
54	John & Jennifer	Gardner	Mr & Mrs	Individual
233	Shilo	Gelley		Individual
11	Tass	Georgas		Metropolitan Fire and Emergency Services Board
327	Vicky	Georgas	Ms	Individual
104	D R	Geswell		Individual
217	Ian	Gibb	Mr	City of Boroondara
65	David	Gillard	Mr	Individual
344	Anton	Giuffre	Mr	Individual
357	A M	Goodrich	Mr & Mrs	Individual
226	Peter's	Gourmet T-Away		Individual
390	Isobel	Gowan	Ms	Individual
205	Helen	Gratlon	Miss	Individual
369	Janice	Green	Ms	Individual
256	Lois	Grenfell	Mrs	Individual
391	Lois J	Grenfell	Ms	Individual

5	Peter & Sandra	Hallows	Mr & Mrs	Individual
382	Niki	Hantzis	Ms	Individual
126	Poppy	Haralamlous	Ms	Individual
166	Fiona	Harbison	Ms	Individual
240	J K	Harcourt OAM	Dr	Individual
90	Julia	Hare	Ms	Individual
325	Stephen	Hare	Mr	Individual
119	A L	Harris	Mr	Individual
47	S & M	Harris	Mr & Mrs	Individual
165	Brain	Hawdon	Mr	Individual
191	Patricia	Hawdon	Ms	Individual
338	Annabelle	Hawes	Ms	Individual
337	Charles	Hawes	Mr	Individual
336	Stephen	Hawes	Mr	Individual
307	Jenni	Hawkins	Ms	Individual
196	Phil	Hawkins	MR	Individual
282	Alan	Hayden	Mr	Individual
311	Garry	Hayes	Mr	Individual
35	Robert	Heinemann	Mr	Individual
326	Gary	Henderson	Mr	Individual
198	Margaret	Henfrey	Ms	Individual
82	David	Henry	Mr	Individual
384	V	Hester	Mr	Individual
22	Geoffry	Hiller	Mr	Individual
359	Paul	Hobson	Mr	Individual
154	Steven	Hogan	Mr	Individual
21	Cathy	Hoge	Ms	Individual
25	T	Holdsworth		Individual
251	Jennifer	Holt	Ms	Individual
116	Ben	Horin	Mr	Individual
63	E S	Howcroft	Mr & Mrs	Individual
243	Vanessa	Howe	Ms	Individual
255	P D	Hoy	Mr & Mrs	Individual
324	George	Hudson	Mr	Individual
366	Rosemary	Hudson	Ms	Individual
402	V R	Hudson	Ms	Individual
365	VR	Hudson	Mr	Individual
96	Ian	Hundley	Mr	Hawthorn ALP
271	Jennifer	Hyde	Mrs	Individual
189	John	Jago	Mr	Individual
76	Barbara	James	Ms	Individual
378	Alison	Jaques	Ms	Individual
258	Mark	Johnson-Turner	Mr	Individual
95	Kathleen	Johnston	Ms	Individual
122	Jill	Jonkers	Mrs	Individual
121	Norman	Jonkers	Mr	Individual
123	Sarah	Jonkers	Miss	Individual
301	Paul	Kaufman	Mr	Tooronga Action Group
114	Paul and Myra	Kaufman	Mr &	Individual

			Mrs	
332	Patricia	Keayes	Mrs	Individual
171	Jennifer	Kelly	Ms	Individual
331	P M	Kenyon	Mr & Mrs	Individual
177	Amanda	King	Ms	Individual
36	Francis	King	Mr	Individual
201	Paul	King	Mr	Individual
200	Prue	Kirillaudie	Ms	Individual
120	Andrew	Kirkwood	Mr	Individual
354	C J	Klemens	Ms	Individual
124	Robyn	Kobeil	Ms	Individual
300	Ernest	Kollegger	Mr	Individual
361	Annabelle	Koren	Ms	Individual
304	Tony	Kuemenko	Mr	Individual
124	Michael	Kuflik	Mr	Individual
367	Tony	Kusmenko	Mr	Individual
7	Christopher	Lamb	Mr	Individual
109	Kevin	Lau	Mr	Individual
202	Lyn	Lehepers	Ms	Individual
147	Ann	Leighton	Miss	Individual
235	Anne	Leighton	Ms	Individual
68	Lou	Leowz	Dr	Individual
87	Daniel	Levinson	Dr	Individual
83	John and Pauline	Lewin	Mr & Mrs	Individual
172	Julie	Lewis	Ms	Individual
289	Irwin & Kate	Liaw	Mr & Mrs	Individual
276	Natalie	Lippey	Ms	Individual
92	BW	Lithgow	Mr	Individual
180	Morag	Loh	Ms	Individual
125	S Y	Louca	Mr & Mrs	Individual
33	R	Louey		Individual
342	Graeme	Lovell	Mr	Individual
349	C R	Low	Mr & Mrs	Individual
285	Kate	Mackewicz	Ms	Individual
294	L F	Mahoney	Mr	Body Corporate
356	G C	Mann	Mr & Mrs	Individual
389	Despina	Marambeliotis	Ms	Individual
72	Stuart	Marbug	Mr	Individual
188	Angus	Martin	Dr	Individual
86	D A	Martin		Individual
110	Leigh	Martin	Mr	Individual
51	Peter	Martin	Mr	Individual
362	JN	Mason		Individual
379	Pauline	Mason	Mr	Individual
98	L	Maund	Mrs	Individual
314	Michael	McCann	Mr	Individual
73	Margot	McClusky	Ms	Individual



245	Geoffry	McDonald Bowl	Mr	Individual
107	Jedda	McDonogh	Dr	Individual
15	B H & L E	McKenna		Individual
246	Robert	McNab	Mr	Individual
26	Geraldine	McPhearson	Ms	Individual
302	Avis	Meddings	Ms	Individual
203	B D	Meltzer		Individual
409	W P & P M	Melville	Mr & Mrs	Individual
105	Clare	Mielke	Ms	Individual
227	Wise	Migration Services		Individual
269	Pamella	Miller	Mrs	Individual
309	Dan	Minogue	Mr	Individual
79	R & R	Mokotow	Mr & Mrs	Individual
6	Jean & Csaba	Nagy	Mr & Mrs	Individual
173	J	Newport	Ms	Individual
149	A W	Newson	Mr & Mrs	Individual
321	Ian E	Nicholson	Mr	Individual
399	Ian	Nicholson	Mr	Duplicate of 321
129	Vivianne	Nikou	Ms	Individual
306	M S	Nolan	Mr & Mrs	Individual
320	Varuni	Obeyesekere		Individual
352	M P	O'Brien	Mr & Mrs	Individual
175	Don	Owen	Mr	Individual
392	Don	Owen	Mr	Individual
20	Petrushka	Owen	Mrs	Individual
283	Campbell and Helen	Paine	Mr & Mrs	Individual
176	Effie	Pardalis	Ms	Individual
222	James	Paston	Mr	
368	KJ	Paull		Individual
61	Alan	Perceval	Mr	Individual
132	V	Percival	Mr & Mrs	Individual
223	Robinsons	Pharmacy		Individual
213	M L	Phillip		Individual
178	Dean	Pitts	Mr	Individual
179	Michael	Pitts	Mr	Individual
230	Video	Planet		Individual
13	Reinhard	Plitsch		Individual
62	Christopher	Pomeroy	Mr	Individual
16	Dale	Pruser	Mr	Individual
93	EA	Rabling	Mrs	Individual
139	Mary	Rabling	Mrs	Individual
150	Peter	Rabling	Mr	Individual
143	Ann	Randall	Mrs	Individual
142	Brian	Randall	Mr	Individual
210	Margaret	Reach	Mrs	Individual
280	Mariette	Read	Ms	Individual

377	Richard M	Read	Mr	Individual
111	Andrew	Richards	Mr	Individual
53	Cynthia	Richards	Ms	Individual
187	Jane	Richards	Ms	Individual
85	Jayne & Jim	Richards	Mr & Mrs	Individual
112	Sally	Richards	Mrs	Individual
193	Basil	Richardson	Mr	Individual
339	Wendy	Roberson	Ms	Individual
204	Sabina	Robertson	Ms	Individual
206	Tamara	Robertson	Ms	Individual
408	Vivien	Robinson	Ms	Individual
55	Rosalina	Rodie	Ms	Individual
133	Dale	Rogers	Mr	Individual
248	Coral	Ross		Individual
330	Geoffrey	Ross	Mr	Individual
212	Zafra	Row		Individual
66	Sandra	Rowlans	Mrs	Individual
117	Braham	Sacks	Mr	Individual
292	Richard	Saffery	Mr	Individual
141	Steve	Sander	Mr	Individual
217	Margaret	Saunders	Ms	Individual
335	Margaret	Saunders	Ms	Individual
297	M & S	Scales	Mr & Mrs	Individual
67	Michael	Schiller	Mr	Individual
312	Jenny	Schure	Ms	Individual
37	Su Ann & Michael	Scouller	Mr & Mrs	Individual
118	Lisa	Scully	Ms	Individual
350	Yee & Eva	Sek & Chan		Individual
225	Alall	Shambrogh	Mr	Individual
247	Carla	Sharp	Ms	Individual
375	Carla	Sharp	Ms	Individual
159	James	Sharp	Mr	Individual
77	Alan and Philippa	Sheppet	Mr & Mrs	Individual
164	D & I	Shumack		Individual
381	Dale & Ian	Shumack	Mrs & Mr	Individual
250	Gavin Watson	Sibella Guest		Individual
162	Helen	Slattery	Mrs	Individual
152	Sean	Slattery	Mr	Individual
71	Annette	Sloan	Ms	Individual
270		The Smith Family		Individual
221	Helen	Smith	Ms	Individual
97	John and Carol	Smith	Mr & Mrs	Individual
239	M	Smith		Individual
253	Hugh	Smyth	Mr	Individual
288	Brian	Snape	Mr	Individual
99	Diana	Snape	Ms	Individual
287	Diana	Snape	Ms	Individual

322	David	Snapp	Mr	Individual
341	Tammy	Snapp	Ms	Individual
308	Samuel J	Snipe	Mr	JT Snipe Investments
395	CV	Speck	Dr	Individual
115	Kelly	Sperl	Ms	Individual
284	W	Sperl	Mr	Individual
101	Robert and Patricia	Spray	Mr & Mrs	Individual
374	A & E	Stathopoulos	Mr & Mrs	Individual
298	Val	Sterling	Ms	Individual
281	Meg Anderson	Steven Hain		Individual
17	Hope	Stewart	Ms	Individual
56	Peter	Stokes	Mr	Individual
190	Graeme	Stone	Mr	Individual
219	Neil	Strathmore	Dr	Individual
347	Neil	Strathmore	Dr	Individual
27	Ivan	Sultanoff	Mr	Individual
103	Maurice	Surley	Mr	Individual
257	Anne	Sutherland	Ms	Individual
291	K B	Sutherland	Mr & Mrs	Individual
181	Pam	Swansson	Mr	Individual
358	F J	Sweeney		Individual
14	Bernadette	Taylor	Dr	Individual
387	Helen & Neville	Taylor	Mrs & Mr	Individual
398	H & N	Taylor	Mr & Mrs	Duplicate of 387
49	Lynith	Taylor	Mrs	Individual
333	M J	Teasdale		
263	Helena	Teedo	Prof.	Individual
163	Clare	Thomas	Ms	Individual
184	Barry	Thompson	Mr	Individual
31	Bruce and Robin	Thompson	Mr & Mrs	Individual
242	Charlotte	Thompson	Ms	Individual
183	Chloe	Thompson	Ms	Individual
182	Gary	Thompson	Mr	Individual
50	Jenny	Thompson	Ms	Individual
244	Larry	Thompson	Mr	Individual
296	P J	Thompson		Individual
241	Stephanie	Thompson	Ms	Individual
52	David & Alexandra	Threfall	Mr & Mrs	Individual
9	Alan	Timcke	Mr	Individual
385	Dusanka	Todorovic	Ms	Individual
236	Dusanka	Todorvic		Individual
168	Damian	Toohey	Mr	Individual
167	Jaqui	Toohey	Mrs	Individual
170	Robyn	Tsian		Individual
364	Carolyn	Tsioulos	Ms	Melbourne Water
151	Davie and Helen	Turner	Mr & Mrs	Individual

91	K T	Vella	Mr & Mrs	Individual
10	Sarah	Vincent	Ms	Individual
140		Vlahos	Mr & Mrs	Individual
232	Caroline	Vogels	Ms	Individual
160	E M	Vogels	Mrs	Individual
138	Dennis and Angela	Vossos	Mr & Mrs	Individual
74	Vesna & Vito	Vuicasin	Mr & Mrs	Individual
360	Robert	Wallace	Mr	Individual
260	Jennifer	Ward	Ms	Individual
18	Mark	Warren	Mr	Individual
88	Kennith	Watkinson	Mr	Individual
89	Patricia	Watkinson	Mrs	Individual
94	Amanda	Webster	Ms	Individual
29	Prue and David	Weigall		Individual
28	Ron	Wescott	Dr	Individual
64	David	Williams	Mr	Individual
211	Elizabeth	Williams	Ms	Individual
135	Helen	Williams	Mrs	Individual
195	James	Williams	Mr	Individual
19	Gaye and Ales	Willink	Mr & Mrs	Individual
107	Jenny	Wilsher	Dr	Individual
357	Andrea	Wilson	Ms	Individual
113	J J	Wilson	Mr & Mrs	Individual
346	James	Wilson	Mr	Individual
274	S M Lee & C W	Wong		Individual
144	Margaret	Wonson	Mrs	Individual
334	D H	Wood		Individual
363	David	Xia	Mr	Individual
224	Michael	Yee	Mr	Individual
157	Catherine	Young	Ms	Individual
108	Peter	Young	Mr	Individual
30	Submitter			
59	Submitter			Individual
69	Submitter			Individual
128	Submitter			Individual
131	Submitter			Individual
137	Submitter			Individual
158	Submitter			
174	Submitter			Individual
197	Submitter			Individual
259	Submitter			Individual
264	Submitter			Individual
278	Submitter			
286	Submitter			
316	Submitter			Individual
319	Submitter			

329	Submitter			
345	Submitter			Individual

**APPENDIX 4: AMENDED PLANNING SCHEME PROVISIONS**

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**SCHEDULE 1 TO THE PRIORITY DEVELOPMENT ZONE**

Shown on the planning scheme map as PDZ1

**TOORONGA VILLAGE SITE**

The *Tooronga Village Incorporated Plan 2005* is the incorporated plan for the land.

**Land**

This schedule applies to land located on the southeast corner of Toorak Road and Tooronga Road, Glen Iris (as indicated on the *Tooronga Village Incorporated Plan, 2005*).

**Objectives**

- To provide for the integrated use, subdivision and development of the land generally in accordance with the *Tooronga Village Incorporated Plan, 2005*.
- To provide opportunities for a range of uses including housing, office, retail, leisure and open space.
- To provide a movement network that improves local accessibility and the permeability of the site.
- To encourage high quality urban **and architectural** design that is responsive to the site’s features and characteristics, as well as the wider site context.
- To provide for appropriate site and precinct interfaces.
- To use the built form response to mitigate noise from major transport corridors.
- To encourage the application of ecologically sustainable design initiatives in the overall design and development of the site.
- To provide for linkages to the Gardiners Creek corridor as a key community, environmental and recreational asset.
- **To provide for the upgrading and revegetation of the Gardiners Creek corridor where it adjoins the site.**

**1.0**

**Table of uses**

**Section 1 - Permit not required**

<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Bank</b>	Must be located within Precinct 1 or 2 as described in the <i>Tooronga Village Incorporated Plan, 2005</i> .
<b>Carnival</b>	Must meet the requirements of “A Good Neighbour” Code of Practice for a Circus or Carnival, October 1997.

**Car park**

**Child care centre (other than Kindergarten)**

**Section 1 – Permit not required (continued)**

USE	CONDITION
<b>Circus</b>	Must meet the requirements of “A Good Neighbour” Code of Practice for a Circus or Carnival, October 1997.
<b>Convenience shop</b>	Must be located within Precinct 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.
<b>Dwelling</b>	The total number of dwellings must not exceed 600
<b>Food and drink premises (other than Convenience restaurant, Hotel and Tavern)</b>	Must be located within Precinct 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Library</b>	
<b>Medical centre</b>	Must be located within Precinct 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Office (other than Bank and Medical centre)</b>	Must be located in Precincts 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.  The total leaseable floor area must not exceed 4,000 square metres.
<b>Postal agency</b>	Must be located within Precinct 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.
<b>Residential hotel (other than Motel)</b>	Must be located in Precinct 2 as described in the Tooronga Village Incorporated Plan, 2005.
<b>Restricted recreation facility</b>	
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Shop (other than Adult sex bookshop and Convenience shop)</b>	Must be located within Precinct 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.  The total leaseable floor area must not exceed 8,000 square metres.
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Tramway</b>	

**Section 2 - Permit required**



**Accommodation (other than Camping and caravan park, Corrective institution, Residential hotel and Dwelling)**

**Car wash**

**Convenience restaurant**

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<b>Convenience shop</b>	Must not be located in Precinct 4 as described in Tooronga Village Incorporated Plan, 2005
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<b>Office (other than Bank and Medical centre) if the Section 1 condition is not met</b>	Must not be located in Precincts 3 or 4 as described in the Tooronga Village Incorporated Plan, 2005.
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**Dry cleaner**

**Hotel**

**Kindergarten**

**Laundromat**

**Leisure and recreation (other than Informal outdoor recreation, Motor racing track and Restricted recreation facility)**

**Medical centre - If the Section 1 condition is not met.**

**Mineral, stone, or soil extraction (other than Extractive Industry, Mineral exploration, Mining and Search for stone)**

**Place of assembly (other than Carnival, Circus and Library)**

**Residential Hotel - If the Section 1 condition is not met**

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<b>Retail premises (other than Food and drink premises, Shop and Postal agency)</b>	Must be located within Precinct 1 or 2 as described in the Tooronga Village Incorporated Plan, 2005.
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<b>Shop (other than Adult sex bookshop and Convenience shop) - If the Section 1 condition is not met</b>	Must not be located in Precinct 3 or 4 as described in the Tooronga Village Incorporated Plan.
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**Tavern**

**Utility installation (other than Minor utility installation and Telecommunications facility)**

**Any other use not in Section 1 or 3**

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### Section 3 - Prohibited

**Adult sex book shop**  
**Agriculture (other than Apiculture)**  
**Brothel**  
**Camping and caravan park**  
**Cemetery**  
**Corrective institution**  
**Crematorium**  
**Extractive industry**  
**Industry (other than Car wash,  
Dry cleaner and Laundromat)**  
**Major sports and recreation facility**  
**Motor racing track**  
**Saleyard**

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## 2.0 Use of land

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

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities that will be carried out.
- The means of maintaining land not required for immediate use.
- An assessment of the likely effects of freeway and arterial road noise and vibration on the proposed use and measures to attenuate any unreasonable adverse effects.
- An explanation of how the proposal responds to the use principles in the Toorong Village Incorporated Plan, 2005.

### Renumber clauses from here on

## 4.0 Buildings and works

A permit is required to construct a building or carry out works.

This does not apply to:

- A building or works which are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works

Approval or Pollution Abatement Notice under the Environment Protection Act 1970.

- The carrying out of works for the purpose of preliminary soil investigations and testing of soil.

#### **Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate to the satisfaction of the responsible authority:

- In the case of any residential building of four or more storeys, the material required by clause 52.35.01;
- A plan drawn to scale and fully dimensioned which shows:
  - The boundaries and dimensions of the site
  - Adjoining roads
  - The location, height and purpose of buildings and works on adjoining land
  - The relevant ground levels and building heights to Australian Height Datum
  - The layout and height of existing and proposed buildings and works
  - All driveway, car parking and loading areas
  - Proposed landscape areas
  - All external storage and waste treatment areas
  - A waste and recycling management plan
  - Areas not required for immediate use within the same precinct
  - External lighting
  - The staging of development within the same precinct
  - The integration with development in any adjacent precinct
  - The indicative location, type and design of proposed signs
  - Shadow diagrams
- A traffic report prepared by a qualified traffic engineer detailing carparking generation, details of any works required, details of internal and external traffic arrangements and the timing of any required works. **This report shall include:**
  - A traffic management plan;
  - A parking management plan; and
  - An integrated transport plan.
- An acoustic report describing proposed noise attenuation measures **and the ongoing maintenance of these** for buildings adjacent to the freeway or fronting Toorak or Tooronga Roads.
- A drainage report detailing proposals to manage stormwater runoff from the site.
- A report to explain how the proposal implements ESD principles.

- A wind assessment for developments of four or more storeys, excluding a basement.
- Materials, colours and finishes of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, irrigating and maintaining the landscape area.
- An assessment and preliminary costings of **the construction and ongoing maintenance of any** infrastructure works on public land necessitated by the proposal.
- An explanation of how the proposal responds to the various general and precinct specific development related principles in the Tooronga Village Incorporated Plan.

#### **Exemption from notice and review**

The exemption from the notice and decision requirements and review rights set out in Clause 37.06-6 does not apply to an application for buildings and works on land within the area with a building height of AHD 21 on the Height Plan in the Tooronga Village Incorporated Plan, **or to land included within the Residential 1 Zone up to 30 metres along the eastern residential boundary of the site.**

#### **5.0 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The Tooronga Village Incorporated Plan 2005.
- The objectives of the zone and the relevant precinct, or precincts.
- The impact of traffic to be generated on existing traffic movement.
- The interim treatment, use and management of those parts of the land within that precinct not required for the proposed use.
- The indicative staging of development within that precinct.
- The integration with development in any adjacent precinct.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The provision of car parking.
- The objectives of Clause 55 and standards B1, B2, B3, B4, B5, B8, B9, B10, B11, B12, B13, B14, B15, B16, B19, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B30, B31, B32, B33 and B34. This does not apply to development of four or more storeys.
- The availability of and connection to services.
- The proposed management arrangements for the maintenance of buildings, landscaping and paved areas.
- The design of the proposed buildings, their relationship to the streetscape and any surrounding development and uses including the Gardiners Creek corridor and the Burke Road South Reserve.

- The streetscape, including the treatment of the front and backs of buildings and their appurtenances.
- Any relevant plan for landscape design.
- The provision and location of reserves for public open space and other community facilities.
- The integration between existing and proposed uses.
- The amenity of residential properties abutting or opposite the site.
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The objectives and standards of Clause 56.
- The interface with adjoining zones, especially the relationship with residential areas.
- If Boroondara City Council is not the Responsible Authority, the views of Council **should be considered, if received within 28 days of the date Council is provided with the application.**
- The need for a section 173 agreement relating to the provision of development contributions through works in lieu or a monetary contribution for drainage works, Gardiners' Creek rehabilitation works, a 100 square metre community centre in Precinct 1, storm water treatment and storage, and open space improvement works and any works, services or facilities necessary to be provided on or to the land or other land as a result of the grant of the permit.

## 6.0 Advertising signs

The advertising sign requirements are at Clause 52.05.

For Precincts 1 and 2, the relevant category is 1. For precincts 3 and 4, the relevant category is 3.

## 7.0 Car parking and traffic

Specific car parking requirements that apply to this zone are set out in the table below.

Use	Car Parking Rate
Supermarket	6 spaces per 100 square metres of leaseable floor area.
Speciality Shops, including liquor shop	3 spaces per 100 square metres of leaseable floor area.
Dwelling	1.5 spaces per dwelling plus. 0.2 visitor spaces per dwelling

Subject to the provision of 58 car spaces to meet the short fall on the land at 800 Toorak Road, Glen Iris, the responsible authority may grant a permit to reduce the number of car spaces required for a particular use in the above table.

Before deciding on an application to reduce the number of car spaces, the responsible authority must consider:

- Any relevant parking precinct plan.
- The availability of car parking in the locality.

- The availability of public transport in the locality.
- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
- Any car parking deficiency or surplus associated with the existing use of the land.
- Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.
- Local traffic management.
- Local amenity including pedestrian amenity.
- An empirical assessment of car parking demand.
- Any other relevant consideration.

The dimensions of the car spaces, access lanes and driveways and layout of parking areas must meet the requirements of Clause 52.06 unless the responsible authority agrees otherwise.

Fifty eight (58) car spaces must be provided permanently on the land to meet the current shortfall in the existing Coles Myer complex at 800 Toorak Road Glen Iris. The car spaces must be provided in an area that is reasonably accessible to the Coles Myer complex and be dedicated exclusively for use by the owners and tenants of the complex. Prior to the grant of a permit, these spaces must be secured by a s173 Agreement to the satisfaction of the responsible authority.

**Access to the loading dock in the building occupied by the Coles Myer office must be provided from Toorak Road and Toorong Road and one of these access ways must accommodate ingress and egress to the loading dock of a 19 metre long vehicle.**

Prior to the commencement of works pursuant to a permit, the owner of the land must enter into a section 173 agreement to the satisfaction of the responsible authority for the provision of external road works generally in accordance with the functional layout plan prepared by GTA Traffic Engineers marked DM1801-07 dated September 2005. **Matters to be taken into account include the detailed consideration of peak period access to and egress from the site, and the adequacy of the provision for turning movements into, out of and adjacent to the site.**

## **8.0 Reference Document**

Toorong Village Reference Document 2005

## **TOORONGA VILLAGE INCORPORATED PLAN 2005**

### **Land**

This Incorporated Plan applies to land located on the southeast corner of Toorak Road and Tooronga Road, Glen Iris.

### **Tooronga Village Incorporated Plan**

The Tooronga Village Incorporated Plan is comprised of the Development Principles and the Urban Framework and Height and Setback Plans.

### **Tooronga Village Use and Development Principles - General**

#### **Use**

- Encourage a mix of land uses to complement the relevant precincts.
- Provide convenient and sufficient on site parking to minimise potential impacts on surrounding residential areas.
- Encourage uses which cater for the needs of the local population.
- Maintain the retail role of the site as a local/community retail centre.
- Provide public open space areas and links through the site.

#### **Links**

- Provide easy pedestrian movement through the site.
- Provide safe and convenient vehicle, pedestrian and other movements into, out of, through and around the site.
- Minimise the potential for adverse impacts on the surrounding road network.
- Ensure public spaces are linked in a clear, legible and safe manner.
- Improve and capitalise on the Gardiners Creek recreational and open space linkages.
- Provide pedestrian only links to the existing residential area to the east.

#### **Development Form**

- Consider as appropriate the development concept described in the Tooronga Village Reference Document.
- Avoid blank walls along public streets and public spaces.
- Ensure development adjacent to Gardiners Creek reflects the alignment of the creek and enhances pedestrian links along the Creek and into the site.
- Respond to the topography and context of the site.
- To provide a convenient and symbolic entry point at the corner of Toorak and Tooronga Roads in the form of a public space, of appropriate form and size for the purpose

- To encourage a linking of public spaces through the site, and the maintaining of public access to these spaces on a twenty four hour basis.
- Recognise long distance view opportunities to **and from** the west, south and south-east.
- Optimise energy efficient siting of buildings.
- Ensure that the form of development within a building envelope reflects high quality architecture and urban design and upper levels are stepped back so as to avoid presentations of sheer walls to roadways or other public spaces.

#### **Site Edges**

- Improve the quality of open space along Gardiners Creek.
- Build to the Toorak and Tooronga Roads site boundaries using podium forms.
- Provide an appropriate residential interface along the eastern boundary of the site.
- To improve the quality of open space along Gardiners Creek, by means of upgrading and revegetation of the creek environs and re-routing (as required) of the pedestrian and bicycle path.
- Use the built form and layout to mitigate the high ambient noise levels of adjoining major transport corridors.
- Concentrate more dense development at the northwest quadrant of the site and adjoining the main roads and Coles Myer building.

#### **Tooronga Village Use and Development Principles – Precinct Specific**

##### ***Precinct 1 – Mixed Use (Retail)***

- Encourage a mix of uses including convenience retail, commercial and residential land uses.
- **Setback built form from the site edges at least the distances described in the Building Height and Setback Plan**
- Ensure that height of development is generally consistent with that of Coles Myer.
- Focus higher built form adjacent to the north-eastern precinct interface and adjacent to the Tooronga Road frontage.
- Setback higher built form from site edges **to** at least the distances described in the Height **and Setback** Plan.
- Ensure that **all buildings developed within the site are of significant architectural merit.**
- Ensure that the two taller building forms are sited such that view lines to the buildings are largely limited to along the main road corridors on approach to the site.
- Ensure that retail and commercial development maximises activity, visual permeability and public accessibility to all key street frontages and public spaces.
- Ensure the Tooronga Road frontage maximises visual permeability.
- Promote permeability through the site via the design of the vehicle and pedestrian access network and the placement of buildings within the site.



- Provide a public plaza space within the precinct.
- **Provide a retail concourse that is a public place and serves a social purpose in addition to the requirements for movement and retail access.**

***Precinct 2 – Mixed Use (Commercial)***

- Encourage a mix of uses including commercial and residential land uses.
- Focus higher built form along the Tooronga Road frontage.
- Ensure commercial development maximises activity to Tooronga Road and public spaces.
- Encourage integration with the central open space in Precinct 4.
- Provide retail shops for the use of and incidental to, residential uses in precincts 2 and 3 or office use in Precinct 2, but not to exceed 1000 sq m in total and, if the shops are clustered, not exceeding 300sq m in area and not incorporating more than 3 premises.
- Ensure that built form responds to the alignment of Gardiners Creek and does not unreasonably overshadow the creek at the equinox

***Precinct 3 - Residential***

- Provide a range of housing forms and densities, including detached housing, townhouses and apartments.
- Provide for reasonable setbacks to lot frontages set out in a manner which allows for at least one canopy tree.
- Provide for reasonable rear setbacks to detached dwellings at the eastern edge of the development at the interface with the existing residential development.
- Provide for a co-ordinated mix of housing types reflecting high quality estate planning.
- Encourage residential architecture of a high design quality that is responsive to site conditions.
- Provide for development that responds to the topography and context of the site.
- Not provide for any retail land use in the precinct.
- Ensure that built form responds to the alignment of Gardiners Creek and does not unreasonably overshadow the creek at the equinox
- Where possible and appropriate, retain the established pine trees adjacent to that portion of the site abutting existing residential lots, **supplement this planting as required and make provision for replanting at a later time.**

***Precinct 4 – Open Space***

- Provide for a central high quality public open space areas and links through the site.
- Improve and integrate with the Gardiners Creek recreational and open space network.



**BUILDING HEIGHT AND SETBACK PLAN**

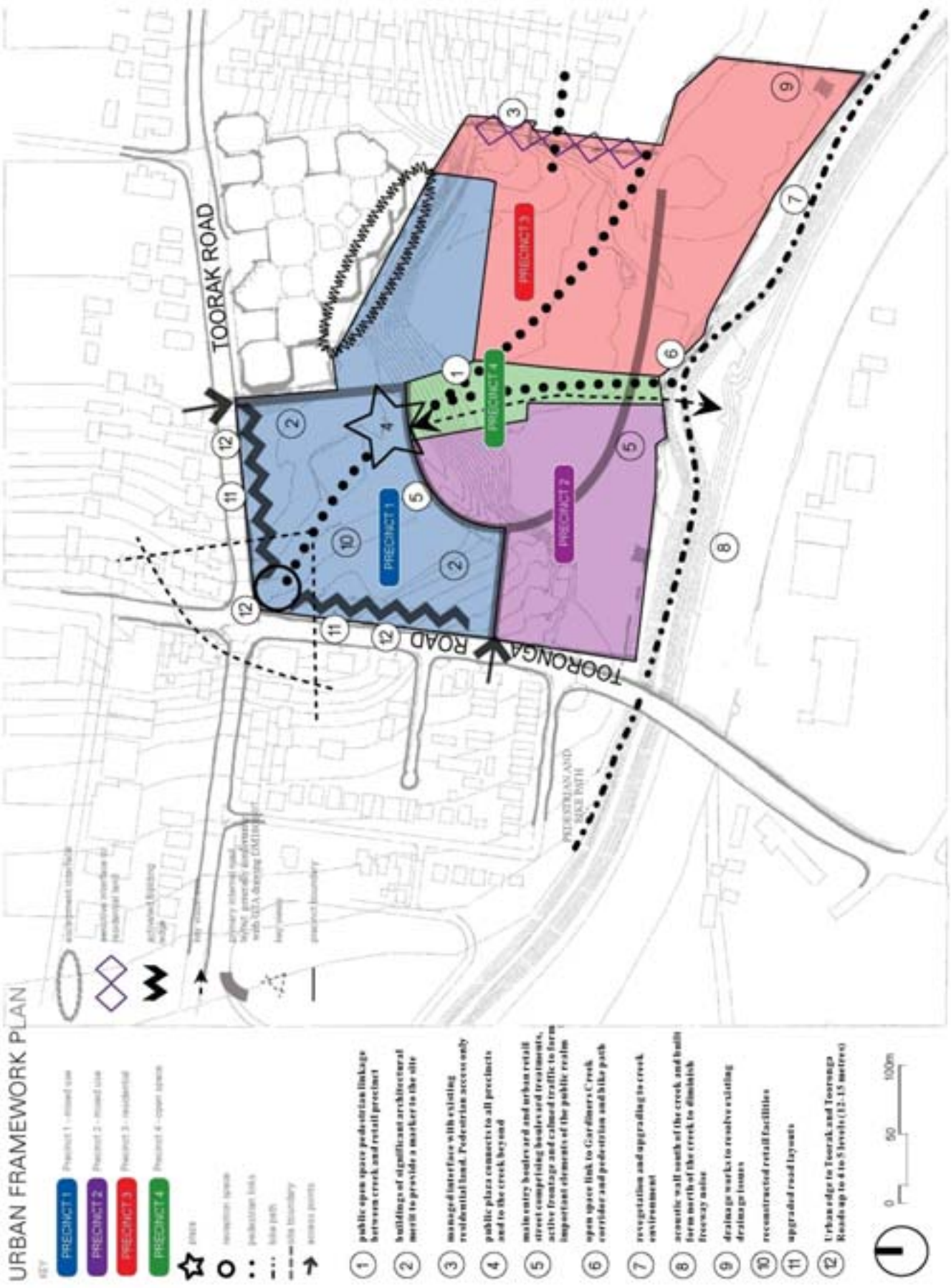
**KEY**

-  Building Height - Relative to Australian Height Datum
-  Site boundary
-  Site levels
-  Setback lines (to be designated and stated)

**NOTES**

1. The setbacks heights be treated as minimum height limits and that existing shed, 58 metres service station, communication and other technical structures be treated as part of the design.
2. Details in this plan are based on the site boundary as of August 2005.
3. In the event of any site boundaries being established for the site, the height envelopes are to be adjusted to correspond with the new lines of the boundary.
4. Building setbacks to Toorak and Toorong Roads are 10 metres and ground level setbacks measured from the foot of the curb to the face of the building, and that the curb line be shown as any new line established as part of the development of the site.
5. A building setback along the foot of Toorong Road of 20 metres measured from the northern edge of the roadway of the road.





**APPENDIX 5: GTA DRAWING DM1801-07**

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