

Ordinary Council Meeting 7 September 2020 Attachments

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Inner Melbourne Action Plan
Making Melbourne More Liveable



DRAFT Minutes
Inner Melbourne Action Plan
Implementation Committee

Meeting No 58
8.00 am – 10.00 am Friday 12 June 2020
Maribyrnong City Council

Remote meeting - <https://global.gotomeeting.com/join/158992837>

Attendance: Committee Members	<p>Cr Sarah Carter, Mayor, Maribyrnong City Council (Chair) Cr Steven Stefanopoulos, Mayor, City of Stonnington Cr Bernadene Voss, Mayor, City of Port Phillip Cr Misha Coleman, Mayor, City of Yarra Mr Stephen Wall, Chief Executive Officer, Maribyrnong City Council Ms Jacqui Weatherill, Chief Executive Officer, City of Stonnington Ms Vijaya Vaidyanath, Chief Executive Officer, City of Yarra – <i>joined meeting at 8.10am</i> Mr Peter Smith, Chief Executive Officer, City of Port Phillip</p> <p>Mr Justin Hanney, Chief Executive Officer, City of Melbourne – <i>for GM Strategy Planning & Climate Change</i></p>
Associate Partner Representatives	<p>Mr Adrian Salmon, Principal Planner, Planning Services, DELWP Mr Stephen Chapple, Regional Director – Gippsland & Port Phillip, DELWP Mr Michael Anderson, Snr Project Officer Place Strategy, DJPR Mr Justin Malkiewicz, Victorian Planning Authority – <i>for Peter Sagar</i></p>
IMAP	<p>Ms Elissa McElroy, IMAP Executive Officer</p>
Guests	<p>Mr Stuart Draffin, Director Planning & Place, City of Stonnington Mr Damon Rao, Senior Transport Planner, City of Melbourne Ms Sue Jones, Project Officer StreetCount, City of Melbourne Mr Graeme Porteous, Director Strategic Projects, City of Melbourne Mr Martin Whittle, Senior Project Coordinator (Wayfinding), City of Melbourne Ms Angela Zivkovic, Coordinator Funding & Advocacy, Maribyrnong City Council IMAP Champions Ms Tracey Limpens, Advocacy Performance & Improvement Manager, City of Stonnington Ms Zoe Blasch, Maribyrnong City Council – <i>for Virginia Howe</i> Mr Justin Kann, Senior Advisor – Strategic Advocacy, City of Yarra – <i>for Bruce Phillips</i></p>

PRELIMINARIES

1.	Requirements of COVID-19 Omnibus (Emergency Measures) Act 2020
1.1	That the IMAP Implementation Committee resolve that: <ol style="list-style-type: none"> a. the members of the IMAP Implementation Committee participate in the meeting by electronic means of communication in accordance with Section 394 of the COVID-19 Omnibus (Emergency measures) Act 2020; and

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	<p>b. the public part of the meeting is recorded and made available on the internet site of each Council as soon as practicable after the meeting in accordance with Section 395.</p> <p>MOVED MR SMITH / Cr Stepfanopoulos A vote was taken and the MOTION was CARRIED</p> <p><i>Action: Meeting recording to be made available for IMAP Councils' websites</i></p>
2.	<p>Appointment of Chair</p> <p>2.1 That the IMAP Implementation Committee resolves to appoint Cr Sarah Carter, Mayor, Maribyrnong City Council as the Chair of the meeting.</p> <p>MOVED CR STEFANOPOULOS / Ms Weatherill A vote was taken and the MOTION was CARRIED</p>
3.	<p>Apologies and Introductions</p> <p>The Chair welcomed all attending and acknowledged our elders past and present. Introductions were made. The Chair noted the audio recording; to use chat for comments.</p> <p>3.1 That the IMAP Implementation Committee resolves to note the following apologies:</p> <ul style="list-style-type: none"> • Cr Nicholas Reece, Chair Future Melbourne (Planning) Committee, City of Melbourne • Ms Alison Leighton, General Manager Strategy, Planning & Climate Change, CoM • Mr Peter Sagar, Executive Director Melbourne Renewal Precincts, Victorian Planning Authority • Mr Dimitri Lolas, Acting Director Network & Corridor Planning, Department of Transport • Mr Dan Nicholls, Manager Regional Development Australia - Melbourne, Office of Suburban Development DJPR • Ms Virginia Howe, Acting Manager City Futures, Maribyrnong City Council <p>MOVED MR WALL / Cr Stepfanopoulos A vote was taken and the MOTION was CARRIED</p>
4.	<p>Members Interest - Disclosure by members of any conflict of interest in accordance with s.79 of the Act.</p> <p>- None</p>

ITEMS

5.	<p>Confirmation of the Minutes of the IMAP Implementation Committee – 6 March 2020</p> <p>5.1 That the IMAP Implementation Committee resolves to confirm the draft Minutes of the IMAP Implementation Committee No. 57 held on 6 March 2020 as an accurate record of the proceedings.</p> <p>MOVED MR SMITH / Cr Voss A vote was taken and the MOTION was CARRIED</p>
6.	<p>Business Arising</p> <p>The Executive Officer noted the correspondence items relating to agenda items and explained the research facilities offered by Deakin University.</p> <p>6.1 That the IMAP Implementation Committee resolves to:</p> <ul style="list-style-type: none"> • note the actions undertaken in response to Business Arising from the previous minutes. • note the correspondence (<u>Attachments 2a-c</u>). <p>MOVED MR WALL / Mr Smith A vote was taken and the MOTION was CARRIED</p> <p>Correspondence: Inward <i>Att a – Letter from Graham Porteous, CoM advising StreetCount 2020 postponement</i> <i>Att b – Email from Gail Hall, CoM advising progress on Planning Scheme Amendment and analysis for</i></p>

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	<p><i>mandatory green cover requirements (IMAP Urban Forest Project)</i> <i>Att c – Email from Deakin University- Urban Logistics Laboratory offering research time pro bono.</i></p>
7.	<p>IMAP Communication and Governance The Executive Officer:</p> <ul style="list-style-type: none"> noted the changes brought about by the Local Government Act 2020 and the recommendation that the 5 councils reapprove current delegations under the new Joint Delegated Committee provisions of the Act before 1 September. noted those highlighted activities of the project teams that were on hold pending the Committee's re-approval of budgets since the pandemic expenditure restrictions were put in place by the CEO group. proposed the Agreement with Melbourne Convention Bureau be amended to delay payment in line with the map publication delay thereby moving the \$45K Year 1 payment into 2020/21. <p><i>Ms Vaidyanath joined the meeting at 8.10am.</i></p> <p><u>Comments/Questions</u> Mr Smith updated the Committee on recent decisions by the City of Port Phillip Council to remain in IMAP subject to funding conditions. He proposed Councils run down the Reserve Fund, utilise funds for COVID-19 related projects, and don't pay a membership contribution in 2020/21 until after the matter is reconsidered in the new year. Ms Weatherill noted Mr Smith's recommendation in relation to 2020/21 funding is proposed in the confidential item on the Governance Review.</p> <p>7.1 That the IMAP Implementation Committee resolves:</p> <ol style="list-style-type: none"> To note the Communications and Governance Briefing Paper. To recommend to the 5 IMAP Councils that they consider re-approving delegations to the IMAP Implementation Committee under the new Joint Delegations Committee provisions of the Local Government Act 2020 as an interim measure until a new partnership approach can be confirmed and established after the Council election period. To request an amendment to the Printing and Distribution Agreement with the Melbourne Convention Bureau through an exchange of letters, postponing the two agreed annual payments of \$45K pa from June 2020/June 2021 until August 2020 and August 2021; <u>and that</u> the CEO City of Stonnington be authorised to sign the letter on behalf of the IMAP Implementation Committee Councils. <p>MOVED MS VAIDYANATH / Mr Wall A vote was taken and the MOTION was CARRIED</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> <i>IMAP Executive Officer and Governance staff to prepare reports for the IMAP councils regarding establishment of Joint Delegated Committees.</i> <i>IMAP Executive Officer to prepare correspondence for CEO CoS to Melbourne Convention Bureau to vary the schedule to our Agreement and defer the map payments to August 2020 and August 2021.</i>
8.	<p>Financial Report for the Nine (9) Months ending 31 March 2020 The Executive Officer:</p> <ul style="list-style-type: none"> Advised a May update and the EOFY forecast prepared for the CEOs was also attached with a more accurate end of financial year position. Explained the project commitments included in the forecast for year end, noting possible changes as a result of the project reports being considered; and Reported the DHHS grant funding changes. <p><u>Comments/Questions</u> Cr Stefanopoulos checked the other partner councils supported the StreetCount delay and funds being held over by IMAP. This was confirmed.</p>

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	<p>8.1 That the IMAP Implementation Committee resolves to:</p> <ol style="list-style-type: none"> a. receive the IMAP Financial Report for the nine months ending 31 March 2020; b. note the forecast EOFY position. <p>MOVED MS WEATHERILL / Mr Smith A vote was taken and the MOTION was CARRIED</p>
9.	<p>IMAP Progress Report</p> <p>9.1 That the IMAP Implementation Committee resolves to note the IMAP Progress Report for June 2020.</p> <p>MOVED MR WALL / Cr Voss A vote was taken and the MOTION was CARRIED</p>
10.	<p>Wayfinding and Signage project Mr Martin Whittle, Senior Project Coordinator (Wayfinding), City of Melbourne attended for this item. He noted completion of the website brief for quote and that:</p> <ul style="list-style-type: none"> • the Wayfound Victoria: Wayfinding Guidelines V2.0 document is now complete and signed off by the IMAP and DoT representatives. • it has always been the intent to put the guidelines on a website to provide one point of reference for councils, state government and consultants to view and download. This website would also mean we can maintain version control • the RfQ for web development was due to go out in March, but was paused due to pandemic concerns – now seek the Committee’s guidance as to whether the project team continues with the project, through reconfirmation of the website development • proposal is for 2-3 months website development at an estimated \$20K-\$30K • Following the website launch, a large scale email distribution throughout Victoria pointing interested parties to the website link will be initiated. <p><u>Questions/Comments</u> In response to questions, Mr Whittle noted:</p> <ul style="list-style-type: none"> • <i>Benefit of the website?</i> - The manual is a 175-page pdf document detailing standards, strategy and implementation for wayfinding throughout Victoria. The document would be lost on the IMAP website. The Wayfound Victoria website would provide access, version control, and information over who is downloading it. • Believes it is an Australian first to provide consistent statewide wayfinding principles and design. • <i>Is it visually presented in a more dynamic manner on a website and more tangible in electronic format?</i> – The website is able to present the essence of wayfinding in a consistent manner across the state. The overall intent is for DoT to take this over and implement wayfinding standards through the ‘Big Build’ as per our recent discussions with Paul Younis, DoT regarding the lack of current signage consistency. <p>10.1 That the IMAP Implementation Committee resolves to reconfirm its support for the development of the Wayfound Victoria website at an estimated cost of \$20K-30K.</p> <p>MOVED CR VOSS/ Cr Stefanopoulos A vote was taken and the MOTION was CARRIED</p> <p><i>Action: Project Team Leader CoM to advertise Wayfound Victoria website RfQ and let contract for completion in 2-3 months.</i></p>
11.	<p>Affordable Housing & Homelessness: Joint StreetCount 2020 Ms Sue Jones, Project Officer StreetCount, City of Melbourne attended for this item. She noted:</p> <ul style="list-style-type: none"> • The event coordination Contract with Launch Housing is on hold until councils can negotiate a suitable date. Partner councils are meeting to discuss suitable options for dates – considering late November/early December. February 2021 is a second alternate date. • StreetCount will assist us in identifying changes in State Government policy and gaining better intelligence on the ground of the effects of the pandemic on this group of people • It promotes collaboration with specialist housing agencies, creating relationships with staff on the ground and those who will assist with the survey

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	<ul style="list-style-type: none"> • Will have more capacity to recruit volunteers from local councils at a later date • Aim to avoid caretaker period and elections so achieve clear messaging across the 7 councils. • Believe that a later date will still provide a consistent statistical sample. • Acknowledge greater pressure on the sector close to Christmas. • In the interim, CoM are developing the digital survey, online training modules for induction/engagement of peer support workers, guidelines on changes to the methodology and COVID safety considerations. • Representatives from the 7 councils continue to meet fortnightly for updates. <p>In response to a question on a wider extension, Ms Jones noted she had met with Moonee Valley and Kingston council officers who had expressed interest in involvement in StreetCount.</p> <p>11.1 That the IMAP Implementation Committee resolves to note the progress report on the StreetCount 2020 project.</p> <p>MOVED CR VOSS/ Cr Stefanopoulos A vote was taken and the MOTION was CARRIED</p>
<p>12.</p>	<p>IMAP Bicycle Network Model Project – Final Report</p> <p>Mr Damon Rao, Senior Transport Planner, City of Melbourne attended to present the project’s Final Report on the IMAP bicycle network model. He noted this was a great opportunity to bring together people across the 5 IMAP councils on this project:</p> <ul style="list-style-type: none"> • Good to bring together all cycling plans for the city and created a new tool that transport planners haven’t had before. Created a really good joint platform now with consistent data. • This new model looks at: <ul style="list-style-type: none"> ○ growth in cycling numbers; and ○ potential and future scenarios around building new bike lanes – instead of just using current static user numbers ○ a systematic way of looking at and fixing gaps in the network strategically • The model provides a platform that enables future add-ons. The current report addresses improvements in connectivity plus “safety” - identifying bike accident rates with population growth based on protected and unprotected bike infrastructure design. Could develop an add-on to this model on greenhouse gas benefits next. • Provides one common standard GIS database across all 5 IMAP councils infrastructure. Can zoom into fine detail and find where all our infrastructure is. All same coding and a standard has been set for the rest of Melbourne i.e. A data framework for DoT and others to use. • Now have a record of what we currently have and how it is used; and a proposed network for future trips in the central city is now mapped. • Expect a lot of cycling growth from population increases with or without improvements to the network. Model indicates accidents that can be expected, or avoided with more development. • Melbourne cycling network now on Infrastructure Australia’s priority list. • CoM looking to implement network improvements in the short term – can be dropped into the model and it will determine what this means to every other IMAP council, to help identify priorities for COVID-19 projects, as. <ul style="list-style-type: none"> ○ Now have a centralised GIS database for inner Melbourne that others are looking to replicate and expand. ○ Numbers are integrated into the model so that can see when build more infrastructure, you get more uptake. ○ Can see growth along particular route segments. <p><u>Questions/Comments</u></p> <ul style="list-style-type: none"> • <i>CoM doing package of lanes. What should IMAP councils be doing now?</i> Damon Rao advised he is using the final funds of the project budget to determine this. One map per council will be provided, that gives proposed routes by priority and the corridors they link to. Work will be completed by end of June. • <i>What are the shorter term opportunities for temporary lanes?</i> Justin Hanney noted that CoM used the current situation to advocate to DoT for development of more bike lanes in laneways and smaller streets. Propose that CoM would put them in temporarily and retrofit later on a permanent basis. Fast tracking approvals requested from DoT - then review and make fixes required later. 20km of quick lanes proposed for approval. Current empty streets provide a good opportunity to put in temporary works to be finalised later – want to respond to people returning to the city in weeks not months.

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	<ul style="list-style-type: none"> • People are reluctant to get on PT – adds to the argument. CoPP happy to work with CEOs to accelerate an advocacy piece. • Yarra has identified missing links that should be connected as a priority (e.g. Victoria/Alberts streets etc.) Completing these linkages will help DoT get serious about bikes. • This is the right time to work together. CoY support asking CEO's to look at IMAP funding and other matching funds for this project. Support CEOs identifying top 5 or 10 projects for consideration by SG for stimulus package to put in temp bike infrastructure. <p>Following general discussion, the committee members proposed a new item (c) - That IMAP requests CEOs to develop a Bike infrastructure program for temporary and permanent cycling infrastructure for State Government consideration as part of the stimulus package</p> <ul style="list-style-type: none"> • <i>Surrounding councils need access to these GIS visuals so other councils can plan responses. Support getting it on line and out for others to view.</i> - Damon Rao advised he was happy to prepare a communications package when they have the final work done. Justin Hanney noted the SG are pulling together projects for the stimulus now so it's important to get Bike network requests to DoT in the next week or two and request the top 5-10 projects within the network. Currently in a good position to have these considered. CEOs could put together request and present to the SG. That is the key pathway now. • <i>Suggest we focus on missing links between the IMAP Councils primarily.</i> All agreed. Damon offered to have his final work expedited. <p>12.1 That the IMAP Implementation Committee resolves to:</p> <ol style="list-style-type: none"> a. note and endorse the completed report on the IMAP Bicycle Network Model; and b. support its ongoing use to support the implementation of each Councils transport strategies and plans. c. request CEO's to develop a Bike infrastructure program for temporary and permanent cycling infrastructure for State Government consideration as part of the stimulus package <p>MOVED CR VOSS/ Cr Coleman A vote was taken and the MOTION was CARRIED</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Cycling Network Project team leader to expedite final analysis with consultants to assist identification of key linkages in the network between the IMAP council municipalities that could be addressed as part of the stimulus package request</i> • <i>IMAP CEOs to develop a list of the top 5-10 projects within the network to refer to the SG as stimulus projects</i>
<p>13.</p>	<p>IMAP Social and Economic Dashboard</p> <p>Mr Peter Smith CEO City of Port Phillip spoke to this item and noted:</p> <ul style="list-style-type: none"> • CEOs worked on this brief and propose up to \$80K project funds from IMAP's reserve fund go towards appointing consultants in July to undertake this economic dashboard work. • It replaces the former brief that only looked at main streets. • Next 6-18 months, a highly variable recovery is expected. Aim to collate data that would be useful for advocacy and targeting of additional Councils' relief efforts at businesses, and those affected by social impacts, housing stress, impact of job keeper running out, rent protection removal etc. where Councils see a spike in vulnerable and disadvantaged people. • Don't want to duplicate federal and state funding: this data can assist councils to target specific parts of our communities with extra assistance. • Inner city data collection is more efficient than individual collection. <p><u>Questions/comments</u></p> <ul style="list-style-type: none"> • Noted all CEOs support this approach. The Dashboard to hold data at both council level and activity centre level on some of these indicators. • Support using \$30K of the earlier approved project towards the projected \$80K budget.

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	<p>13.1 That the IMAP Implementation Committee resolves:</p> <ol style="list-style-type: none"> a. That \$80k is set aside for the engagement of a consultant to develop the design of a dashboard that meets the criteria set out in the Consultant procurement brief. b. That a project task team comprising of officers from the IMAP councils is established to meet over the next three months to oversee the design of the dashboard and to provide feedback as appropriate to the individual Councils. c. That a Project Manager is assigned to the project task team to manage the key deliverables and provide PM capabilities. d. That a panel is established immediately from the project task team comprising of the project manager and three of the Councils to engage a consultant to provide the services indicated in the consultant brief. e. That a governance group is established being the CEOs of the respective IMAP Councils. <p>MOVED CR STEFANOPOULOS/ Cr Coleman A vote was taken and the MOTION was CARRIED</p> <p><i>Action: Refer to item 14 – Note DELWP funding initiatives</i></p>
14.	<p>OTHER BUSINESS</p> <ol style="list-style-type: none"> a. Vic Roads (VR) Minor Maintenance Agreements with Councils re tree maintenance funding: discussion on liability issues <p>Mr Peter Smith noted CoPP is currently looking at budget savings and have identified that:</p> <ul style="list-style-type: none"> • The Council is subsidizing the full cost of tree maintenance/inspections undertaken on VicRoads (VR) assets. • Council seeks a conversation with VicRoads, noting if a tree falls on VicRoads land they have legal protection under their legislation. Council is not prepared to take on that risk. • Asking VR for full cost recovery and that councils are not liable. • Asking other councils to join this advocacy. <p><u>Comments/Questions</u></p> <ul style="list-style-type: none"> • CoY indicated they have the same funding shortfall and are happy to support the advocacy position to clarify both the Insurance risk on maintenance and the funding gap. • CoM indicated they were happy to take this matter off line. <p>14.1 That the IMAP Implementation Committee resolve to request CEOs undertake joint advocacy with VicRoads to address liability and risk issues and address underfunding of minor maintenance works undertaken on VicRoads assets on their behalf.</p> <p>MOVED MS WEATHERILL/ Cr Voss A vote was taken and the MOTION was CARRIED</p> <p><i>Action: IMAP CEOs to consider joint advocacy with VicRoads re address liability and risk issues and address underfunding of minor maintenance works</i></p> <ol style="list-style-type: none"> b. DELWP update on State Government funding initiatives <p>Mr Stephen Chapple, Regional Director – Gippsland & Port Phillip, DELWP introduced this item and noted:</p> <ul style="list-style-type: none"> • Acknowledgment of Council contributions to the Metropolitan Open Space Strategy (MOSS) which has significantly improved the long term strategy. It is due to go to the Minister soon for endorsement. • Recent correspondence to councils regarding the dog and pocket park program. Round 2 has opened up. Good opportunity for additional funding. • \$10M commitment to revitalising parks. Encourage councils to use this. • Stimulus package – DELWP is administering projects across the state. John Bradley is co- leading economic activity recovery work for Victoria which is designed to get people back into work. Acknowledged the big ask which has fallen on Councils and is looking to coordinate understanding

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	<p>across all agencies from people asking for these funds – through coordination and sharing information.</p> <p>Mr Smith noted that it would be good if DELWP could come in on the Dashboard development and asked if Mr Chapple could raise this with The Secretary. Mr Chapple indicated he was happy to follow up.</p>
	<p>CONFIDENTIAL ITEMS</p> <p>Meeting was closed in accordance with Sections 66(2), 3(a) and 3(f) of the Local Government Act 2020.</p> <p>Procedural Motion: That the IMAP Implementation Committee resolves to proceed into Confidential Business and the meeting be closed to the public as the matter to be considered falls within the ambit of Section 3(a) council business information, and Section 3(f) personal information; of the Local Government Act 2020.</p> <p>MOVED CR COLEMAN/ Mr Smith A vote was taken and the MOTION was CARRIED Time: 9.45am</p> <p>Procedural Motion: That the IMAP Implementation Committee resolves that the meeting be re-opened to the public.</p> <p>MOVED CR VOSS/ Ms Weatherill A vote was taken and the MOTION was CARRIED Time: 9.55am</p>
	<p>ANY OTHER BUSINESS</p> <p>There being no further business the meeting was closed at 9.55am.</p> <p>Next Meeting: Friday 28 August 2020 (8.00am) City of Port Phillip – Remote meeting</p>

IMAP Implementation Committee Meeting 12 June 2020 – Endorsement of Minutes

Chairperson: Cr Sarah Carter _____ Date _____

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RESOLUTIONS

1.1	That the IMAP Implementation Committee resolve that: <ul style="list-style-type: none"> a. the members of the IMAP Implementation Committee participate in the meeting by electronic means of communication in accordance with Section 394 of the COVID-19 Omnibus (Emergency measures) Act 2020; and b. the public part of the meeting is recorded and made available on the internet site of each Council as soon as practicable after the meeting in accordance with Section 395.
2.1	That the IMAP Implementation Committee resolves to appoint Cr Sarah Carter, Mayor, Maribyrnong City Council as the Chair of the meeting.
3.1	That the IMAP Implementation Committee resolves to note the following apologies: <ul style="list-style-type: none"> o Cr Nicholas Reece, Chair Future Melbourne (Planning) Committee, City of Melbourne o Ms Alison Leighton, General Manager Strategy, Planning & Climate Change, CoM o Mr Peter Sagar, Executive Director Melbourne Renewal Precincts, Victorian Planning Authority o Mr Dimitri Lolas, Acting Director Network & Corridor Planning, Department of Transport o Mr Dan Nicholls, Manager Regional Development Australia - Melbourne, Office of Suburban Development DJPR o Ms Virginia Howe, Acting Manager City Futures, Maribyrnong City Council
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6.1	That the IMAP Implementation Committee resolves to: <ul style="list-style-type: none"> • note the actions undertaken in response to Business Arising from the previous minutes. • note the correspondence (Attachments 2a-c).
7.1	That the IMAP Implementation Committee resolves: <ul style="list-style-type: none"> a. To note the Communications and Governance Briefing Paper. b. To recommend to the 5 IMAP Councils that they consider re-approving delegations to the IMAP Implementation Committee under the new Joint Delegations Committee provisions of the Local Government Act 2020 as an interim measure until a new partnership approach can be confirmed and established after the Council election period. c. To request an amendment to the Printing and Distribution Agreement with the Melbourne Convention Bureau through an exchange of letters, postponing the two agreed annual payments of \$45K pa from June 2020/June 2021 until August 2020 and August 2021: <u>and that:</u> the CEO City of Stonnington be authorised to sign the letter on behalf of the IMAP Implementation Committee Councils.
8.1	That the IMAP Implementation Committee resolves to: <ul style="list-style-type: none"> a. receive the IMAP Financial Report for the nine months ending 31 March 2020; b. note the forecast EOFY position.
9.1	That the IMAP Implementation Committee resolves to note the IMAP Progress Report for June 2020.
10.1	That the IMAP Implementation Committee resolves to reconfirm its support for the development of the Wayfound Victoria website at an estimated cost of \$20K-30K.
11.1	That the IMAP Implementation Committee resolves to note the progress report on the StreetCount 2020 project.
12.1	That the IMAP Implementation Committee resolves to: <ul style="list-style-type: none"> a. note and endorse the completed report on the IMAP Bicycle Network Model; and b. support its ongoing use to support the implementation of each Councils transport strategies and plans. c. request CEO's to develop a Bike infrastructure program for temporary and permanent cycling infrastructure for State Government consideration as part of the stimulus package
13.1	That the IMAP Implementation Committee resolves: <ul style="list-style-type: none"> a. That \$80k is set aside for the engagement of a consultant to develop the design of a dashboard that meets the criteria set out in the Consultant procurement brief. b. That a project task team comprising of officers from the IMAP councils is established to meet over the next three months to oversee the design of the dashboard and to provide feedback as appropriate to the

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	<p>individual Councils.</p> <p>c. That a Project Manager is assigned to the project task team to manage the key deliverables and provide PM capabilities.</p> <p>d. That a panel is established immediately from the project task team comprising of the project manager and three of the Councils to engage a consultant to provide the services indicated in the consultant brief.</p> <p>e. That a governance group is established being the CEOs of the respective IMAP Councils.</p>
14.1	That the IMAP Implementation Committee resolve to request CEOs undertake joint advocacy with VicRoads to address liability and risk issues and address underfunding of minor maintenance works undertaken on VicRoads assets on their behalf.
	<p>Procedural Motion: That the IMAP Implementation Committee resolves to proceed into Confidential Business and the meeting be closed to the public as the matter to be considered falls within the ambit of Section 3(a) council business information, and Section 3(f) personal information; of the Local Government Act 2020. Time: 9.45am</p> <p>Procedural Motion: That the IMAP Implementation Committee resolves that the meeting be re-opened to the public. Time: 9.55am</p>

ACTIONS PUBLIC RECORD

Item	Responsibility	Action	Due
1 COVID-19 legisl reqmts	IMAP Executive Officer	Meeting recording to be made available for IMAP Councils' websites	June 2020
7. Comms & Gov	IMAP Executive Officer	<ul style="list-style-type: none"> IMAP Executive Officer and Governance staff to prepare reports for the IMAP councils regarding establishment of Joint Delegated Committees. IMAP Executive Officer to prepare correspondence for CEO CoS to Melbourne Convention Bureau to vary the schedule to our Agreement and defer the map payments to August 2020 and August 2021 	Complete before 1 Sept 2020 June 2020
10. Wayfinding	Wayfinding Project Team Leader – Martin Whittle	Project Team Leader CoM to advertise Wayfound Victoria website RfQ and let contract for completion in 2-3 months	Aug 2020
12. Bicycle Network Model Project	Cycling Network Project team Leader – Damon Rao IMAP CEOs	<ul style="list-style-type: none"> Cycling Network Project team leader to expedite final analysis with consultants to assist identification of key linkages in the network between the IMAP council municipalities that could be addressed as part of the stimulus package request IMAP CEOs to develop a list of the top 5-10 projects within the network to refer to the SG as stimulus projects 	June 2020 June 2020
13. Social & Econ dashbd	CoPP to note	Refer to item 14 – Note DELWP funding opportunities	Aug 2020
14. Other Bus	IMAP CEOs	IMAP CEOs to consider joint advocacy with VicRoads re address liability and risk issues and address underfunding of minor maintenance works	Aug 2020

General Business
2 December 2019

16. GRATTAN STREET, PRAHRAN - RESULTS OF PARKING PROPOSALS

Traffic Engineer: Umesh Jegarajan
Manager Transport & Parking: Ian McLauchlan

PURPOSE

To advise Council of the results of the second round of consultation with properties abutting Grattan Street, Prahran.

BACKGROUND

At the Council Meeting on 8 July 2019, it was resolved that Council:

1. ***Note the consultation results for the proposed one-way southbound traffic flow at Grattan Street, Prahran.***
2. ***In light of the response undertake further consultation on options to modify the parking on one side of Grattan Street to assist traffic flow.***
3. ***Concurrent with the consultation in recommendation 2, seek the views of affected residents and businesses on altering the existing “¼P”, “No Parking” and “2P” parking restrictions at the northern end of Grattan Street to improve traffic conditions near Commercial Road.***
4. ***Receive a report on the further consultation results for consideration.***
5. ***Advise all property occupiers previously consulted of the decision.***

This report can be viewed in **Attachment 1**.

DISCUSSION

The consultation directed in 2 and 3 above was completed in two sections simultaneously. As per direction 2, a total of 183 properties were asked if they support passing bays along the east side of Grattan Street. As per direction 2 & 3, a total of 167 properties at the north end were asked if they support the passing bays proposal and also if they support changes to ¼P, NO PARKING, and 2-HOUR restrictions at the north end of Grattan Street.

A plan was included to demonstrate the proposals, and can be viewed in **Attachment 2** and **Attachment 3**. A detailed analysis of the consultation is included in **Attachment 4**, which includes the community comments.

Consultation Analysis

In both the passing bay and restriction change consultations, the response rates were low (12% and 15% respectively). Low response rates are often received in streets where there is a high number of multi-unit developments. Low response rates could also be attributed to this being the second round of consultation (multiple rounds of consultation often result in diminishing response rates).

Typically, such low response rates would result in the proposal being abandoned. However, conscious that this is the second round of consultation, and there have been periodic concerns raised regarding traffic and congestion in Grattan Street, the split of those who did respond should be considered.

For the passing bays proposal, there was a slight majority in favour (7% in favour, 4% opposed, 1% did not state a position and 88% did not respond).

General Business
2 December 2019

For the restriction changes at the north end, the majority of respondents were in favour (11% in favour, 4% opposed with 85% not responding).

In the feedback for both proposals, respondents either indicated a preference for Grattan Street to be made one-way (which was previously considered by Council following the first round of consultation), or indicated their preference to maintain two-way traffic flow.

Given the above, as well as the low response rate for the second round of consultation, it is recommended that the passing bays and parking restriction changes be installed as a trial for 12 months. Following the 12 month trial period, those previously consulted would be re-consulted on:

- Retaining the passing bays and parking restriction changes as permanent; or
- Removing passing bays, reinstating previous parking restrictions, and commencing a Section 223 consultation process under the Local Government Act to make Grattan Street one-way from Commercial Road to Greville Street.

A 12 month trial period would be considered so occupiers would have sufficient time to evaluate the passing bays and restriction changes, prior to the re-consultation. The results of the trial evaluation would be reported to Council prior to permanent implementation, or prior to commencing a Section 223 consultation process.

FINANCIAL AND RESOURCES IMPLICATIONS

Signage changes are estimated at \$1,000 (inc.GST), and can be accommodated within the existing capital budget.

CONCLUSION

Following the second round of consultation, and to attempt addressing the concerns of traffic and congestion in Grattan Street, it is recommended that passing bays, and parking restriction changes be implemented along Grattan Street, Prahran, for a trial period of 12 months.

Following the trial period, those consulted would be re-consulted on:

- Retaining the passing bays and parking restriction changes as permanent; or
- Removing the passing bays, reinstating previous parking restrictions, and commencing a Section 223 consultation process under the Local Government Act to make Grattan Street one-way from Commercial Road to Greville Street.

The results of the trial evaluation would be reported to Council prior to permanent implementation, or prior to commencing a Section 223 consultation process.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4


OFFICER RECOMMENDATION

That Council:

1. ***Proceed with a 12 month trial to install:***

General Business
2 December 2019

- **3 passing bays (approximately 15.5m, 12.9m and 20m long) along the east side of Grattan Street; and**
 - **NO PARKING restrictions and ¼P restrictions operating at all times on both sides of Grattan Street between Commercial Road and the laneway.**
- 2. Notify those properties consulted on the decision.**
 - 3. Re-consult those previously consulted 12 months after the trial has been implemented, seeking their preference to either:**
 - **Retain the passing bays and restriction changes as permanent; or**
 - **Remove the passing bays, reinstate previous restrictions, and commence a Section 223 consultation process under the Local Government Act to make Grattan Street one-way from Commercial Road to Greville Street.**
 - 4. Consider a report following the trial evaluation, prior to either permanent implementation, or prior to commencing a Section 223 consultation process.**



City of
STONNINGTON

Proposal to implement a trial one-way flow arrangement in Grattan Street, Prahran

The City of Stonnington gives notice that under the provisions of S207, Schedule 11 Clause 10 (1)(c) of the *Local Government Act 1989*, it proposes to implement on a trial basis, a one-way flow arrangement in Grattan Street, Prahran.

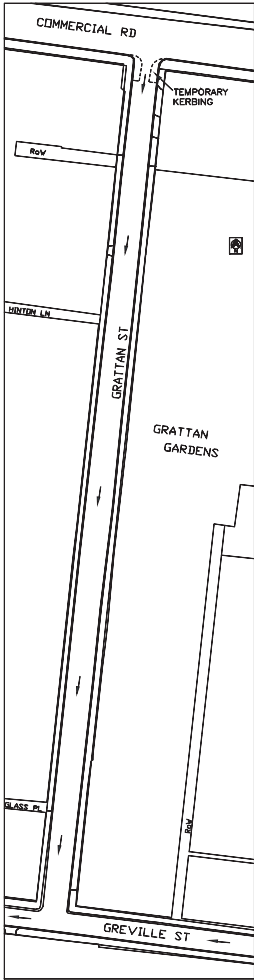
The City of Stonnington is proposing to conduct a twelve month trial of southbound one-way flow between Commercial Road and Greville Street. The one-way flow arrangement will be supported by signage and temporary kerbing as required. A concept sketch of the proposed arrangement is shown in the diagram.

Submissions are now invited in accordance with the provisions of S223 of the *Local Government Act 1989*. Any persons wishing to make a submission on the proposal, must forward it in writing to the Transport and Parking Manager, PO Box 58, Malvern 3144, or via email to council@stonnington.vic.gov.au, or deliver to the Stonnington Corporate Centre at the corner of High Street and Glenferrie Road, Malvern, prior to the close of business on 7 February 2020.

Any person making a submission is entitled to state in the submission that he or she wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

Please note that copies of submissions (including submitters' names and addresses) will be made available at the Council or special committee meeting at which the above proposal will be considered. The Council is also required to make submissions available for public inspection for a period of 12 months.

All submitters will be given at least 14 days written notice of the date, time and place of the meeting of Council, or a Committee of Council, convened to hear submissions.



- PROOF ONLY -									
JOB NO:	VERSION								
MAV552	01								
PUBLICATION NAME		SECTION	MODULE	DIMENSIONS (H x W)			COLOUR		
Stonnington Leader		PN	-	19 cm x 3 column (96mm)			MONO		
Age		PN	T41H	186x96mm			MONO		
CLIENT CHANGES									PROOF APPROVA
INTERNAL CHANGES									



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**5 EVELINA ROAD TOORAK
OBJECTOR MAP**

Date printed: 11/08/2020
Scale: 1:882

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TP-501	SHADOW DIAGRAMS 9AM
TP-502	SHADOWS DIAGRAMS 12PM
TP-503	SHADOWS DIAGRAMS 3PM



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AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %)	303.21M2 AND 46.26%
EXISTING PERMEABILITY (H2 AND %)	288.21M2 AND 43.26%
EXISTING GARDEN AREA	360.00M2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	342.00M2

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %)	303.21M2 AND 46.26%
PROPOSED PERMEABILITY (H2 AND %)	288.21M2 AND 43.26%
PROPOSED GARDEN AREA (H2 AND %)	360.00M2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	342.00M2
PROPOSED GROUND FLOOR (H2)	303.21M2
PROPOSED FIRST FLOOR (H2)	303.21M2
PROPOSED GARAGE (H2)	30.00M2

MATERIALS LEGEND

- EXISTING ROOF TILE
- EXISTING BRICK
- PROPOSED RENDER
- EXISTING RENDER
- PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
- EXISTING WINDOW OR DOOR
- PROPOSED GARAGE DOOR (GREY)
- PROPOSED METAL DECK ROOF (GREY)
- EXISTING CORRUGATED METAL ROOF
- PROPOSED BLACK METAL
- PROPOSED BALLUSTRADE (CLEAR GLAZING)
- PROPOSED BALLUSTRADE (FROSTED GLAZING)
- TRUSSES MESH ON RET 1/2 WALL
- PROPOSED FRAME CLADDING
- PROPOSED OPEN STEEL FRAME STRUCTURE
- PROPOSED BLUESTONE CLADDING

GENERAL LEGEND

- EXISTING WALL / FLOOR / ROOF
- NEW WALL
- DEMOLITION
- TITLE BOUNDARY
- OUTLINE OF EXISTING HOUSE
- EXISTING SKYLIGHT
- PROPOSED NEW SKYLIGHT
- ROOM TAG - REFER DRAWING REFERENCES FOR FURTHER DETAILS OF THE ROOM
- SECTION TAG - REFER DRAWING REFERENCES FOR FURTHER DETAILS
- RELATIVE LEVEL - TO AUSTRALIAN HEIGHT DATUM IN METERS
- SELECTED FINISH - REFER INDIVIDUAL CODES
- DOWNPIPE
- CROSS OVER
- PRIVATE OPEN SPACE

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TOWN PLANNING	
DRAWING NUMBER TP-001	SCALE NTS
REVISION C	

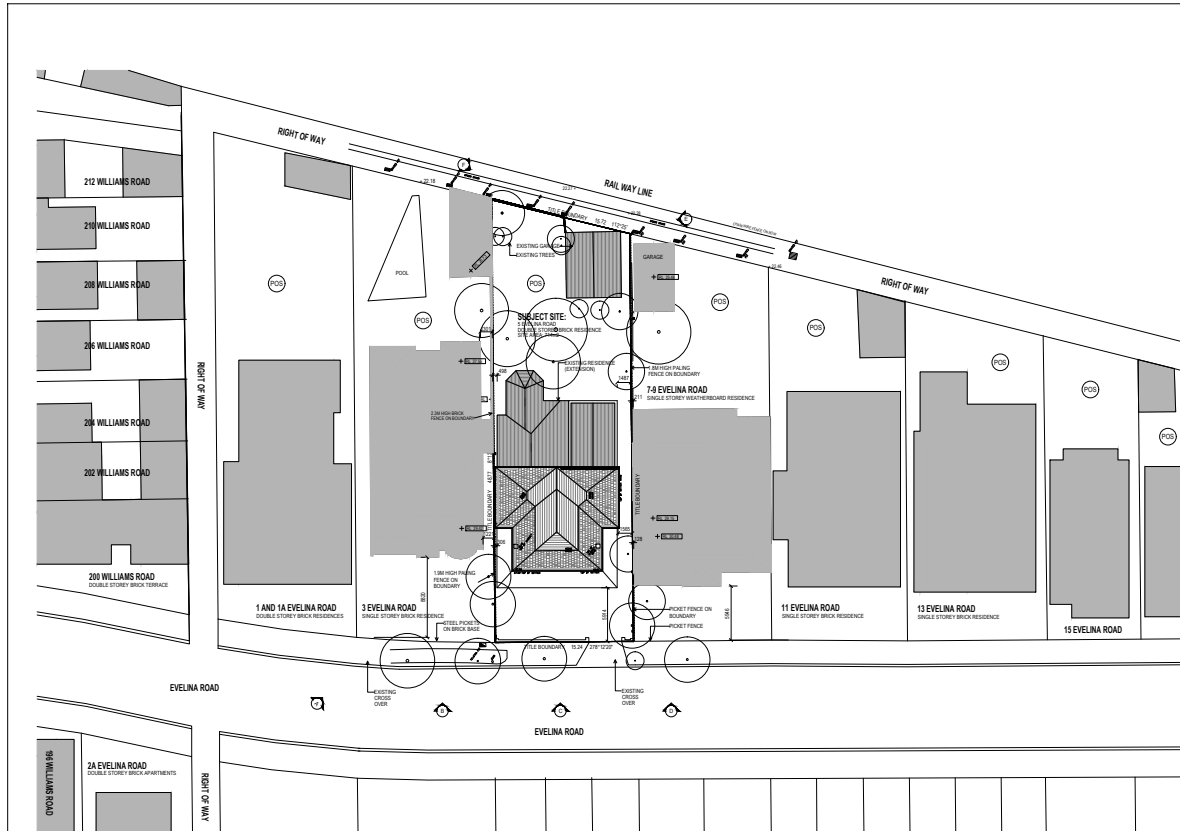
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A	EG	20/02/2017	REISSUED FOR TOWN PLANNING				
B	JS	26/02/2020	RE-ISSUED FOR TOWN PLANNING				

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CLIENT ANDREA BALL & JOHN DOWD	PROJECT ADDRESS 9 EVELINA RD, TOORAK
BUILDER JM	

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E. 5 EVELINA ROAD, FROM R.O.W



F. 5 EVELINA ROAD, FROM R.O.W



A. 3 EVELINA ROAD



B. 3 EVELINA ROAD



C. 5 EVELINA ROAD



D. 7-9 EVELINA ROAD

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TP-302	ELEVATIONS PROPOSED
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EXISTING SITE COVERAGE (H2 AND %)	303.21H2 AND 46.26%
EXISTING PERMEABILITY (H2 AND %)	288.21H2 AND 43.26%
EXISTING GARDEN AREA	360.02M2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	342.02M2
AREA SCHEDULE PROPOSED	
PROPOSED SITE COVERAGE (H2 AND %)	303.21H2 AND 46.26%
PROPOSED PERMEABILITY (H2 AND %)	288.21H2 AND 43.26%
PROPOSED GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	342.02M2
PROPOSED GROUND FLOOR (H2)	360.02M2
PROPOSED FIRST FLOOR (H2)	360.02M2
PROPOSED GARAGE (H2)	30.00M2
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(EXISTING RENDER)	EXISTING RENDER
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(EXISTING WINDOW OR DOOR)	EXISTING WINDOW OR DOOR
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(PROPOSED METAL DECK ROOF (GREY))	PROPOSED METAL DECK ROOF (GREY)
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(PROPOSED BLACK METAL)	PROPOSED BLACK METAL
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(PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING))	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
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(PROPOSED OPEN STEEL FRONTAL STRUCTURE)	PROPOSED OPEN STEEL FRONTAL STRUCTURE
(PROPOSED BLUESTONE CLADDING)	PROPOSED BLUESTONE CLADDING
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(PRIVATE OPEN SPACE)	PRIVATE OPEN SPACE
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REVISION	NORTH
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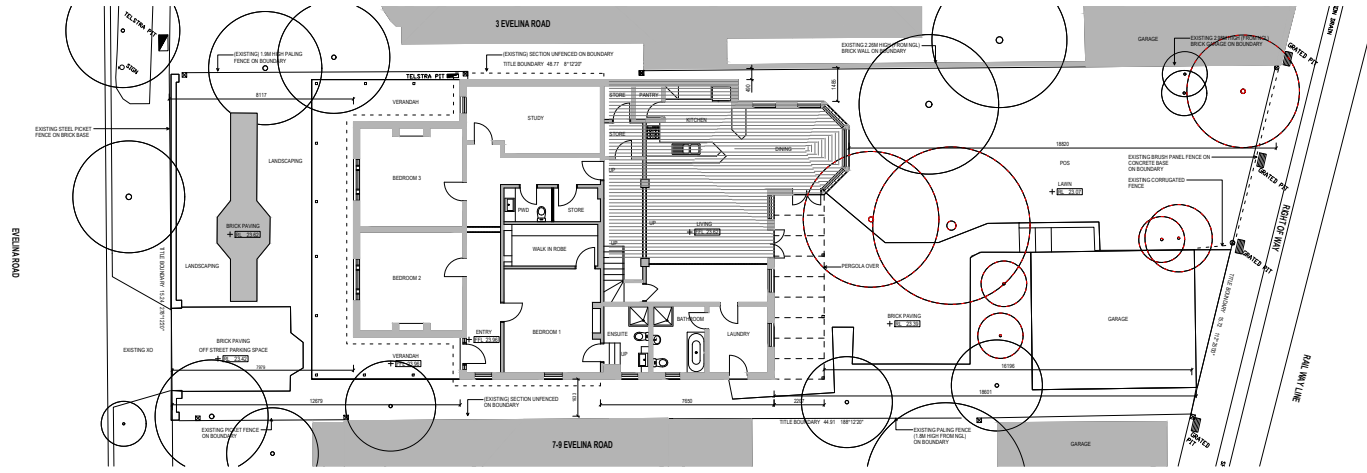
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B	JS					

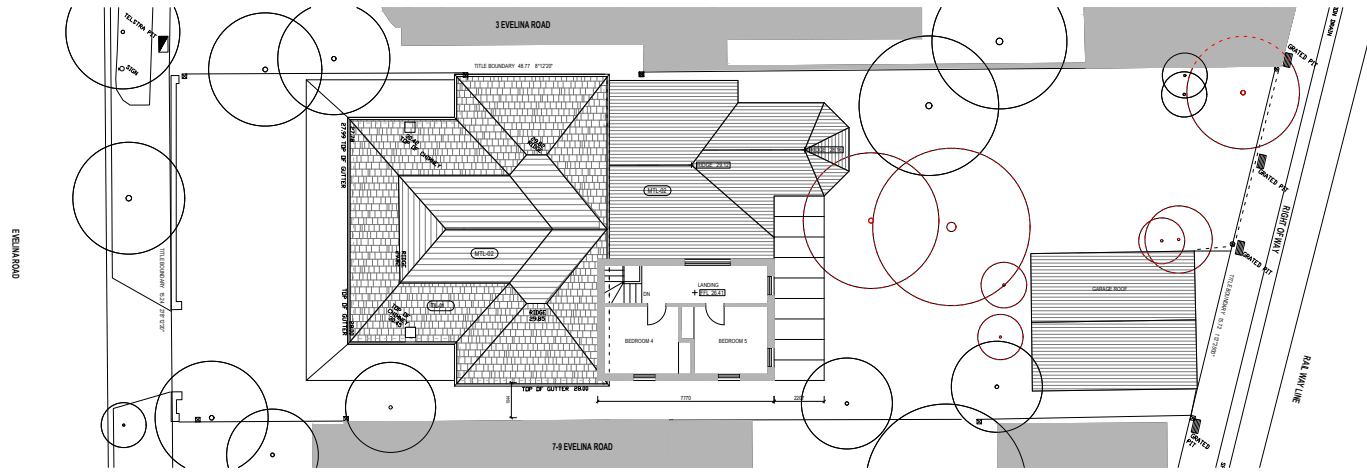
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01 GROUND FLOOR PLAN
EXISTING CONDITIONS



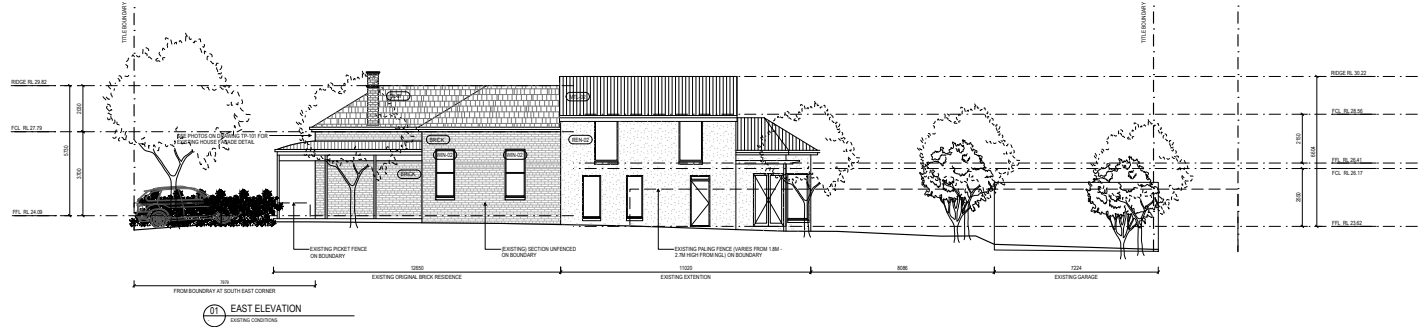
02 FIRST FLOOR PLAN
EXISTING CONDITIONS

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TP-203	PLANS PROPOSED
TP-301	ELEVATIONS PROPOSED
TP-302	ELEVATIONS PROPOSED
TP-401	MATERIALS
AREA SCHEDULE EXISTING	
EXISTING SITE COVERAGE (H2 AND %)	303.54M2 AND 46.26%
EXISTING PERMEABILITY (H2 AND %)	208.21M2 AND 68.32%
EXISTING GARDEN AREA	360.59M2 AND 47.82%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	342.86M2
AREA SCHEDULE PROPOSED	
PROPOSED SITE COVERAGE (H2 AND %)	303.54M2 AND 46.26%
PROPOSED PERMEABILITY (H2 AND %)	208.21M2 AND 68.32%
PROPOSED GARDEN AREA (H2 AND %)	360.59M2 AND 47.82%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	342.86M2
PROPOSED GROUND FLOOR (H2)	303.54M2
PROPOSED FIRST FLOOR (H2)	303.54M2
PROPOSED GARAGE (H2)	303.54M2
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(Symbol)	PROPOSED RENDER
(Symbol)	EXISTING RENDER
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(Symbol)	EXISTING WINDOW OR DOOR
(Symbol)	PROPOSED GARAGE DOOR (GREY)
(Symbol)	PROPOSED METAL DECK ROOF (GREY)
(Symbol)	EXISTING CORRUGATED METAL ROOF
(Symbol)	PROPOSED BLACK METAL
(Symbol)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
(Symbol)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
(Symbol)	FREELINE MESH ON FENEST WALL
(Symbol)	PROPOSED FRAMING GLAZING
(Symbol)	PROPOSED OPEN STEEL PERGOLA STRUCTURE
(Symbol)	PROPOSED BLUESTONE CLADDING
GENERAL LEGEND	
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(Symbol)	NEW WALL
(Symbol)	DEMOLITION
(Symbol)	TITLE BOUNDARY
(Symbol)	OUTLINE OF EXISTING HOUSE
(Symbol)	EXISTING SKYLIGHT
(Symbol)	PROPOSED NEW SKYLIGHT
(Symbol)	ROOM TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOM
(Symbol)	SECTION TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS
(Symbol)	RELATIVE LEVEL - TO AUSTRALIAN HEIGHT DATUM IN METRES
(Symbol)	SELECTED FINISH - REFER INDIVIDUAL CODES
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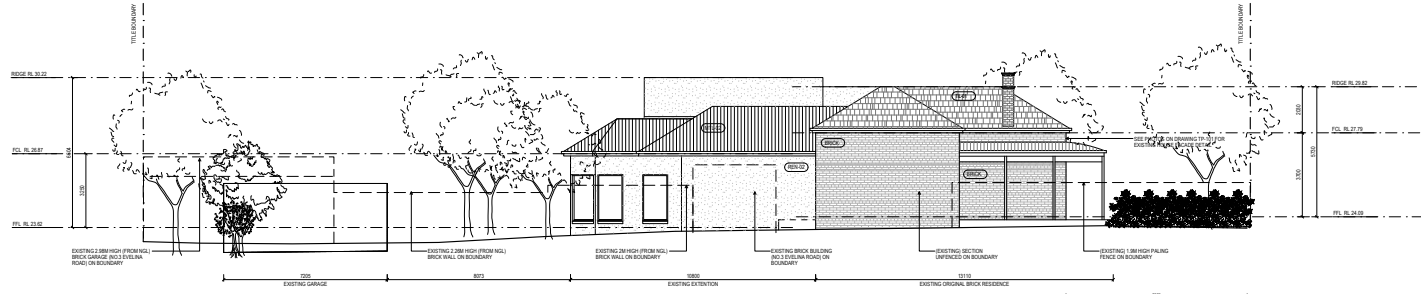
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BUILDER		20/02/2017	REISSUED FOR TOWN PLANNING	A	EG					
		26/02/2020	RE-ISSUED FOR TOWN PLANNING	B	JS					

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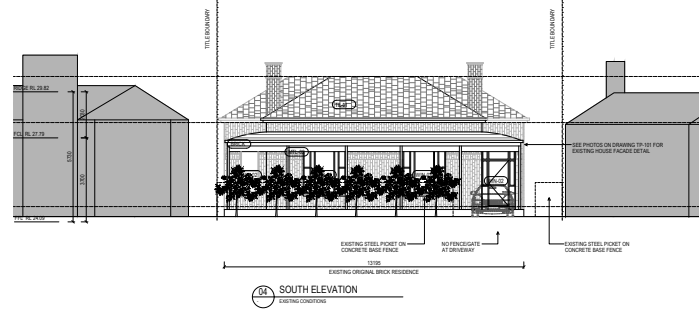
01 EAST ELEVATION
EXISTING CONDITIONS



02 WEST ELEVATION
EXISTING CONDITIONS



03 NORTH ELEVATION
EXISTING CONDITIONS



04 SOUTH ELEVATION
EXISTING CONDITIONS

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AREA SCHEDULE EXISTING
 EXISTING SITE COVERAGE (H2 AND %): 303.04M2 AND 45.26%
 EXISTING PERMEABILITY (H2 AND %): 208.21M2 AND 63.26%
 EXISTING GARDEN AREA: 360.02M2 AND 47.62%
 EXISTING CAR SPACES: 3 SPACES
 EXISTING POS AREA (H2): 342.04M2

AREA SCHEDULE PROPOSED
 PROPOSED SITE COVERAGE (H2 AND %): 303.04M2 AND 45.26%
 PROPOSED PERMEABILITY (H2 AND %): 208.21M2 AND 63.26%
 PROPOSED GARDEN AREA (H2 AND %): 360.02M2 AND 47.62%
 PROPOSED CAR SPACES: 3 SPACES
 PROPOSED POS AREA (H2): 342.04M2
 PROPOSED GROUND FLOOR (H2): 303.04M2
 PROPOSED FIRST FLOOR (H2): 303.04M2
 PROPOSED GARAGE (H2): 303.04M2

- MATERIALS LEGEND**
- EXISTING ROOF TILE
 - EXISTING BRICK
 - PROPOSED RENDER
 - EXISTING RENDER
 - PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
 - EXISTING WINDOW OR DOOR
 - PROPOSED GARAGE DOOR (GREY)
 - EXISTING WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
 - PROPOSED METAL DECK ROOF (GREY)
 - EXISTING CORRUGATED METAL ROOF
 - PROPOSED BLACK METAL
 - PROPOSED BALUSTRADE (CLEAR GLAZING)
 - PROPOSED BALUSTRADE (POUL) (CLEAR GLAZING)
 - FRETLESS MESH ON FENESTRATION WALL
 - PROPOSED FRAME GLAZING
 - PROPOSED OPEN STEEL FRINGE GLAZING STRUCTURE
 - PROPOSED BLUESTONE CLADDING

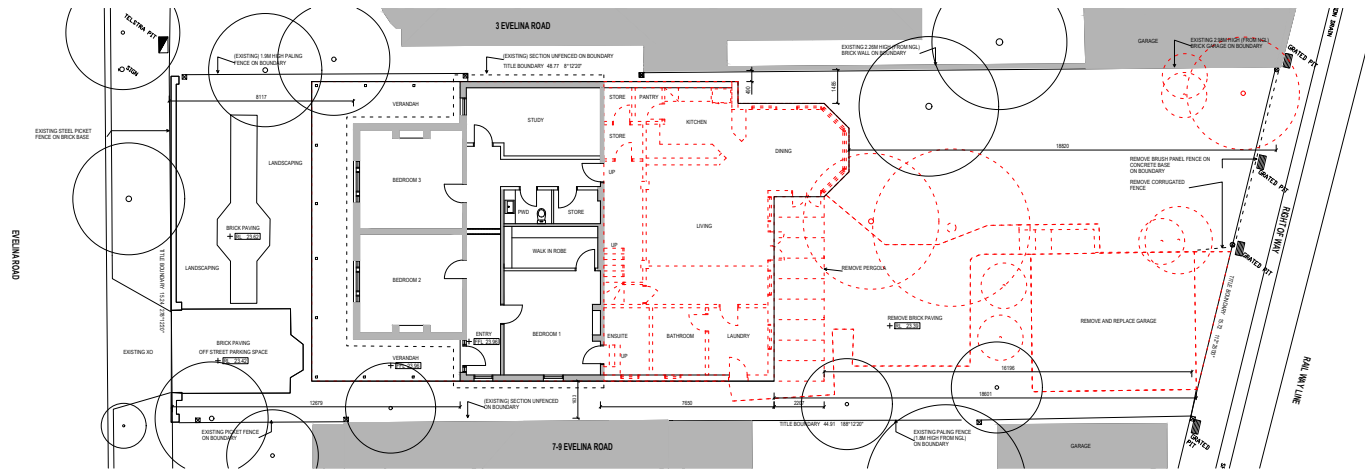
- GENERAL LEGEND**
- EXISTING WALL / FLOOR / ROOF
 - NEW WALL
 - DEMOLITION
 - BOUNDARY
 - TITLE BOUNDARY
 - OUTLINE OF EXISTING HOUSE
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 - CROSS OVER
 - PRIVATE OPEN SPACE

NOT FOR CONSTRUCTION

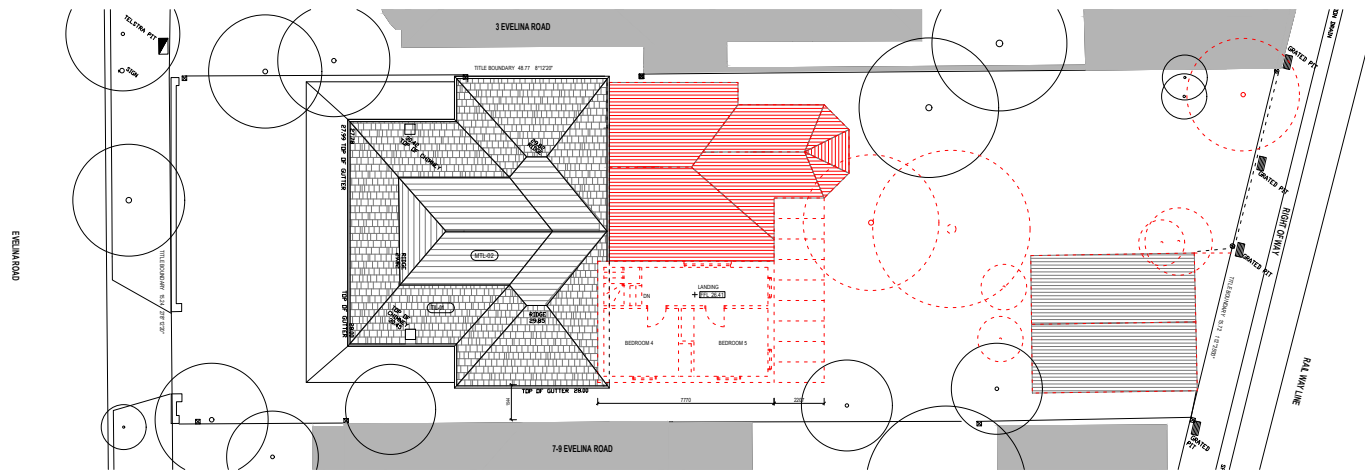
TOWN PLANNING	
DRAWING NUMBER TP-103	SCALE 1:100 @ A1
REVISION C	NORTH

<p>M MERRYLEES ARCHITECTURE MERRYLEESARCHITECTURE.COM PO BOX 60, ELSTERNWICK VIC 3185 JANE@MERRYLEESARCHITECTURE.COM T +61 (0) 405 720 330</p>	CLIENT ANDREA BALL & JOHN DOWD	PROJECT ADDRESS 9 EVELINA RD, TOORAK	DATE 30/11/2016	DESCRIPTION ISSUED FOR TOWN PLANNING	REV -	DRAWN EG	DATE 27/04/2020	DESCRIPTION RE-ISSUED FOR TOWN PLANNING RP1	REV C	DRAWN JS	DRAWING TITLE ELEVATIONS EXISTING	
	BUILDER	DATE 20/02/2017	DESCRIPTION RE-ISSUED FOR TOWN PLANNING	REV A	DRAWN EG							
		DATE 26/02/2020	DESCRIPTION RE-ISSUED FOR TOWN PLANNING	REV B	DRAWN JS							

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01 GROUND FLOOR PLAN
DEMOLITION



02 FIRST FLOOR PLAN
DEMOLITION

GENERAL LEGEND	
01	COPYRIGHT OF THIS DRAWING IS VESTED IN THE ARCHITECTS.
02	DIMENSIONS ARE IN MILLIMETRES AND LEVELS ARE IN METRES RELATIVE TO AHD.
03	DO NOT SCALE OFF DRAWINGS.
04	USE FIGURED DIMENSIONS ONLY.
AREA SCHEDULE EXISTING	
EXISTING SITE COVERAGE (H2 AND %)	303.04M2 AND 46.36%
EXISTING PERMEABILITY (H2 AND %)	288.71M2 AND 43.36%
EXISTING GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	242.86M2
AREA SCHEDULE PROPOSED	
PROPOSED SITE COVERAGE (H2 AND %)	303.04M2 AND 46.36%
PROPOSED PERMEABILITY (H2 AND %)	288.71M2 AND 43.36%
PROPOSED GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	242.86M2
PROPOSED GROUND FLOOR (H2)	242.86M2
PROPOSED FIRST FLOOR (H2)	242.86M2
PROPOSED GARAGE (H2)	242.86M2
MATERIALS LEGEND	
EXISTING ROOF TILE	EXISTING ROOF TILE
EXISTING BRICK	EXISTING BRICK
PROPOSED RENDER	PROPOSED RENDER
EXISTING RENDER	EXISTING RENDER
PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)	PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
EXISTING WINDOW OR DOOR	EXISTING WINDOW OR DOOR
PROPOSED GARAGE DOOR (GREY)	PROPOSED GARAGE DOOR (GREY)
PROPOSED METAL DECK ROOF (GREY)	PROPOSED METAL DECK ROOF (GREY)
EXISTING CORRUGATED METAL ROOF	EXISTING CORRUGATED METAL ROOF
PROPOSED BLACK METAL	PROPOSED BLACK METAL
PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
PROPOSED FENCE (WOOD)	PROPOSED FENCE (WOOD)
PROPOSED TRELLIS MESH (ON PERS) WALL	PROPOSED TRELLIS MESH (ON PERS) WALL
PROPOSED FRAMING GLAZING	PROPOSED FRAMING GLAZING
PROPOSED OPEN STEEL PERGOLA STRUCTURE	PROPOSED OPEN STEEL PERGOLA STRUCTURE
PROPOSED BLUESTONE CLADDING	PROPOSED BLUESTONE CLADDING
GENERAL LEGEND	
EXISTING WALL / FLOOR / ROOF	EXISTING WALL / FLOOR / ROOF
NEW WALL	NEW WALL
DEMOLITION	DEMOLITION
TITLE BOUNDARY	TITLE BOUNDARY
OUTLINE OF EXISTING HOUSE	OUTLINE OF EXISTING HOUSE
EXISTING SKYLIGHT	EXISTING SKYLIGHT
PROPOSED NEW SKYLIGHT	PROPOSED NEW SKYLIGHT
ROOM TAG	ROOM TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOM
SECTION TAG	SECTION TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS
RELATIVE LEVEL	RELATIVE LEVEL - AUSTRALIAN HEIGHT DATUM IN METERS
SELECTED FINISH - REFER INDIVIDUAL CODES	SELECTED FINISH - REFER INDIVIDUAL CODES
SP	DOWNPIPE
AO	CROSS OVER
PO	PRIVATE OPEN SPACE
NOT FOR CONSTRUCTION	
TOWN PLANNING	
DRAWING NUMBER	SCALE
TP 104	1:100 @ A1
REVISION	NORTH
C	



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CLIENT
ANDREA BALL & JOHN DOWD
 BUILDER
JM

PROJECT ADDRESS
9 EVELINA RD, TOORAK

DATE	DESCRIPTION
30/11/2016	ISSUED FOR TOWN PLANNING
20/02/2017	REISSUED FOR TOWN PLANNING
26/02/2020	RE-ISSUED FOR TOWN PLANNING

REV	DRAWN	DATE	DESCRIPTION
-	EG	27/04/2020	RE-ISSUED FOR TOWN PLANNING RFI
A	EG		
B	JS		

REV	DRAWN	DRAWING TITLE
C	JS	PLANS
		DEMOLITION

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GENERAL LEGEND
 01 CORNER OF THIS DRAWING IS VIEWED IN THE ARCHITECT'S
 02 DIMENSIONS ARE IN MILLIMETRES AND LEVELS ARE IN METRES RELATIVE TO AHD
 03 DO NOT SCALE OFF DRAWINGS
 04 USE FIGURED DIMENSIONS ONLY

AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %)	30.0% AND 46.36%
EXISTING PERMEABILITY (H2 AND %)	28.7% AND 43.26%
EXISTING GARDEN AREA	360.0M ² AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	142.0M ²

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %)	30.0% AND 46.36%
PROPOSED PERMEABILITY (H2 AND %)	28.7% AND 43.26%
PROPOSED GARDEN AREA (H2 AND %)	360.0M ² AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	142.0M ²
PROPOSED GROUND FLOOR (H2)	300.0M ²
PROPOSED 1ST FLOOR (H2)	300.0M ²
PROPOSED GARAGE (H2)	10.0M ²

MATERIALS LEGEND

(Symbol)	EXISTING ROOF TILE
(Symbol)	EXISTING BRICK
(Symbol)	PROPOSED RENDER
(Symbol)	EXISTING RENDER
(Symbol)	PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
(Symbol)	EXISTING WINDOW OR DOOR
(Symbol)	PROPOSED GARAGE DOOR (GREY)
(Symbol)	PROPOSED METAL DECK ROOF (GREY)
(Symbol)	EXISTING CORRUGATED METAL ROOF
(Symbol)	PROPOSED BLACK METAL
(Symbol)	PROPOSED BALUSTRADE (CLEAR GLAZING)
(Symbol)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
(Symbol)	TRELLIS MESH ON 150x150 WALL
(Symbol)	PROPOSED FRAME GLAZING
(Symbol)	PROPOSED OPEN STEEL FRINGEA STRUCTURE
(Symbol)	PROPOSED BLUESTONE CLADDING

GENERAL LEGEND

(Symbol)	EXISTING WALL / FLOOR / ROOF
(Symbol)	NEW WALL
(Symbol)	DEMOLITION
(Symbol)	TITLE BOUNDARY
(Symbol)	OUTLINE OF EXISTING HOUSE
(Symbol)	EXISTING SKYLIGHT
(Symbol)	PROPOSED NEW SKYLIGHT
(Symbol)	ROOF TAG: REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOF
(Symbol)	SECTION TAG: REFER DRAWING REFERENCED FOR FURTHER DETAILS
(Symbol)	RELATIVE LEVEL: LEVEL RELATIVE TO AUSTRALIAN HEIGHT DATUM IN METERS
(Symbol)	SELECTED FINISH: REFER INDIVIDUAL CODES
(Symbol)	DOWNPIPE
(Symbol)	CROSS OVER
(Symbol)	PRIVATE OPEN SPACE

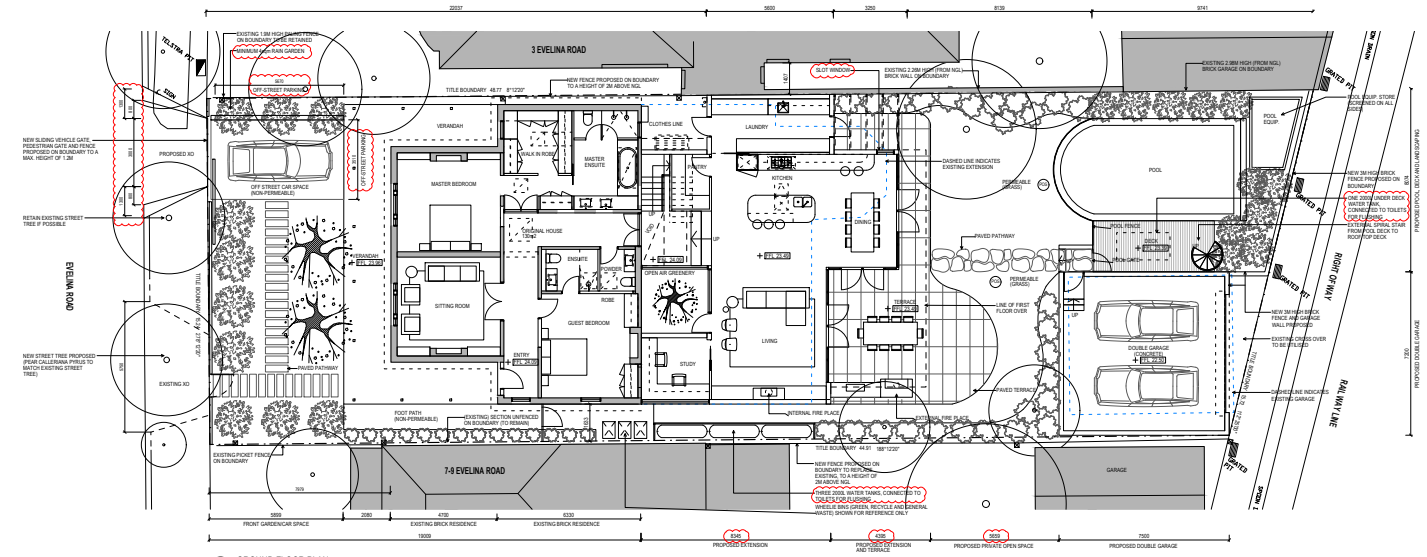
NOT FOR CONSTRUCTION

TOWN PLANNING

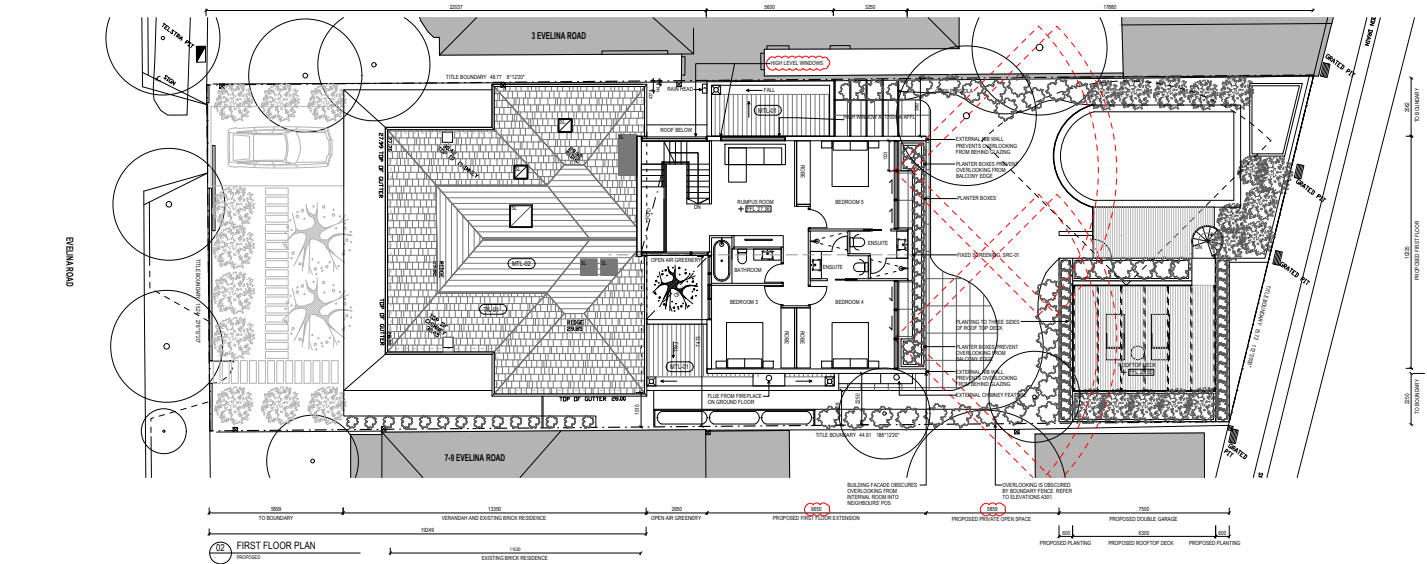
DRAWING NUMBER	TP-105	SCALE	1:100 @ A1
REVISION	C		

<p>M MERRYLEES ARCHITECTURE</p> <p>MERRYLEESARCHITECTURE.COM PO BOX 60, ELSTERNWICK VIC 3185 JANE@MERRYLEESARCHITECTURE.COM T +61 (0) 405 720 330</p>	<p>CLIENT ANDREA BALL & JOHN DOWD</p> <p>BUILDER JM</p>	<p>PROJECT ADDRESS 9 VELINA RD, TOORAK</p>	DATE	30/11/2016	DESCRIPTION	ISSUED FOR TOWN PLANNING	REV	-	DRAWN	EG	DATE	27/04/2020	DESCRIPTION	RE-ISSUED FOR TOWN PLANNING RFI	REV	C	DRAWN	JS
			DATE	20/02/2017	DESCRIPTION	RE-ISSUED FOR TOWN PLANNING	REV	A	DRAWN	EG								
			DATE	26/02/2020	DESCRIPTION	RE-ISSUED FOR TOWN PLANNING	REV	B	DRAWN	JS								
			<p>DRAWING TITLE ELEVATIONS DEMOLITION</p>															

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01 GROUND FLOOR PLAN



02 FIRST FLOOR PLAN

GENERAL LEGEND	
1	1.1 COPYRIGHT OF THIS DRAWING IS VESTED IN THE ARCHITECTS.
2	2.2 DIMENSIONS ARE IN MILLIMETRES AND LEVELS ARE IN METRES RELATIVE TO A.D.
3	3.3 DO NOT SCALE OFF DRAWINGS.
4	4.4 USE FIGURED DIMENSIONS ONLY.
AREA SCHEDULE EXISTING	
EXISTING SITE COVERAGE (H2 AND %)	303.02M ² AND 46.26%
EXISTING PERMEABILITY (H2 AND %)	288.21M ² AND 43.26%
EXISTING GARDEN AREA	360.02M ² AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (M ²)	342.86M ²
AREA SCHEDULE PROPOSED	
PROPOSED SITE COVERAGE (H2 AND %)	303.02M ² AND 46.26%
PROPOSED PERMEABILITY (H2 AND %)	288.21M ² AND 43.26%
PROPOSED GARDEN AREA (H2 AND %)	360.02M ² AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (M ²)	342.86M ²
PROPOSED GROUND FLOOR (H2)	270.02M ²
PROPOSED FIRST FLOOR (H2)	270.02M ²
PROPOSED GARAGE (H2)	10.00M ²
MATERIALS LEGEND	
(E1)	EXISTING ROOF TILE
(E2)	EXISTING BRICK
(E3)	PROPOSED RENDER
(E4)	EXISTING RENDER
(E5)	PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
(E6)	EXISTING WINDOW OR DOOR
(E7)	PROPOSED GARAGE DOOR (GREY)
(E8)	PROPOSED METAL DOOR (GREY)
(E9)	EXISTING CORRUGATED METAL ROOF
(E10)	PROPOSED BLACK METAL
(E11)	PROPOSED BALUSTRADE (CLEAR GLAZING)
(E12)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
(E13)	TRILLS MESH ON FENEST WALL
(E14)	PROPOSED FRAMING GLAZING
(E15)	PROPOSED OPEN STEEL FRONTS STRUCTURE
(E16)	PROPOSED BLUESTONE CLADDING
GENERAL LEGEND	
(S1)	EXISTING WALL / FLOOR / ROOF
(S2)	NEW WALL
(S3)	DEMOLITION
(S4)	TITLE BOUNDARY
(S5)	OUTLINE OF EXISTING HOUSE
(S6)	EXISTING SKYLIGHT
(S7)	PROPOSED NEW SKYLIGHT
(S8)	ROOM TAG, REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOM
(S9)	SECTION TAG, REFER DRAWING REFERENCED FOR FURTHER DETAILS
(S10)	RELATIVE LEVEL, LEVEL RELATIVE TO AUSTRALIAN HEIGHT DATUM IN METRES
(S11)	SELECTED FINISH - REFER INDIVIDUAL CODES
(S12)	DOWNPIPE
(S13)	CROSS OVER
(S14)	PRIVATE OPEN SPACE

NOT FOR CONSTRUCTION

TOWN PLANNING	
DRAWING NUMBER	SCALE
TP-202	1:100 @ A1
REVISION	NORTH
C	

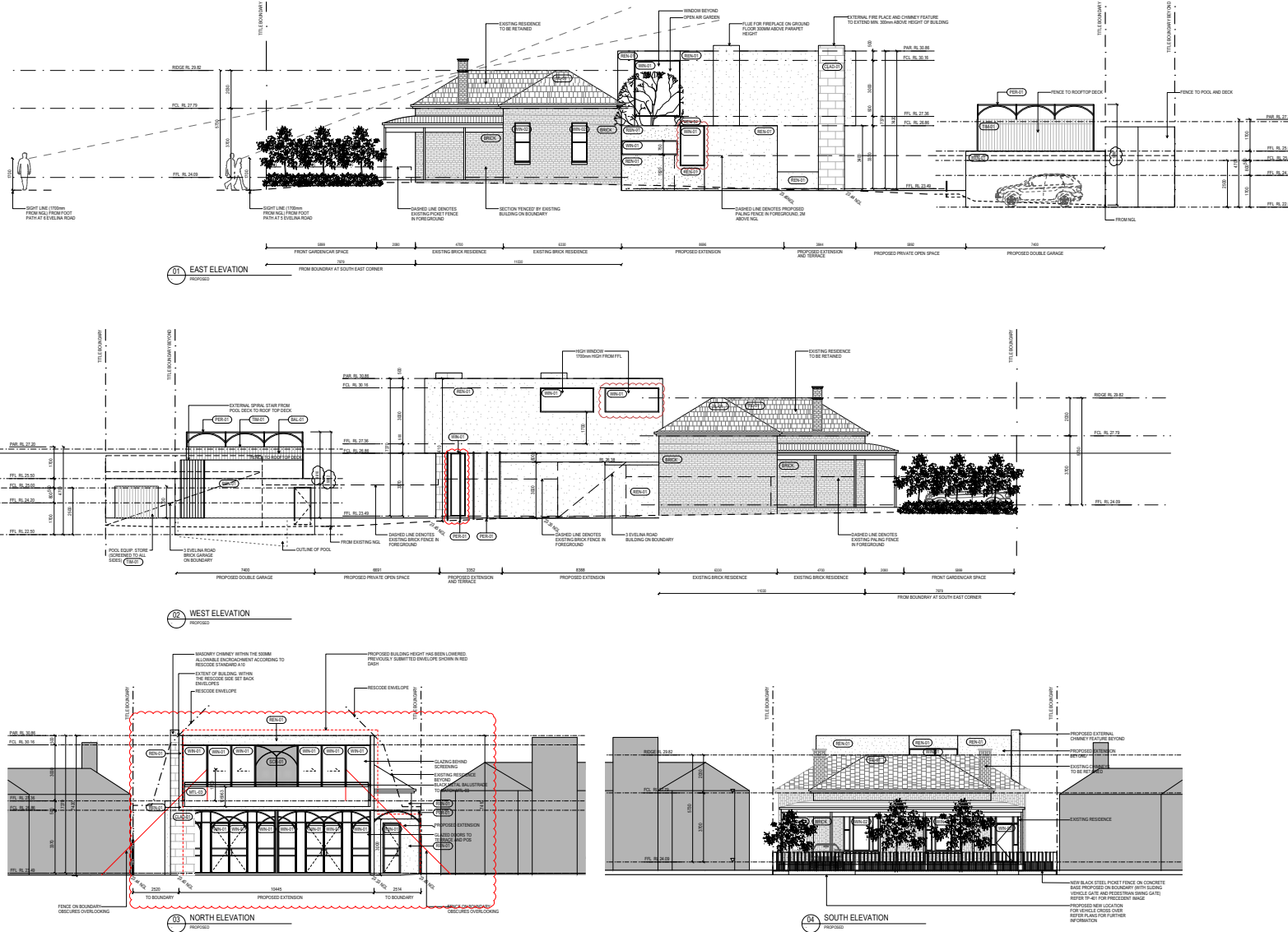
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CLIENT	PROJECT ADDRESS	DATE	DESCRIPTION	REV	DRAWN	DATE	DESCRIPTION	REV	DRAWN
ANDREA BALL & JOHN DOWD	9 EVELINA RD, TOORAK	30/11/2016	ISSUED FOR TOWN PLANNING	-	EG	27/04/2020	RE-ISSUED FOR TOWN PLANNING RP1	C	JS
BUILDER		20/02/2017	REISSUED FOR TOWN PLANNING	A	EG				
		26/02/2020	RE-ISSUED FOR TOWN PLANNING	B	JS				

REV	DRAWN	DATE	DESCRIPTION	REV	DRAWN	DATE	DESCRIPTION
-	EG	27/04/2020	RE-ISSUED FOR TOWN PLANNING RP1	C	JS		
A	EG						
B	JS						

DRAWING TITLE
PLANS
PROPOSED

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GENERAL LEGEND	
1:	COMPONENT OF THIS DRAWING IS ISSUED BY THE ARCHITECTS.
2:	DIMENSIONS ARE IN MILLIMETRES AND LEVELS ARE IN METRES RELATIVE TO AHD.
3:	DO NOT SCALE OFF DRAWINGS.
4:	USE FIGURED DIMENSIONS ONLY.

AREA SCHEDULE EXISTING	
EXISTING SITE COVERAGE (H2 AND %)	303.04M2 AND 46.36%
EXISTING PERMEABILITY (H2 AND %)	288.71M2 AND 43.26%
EXISTING GARDEN AREA	360.02M2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (M2)	342.86M2

AREA SCHEDULE PROPOSED	
PROPOSED SITE COVERAGE (H2 AND %)	303.04M2 AND 46.36%
PROPOSED PERMEABILITY (H2 AND %)	288.71M2 AND 43.26%
PROPOSED GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (M2)	342.86M2
PROPOSED GROUND FLOOR (H2)	360.02M2
PROPOSED 1ST FLOOR (H2)	360.02M2
PROPOSED GARAGE (H2)	360.02M2

MATERIALS LEGEND	
(TILE)	EXISTING ROOF TILE
(BRICK)	EXISTING BRICK
(RENDER)	PROPOSED RENDER
(RENDER)	EXISTING RENDER
(WINDOW)	PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
(DOOR)	EXISTING WINDOW OR DOOR
(DOOR)	PROPOSED GARAGE DOOR (GREY)
(DOOR)	PROPOSED METAL DECK ROOF (GREY)
(DOOR)	EXISTING CORRUGATED METAL ROOF
(METAL)	PROPOSED BLACK METAL
(METAL)	PROPOSED BALUSTRADE (CLEAR GLAZING)
(METAL)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
(METAL)	TRELLIS MESH ON FENESTRATION WALL
(METAL)	PROPOSED FRAME GLAZING
(METAL)	PROPOSED OPEN STEEL FRINGEA STRUCTURE
(METAL)	PROPOSED BLUESTONE CLADDING

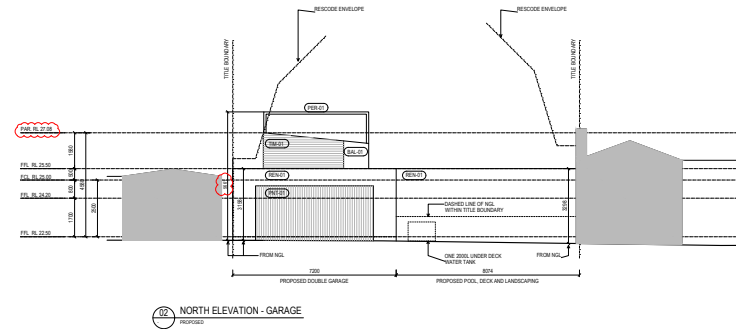
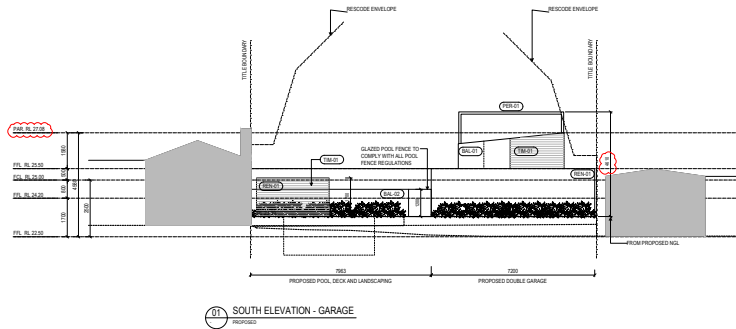
GENERAL LEGEND	
(FLOOR)	EXISTING WALL / FLOOR / ROOF
(WALL)	NEW WALL
(DASH)	DEMOLITION
(DASH)	TITLE BOUNDARY
(DASH)	OUTLINE OF EXISTING HOUSE
(CIRCLE)	EXISTING SKYLIGHT
(CIRCLE)	PROPOSED NEW SKYLIGHT
(CIRCLE)	ROOM TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOM
(CIRCLE)	SECTION TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS
(CIRCLE)	RELATIVE LEVEL - LEVEL RELATIVE TO AUSTRALIAN HEIGHT DATUM IN METERS
(CIRCLE)	SELECTED FINISH - REFER INDIVIDUAL CODES
(CIRCLE)	DOWNPIPE
(CIRCLE)	CROSS OVER
(CIRCLE)	PRIVATE OPEN SPACE

NOT FOR CONSTRUCTION

TOWN PLANNING	
DRAWING NUMBER	TP-301
SCALE	1:100 @ A1
REVISION	NORTH
C	

M	MERRYLEES ARCHITECTURE	MERRYLEESARCHITECTURE.COM PO BOX 60, ELSTERNWICK VIC 3185 JANE@MERRYLEESARCHITECTURE.COM T +61 (0) 45 720 330	CLIENT ANDREA BALL & JOHN DOWD BUILDER	PROJECT ADDRESS 9 VELINA RD, TOORAK	DATE 30/11/2016 20/02/2017 26/02/2020	DESCRIPTION ISSUED FOR TOWN PLANNING REISSUED FOR TOWN PLANNING RE-ISSUED FOR TOWN PLANNING	REV - A B	DRAWN EG EG JS	DATE 27/04/2020	DESCRIPTION RE-ISSUED FOR TOWN PLANNING RF1	REV C	DRAWN JS	DRAWING TITLE ELEVATIONS PROPOSED

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GENERAL LEGEND
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 02. DIMENSIONS ARE IN MILLIMETRES AND LEVELS ARE IN METRES RELATIVE TO AHD.
 03. DO NOT SCALE OFF DRAWINGS.
 04. USE FIGURED DIMENSIONS ONLY.

AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %)	303.04m2 AND 46.36%
EXISTING PERMEABILITY (H2 AND %)	288.21m2 AND 43.36%
EXISTING GARDEN AREA	360.02m2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	242.86m2

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %)	303.04m2 AND 46.36%
PROPOSED PERMEABILITY (H2 AND %)	288.21m2 AND 43.36%
PROPOSED GARDEN AREA (H2 AND %)	360.02m2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	303.04m2
PROPOSED GROUND FLOOR (H2)	303.04m2
PROPOSED FIRST FLOOR (H2)	303.04m2
PROPOSED GARAGE (H2)	303.04m2

MATERIALS LEGEND

EXISTING ROOF TILE	EXISTING BRICK
PROPOSED RENDER	EXISTING RENDER
PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)	EXISTING WINDOW OR DOOR
PROPOSED GARAGE DOOR (GREY)	PROPOSED METAL DECK ROOF (GREY)
EXISTING METAL DECK ROOF (GREY)	EXISTING CORRUGATED METAL ROOF
PROPOSED BLACK METAL	PROPOSED BALLUSTRADE (CLEAR GLAZING)
PROPOSED BALLUSTRADE (POOL) (CLEAR GLAZING)	TRILLIS MESH (ON 150x150) WALL
PROPOSED FRAMING CLADDING	PROPOSED OPEN STEEL FRINGULA STRUCTURE
PROPOSED BLUESTONE CLADDING	

GENERAL LEGEND

EXISTING WALL / FLOOR / ROOF	NEW WALL
DEMOLITION	TITLE BOUNDARY
OUTLINE OF EXISTING HOUSE	EXISTING SKYLIGHT
PROPOSED NEW SKYLIGHT	ROOM TAG
ROOM TAG	SECTION TAG
SECTION TAG	RELATIVE LEVEL
RELATIVE LEVEL	SELECTED FINISH - REFER INDIVIDUAL CODES
SELECTED FINISH - REFER INDIVIDUAL CODES	DOWNPIPE
DOWNPIPE	CROSS OVER
CROSS OVER	PRIVATE OPEN SPACE
PRIVATE OPEN SPACE	

NOT FOR CONSTRUCTION

TOWN PLANNING

DRAWING NUMBER	SCALE
TP-302	1:100 @ A1
REVISION	NORTH
C	



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CLIENT
ANDREA BALL & JOHN DOWD
 BUILDER

PROJECT ADDRESS
9 VELINA RD, TOORAK
 DRAWN
JM
 DATE
26/02/2020

DATE	DESCRIPTION	REV	DRAWN	DATE	DESCRIPTION
30/11/2016	ISSUED FOR TOWN PLANNING	-	EG	27/04/2020	RE-ISSUED FOR TOWN PLANNING RP1
20/02/2017	REISSUED FOR TOWN PLANNING	A	EG		
26/02/2020	RE-ISSUED FOR TOWN PLANNING	B	JS		

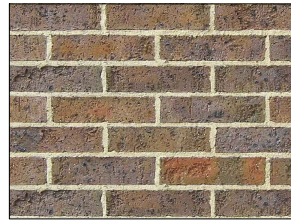
REV	DRAWN	DATE	DESCRIPTION	REV	DRAWN
-	EG	27/04/2020	RE-ISSUED FOR TOWN PLANNING RP1	C	JS
A	EG				
B	JS				

DRAWING TITLE
ELEVATIONS
PROPOSED

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TIL-01



BRICK



REN-01



WIN-01



MTL-01



MTL-02



BAL-02



SCR-01



TIM-01 TIMBER BATTENS BACKED BY SOLID PANELS



LANDSCAPING - BLUESTONE PAVING



LANDSCAPING



CLAD-01



PER-01 OPEN STEEL PERGOLA



EXAMPLE OF PROPOSED 5 EVELINA ROAD BOUNDARY FENCE. BLACK STEEL PICKETS ON RENDERED CONCRETE BASE. MAX. HEIGHT OF 1.2m, SLIDING VEHICLE GATE AND SWING PEDESTRIAN GATE.

GENERAL LEGEND
 01. COPYRIGHT OF THIS DRAWING IS VESTED IN THE ARCHITECTS.
 02. DIMENSIONS ARE IN MILLIMETRES AND LEVELS ARE IN METRES RELATIVE TO AHD.
 03. DO NOT SCALE OFF DRAWINGS.
 04. USE FIGURED DIMENSIONS ONLY.

AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %)	303.02M2 AND 46.26%
EXISTING PERMEABILITY (H2 AND %)	288.71M2 AND 43.26%
EXISTING GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	142.86M2

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %)	303.02M2 AND 46.26%
PROPOSED PERMEABILITY (H2 AND %)	288.71M2 AND 43.26%
PROPOSED GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	142.86M2
PROPOSED GROUND FLOOR (H2)	311.38M2
PROPOSED FIRST FLOOR (H2)	311.38M2
PROPOSED GARAGE (H2)	142.86M2

MATERIALS LEGEND

CL-01	EXISTING ROOF TILE
CL-02	EXISTING BRICK
REN-01	PROPOSED RENDER
REN-02	EXISTING RENDER
WIN-01	PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
WIN-02	EXISTING WINDOW OR DOOR
SCR-01	PROPOSED GARAGE DOOR (GREY)
MTL-01	PROPOSED METAL DECK ROOF (GREY)
MTL-02	EXISTING CORRUGATED METAL ROOF
MTL-03	PROPOSED BLACK METAL
MTL-04	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
MTL-05	PROPOSED BALUSTRADE (PERGOLA) (CLEAR GLAZING)
MTL-06	TRUSS MESH (ON PERGOLA) WALL
MTL-07	PROPOSED TIMBER CLADDING
MTL-08	PROPOSED OPEN STEEL PERGOLA STRUCTURE
MTL-09	PROPOSED BLUESTONE CLADDING

GENERAL LEGEND

---	EXISTING WALL / FLOOR / ROOF
---	NEW WALL
---	DEMOLITION
---	TITLE BOUNDARY
---	OUTLINE OF EXISTING HOUSE
⊙	EXISTING SKYLIGHT
⊙	PROPOSED NEW SKYLIGHT
⊙	ROOM TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOM
⊙	SECTION TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS
⊙	RELATIVE LEVEL - REFER TO AUSTRALIAN HEIGHT DATUM IN METERS
⊙	SELECTED FINISH - REFER INDIVIDUAL CODES
⊙	DOWNPIPE
⊙	CROSS OVER
⊙	PRIVATE OPEN SPACE

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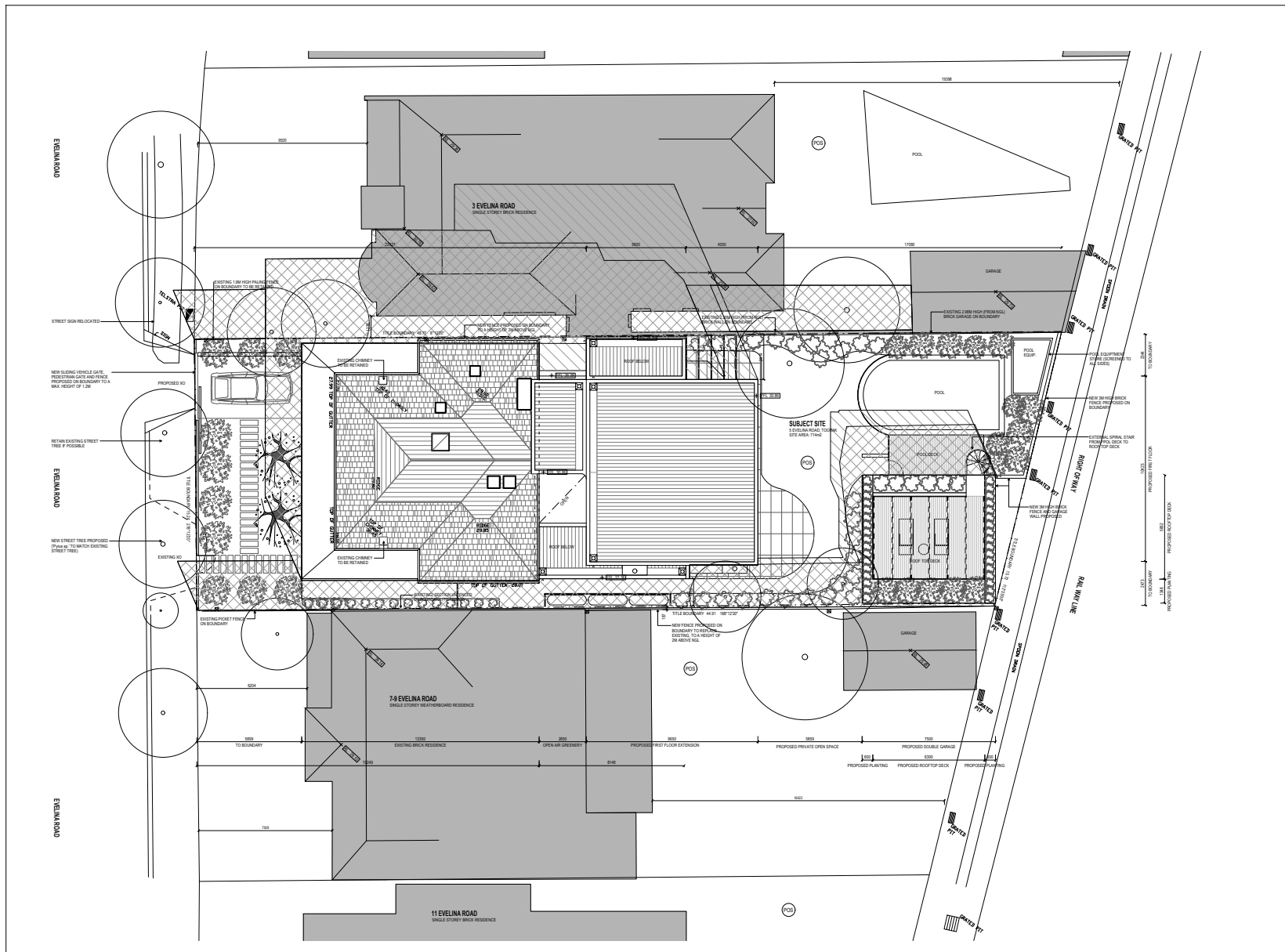
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BUILDER		20/02/2017	REISSUED FOR TOWN PLANNING	A	EG				
		26/02/2020	RE-ISSUED FOR TOWN PLANNING	B	JS				

DRAWING TITLE EXTERNAL MATERIALS
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SHADOW LEGEND

EXISTING SHADOWS
 PROPOSED SHADOWS
 OVERLAP

AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %): 303.04M2 AND 45.26%
 EXISTING PERMEABILITY (H2 AND %): 208.21M2 AND 63.26%
 EXISTING GARDEN AREA: 340.02M2 AND 47.62%
 EXISTING CAR SPACES: 3 SPACES
 EXISTING POS AREA (H2): 242.86M2

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %): 303.04M2 AND 45.26%
 PROPOSED PERMEABILITY (H2 AND %): 208.21M2 AND 63.26%
 PROPOSED GARDEN AREA (H2 AND %): 340.02M2 AND 47.62%
 PROPOSED CAR SPACES: 3 SPACES
 PROPOSED POS AREA (H2): 242.86M2
 PROPOSED GROUND FLOOR (H2): 303.04M2
 PROPOSED FIRST FLOOR (H2): 303.04M2
 PROPOSED GARAGE (H2): 303.04M2

MATERIALS LEGEND

EXISTING ROOF TILE
 EXISTING BRICK
 PROPOSED RENDER
 EXISTING RENDER
 PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
 EXISTING WINDOW OR DOOR
 PROPOSED GARAGE DOOR (GREY)
 PROPOSED METAL DECK ROOF (GREY)
 EXISTING CORRUGATED METAL ROOF
 PROPOSED BLACK METAL
 PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
 PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
 TRELLIS MESH (ON PERS. 1) WALL
 PROPOSED FRAMING GLAZING
 PROPOSED OPEN STEEL FRAGOLA STRUCTURE
 PROPOSED BLUESTONE CLADDING

GENERAL LEGEND

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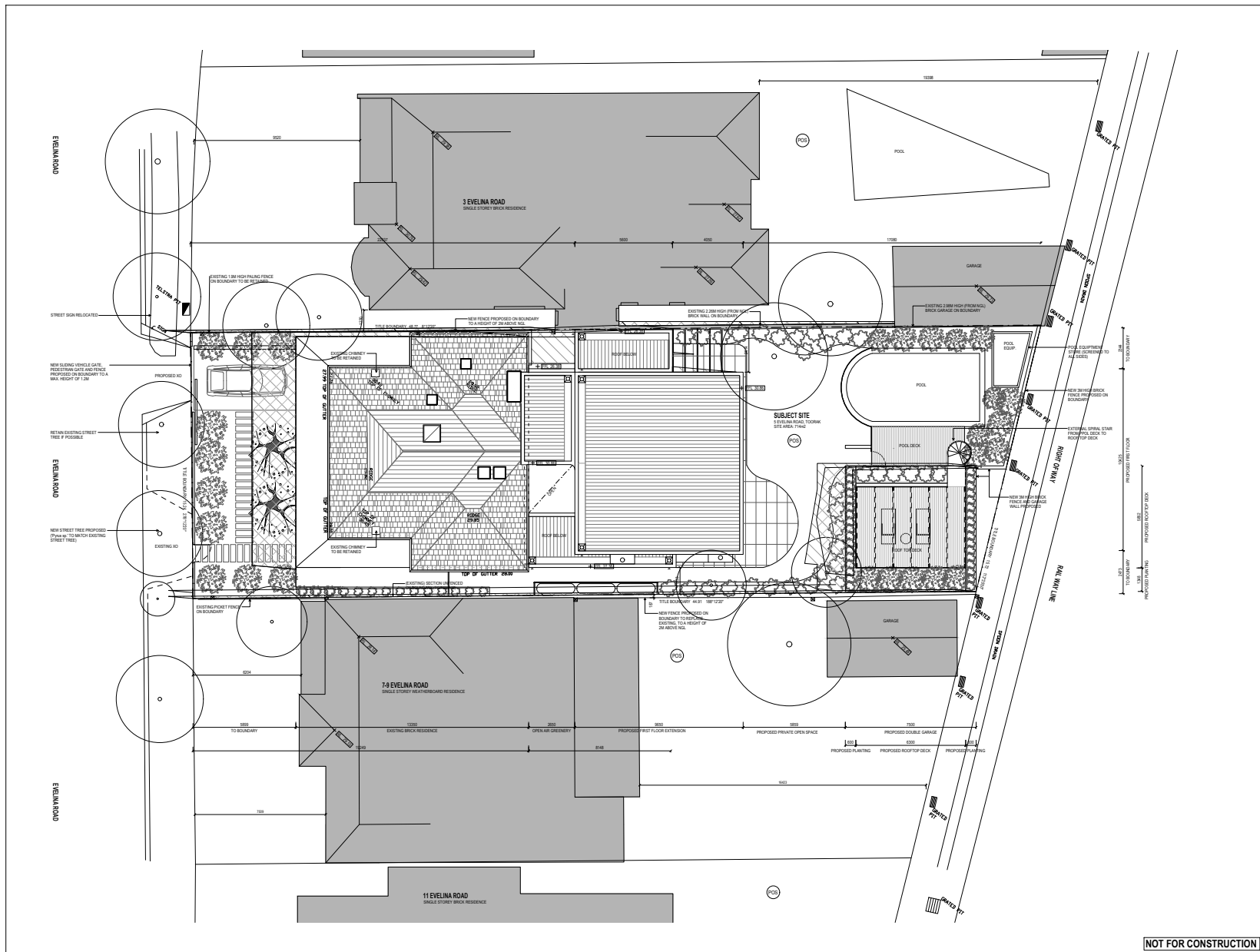
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	<p>BUILDER JM</p>	<p>DATE 20/02/2017</p>	<p>DESCRIPTION RE-ISSUED FOR TOWN PLANNING</p>	<p>REV A</p>	<p>DRAWN EG</p>	<p>DATE 26/02/2020</p>	<p>DESCRIPTION RE-ISSUED FOR TOWN PLANNING</p>	<p>REV B</p>	<p>DRAWN JS</p>	<p>DRAWING TITLE SHADOW DIAGRAMS 9AM</p>	

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SHADOW LEGEND

EXISTING SHADOWS
 PROPOSED SHADOWS
 OVERLAP

AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %): 303.04M2 AND 46.26%
 EXISTING PERMEABILITY (H2 AND %): 208.21M2 AND 68.26%
 EXISTING GARDEN AREA: 360.02M2 AND 47.62%
 EXISTING CAR SPACES: 3 SPACES
 EXISTING POS AREA (M2): 242.96M2

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %): 303.04M2 AND 46.26%
 PROPOSED PERMEABILITY (H2 AND %): 208.21M2 AND 68.26%
 PROPOSED GARDEN AREA (H2 AND %): 360.02M2 AND 47.62%
 PROPOSED CAR SPACES: 3 SPACES
 PROPOSED POS AREA (M2): 242.96M2
 PROPOSED GROUND FLOOR (H2): 303.04M2
 PROPOSED FIRST FLOOR (H2): 303.04M2
 PROPOSED GARAGE (H2): 303.04M2

MATERIALS LEGEND

EXISTING ROOF TILE
 EXISTING BRICK
 PROPOSED RENDER
 EXISTING RENDER
 PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
 EXISTING WINDOW OR DOOR
 PROPOSED GARAGE DOOR (GREY)
 PROPOSED METAL DECK ROOF (GREY)
 EXISTING CORRUGATED METAL ROOF
 PROPOSED BLACK METAL
 PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
 PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
 TRELLIS MESH ON PERS (1) WALL
 PROPOSED FRAMING GLAZING
 PROPOSED OPEN STEEL FRINGULA STRUCTURE
 PROPOSED BLUESTONE CLADDING

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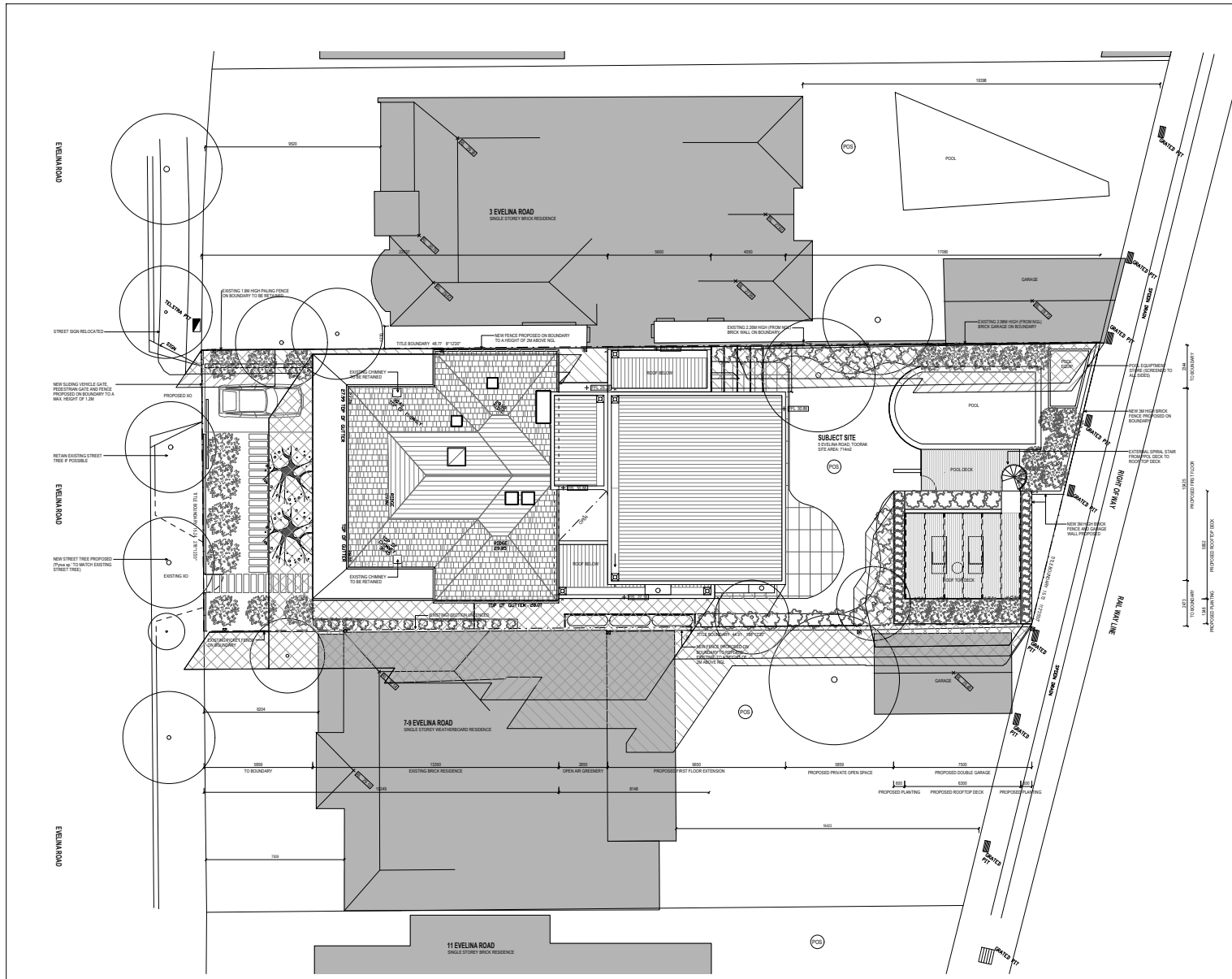
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SHADOW LEGEND

EXISTING SHADOWS
 PROPOSED SHADOWS
 OVERLAP

AREA SCHEDULE EXISTING

EXISTING SITE COVERAGE (H2 AND %): 303.04M2 AND 45.26%
 EXISTING PERMEABILITY (H2 AND %): 208.21M2 AND 68.26%
 EXISTING GARDEN AREA: 390.02M2 AND 47.62%
 EXISTING CAR SPACES: 3 SPACES
 EXISTING POS AREA (M2): 242.96M2

AREA SCHEDULE PROPOSED

PROPOSED SITE COVERAGE (H2 AND %): 303.04M2 AND 45.26%
 PROPOSED PERMEABILITY (H2 AND %): 208.21M2 AND 68.26%
 PROPOSED GARDEN AREA (H2 AND %): 390.02M2 AND 47.62%
 PROPOSED CAR SPACES: 3 SPACES
 PROPOSED POS AREA (M2): 242.96M2
 PROPOSED GROUND FLOOR (H2): 390.02M2
 PROPOSED FIRST FLOOR (H2): 390.02M2
 PROPOSED GARAGE (H2): 390.02M2

MATERIALS LEGEND

EXISTING ROOF TILE
 EXISTING BRICK
 PROPOSED RENDER
 EXISTING RENDER
 PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
 EXISTING WINDOW OR DOOR
 PROPOSED GARAGE DOOR (GREY)
 PROPOSED METAL DECK ROOF (GREY)
 EXISTING CORRUGATED METAL ROOF
 PROPOSED BLACK METAL
 PROPOSED BALUSTRADE (CLEAR GLAZING)
 PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
 TRELLIS MESH (ON PERS) (1 WALL)
 PROPOSED FRAMING GLAZING
 PROPOSED OPEN STEEL FRINGIDA STRUCTURE
 PROPOSED BLUESTONE CLADDING

GENERAL LEGEND

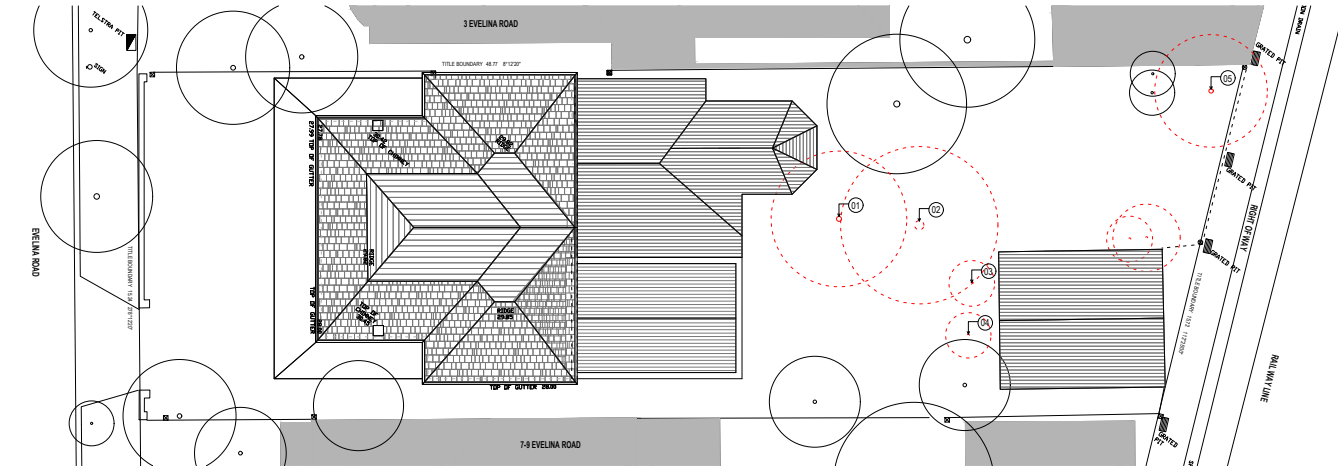
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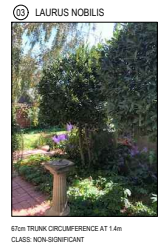
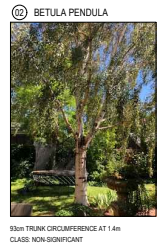
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		BUILDER JM	DATE 20/02/2017	DESCRIPTION RE-ISSUED FOR TOWN PLANNING	REV A	EG								
			DATE 26/02/2020	DESCRIPTION RE-ISSUED FOR TOWN PLANNING	REV B	JS								

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01 SITE PLAN
TREE REMOVAL

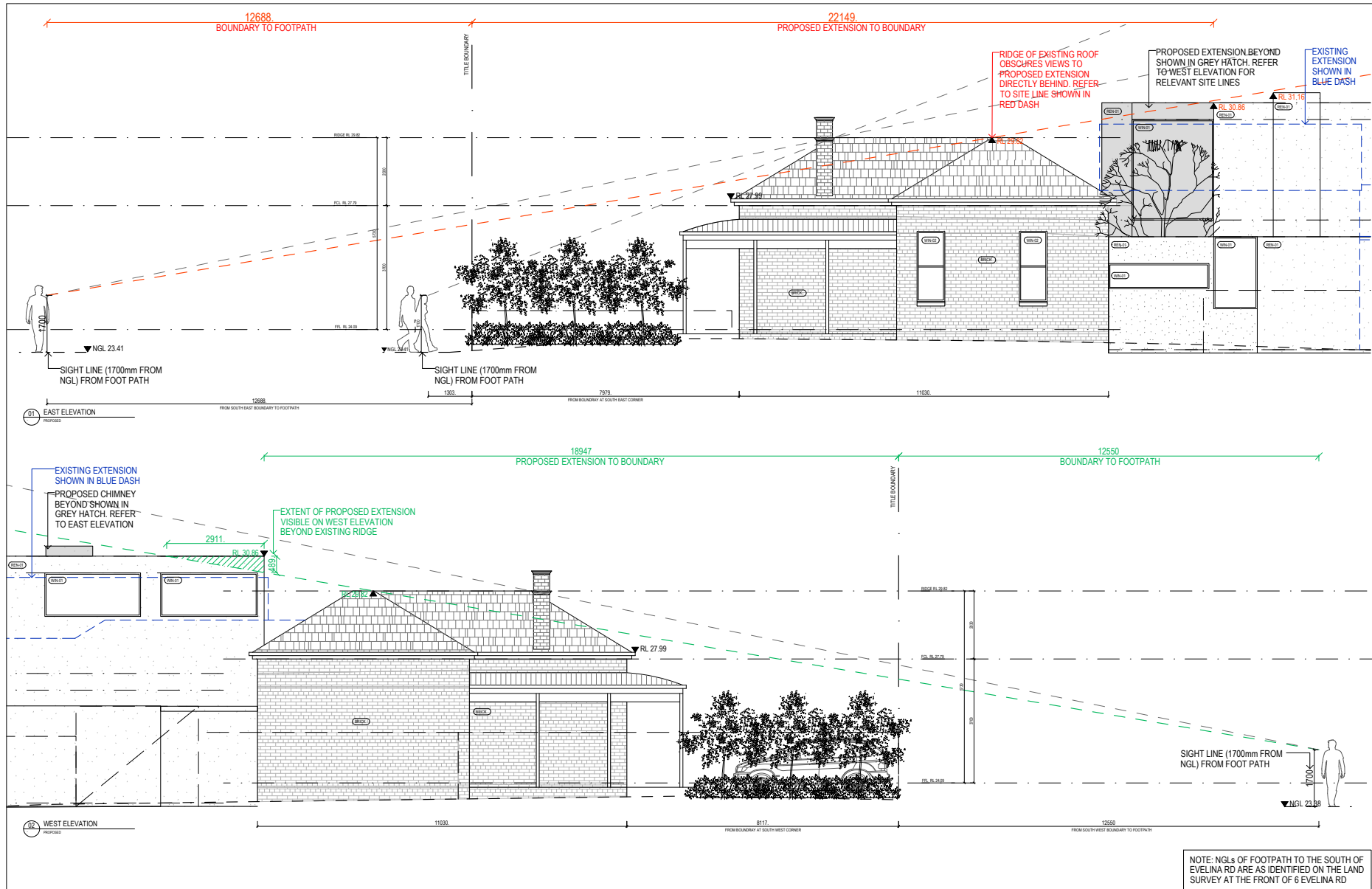


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AREA SCHEDULE EXISTING	
EXISTING SITE COVERAGE (H2 AND %)	303.02M2 AND 46.36%
EXISTING PERMEABILITY (H2 AND %)	288.21M2 AND 43.36%
EXISTING GARDEN AREA	360.02M2 AND 47.62%
EXISTING CAR SPACES	3 SPACES
EXISTING POS AREA (H2)	242.96M2
AREA SCHEDULE PROPOSED	
PROPOSED SITE COVERAGE (H2 AND %)	303.02M2 AND 46.36%
PROPOSED PERMEABILITY (H2 AND %)	288.21M2 AND 43.36%
PROPOSED GARDEN AREA (H2 AND %)	360.02M2 AND 47.62%
PROPOSED CAR SPACES	3 SPACES
PROPOSED POS AREA (H2)	242.96M2
PROPOSED GROUND FLOOR (H2)	242.96M2
PROPOSED FIRST FLOOR (H2)	242.96M2
PROPOSED GARAGE (H2)	242.96M2
MATERIALS LEGEND	
EXISTING ROOF TILE	EXISTING ROOF TILE
EXISTING BRICK	EXISTING BRICK
PROPOSED RENDER	PROPOSED RENDER
EXISTING RENDER	EXISTING RENDER
PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)	PROPOSED WINDOW OR DOOR (BLACK FRAME, CLEAR GLAZING)
EXISTING WINDOW OR DOOR	EXISTING WINDOW OR DOOR
PROPOSED GARAGE DOOR (GREY)	PROPOSED GARAGE DOOR (GREY)
EXISTING METAL DECK ROOF (GREY)	EXISTING METAL DECK ROOF (GREY)
EXISTING CORRUGATED METAL ROOF	EXISTING CORRUGATED METAL ROOF
PROPOSED BLACK METAL	PROPOSED BLACK METAL
PROPOSED BALUSTRADE (CLEAR GLAZING)	PROPOSED BALUSTRADE (CLEAR GLAZING)
PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)	PROPOSED BALUSTRADE (POOL) (CLEAR GLAZING)
TRILLS MESH (ON FENESTRATION)	TRILLS MESH (ON FENESTRATION)
PROPOSED FRAME GLAZING	PROPOSED FRAME GLAZING
PROPOSED OPEN STEEL FRAGOLA STRUCTURE	PROPOSED OPEN STEEL FRAGOLA STRUCTURE
PROPOSED BLUESTONE CLADDING	PROPOSED BLUESTONE CLADDING
GENERAL LEGEND	
EXISTING WALL / FLOOR / ROOF	EXISTING WALL / FLOOR / ROOF
NEW WALL	NEW WALL
DEMOLITION	DEMOLITION
TITLE BOUNDARY	TITLE BOUNDARY
OUTLINE OF EXISTING HOUSE	OUTLINE OF EXISTING HOUSE
EXISTING SKYLIGHT	EXISTING SKYLIGHT
PROPOSED NEW SKYLIGHT	PROPOSED NEW SKYLIGHT
ROOM TAG	ROOM TAG - REFER DRAWING REFERENCED FOR FURTHER DETAILS OF THE ROOM
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RELATIVE LEVEL	RELATIVE LEVEL - TO AUSTRALIAN HEIGHT DATUM IN METERS
SELECTED FINISH	SELECTED FINISH - REFER INDIVIDUAL CODES
DOWNPIPE	DOWNPIPE
CROSS OVER	CROSS OVER
PRIVATE OPEN SPACE	PRIVATE OPEN SPACE

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5 EVELINA RD, TOORAK
 BUILDER
JM

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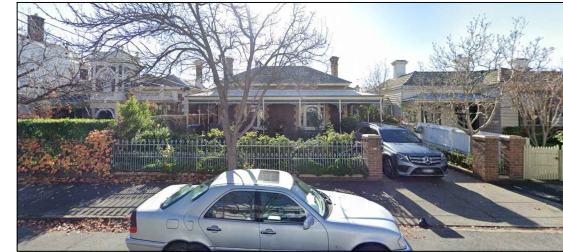
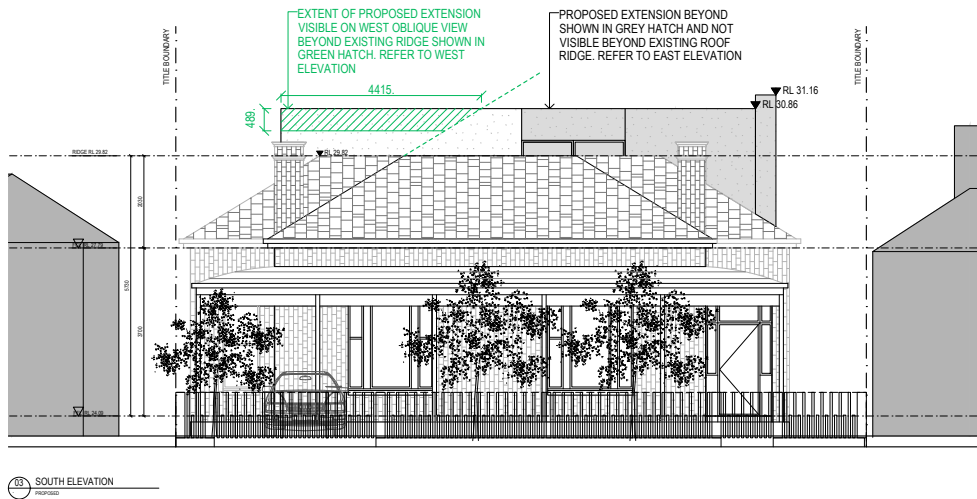
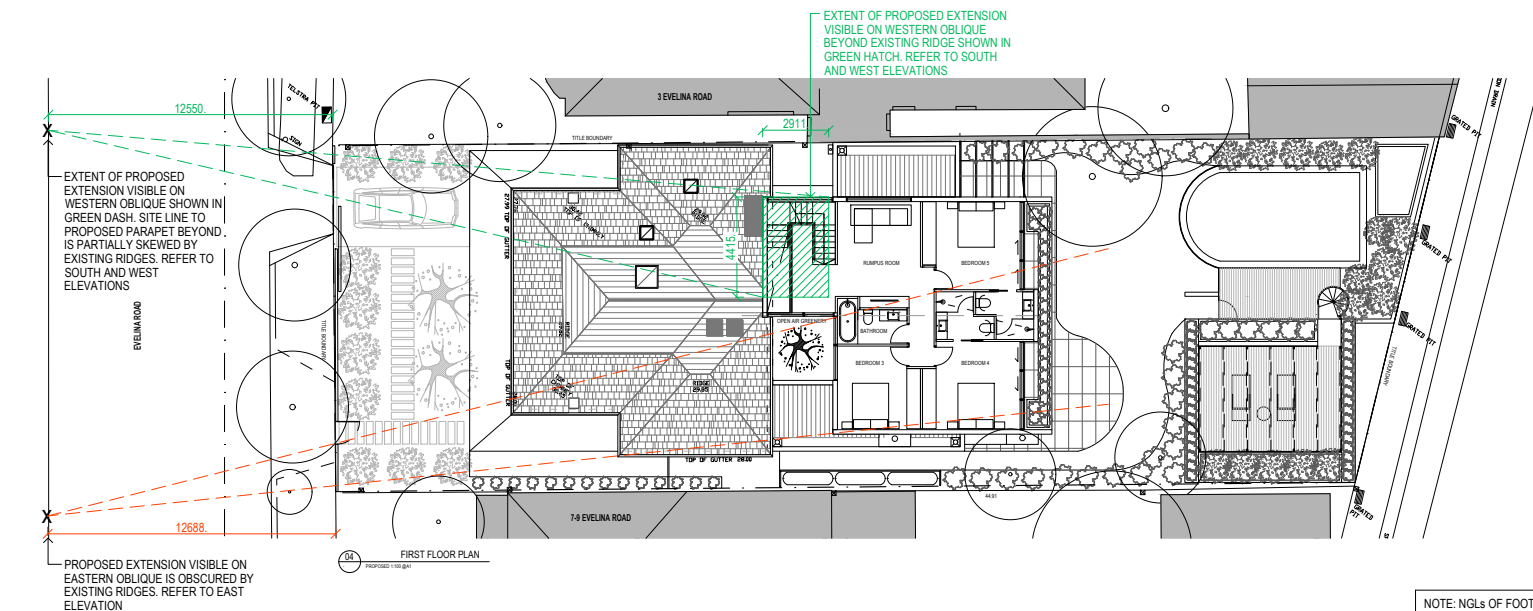


IMAGE OF EXISTING STREET VIEW. PROXIMITY OF NEIGHBOURING DWELLINGS TO EAST AND WEST BOUNDARY OF SUBJECT SITE AND LARGE STREET TREES WILL FURTHER OBSCURE VIEWS TO PROPOSED EXTENSION



NOTE: NGLs OF FOOTPATH TO THE SOUTH OF EVELINA RD ARE AS IDENTIFIED ON THE LAND SURVEY AT THE FRONT OF 6 EVELINA RD



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CLIENT
ANDREA BALL & JOHN DOWD
 BUILDER
JM

PROJECT ADDRESS
5 EVELINA RD, TOORAK

DATE	DESCRIPTION
30/11/2016	ISSUED FOR TOWN PLANNING
20/02/2017	REISSUED FOR TOWN PLANNING
26/02/2020	RE-ISSUED FOR TOWN PLANNING

REV	DRAWN	DATE	DESCRIPTION
-	EG	27/04/2020	RE-ISSUED FOR TOWN PLANNING RF1
A	EG		
B	JS		

REV	DRAWN	DATE	DESCRIPTION
C	JS		

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PROPOSED SITE LINES

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TOWN PLANNING

DRAWING NUMBER
SK-102

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Planning and Environment Act 1987

Panel Report

**Stonnington Planning Scheme Amendment C272ston
Hawksburn Village Structure Plan**

30 July 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Stonnington Planning Scheme Amendment C272stonston

Hawksburn Village Structure Plan

30 July 2020

Sarah Carlisle, Chair

Elizabeth McIntosh, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
BMW site	165 Williams Road
C1Z	Commercial 1 Zone
Council	Stonnington City Council
DDO21	Schedule 21 to the Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GRZ	General Residential Zone
Gurner site	162-164 Williams Road, 508 Malvern Road and 1-5 Robinson Street
HO	Heritage Overlay
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NAC	Neighbourhood Activity Centre
NRZ	Neighbourhood Residential Zone
Planning Scheme	Stonnington Planning Scheme
PPF	Planning Policy Framework
PPN	Planning Practice Note
Practitioner's Guide	<i>A Practitioner's Guide to Victorian Planning Schemes</i> (version 1.4, April 2020)
RGZ	Residential Growth Zone
Structure Plan	<i>Hawksburn Village Structure Plan</i> , July 2016, David Lock Associates
Toorak Plaza site	537-541 Malvern Road
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
Woolworths site	580-590 Malvern Road and 28, 32 and 44 May Road (the rear carpark)

Overview

Amendment summary

The Amendment	Stonnington Planning Scheme Amendment C272stonston
Common name	Hawksburn Village Structure Plan
Brief description	Various rezonings and the application of a new Design and Development Overlay Schedule 21 to implement the Hawksburn Village Structure Plan
Subject land	Land within the Hawksburn Village Neighbourhood Activity Centre and some surrounding land (see Figure 1)
Planning Authority	Stonnington City Council
Authorisation	3 September 2019, subject to conditions: <ul style="list-style-type: none"> - simplify and avoid duplication in the requirements of the DDO21, with reference to a mark-up of the DDO21 provided by DELWP officers on 22 August 2019 - correct references to the amendment number
Exhibition	21 November to 23 December 2019
Submissions	Number of Submissions: 14 (including 1 late submission) Opposed: 13 See Appendix A

Panel process

The Panel	Sarah Carlisle, Elizabeth McIntosh
Directions Hearing	1 May 2020 on video conference
Panel Hearing	9, 10, 11, 12 and 15 June 2020 on video conference
Site inspections	Unaccompanied, 31 May and 6 June 2020
Appearances	See Appendix B
Citation	Stonnington PSA C272ston [2020] PPV
Date of this Report	30 July 2020

Executive summary

Stonnington Planning Scheme Amendment C272ston (the Amendment) seeks to implement the *Hawksburn Village Structure Plan 2016* (the Structure Plan) into the Stonnington Planning Scheme (the Planning Scheme), primarily by applying a new Schedule 21 to the Design and Development Overlay (DDO21) to land in the Hawksburn Village Activity Centre. It also proposes to:

- rezone small amounts of land
- extend the existing Environmental Audit Overlay (EAO)
- update clauses in the Municipal Strategic Statement (MSS) to reflect the Structure Plan and related planning controls.

Council adopted the Structure Plan in 2016. For various reasons, it has taken several years to prepare the Amendment to implement the Structure Plan.

Hawksburn Village is a Large Neighbourhood Activity Centre located 4.5 kilometres south east of the Melbourne CBD. It is well served by train, tram and bus services, and provides a varied offering of specialist retail, office space, cafes and restaurants, daily needs shopping and public facilities including small parks and the Prahran Police Station. Local policy identifies Large Neighbourhood Activity Centres as a substantial change area for housing growth, provided it meets the requirements of any adopted Structure Plan. The western part of the centre (west of Williams Road) is starting to see higher density housing developments being approved and built.

The DDO21 includes design objectives and requirements (both mandatory and discretionary) that will apply to all new development proposals in Hawksburn Village. One of the key issues raised in submissions was whether mandatory controls are justified. Other issues included:

- whether the built form controls (particularly heights) unnecessarily restrict development in the centre and prevent it from fulfilling its role in accommodating growth
- whether the Structure Plan and its supporting strategic work (which is now over five years old) is out of date
- whether the DDO21 should provide for more intensive development on strategic sites and gateway sites
- the appropriateness of the various rezonings, and whether they will exacerbate land use conflicts at the interfaces of the activity centre
- the impact of new development and use on residential amenity and streetscape
- objections to the proposed extension of the EAO.

The Panel is satisfied that the broad strategic directions for Hawksburn Village set out in the Structure Plan are appropriate, consistent with the Victorian planning objectives and the policy framework, and consistent with its position in the activity centre hierarchy. They reflect policy imperatives to promote a housing market that meets community need, and to facilitate development in activity centres that are well served by transport and job opportunities. By directing growth to the activity centre, the Amendment will take development pressure off the more sensitive residential hinterland.

The Panel is satisfied that the DDO21 is an appropriate choice of planning tool, and broadly translates the objectives of the Structure Plan into the Planning Scheme in an effective way.

While there have been several changes to the Planning Scheme since the Structure Plan was adopted, as well as revised population figures, these do not materially impact on the Amendment or render the Structure Plan outdated.

The Panel was not persuaded that mandatory controls are justified for Hawksburn Village outside of the heritage areas. Notwithstanding recent (2018) updates to Planning Practice Notes 59 and 60, the Panel considers that they continue to set a high bar for the justification of mandatory controls in an activity centre setting.

To justify mandatory controls, the Panel would have expected detailed analysis including 3D built form modelling, shadow diagrams, view lines along the street, and some form of analysis that considered the effect of topography, site amalgamation or equitable development scenarios. While Council provided some rudimentary built form modelling, this did not, in the Panel's view, meet the requirements of the relevant practice notes for a detailed and comprehensive built form analysis, and did not persuade the Panel that development that exceeds the proposed mandatory controls would be clearly unacceptable.

That said, and with some reservations, the Panel accepts that there is a stronger and more consistent character in the areas of the activity centre covered by a Heritage Overlay which justifies the application of mandatory controls.

The Panel broadly supports the metrics of the proposed controls, but considers that some adjustments are required, primarily:

- an increase in the discretionary height limit for strategic sites in the Eastern precinct from 4 to 5 storeys
- an increase in the street wall heights in the non-heritage parts of the Eastern Precinct from 8 metres to 11 metres
- a reduction in upper level setbacks in the Western Precinct from 5 metres to 3 metres.

The Panel considers that additional guidance is required in DDO21 to guide decision making on proposals that exceed the discretionary controls and to ensure character, heritage and amenity objectives are appropriately managed.

Gateway sites previously identified for their strategic importance to Hawksburn Village should be identified in the DDO21, and more guidance should be provided in relation to development on key gateway and corner sites to ensure they add to the identity and legibility of Hawksburn Village without compromising the character outcomes sought by the Structure Plan. More detailed guidance is also required for the BMW site at 145 Williams Road to ensure an appropriate transition of the built form on this large strategic site from the robust Williams Road frontage to the more sensitive residential interface in Clarke Street.

The Panel supports the rezonings proposed by the Amendment, and considers that issues arising from the interface between commercial and residential land uses can be appropriately managed under the existing and proposed zoning controls and other provisions of the Planning Scheme. The Panel is confident that the Amendment will not detrimentally impact the amenity of surrounding residential areas, as some submitters feared.

The Panel does not support the rezoning of the site at 333 Malvern Road to a commercial or mixed use zone as part of this Amendment, as sought by one submitter.

On balance, and with some reservations, the Panel supports the proposed extension of the EAO notwithstanding the absence of testing that verifies whether the affected land is in fact contaminated.

Consolidated recommendations

Based on the reasons set out in this Report, the Panel recommends that Stonnington Planning Scheme Amendment C272ston be adopted as exhibited subject to the following changes:

Changes to the Design and Development Overlay

1. **Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:**
 - a) **In Clause 1.0:**
 - **revise and clarify the design objectives.**
 - b) **In Table 1:**
 - **convert the mandatory height limits for Area 2 to preferred heights**
 - **convert the mandatory height for non-heritage buildings in Area 6 to a preferred height**
 - **specify a discretionary 18 metre height limit for Area 7**
 - **increase all remaining heights by 1 metre.**
 - c) **In Table 2:**
 - **convert the mandatory street wall height for Area 2 to a preferred street wall height**
 - **convert the mandatory street wall height for Area 6 (non-heritage buildings) to a preferred street wall height and increase the height to 11 metres.**
 - d) **In Table 3:**
 - **reduce the preferred setbacks for Area 1 from 5 metres to 3 metres**
 - **convert the mandatory setback for Area 2 to a preferred setback**
 - **convert the mandatory 5 metre setback for Area 6 to a preferred setback.**
 - e) **In Clause 2.0, add the following general requirements:**
 - **Be designed to minimise overshadowing any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22).**
 - **Be designed and spaced to create a visually interesting skyline, streetscape and coherent precinct when viewed in short range and long range views including to side and rear elevations, particularly adjacent to existing heritage buildings.**
 - **Be designed to minimise blank side walls that are visible from the surrounding streets.**
 - **Ensure new development on large sites respects the surrounding prevailing subdivision pattern by providing separation between buildings and modular building bulk rather than unbroken mass.**
 - **At key corner sites at 500-504 and 617 Malvern Road, ensure design emphasises the corner to provide visual cues to mark the entrance to Hawksburn Village and to visually distinguish the site's transition from one streetscape context into the other.**

- Ensure designs that exceed discretionary parameters of Tables 1, 2 and 3 demonstrate a suitable response to identified character, heritage buildings and off-site amenity requirements.
- f) In Clause 2.0, add the following street wall and building setback requirement:
 - Development at 145 Williams Road must provide a transitional street wall and upper level setback, and a landscaped ground level setback which includes opportunities for deep soil planting, along the southern boundary from the midpoint to the western edge of the site.
- g) In Clause 2.0, add the following rear wall and rear setback requirements:
 - Ensure that setbacks on laneways less than 4.5 metres wide are sufficient to provide for safe pedestrian access and vehicle movement, depending on the laneway's function.
- h) In Clause 2.0:
 - refine the rear setback provisions and diagrams to provide setback guidance for buildings which exceed five storeys
 - clarify the operation of the transitional corner provisions
 - remove the duplications with the function of the Heritage Overlay
 - clarify the expression of design requirements for Area 5
 - clarify the expression of design requirements for the area 'East of Williams Road and along Malvern Road'.
- i) In Clause 5.0:
 - remove the duplications with the function of the Heritage Overlay.
- j) Amend the map to:
 - identify key gateway sites
 - reduce the extent of Area 5 to apply to the properties at 424 to 438 Malvern Road, with the remaining properties to be reclassified as Area 1
 - designate the Toorak Plaza site at 537-541 Malvern Road as Area 7
 - reformat the map in line with Map 3 of the Toorak Village Activity Centre contained in Design and Development Overlay Schedule 9 in the Stonnington Planning Scheme.
- k) Make the changes shown in Council's revised schedule (DropBox Document 47).
- l) Make general drafting improvements as shown in Appendix D to remove repetition between the requirements in Design and Development Overlay Schedule 21 and other provisions in the Planning Scheme.

Changes to the Structure Plan

2. Amend the Structure Plan as follows:
 - a) Include a provision to indicate that it will be reviewed every five years.
 - b) Remove 48 Westbourne Street from the activity centre boundary, and make any consequential changes to the Structure Plan that may be required.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the *Hawksburn Village Structure Plan 2016* (the Structure Plan) into the Stonnington Planning Scheme (the Planning Scheme). Specifically, the Amendment proposes to:

- insert Schedule 21 to the Design and Development Overlay (DDO21) and apply the overlay to land in the Hawksburn Village Activity Centre
- rezone several parcels of land as shown in Table 1
- extend the existing Environmental Audit Overlay (EAO) at 442-450 Malvern Road and 6/6 Miller Street Prahran
- update clauses in the Municipal Strategic Statement (MSS) to reflect the Structure Plan and related planning controls.

The DDO21 includes design objectives and requirements (both mandatory and discretionary) that will apply to all new development proposals in Hawksburn Village.

The Amendment has been prepared by Stonnington City Council (Council).

Table 1 Proposed rezonings

Site	Current	Proposed	Reason
333 Malvern Road	General Residential Zone (GRZ)	Residential Growth Zone (RGZ)	To ensure that the whole site is within the RGZ
442-446 and 448-450 Malvern Road	GRZ	Commercial 1 Zone (C1Z)	To ensure both sites are entirely within the C1Z
48 Westbourne Street	C1Z	Neighbourhood Residential Zone (NRZ3)	To better reflect its current residential use
365 Malvern Road	RGZ	Public Park and Recreation Zone (PPRZ)	Existing park owned by Council
7 Hobson Street	GRZ	PPRZ	Proposed park owned by Council

(ii) The subject land

The Amendment applies to land shown in Figure 1.



Figure 1 Land affected by the Amendment

Source: Explanatory Report

Hawksburn Village is a Neighbourhood Activity Centre (NAC) located 4.5 kilometres south east of the Melbourne CBD. The village extends east-west along Malvern Road, and is intersected by Williams Road running north-south. The western end of the centre is adjacent to the Chapel Street Activity Centre.

The strategic direction for Hawksburn Village is set out in Clause 21.04-1 of the MSS (Economic Development – Activity Centres). The current strategic direction is:

Predominantly retail, with a food shopping character, plus a wider mix of office and service uses at the western end.

The Amendment seeks to update this to:

Strengthen the neighbourhood role of the activity centre as a specialty retailing destination and ensure it continues to function as a sustainable and viable centre. Establish a more diversified land use mix. Retain employment areas on ground and first floors and encourage residential uses above these.

Hawksburn Village is a Large NAC.¹ Large NACs are considered to be a substantial change area for housing growth², provided it meets the requirements of any adopted Structure Plan.

1.2 Background

Council adopted the Structure Plan in August 2016. The Structure Plan and the process leading up to its adoption are described in Chapter 3

At the same time, Council authorised officers to undertake further work to inform the preparation of draft planning controls for Hawksburn Village. The further work included:

- testing the impact of the upper level setbacks set out in the Structure Plan on adjoining residential land
- investigating opportunities for reduced height and setbacks for the Western Precinct fronting Malvern and Williams Roads (compared to those set out in the Structure Plan).

¹ MSS Clause 21.04-1 (Economic Development – Activity Centres)

² MSS Clause 21.05-2 (Housing – Location of residential development)

Council considered the further work in late 2018, and engaged consultants to prepare further work including the following, which informed the preparation of the DDO21, and were exhibited with the Amendment:

- *Hawksburn Village Neighbourhood Activity Centre – Review of Setbacks to Upper Storey Additions, Report to Council* (Bryce Raworth Pty Ltd, June 2019), which considered the appropriateness of the upper level setbacks for heritage buildings
- *Urban Design Memo, Hawksburn Structure Plan* (David Lock Associates 17 July 2019), which contained urban design advice on sites fronting a residential street and corner sites, the design approach to residential street interfaces and corner sites, and clarity on the height and setback controls for the Gurner site.

1.3 Modelling

The Department of Environment, Land, Water and Planning (DELWP) authorised preparation of the Amendment in September 2019. The authorisation was subject to conditions, and included an enquiry as to whether Council had modelled the built form requirements (particularly mandatory elements) to test their appropriateness. In response, Council prepared a 3D analysis of the built form requirements in the DDO21, which was provided as an attachment to Council's Part A submission (DropBox Document 30).

1.4 Proposed post-exhibition changes

Council proposed the following changes to the wording of the DDO21 in response to submissions and the evidence of its expert Mr Glossop:

- changes to clarify which requirements are mandatory and which are discretionary (the changes primarily relate to the use of the word 'should' for discretionary controls and 'must' for mandatory controls)
- clarity of the definition of a street wall (to ensure it captures street walls set back from the street, as well as street walls on the street boundary).

A marked up version of the DDO21 was attached to Council's Part A submission (DropBox Document 47).

1.5 Summary of issues raised in submissions

The Amendment was exhibited from 21 November to 23 December 2019. Council received 14 submissions – 13 opposed or requesting changes, and one in support.

The key issues raised by submitters were:

- objections to mandatory controls, including that they will unnecessarily stifle development in the activity centre (other submitters have called for more mandatory controls)
- the strategic work underpinning the Structure Plan is now over 5 years old and out of date
- the Amendment does not achieve the strategic outcomes sought by the Structure Plan
- concerns in relation to strategic redevelopment sites (referred to in the Structure Plan as 'opportunity sites'), including:

- a lack of clarity around what criteria were applied to identify strategic sites
- the DDO21 fails to recognise strategic sites
- the DDO21 fails to provide sufficient guidance on built form outcomes on the strategic sites (in particular the BMW site)
- the appropriateness of the various rezonings, and whether they will exacerbate land use conflicts at the interfaces of the activity centre
- the impact of new development and use on residential amenity and streetscape
- objections to the proposed extension of the EAO.

One submission (Submission 9) called for the former Hawksburn Primary School site at 333 Malvern Road to be rezoned from its current RGZ to C1Z or MUZ.

1.6 Documents

Throughout the Hearing, Council maintained a DropBox providing a central repository of documents tabled by Council and other parties as part of the Hearing process. All parties had access to the DropBox. The DropBox was maintained until at least the completion of this report. Rigby Cooke (Council's lawyers) maintained an index of the DropBox (PPV Document 13), which was updated at least daily throughout the Hearing.

The Panel also maintained a Document List recording documents provided to the Panel that were not uploaded into the DropBox.

In this report, documents from the DropBox are referenced as 'DropBox Document [number]' and documents from the Panel's document list are referenced as 'PPV Document [number]'. Both the DropBox Document index and the Panel's (PPV) Document List are contained in Appendix C.

The Panel wishes to thank Council and Rigby Cooke for maintaining the DropBox and the index. This proved very helpful to the Panel both during and after the Hearing, and contributed to a more efficient hearing and report writing process.

1.7 The Panel's approach

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

This Report deals with the issues under the following headings:

- Planning context
- The Structure Plan
- Strategic justification
- Are mandatory controls justified?
- Built form controls
- Site specific submissions
- Other issues

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- Impacts on residential amenity
- Strategic sites
- Form and content of the Amendment.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

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

- (a) Provide for the fair, orderly, economic and sustainable use and development of land
- ...
- (c) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- (d) Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value,
- ...
- (f) Facilitate development in accordance with (a) ... (c), (d) ...
- (g) Balance the present and future interests of all Victorians

Clause 11 (Settlement)

The Amendment supports Clause 11 by planning for and encouraging the concentration of growth in activity centres through structure planning that responds to strategic and physical contexts.

Clause 13.04-1S (Contaminated and potentially contaminated land)

The Amendment supports Clause 13.04-1S by ensuring potentially contaminated land is suitable for its intended future use and development.

Clause 15 (Built environment and heritage)

The Amendment supports Clause 15 by creating environments that responds to strategic and physical contexts including valued character, contributing positively to the public realm, encouraging distinctiveness and healthy living and managing impacts on neighbouring properties.

Clause 16.01 (Housing)

The Amendment supports Clause 16.01 by locating housing growth of varying types to designated areas (a neighbourhood activity centre) that provides access to jobs, services and transport, and by providing certainty about the scale of growth for different areas.

Clause 17.01 (Economy)

The Amendment supports Clause 17.01 by strengthening and diversifying the economy through improving access to jobs where people live and locating commercial uses in existing or planning activity centres.

Clause 18.01 (Transport)

The Amendment supports Clause 18.01 by creating a system of integrated land use and transport that supports a 20 minute neighbourhood and creates safe and attractive environments for walking and cycling in particular.

Clause 19.02-6S (Open Space)

The Amendment supports Clause 16 by establishing, managing and improving a diverse and integrated network of public open space that meets the need of the community (Clause 19.02-6S).

Clause 21 (the Municipal Strategic Statement)

The Amendment supports the MSS by:

- maintaining a network of viable activity centres, with clear direction on the preferred location, level and mix of uses including increased local employment (21.04-1)
- ensuring new residential development that does not compromise the primary commercial role of centres. Hawksburn is specifically identified as a large neighbourhood activity centre of predominantly retail with a wider mix of office and service uses at the western end (21.04-1)
- helping to accommodate the municipality's housing needs to 2026 (21.05-1)
- directing most new housing to highest level accessibility areas (21.05-2)
- maintaining housing diversity (21.05-4)
- protecting and reinforcing the key elements of the City's overall urban structure and character, and directing higher density development to activity centres (21.06-1)
- achieving high standards of amenity within new developments and with adjoining developments (21.06-3)
- ensuring the qualities that define the City's valued urban character are recognised and inform new development design, and protecting and enhancing the individual character, identity and amenity of different activity centres (21.06-4)
- improving the quality of the public realm and pedestrian experience (21.06-5)
- ensuring new development maintains appropriate levels of solar access and wind protection to existing and proposed footpaths and public spaces and surrounding development (21.06-6)
- protecting and enhancing significant and contributory heritage places (21.06-10)
- providing equitable access to public open space in both quality and quantity to meet future needs (21.07-1)
- ensuring Council has sufficient information to permit a sensitive use on land that may be contaminated (21.07-5)
- integrating transport and land use planning and development to maximise accessibility, safety and sustainability of the transport network and built environment (21.08-1).

Clause 22 (local planning policies)

The Amendment supports local planning policies by retaining all significant and contributory heritage places and ensuring new development respects the significance of these places (22.04-3).

2.2 Other relevant planning strategies and policies**(i) Plan Melbourne**

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Most relevantly, Plan Melbourne is guided by the principle of 20-minute neighbourhoods which allow people to live locally by providing most daily needs within a 20-minute walk, cycle or local transport route from home.

(ii) Urban Design Guidelines of Victoria

The Urban Design Guidelines of Victoria are a reference document in all planning schemes. They provide advice on the design of public spaces, building design and their interfaces to public spaces and the layout of cities and neighbourhoods. They seek to guide structure and buildings in activity centres as follows:

- Activity centre structure is important as activity centres provide a focussed range of services and facilities, which can be accommodated by a variety of lots sizes and shapes. Objectives seek to ensure activity centre structures are accessible and functional, support safety and amenity, provide public transport access, activate interfaces and respond to change.
- Buildings have a role in defining street spaces, focussing views and providing a sense of enclosure for public spaces. The Guidelines seek to ensure building scale and form suits context and preferred character and provides transitions between scales, ensure equitable access to daylight and sunlight, ensure facades support the context, maximise safety and that buildings are sustainable.

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The Amendment land is variously located in the C1Z, GRZ and RGZ10. The common zone purpose is to implement the PPF, with other key purposes being:

Commercial 1 Zone

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Residential Growth Zone

To provide housing at increased densities in buildings up to and including four storey buildings.

To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.

To ensure residential development achieves design objectives specified in a schedule to this zone.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

General Residential Zone

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

(ii) Overlays

Three overlays apply to confined parts of the Amendment area.

The Heritage Overlay (HO) affects:

- 333 Malvern Road, an individual site affected by Heritage Overlay Schedule 76 (HO76) and also listed in the Victorian Heritage Register (VHR H1032)
- Hawksburn Retail Precinct (HO142), located centrally within Hawksburn Village
- two abutting individual sites at 372 and 374 Malvern Road (HO77 and HO78)
- an individual site at 386-388 Malvern Road (HO164)
- 48 Westbourne Street, which is affected by the wider Westbourne Street Precinct (HO370) and is the only property in this precinct located in the activity centre.

The purposes of the HO are:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Environmental Audit Overlay (EAO) applies to the south of Malvern Road from Francis Street to Williams Road and continuing south to Clarke Street in some areas.

The purpose of this Overlay is:

- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

The Special Building Overlay generally affects road reserves only including part of York Street, Bendigo Street and Malvern Road as well as Errol Street and some adjoining private land. The Overlay (among other things) identifies land in urban areas liable to inundation by overland flows from the urban drainage system.

(iii) Other provisions

Relevant particular provisions include:

- **Clause 52.06 car parking**, which sets appropriate parking rates for different land uses
- **Clause 52.29 (Land adjacent to a road zone, category 1, or a public acquisition overlay for a category 1 road)**, which seeks to ensure appropriate access to identified roads
- **Clause 53.18 (Stormwater management in urban development)**, which seeks to ensure that stormwater in urban development is managed to mitigate the impacts on the environment, property and public safety
- **Clause 58 (Apartment Developments)**, applies to apartment development of five or more storeys in a residential zone and to all apartment development in the C1Z. Clause 58 operates similarly to Clause 55 and applies objectives and standards relating to urban context, site layout, detailed design and various external and internal amenity considerations.

2.4 Ministerial Directions and Practice Notes

(i) Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Ministerial Direction - The Form and Content of Planning Schemes

The Ministerial Direction sets out formatting and content requirements for the preparation of planning schemes.

Ministerial Direction 9 – Metropolitan Planning Strategy

Council submitted that the Amendment is consistent with the following directions in Ministerial Direction No. 9:

- Improve access to jobs closer to where people live (Direction 1.2).
- Manage the supply of new housing in the right locations to meet population growth and create a sustainable city (Direction 2.1).
- Deliver more housing closer to jobs and public transport (Direction 2.2).
- Facilitate decision-making processes for housing in the right locations (Direction 2.4).
- Provide greater choice and diversity of housing (Direction 2.5).
- Improve local travel options to support 20-minute neighbourhoods (Direction 3.3).
- Create more great public places across Melbourne (Direction 4.1).

- Achieve and promote design excellence (Direction 4.3).
- Respect Melbourne's heritage as we build for the future (Direction 4.4).
- Support safe communities and healthy lifestyles (Direction 5.2).
- Deliver local parks in collaboration with communities (Direction 5.4).

(ii) Planning Practice Notes

The Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes, version 1.4, April 2020 (Practitioner's Guide) sets out key rules for practitioners when preparing a planning scheme provision, and provides guidance on the preparation and drafting of planning policy and controls.

PPN58: Structure Planning for Activity Centres

Planning Practice Note (PPN) 58 provides guidance on the structure planning process, establishing structure plan boundaries, defining contexts, preparing and implementing plans as well as monitoring and review. Relevantly it sets out the type of questions Councils should consider when preparing Structure Plan which included capacity for increasing housing, opportunity sites and their capacity, site consolidation and site contamination.

PPN59: The Role of Mandatory Provisions in Planning Schemes

PPN59 explains the role of mandatory planning provisions, and sets out criteria for determining when a mandatory provision is justified. These include strategic basis, appropriateness to the majority of proposals, whether the mandatory provision provides for the preferred outcome, consideration of outcomes in the absence of a mandatory control and administrative burden.

PPN60: Height and Setback Controls for Activity Centres

PPN60 provides guidance on the application of height and setback controls for activity centres. It indicates that a comprehensive built form analysis should inform the structure planning process and built form controls. Built form controls may be discretionary or mandatory, or a combination of both.

3 The Structure Plan

The Structure Plan was prepared by David Lock Associates and adopted by Council in 2016.

(i) The aim and purpose of the Structure Plan

The aim and purpose of the Structure Plan is set out at page 5:

The key aim of the Structure Plan is to develop a shared vision for the activity centre to 2040, and to identify the type and scope of change projected within the activity centre over that time.

The purpose of the Structure Plan is to:

- Provide a framework for land use, built form, movement and open space for the activity centre; and
- Establish objectives, strategies and guidelines relating to land use, built form and heritage, access and movement, public realm and open space, and sense of place.

Council's Part B submission further explained the role of the Structure Plan:

There is an existing gap within the Scheme at a local level for land use and built form guidance within the Hawksburn Village NAC, with particular regard to the level of change and growth anticipated within the centre and the existing highly regarded village character and heritage values of the centre.

Council commissioned the Hawksburn Village Structure Plan (the Structure Plan) to provide guidance regarding the growth reasonably anticipated within the centre and preferred built form outcomes, and to guide the future preferred character of the activity centre.

The Structure Plan outlines the role of the Hawksburn Village NAC within the hierarchy of activity centres, identifies the valued elements of the activity centre and identifies how these elements should inform future role and character.

(ii) Vision, objectives and strategies

The vision for Hawksburn Village is set out in section 5.1 of the Structure Plan:

Hawksburn Village will continue to thrive as a welcoming, vibrant and diverse centre, and be known for its distinctive charm and village feel, and safe, green, and walkable street network.

The Structure Plan aims to deliver an increased supply of housing, support and strengthen the development of commercial floor space within the centre and manage built form outcomes such as building heights and setbacks, while ensuring new development integrates well with the surrounds.

The Structure Plan sets out five themes, and a series of objectives related to each theme. Strategies support the objectives. These are summarised in

Table 2.

Table 2 Themes and objectives in the Structure Plan

Theme	Objectives and strategies
Land Use Activities	<p>A strong local economy that serves the community. Strategies include:</p> <ul style="list-style-type: none"> - To establish a more diversified land use mix within the precinct to enliven the centre. - To retain employment areas on ground and first floors and encourage residential uses above these.
Built Form and Heritage	<p>Facilitate development while respecting the heritage and unique character. Strategies include:</p> <ul style="list-style-type: none"> - Retain and enhance the village character of Malvern Road. - In the western precinct, encourage infill that responds to the industrial character features. - Ensure the character and amenity of adjacent residential areas is maintained. - Ensure that any additions, alterations and replacement buildings are sympathetic to the heritage.
Access and Movement	An accessible place for all
Public Realm and Open Space	<p>Enduring and engaging streets and public spaces. Strategies include:</p> <ul style="list-style-type: none"> - To identify opportunities for laneway precincts. - To establish a high quality pedestrian oriented public realm along Malvern Road.
Sense of Place	<p>A place with well-defined and unique identity:</p> <ul style="list-style-type: none"> - To reflect and celebrate the industrial character existing within the Western Precinct. - To retain the fine grain nature of the Eastern Precinct.

(iii) The Precincts

The Structure Plan identifies two distinct precincts in Hawksburn Village:

- **Eastern Precinct** (shown in blue on the Framework Plan). The Eastern Precinct is valued for its traditional fine grain character, strong heritage features that underpin its character and sense of place and its diverse retail and commercial offer.
- **Western Precinct** (shown in purple on the Framework Plan). The Western Precinct provides an eclectic mix of larger format light industrial buildings and uses interspersed with retail, commercial, and residential uses.

Section 6 of the Structure Plan sets out the vision, objectives, strategies and built form guidelines for each precinct.

(iv) Landmark and strategic opportunity sites

The Structure Plan identifies opportunity sites and landmarks in each precinct (see Table 3). It sets out specific guidelines for the opportunity sites.

Table 3 Landmark and opportunity sites

Precinct	Landmark sites	Opportunity sites
Eastern Precinct	-	Woolworths site and carpark (559-565 Malvern Road and 28, 32 and 44 May Road)
Western Precinct	Hawksburn Primary School site (333 Malvern Road)	Prahran Police station site (396-400 Malvern Road) BMW site (145 Williams Road)

(v) Framework plan

The Structure Plan includes a Framework Plan at page 13, which shows key elements of the activity centre. This is extracted in Figure 2.

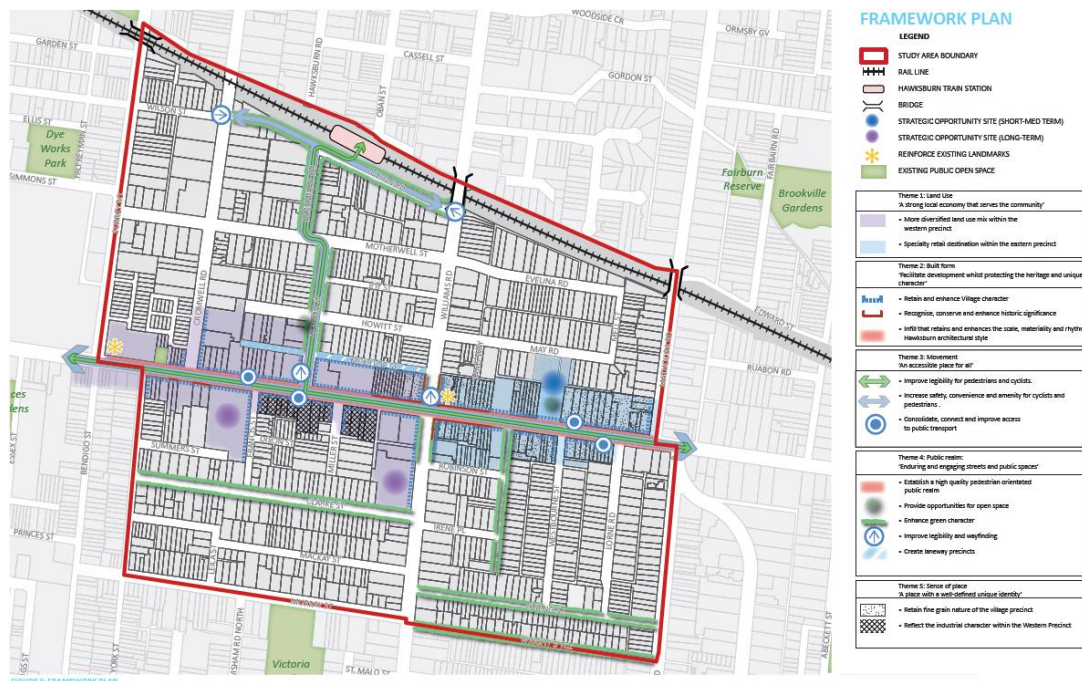


Figure 2 Hawksburn Village Framework Plan
Source: The Structure Plan

(vi) Background reports

The content of the Structure Plan was informed by (among other things):

- an Urban Design Background Report prepared by David Lock Associates in February 2015
- a transport background and existing conditions assessment undertaken by One Mile Grid in early 2015
- an economic analysis undertaken by Charter Keck Cramer in late 2015.

The Urban Design Background Report documented the existing conditions for the Hawksburn Village study area. Relevantly it identified the urban structure, identity, built form character, building form and architectural styles.

Some submitters raised concerns that these background documents (and the Structure Plan itself) were prepared over 5 years ago and are now out of date. This is dealt with in Chapter 4.6.

(vii) Subsequent advice

Council commissioned three pieces of advice after the Structure Plan was finalised, to clarify confined sections of the Structure Plan based on events after its adoption. David Lock Associates prepared two urban design memos in 2017 and 2019 and Bryce Raworth Pty Ltd prepared a report on upper level setbacks in 2019. The Raworth report and the 2019 urban design memo formed part of the exhibition material.

The first urban design memo

The first urban design memo, dated 24 April 2017 (DropBox Document 33), was commissioned to provide advice regarding two sites for which Council considered the Structure Plan provided limited guidance:

- 162-164 Williams Road and 1-5 Robinson Street (the Gurner site)
- 580-590 Malvern Road (dwellings converted into shop fronts).

The Structure Plan omitted heights for the converted shop fronts as it anticipated these sites worthy of a Heritage Overlay which was later ruled out by a heritage assessment.

The advice nominated four storeys for each site, and indicated that:

- on the Gurner site, taller form that recessed upper levels could be allowed given the robust Williams Road frontage
- on the converted shop fronts, a discretionary four storeys was required to address the two residential interfaces.

The second urban design memo

The second urban design memo, dated 17 July 2019 (DropBox Document 14), was commissioned to assess whether the draft DDO21 provided a sufficient design response to residential streets interfaces including corners, and to clarify the height and setbacks supported at the Gurner site. This memo indicated that:

- the residential street and corners sites would be sufficiently guided
- the proposed controls for the Gurner site (two to three storey street walls along the robust Williams Road frontage and a five storey height limit) were appropriate and consistent with David Lock Associates' previous advice given the setbacks would ensure the fifth level is recessive.

The Raworth report

The Raworth report, June 2019 (DropBox Document 15) provided advice on appropriate upper level setbacks for heritage areas in light of two reports released since adoption of the Structure Plan. The two reports were:

- The Glenferrie Road and High Street Activity Centre Panel Report (Stonnington C223 [2017] PPV141), which opposed 8 metres setbacks above heritage

buildings because they placed too great a weight on heritage values within a major activity centre context. That panel recommended 5 metre setbacks.

- Council's draft *Built Form Guidelines Review Activity Centres Strategy* (April 2018), which identified the potential for 5 metres setbacks being appropriate across all these centres.

Mr Raworth's advice was that the 5 metre setbacks proposed in the draft DDO21 were appropriate, rather than an equivalent depth to the 'primary volume' sought by the Structure Plan.

4 Strategic justification

4.1 The issues

The issues are:

- whether the vision in the Structure Plan is strategically justified
- whether the Structure Plan needs the support of a statutory control
- whether the DDO is the appropriate statutory control
- whether the Structure Plan and its background documents are out of date.

The other major strategic issue is whether mandatory controls are strategically justified. This is dealt with in Chapter 5.

4.2 Planning Practice Notes

(i) PPN58: Structure Planning for Activity Centres

PPN58, updated in September 2018, provides guidance on the activity centre structure planning process. It covers the reasons for structure planning in activity centres, the policy context, and possible inputs and outputs of the process. It states:

Activity centres should not be viewed in isolation to surrounding centres, but as a part of a network that maximises choice in services, retail, housing, employment and social interaction.

Activity centre planning should occur within the context of a broader municipal and regional understanding of activity centres. This can be achieved through the completion of 'municipal activity centre strategies' and through reference to relevant regional and state strategies and research.

PPN58 indicates that a structure plan is not generally required for a NAC, but if councils wish to prepare one the process outlined in PPN58 should be followed. It goes on to state:

Planning for a neighbourhood activity centre should address the local characteristics, stakeholder needs, opportunities and constraints of the centre, and work undertaken should be proportionate to the role and size of the centre in the overall activity centre network.

The PPN outlines a detailed list of aims of the structure planning process.

(ii) PPN60: Height and Setback Controls for Activity Centres

PPN60, also updated in September 2018, provides guidance on DELWP's preferred approach to the application of height and setback controls for activity centres. It states:

Consistency with state and regional policy

A council will need to demonstrate that any proposed height and setback controls are consistent with state and regional policy and allow for an appropriate level of change over time.

Height controls must not encumber a centre's ability to accommodate community requirements for retail, commercial, housing, community, health, educational and other essential requirements, as consistent with state and regional development policy in the VPP.

A council will need to be able to demonstrate that there is sufficient land and capacity available to meet forecast demand and projected population growth

over at least a 15-year period, and beyond this to a 30-year horizon, including how an activity centre contributes to this need.

4.3 Is the vision strategically justified?

(i) Evidence and submissions

Council

Council called Mr Glossop to give planning evidence. He provided an analysis of Hawksburn Village NAC's position in Stonnington's activity centre hierarchy, and considered the level of growth and development anticipated for the activity centre as set out in the local policy framework.

Mr Glossop noted that the planning policy framework anticipates the highest level of economic development, built form change and housing growth in the municipality's highest order centres (the Chapel Street and Chadstone Activity Centres). While NACs are typically low scale strip shopping centres that service a convenience function, they are identified as substantial change areas in the policy framework. Large NACs (like Hawksburn Village) provide a wider specialty retail, office and service market, and a higher level of housing growth (consistent with an adopted Structure Plan) than the Small NACs.

Mr Glossop's evidence was:

What this hierarchy demonstrates is that, strategically, the Hawksburn Village plays an important, but lower order role in both the City's economic life and also in terms of housing growth expectations (compared the other higher order centres). This strategic picture (reflected in the exhibited Structure Plan) is also relevant when it comes to selecting and designing planning controls to implement this vision.

His evidence was that the Amendment will provide clear direction for the future use and development of land within the activity centre and its peripheral residential areas, providing for the sustainable and orderly development of the centre in a manner that balances the present and future interests of Victorians. He considered that the Structure Plan and its implementation will also secure a pleasant living, working and recreational environment within the centre, by virtue of its requirements for higher standards of design quality in development.

Mr Glossop considered that the Amendment facilitates an appropriate level of intensification in the centre, and is likely to deliver positive social and economic effects including an additional supply of diverse forms of housing in a retail, service and transport-rich location in close proximity to the central city. It will also facilitate additional floorspace for commercial and retail activity, consistent with the '20 minute neighbourhood' principles in Plan Melbourne. He also noted the protection of heritage assets reflected in the Structure Plan and the Amendment more broadly as being consistent with state and local policy directions.

Mr Glossop concluded:

Broadly, it is my view that the amendment is strategically justified. The implementation of the Hawksburn Village Structure Plan will provide appropriate guidance for development within the activity centre, consistent with

policy expectations and the role that the Activity Centre is expected to play, having regard to its strategic context.

Having reviewed the amendment in detail, I consider that the provisions have generally been drafted to reflect the strategic justification of the amendment.

Council engaged Dr Spiller to present evidence on whether the Amendment unduly constrains development capacity in Hawksburn Village. He concluded that it would not, and that the Amendment is likely to generate a net community benefit. His capacity analysis was restricted to residential development capacity (not commercial development capacity).

Dr Spiller estimated that, post Amendment, the development capacity in the Hawksburn Village submarket (the area bordered by Chapel Street, Toorak Road, Orrong Road and High Street) would be for an additional 8,080 dwellings. Under the base case (where the Amendment did not proceed) it would be 8,250 dwellings. He concluded that the Amendment would therefore 'trim' the development capacity of the sub-market by 170 dwellings.

He then analysed the demand in the submarket over the next 20 years. His evidence was that there is likely to be demand for up to 3,557 additional dwellings over that period (around 178 dwellings per year). On that basis, he concluded that the post Amendment capacity in the sub-market (8,080 dwellings) represents some 45 years of supply, and that the lost capacity in the activity centre brought about by the Amendment could easily be absorbed in other parts of the sub-market. He concluded:

It is not clear that the foregone development capacity associated with AmC272 will ever be needed. If it were to be needed, this is likely to be in the long distant future. These factors imply that the opportunity cost associated with 'losing' capacity for 170 dwellings is negligible.

Dr Spiller noted that the economic merits of the Amendment cannot be resolved simply through evaluation of the supply-demand balance. He considered that an assessment of whether a reduction in development capacity is acceptable depends both on whether there are reasonable continued opportunities to meet demand, and on the value to the community of achieving the built form outcomes sought by the Structure Plan compared to the outcomes that would have arisen in the base case. He 'took it as given' that the centre does, indeed, have a village feel and distinctive character which are highly valued.

During cross examination of Dr Spiller, Ms Pepler (for Ausvest Holdings Pty Ltd and Creative Property Developments Pty Ltd) put several questions to him about the basis of assumptions in his capacity analysis that he was not able to answer at the time. Ms Pepler questioned him about whether he had considered the impact of the Heritage Overlay (which applies extensively in the submarket) or single dwelling covenants when estimating the submarket's ability to absorb the lost capacity in the activity centre. She also questioned the basis for his assumption that General Residential zoned land within the submarket could deliver densities of 100 dwellings per hectare.

Dr Spiller provided supplementary evidence seeking to clarify those assumptions, and to provide a breakdown of development capacity by zone in the submarket area. His supplementary evidence (DropBox Document 116) indicated that:

- In relation to the Heritage Overlay, the capacity analysis:

- excluded sites less than 1,000 square metres in area (assuming they were unlikely to be substantially redeveloped)
- applied a 30 percent discount to sites over 1,000 square metres
- excluded a number of individual heritage sites.
- The capacity analysis did not take single dwelling covenants into account, as this information was not available.
- The assumption that some General Residential zoned areas could deliver 100 dwellings per hectare was based on (among other things) the height limits under the applicable GRZ schedules, the fact that the GRZ accommodates a more diverse mix of housing types, and that 'walk up' apartments typically deliver densities of 100 dwellings per hectare.
- The majority (over 70 percent) of the submarket's capacity is within its activity centres, with the General Residential zones areas assumed to deliver only 3 percent of the submarket's capacity.

The Panel provided parties with the opportunity to respond to Dr Spiller's supplementary evidence. The response on behalf of Ausvest Holdings and Creative Property Developments (PPV Document 15) called into question the assumptions Dr Spiller had made in relation to average dwelling size in the activity centres. His assumed densities were based on an assumption of an average dwelling size of 75 square metres, whereas Dr Spiller's analysis of capacity within the Hawksburn Village activity centre had assumed an average dwelling size of 110 square metres. Ausvest Holdings and Creative Property Developments submitted that if Dr Spiller had adopted a larger dwelling size for other activity centres within the submarket, the supply will be considerably less than Dr Spiller's estimate.

Submitters

Ausvest Holdings Pty Ltd and Creative Property Developments Pty Ltd submitted that, in the broader activity centre context, the Amendment unnecessarily restricts development opportunities in Hawksburn Village. They provided a comparison of the built form parameters that have been applied in other activity centres in Stonnington, noting that higher order centres generally have much higher built form parameters, and comparable large NACs (such as Toorak Village) have less restrictive built form controls. They submitted:

The Council has not undertaken any municipal wide strategic activity centre study, that considers all of the activity centres, and their respective roles in relation to one another. If it had this might assist in providing a municipal wide understanding of the relative roles of each centre, and what is expected of it – and whether the controls proposed are therefore appropriate in this broader sense.

They highlighted that policy directs higher density and urban consolidation to activity centres where there is excellent public transport and access to employment and services, in order to protect the residential hinterland. They pointed out that Hawksburn Village is an area designated for substantial change under Clause 21.05 of the MSS, and that:

It follows that development in areas like this should not be 'pitched too low'. The Structure Plan says it intends to govern development until 2040.

Similarly, Mathoura Road Developments Pty Ltd emphasised the strong thread through the policy framework that activity centres are intended to 'do the heavy lifting' when it comes to accommodating growth. It submitted:

The centre's capability to contribute to the achievement of various State and local planning policy objectives for sustainable use and development within Metropolitan Melbourne, as well as the provision of new, well located, high quality housing to meet the State's population growth and ever increasing demand for housing, should not be underplayed by Amendment C272. Arguably, this is the messaging that Council and its witnesses have sought to communicate to date. That is, that it is a modest centre; that low scale building heights with deep setbacks are appropriate and that the existing character of the centre will be irreparably damaged if discretionary planning controls are broadly utilised within the centre.

It is submitted that at the eastern end of the activity centre, there is no clearly defined character to be protected and therefore that the degree of control the DDO seeks to enforce over non-heritage sites is out of step with the planning scheme's goals for intensive development within activity centres, such as Hawksburn.

Other submitters supported the broad strategic direction reflected in the Structure Plan, but did not agree with the proposed built form controls. For example, SJB Planning for 387-403 Malvern Road Pty Ltd submitted:

Our client does not object to the Council's desire to implement a more sophisticated, up-to-date activity centre strategy to guide land use and development outcomes within the Hawksburn large NAC, however, it does object to [the proposed built form controls for its site].

The appropriateness of the built form controls is dealt with in Chapters 5 and 6.

(ii) Discussion

The Panel notes that PPN58 does not call for structure plans for NACs, although it indicates that if a council chooses to prepare one, it should be prepared in accordance with PPN58.

Structure planning is an appropriate mechanism to manage growth in activity centres, consistent with Clause 11.02-2S of State policy which seeks to facilitate the orderly development of urban areas including through the preparation of a hierarchy of structure plans that take into account the strategic and physical context of the location. The Panel is satisfied that the structure planning process for Hawksburn Village, although it was completed before PPN58 was released, was broadly consistent with PPN58.

The Panel is satisfied that the broad strategic directions for Hawksburn Village set out in the Structure Plan are appropriate, and consistent with the Victorian planning objectives and the policy framework. They reflect policy imperatives to promote a housing market that meets community need, and to facilitate development in targeted areas including neighbourhood activity centres, particularly those with good public transport. The Structure Plan encourages a range of housing types and a mixed use neighbourhood with varying densities that provides choice in housing, and directs economic development, built form change and housing growth to an activity centre, taking development pressure off the more sensitive residential hinterland (Clauses 11, 16 and 21.05).

The Panel notes Ausvest Holdings and Creative Property Developments' submission that Council has not prepared a municipal wide strategic activity centre study that considers all of the activity centres, and their respective roles in relation to one another. It appears from Council's website that an Activity Centres Strategy is currently under preparation.³ Nevertheless, in the absence of a completed strategy, the Panel is satisfied that the planning for Hawksburn Village NAC has occurred within the context of a broader understanding of the municipality's activity centres, as required by PPN58.

Broadly speaking, the level of growth anticipated in the Structure Plan reflects Hawksburn Village's position in the activity centre hierarchy. The Amendment appropriately provides for a lower level of growth and intensification than the higher order centres in the municipality, and a level of growth and intensification that is broadly consistent with comparable centres such as Toorak Village (Clause 21.04).

The Panel agrees with Mr Glossop that the Amendment is likely to deliver positive social and economic effects including an additional supply of diverse forms of housing in a location that is well served by transport, services and employment opportunities, consistent with the '20 minute neighbourhood' principles in Plan Melbourne. It is satisfied that the purpose of the built form parameters is to protect valued local character and heritage, and residential amenity along the centre's residential interfaces (Clauses 15 and 21.06).

As set out in Chapter 1.1(ii), the Amendment proposes to update the strategic direction for Hawksburn Village set out in Council's activity centre policy in Clause 21.04-1, to read:

Strengthen the neighbourhood role of the activity centre as a specialty retailing destination and ensure it continues to function as a sustainable and viable centre. Establish a more diversified land use mix. Retain employment areas on ground and first floors and encourage residential uses above these.

The Panel is satisfied that this reflects the Structure Plan's vision, and is consistent with the treatment expected in the policy framework for a Large NAC.

Several submissions asserted that the Amendment may be underplaying the centre's role and ability to accommodate growth. The Planning Policy Framework establishes an imperative on councils to accommodate growth in appropriate locations such as activity centres, and to ensure a sufficient supply of land is available for residential, commercial and retail uses.

PPN60 (which was updated after the Structure Plan was prepared) requires a council to demonstrate that there is sufficient land and capacity available to meet forecast demand and projected population growth over at least a 15-year period, and beyond this to a 30-year horizon, including how an activity centre contributes to this need.

The Panel did not find Dr Spiller's evidence particularly persuasive in terms of the impact the Amendment will have on housing capacity. While his supplementary evidence further explained the assumptions that lay behind the capacity analysis, the basis of some of those assumptions remains unclear to the Panel (for example, the basis of the 30 percent discount applied to heritage sites, why a number of individual heritage sites

³ Refer to <https://www.stonnington.vic.gov.au/Planning-and-building/Strategic-planning/Planning-Strategies/Activity-Centres-Strategy>

were excluded, the proportion of GRZ zoned sites that were assumed to be candidates for redevelopment, and what assumptions were made about the proportion of those redevelopment sites that would be developed for apartments).

That said, it accepts Dr Spiller's evidence that most of the submarket's capacity is in the activity centres rather than in General Residential zoned areas, and that there is currently abundant capacity for housing in the submarket. There was no suggestion in any of the submissions or evidence presented to the Panel that the Amendment would result in a short supply of housing or commercial or retail floorspace over a 15 to 30 year horizon.

Accordingly, the Panel is broadly satisfied that the vision is strategically justified. The question of whether the built form parameters (including mandatory controls) are justified is addressed in the following Chapters.

4.4 Is a statutory control needed?

(i) Evidence and submissions

Council

According to the Explanatory Report, recent development applications and permits approved by VCAT within the activity centre are not meeting the recommended building heights and setbacks in the Structure Plan.

The Panel directed Council to provide examples of permit applications and VCAT decisions that, in Council's view, inappropriately exceed the Structure Plan's built form guidelines. Council provided a series of examples in its Part B submission, submitting that these decisions "*demonstrate the limited weight the Tribunal has afforded the Structure Plan, as a document adopted by Council but not incorporated into the Scheme*". Council submitted that the Amendment:

... is needed to ensure the Structure Plan is afforded appropriate weight and provide the built form guidance required to ensure built form appropriately responds to the specific characteristics and attributes of the Hawksburn Village NAC, currently lacking in the Scheme.

Council provided details of 8 applications within the activity centre since the Structure Plan was adopted in 2016. Broadly speaking, applications proposed development in the order of 1 (sometimes 2) storeys above the Structure Plan's height limits, with upper level setbacks between 2.5 and 3 metres (the Structure Plan indicates 5 metres), and street wall heights 1 to 2 storeys above what the Structure Plan indicates. Some proposals exceeded the rear wall heights in the Structure Plan, and did not provide ground level setbacks at residential interfaces. Several of these developments were approved by VCAT, although most with modifications that brought them closer to (although not into compliance with) the Structure Plan's guidelines.

Council submitted:

While the outcomes of many of these cases (achieved following often extended periods of negotiation with Council, and often amended plans being submitted prior to a Tribunal hearing) are not incongruously out of line with the guidance provided by the Structure Plan, DDO21 as drafted would have avoided extended delay and substantial costs caused by continual 'pushing of the envelope'.

Ms Bell was heavily involved in the preparation of the Structure Plan and gave urban design evidence for Council at the Hearing. In response to questions from the Panel, she indicated that in her view, recent developments (all of which were in the Western Precinct) broadly reflected the outcomes sought by the Structure Plan. She noted that much of the recent construction is above the 5 storey preferred height limit, but that it has done a 'good job' of responding to the Structure Plan. She considered that recent construction in the Western precinct was "*pushing the limitations, but in an acceptable way*". Nevertheless, she considered that the DDO21 will provide a clearer framework for guiding future development.

In response to questions from the Panel, Mr Glossop expressed the view that relying on the Structure Plan alone, without the support of statutory controls, would not suffice, even if the Structure Plan becomes a reference document in the local policy. He noted that the Structure Plan would become a background document with the upcoming Planning Policy Framework translation, and would likely be afforded less weight. Without statutory controls, there is a risk that VCAT will give more weight to State policies relating to activity centre planning and accommodating growth than local policies. Mr Glossop noted that the activity centre is designated as a substantial change area in the scheme, and until statutory controls are in place, there is a risk that less regard will be had to local context and place making in favour of accommodating growth. This could lead to bad outcomes, including a loss of the character that the Structure Plan seeks to protect.

Mr Glossop further explained that the DDO21 is necessary to allow local variations to the rear setbacks specified in the Better Apartments Design Standards and reflected in Clause 58 of the Planning Scheme (all experts agreed that the rear setback controls in the DDO21 were appropriate).

Submitters

Ausvest Holdings and Creative Property Developments submitted that the examples of applications and VCAT decisions presented by Council suggest that in fact, applications do not exceed the parameters of the Structure Plan by any significant margins, and that "*Council has been quite able to approve modified proposals or refuse proposals, and the Tribunal has been quite able to review amended applications or modify proposals, in order to bring the applications even closer to the Structure Plan parameters*". They submitted that the approvals that have been granted in fact appear to be largely respectful of the direction contained in the Structure Plan, and have not resulted in inappropriate outcomes.

(ii) Discussion

The submissions and the views of the experts on this issue have presented the Panel with something of a dilemma.

On the one hand, Ms Bell's opinion was that the Structure Plan was essentially doing its job, and that outcomes of recent developments in the centre were acceptable, and broadly in line with the Structure Plan. This suggests that there may be no need for a statutory control, particularly now that the Structure Plan has been reviewed by an independent Panel and found to be broadly strategically justified. On the other hand,

Mr Glossop considered that the Structure Plan alone, without the support of the DDO, would not be sufficient, and that over time its relevance and weight is likely to reduce.

The Panel was not persuaded that any of the examples of recent development or approvals in the activity centre have resulted in poor outcomes, or outcomes that are incongruous with the Structure Plan. That said, it accepts that without the support of statutory controls, there is a risk that the Structure Plan will, over time, become less relevant and be given less weight in the decision making process.

The Panel also accepts that in several of the examples provided by Council, there has been a degree of negotiation to end up with acceptable outcomes. However, negotiation or scrutiny of proposals is not necessarily a bad thing. While it takes up time and resources, it generally results in better, more considered outcomes.

On balance, the Panel is satisfied that it is appropriate to introduce statutory controls to implement the Structure Plan. Over time, the Structure Plan will become less relevant, and the character of the centre is likely to be more and more determined by recent development, rather than the preferred character described in the Structure Plan. The Panel accepts that a statutory control provides a clearer framework for assessing proposals. Statutory controls provide more certainty for both the development industry and the community than the Structure Plan alone can deliver.

4.5 Is the Design and Development Overlay the appropriate tool?

(i) Evidence and submissions

Relying on the evidence of Mr Glossop, Council submitted that the DDO is appropriate as the primary method to implement the Structure Plan.

Mr Glossop noted that a range of mechanisms can be used to implement activity centre structure plans, including the DDO and the Activity Centre Zone (which has been applied in other activity centres in Stonnington). Mr Glossop considered that the DDO was the appropriate tool in this instance, because:

- the DDO is widely used to implement structure plans for activity centres
- *PPN56: The Activity Centre Zone* and PPN60 note that the Activity Centre Zone is the preferred tool in higher order centres, while the DDO is the preferred tool in other situations
- the Structure Plan does not propose significantly altering the existing land use pattern in Hawksburn Village (which may have otherwise justified a change in zoning)
- the Structure Plan's aim of encouraging office space within mixed use development can be achieved through flexible floor to ceiling heights, and alternatives such as the Activity Centre Zone, vertical zoning or the C3Z are not necessary given the centre's role and scale
- the DDO21 provides a sensible and convenient mechanism to implement the built form aspects of the Structure Plan.

(ii) Discussion

The Panel accepts that the DDO is the appropriate tool to implement the Structure Plan.

The Structure Plan sets out the following strategies for land use:

- Develop land use provisions that support a diversity of employment opportunities.
- Encourage the provision of employment uses on ground and first floor levels in redevelopment proposals.
- Support the development of an evening economy in the Western Precinct suitable to the role and function of the centre.
- Enhance the centre's convenience retailing offer to ensure a high level of service for local residents.
- Provide the opportunity for a diversity of retail uses in the Western Precinct.
- Support high-end fashion continuing its role in the Village, in particular the Eastern Precinct.
- Encourage uses that extend the hours of activity of the Activity Centre and strengthen its function as a place for living and working at the street level.
- Allow opportunities for medium sized food retailers in larger sites in the Western Precinct.
- Undertake further planning investigations for the redevelopment of opportunity sites.

There is no need to change the zoning within the centre to achieve the outcomes sought by the Structure Plan. All of the above strategies can be achieved under the existing zoning. As Mr Glossop pointed out, the DDO21 includes a requirement for minimum 4 metre floor to floor heights at ground floor and first floor levels, to allow for commercial occupancies. Commercial uses will be further facilitated by Ms Bell's suggestion of increasing overall height limits by a metre to allow for more generous floor to floor heights on upper levels (see Chapter 6.1). The DDO's design objectives and the proposed changes to the local policy will all help to encourage an appropriate mix of land uses, including commercial uses on lower levels.

4.6 Is the Structure Plan out of date?

(i) Evidence and submissions

Several submissions raised concerns that the Structure Plan and the background material supporting it are now five or more years old, and have not been updated.

Council explained that there are several reasons why the controls to implement the Structure Plan took some four to five years to develop. It highlighted the amount of additional work undertaken following the adoption of the Structure Plan (described in Chapter 1.2), which had to be managed as part of a large volume of strategic work undertaken in recent years by Council.

Council acknowledged that there were a number of policy and other changes since the Structure Plan was adopted, including:

- an updated Plan Melbourne 2017-2050
- Amendment VC148, which introduced the new Planning Policy Framework into all schemes across Victoria and introduced improvements to the structure and operation of the Design and Development Overlay
- Amendment VC136, which introduced Clause 58 to implement the Better Apartment Design Standards
- updated Ministerial Direction on the Form and Content of Planning Schemes

- a new *Council Plan 2017-2021* (adopted on 5 June 2017).

Council submitted:

The Amendment has been careful to reference and implement appropriate changes that have resulted from the above changes.

It is noted that the policy context for activity centres and their focus for sustainable and appropriately managed growth remains unchanged in new policy. Within this context, the guidance supplied in the Structure Plan remains current and appropriate for Hawksburn.

Council also acknowledged that the background documents that supported the Structure Plan are up to five years old, but submitted:

... the physical and strategic considerations that support the amendment have not shifted significantly over this period. In this sense, the support documents remain within a current strategic time horizon and reflect contemporary planning.

Mr Glossop considered whether there had been any material shift in policy since the Structure Plan was adopted by Council. He noted that several amendments have been made to the Planning Scheme since then, including VC134 (which introduced Plan Melbourne 2017-2050 into the VPP and made changes to settlement policy at Clause 11), VC136 (which introduced Clause 58 and implemented the Better Apartments Design Standards) and VC148. His evidence was:

I do not consider that these amendments have any substantial bearing on the amendment, save for Amendment VC136.

Mr Glossop also noted that the Victoria in Future population projections have been updated since 2016, and that the most recent (2019) figures provide for a marginally higher rate of increase in Stonnington's population than the 2016 figures. He did not consider this to be material.

Mr Glossop concluded:

I consider that there has been no substantive change in planning policy or forecasting that would undermine the realisation of the Structure Plan. It remains appropriate to guide development of the centre into the future.

Having said that, like all structure plans and planning intervention, its implementation should be periodically monitored and reviewed to ensure it is achieving its intended outcomes and is consistent with relevant policy guidance.

(ii) Discussion

PPN60 provides that strategic work relied on to support mandatory controls should be reviewed every five years to ensure it is aligned to any updated census data or revisions to Plan Melbourne. PPN60 also indicates that where mandatory controls are proposed, any supporting structure plan should be no more than five years old, and that built form analysis takes account of recent trends.

The Panel is satisfied on the basis of Council's submissions and Mr Glossop's evidence that, while there have been several changes to the Planning Scheme since the Structure Plan was adopted, these do not materially impact on the Amendment or render the Structure Plan outdated. The policy context broadly remains as it was when those

documents were prepared. Nor do the revised population projections in Victoria in Future 2019 have any material impact.

The Panel agrees with Mr Glossop that the Structure Plan should be regularly reviewed. It is intended to guide development in the centre to 2040. Much can change in 20 years. It agrees with Mr Glossop's suggestion (in response to the Panel's questions) that a five yearly review would be suitable.

4.7 Conclusions and recommendation

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

- The Structure Plan's vision is broadly strategically justified, and is consistent with the Victorian Planning objectives, the Planning Policy Framework, and the level of growth anticipated for a large NAC as reflected in State and local policy.
- The Panel was not persuaded that current development in Hawksburn Village is delivering unacceptable outcomes, or outcomes that are incongruous with the Structure Plan. That said, it accepts that statutory controls are justified to support and implement the Structure Plan.
- The Design and Development Overlay is an appropriate statutory tool to support and implement the Structure Plan.
- While there have been several changes to the Planning Scheme since the Structure Plan was adopted, as well as revised population figures, these do not materially impact on the Amendment or render the Structure Plan outdated.
- The Structure Plan should be amended to provide for five yearly reviews.

The Panel recommends:

Amend the Structure Plan as follows:

- a) **Include a provision to indicate that it will be reviewed every five years.**

5 Are mandatory controls justified?

5.1 What is proposed?

The Structure Plan is silent on whether built form controls should be mandatory or discretionary.

The DDO21 proposes a blend of mandatory and discretionary controls. Council explained why some controls are proposed to be mandatory and others discretionary:

Within the Hawksburn Village NAC, areas that are identified as being within the Heritage Overlay, or which demonstrate a unique, fine grain village character are proposed to have mandatory controls. The Structure Plan specifically identifies these areas as requiring guidance to ensure the loss of this valued character is avoided.

Generally speaking:

- mandatory controls are proposed in the Eastern Precinct where the Structure Plan seeks to protect heritage fabric and fine grained character – exceptions are:
 - the Woolworths site, which is identified in the Structure Plan as a strategic opportunity site
 - the recently redeveloped site at 162-164 Williams Road, 508 Malvern Road and 1-5 Robinson Street (the Gurner site)
- discretionary controls are proposed in the Western Precinct, which the Structure Plan identifies as having a more robust and larger grained character – exceptions are:
 - heritage buildings
 - sites with frontages to residential streets.

Mandatory controls are also proposed for residential interface areas.

The application of mandatory and discretionary controls is represented in Figure 3.



Figure 3 Location of mandatory controls
Source: DropBox Document 46

5.2 The issue

The issue is whether mandatory controls are justified.

5.3 Guidance

PPN59: The Role of Mandatory Provisions in Planning Schemes and *PPN60: Height and Setback Controls for Activity Centres* are particularly relevant. Both were updated in September 2018.

(i) PPN59: The Role of Mandatory Provisions in Planning Schemes

PPN59 sets out criteria that can be used to decide whether mandatory provisions may be appropriate in planning schemes. It states that the VPP are predominantly performance based, and that planning schemes specify the objective to be achieved and provide a degree of freedom on how it is achieved. Mandatory provisions are the exception.

The criteria in PPN59 for mandatory provisions are:

- Is the mandatory provision strategically supported?
 - Does the proposed measure have a sound strategic basis having regard to the planning objective to be achieved and the planning policy framework generally?
 - Does the proposed mandatory measure clearly implement a policy or achieve an objective rather than just being a prescriptive tool?
- Is the mandatory provision appropriate to the majority of proposals?
 - Has the scope of the proposed mandatory provision been carefully considered to ensure that it will be appropriate in the vast majority of cases to limit the unnecessary loss of the flexibility and opportunity available in a performance-based system?
 - Will the considered application of planning policy to be implemented by the proposed measure lead to the outcome prescribed by the measure in the vast majority of cases or is it merely one of a number of possible outcomes?
- Does the mandatory provision provide for the preferred outcome?
 - Does a proposed mandatory provision resolve divergent opinions within the community as to a preferred outcome when a consistent outcome is necessary?
 - Does a proposed mandatory provision avoid the risk of adverse outcomes in circumstances where there is likely to be constant pressure for development inconsistent with planning policy?
 - Is there real evidence of development exceeding the proposed control?
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
 - Will the majority of proposals not in accordance with the requirements fail to meet the objectives of the control?
 - Will the majority of proposals not in accordance with the requirements lead to unacceptable planning outcomes?
- Will the mandatory provision reduce administrative costs?
 - Will the proposed mandatory provision reduce costs imposed on councils, applicants and the community to the extent that it significantly outweighs the benefit of performance-based provision?

(ii) PPN60: Height and Setback Controls for Activity Centres

PPN60 states (Panel's emphasis):

Proposed height and setback controls must be soundly based on the outcomes of strategic research and background analysis that demonstrates consistency with state and regional policy and includes a comprehensive built form analysis.

...

When to apply mandatory controls

Mandatory height and setback controls (that is, controls that cannot be exceeded under any circumstance) will only be considered where they are supported by robust and comprehensive strategic work or where exceptional circumstances warrant their introduction.

Mandatory height or setback controls should only be applied where:

- Exceptional circumstances exist; or
- council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
- they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

PPN60 indicates that strategic work supporting mandatory controls should be no more than 5 years old.

(iii) The Practitioner's Guide

The Practitioner's Guide describes the role of a DDO at page 129 (Panel's emphasis):

Design and Development Overlay – principally intended to implement requirements based on a demonstrated need to control built form and the built environment, using performance-based rather than prescriptive controls.

5.4 Evidence and submissions**(i) Council**

Council's Part A submission attached some 3D modelling and analysis prepared by Council officers in response to a query from DELWP (DropBox Document 41) which, according to Council:

... concluded that mandatory elements of DDO21 were required to assist in achieving three key outcomes:

- providing an appropriate and respectful response to heritage built form;
- responding to and maintaining the highly valued low scale and fine grain streetscape character of Hawksburn Village within the Eastern Precinct; and
- responding to residential streetscapes and preserving an appropriate level of residential amenity.

In its Part B submission Council referred to the *Activity Centre Pilot Program – Key Findings Report*, which preceded the updated PPN60. The purpose of the pilot program included identifying how planning controls could provide greater clarity and certainty about heights in activity centres. The Key Findings Report stated:

Based on the findings from the pilot program, there is an opportunity to revise Planning Practice Note 60 to outline instances, in addition to the identified

exceptional circumstances, where mandatory building height controls can be considered in activity centres subject to the fulfilment of clear criteria

Councils should have an ability to seek greater certainty through the application of mandatory height controls where they have undertaken contemporary and robust strategic work, subject to significant consultation with allowance for growth and change consistent with state policy.

Council addressed the PPN59 and PPN60 criteria in some detail in its Part B submission. It submitted that the PPN59 criteria should be used to assess whether or not the benefits of the proposed control outweigh any loss of opportunity or the flexibility of a performance-based system. It argued that the proposed mandatory controls in DDO21 “comfortably satisfy” the criteria, and “will ensure future development within the Hawksburn Village NAC provides an appropriate response to heritage places and the established traditional streetscape character, that includes a highly consistent form, scale and facade articulation”.

Council submitted that the mandatory controls in DDO21 also meet the PPN60 criteria.

Exceptional circumstances

Council submitted that the built form heritage fabric, the highly valued consistent ‘village’ neighbourhood character of the streetscape and sensitive residential abutments in Hawksburn Village constitute exceptional circumstances.

Council pointed to the fact that a number of heritage controls exist within Hawksburn Village, including the Hawksburn Retail Precinct (HO142). The statement of significance for HO142 highlights a high degree of intactness to its c1940 state, a low proportion of modern infill buildings, a high integrity of upper level facades, buildings with uniform front setbacks and similar facade widths forming repetitive modules, and the consistent one or two storey scale of buildings.

Council submitted that the mandatory maximum building heights and mandatory upper level setbacks proposed to apply to heritage buildings throughout the activity centre would protect the heritage fabric. It submitted that in the Eastern precinct, where there is a considerable amount of heritage fabric and a fine grained retail character, mandatory upper level setbacks were required on properties outside the heritage overlay to ensure that new built form ‘respects and enhances identified heritage buildings’ as per the Design Objective of DDO21, and provides an appropriate response to the village feel and distinctive neighbourhood character. Council submitted that the setback controls were consistent with existing heritage policy at Clause 22.01-4.5 that seeks to ensure that new buildings complement adjacent significant or contributory places and the prevailing character of the precinct, and concluded:

Council submits the Amendment has been prepared with appropriate regard for the significance and built form character of heritage overlay places within the Hawksburn Village NAC and is consistent with the key heritage objectives of the Hawksburn Village Structure Plan.

Robust and comprehensive strategic work

Council submitted that the Structure Plan, complemented by the expert heritage and urban design advice from Bryce Raworth and David Lock Associates, constitutes ‘robust comprehensive strategic work’ that supports the proposed mandatory controls. It submitted that the built form controls strike an appropriate balance between

considerations of heritage and village character on one hand, and urban renewal on the other.

Absolutely necessary to achieve preferred built form outcomes

Council acknowledged that PPN60 indicates that mandatory controls should only be applied where ‘absolutely necessary’ and where exceedances would result in ‘unacceptable’ built form outcomes. However, it submitted that a strict reading of these guidelines would rule out even the most minor variations, and mandatory provisions would never be approved. It submitted that having regard to the qualities of Hawksburn Village, including the consistent nature of setbacks and heights and the heritage built form, the value and benefit in preserving and reinforcing these qualities provides an appropriate basis for mandatory controls.

Several of Council’s expert witnesses addressed whether mandatory controls were justified. Mr Glossop’s evidence was:

In terms of systems design alone, the application of mandatory controls in 2020 is simply no longer the issue it was in 2000. In this planning scheme, mandatory provisions apply to the High Street and Glenferrie Road Major Activity Centre. In more recent times, mandatory height and setback controls have been supported in neighbourhood activity centres which are comparable to this centre, such as the Johnston Street Neighbourhood Activity Centre in the City of Yarra, as adopted by Amendment C220.

Changes to the mandatory provisions practice notes in 2018 broaden the circumstances where mandatory controls can be supported and are a recognition of this movement.

Within this context, a purely ideological opposition to the use of mandatory controls in activity centres (and particularly lower order centres such as neighbourhood activity centres) cannot be sustained, nor is it a valid interpretation of the practice guidance.

Mr Glossop described the application of mandatory controls in DDOs as “*a well-worn path*” that is “*typical and unremarkable*” in situations where a planning authority wishes to achieve a higher level of certainty and control. That said, he emphasised that the use of mandatory controls must be justified.

Mr Glossop considered that it was relevant that Hawksburn Village is at the lower end of the activity centre hierarchy. His evidence was that the extent of change within Hawksburn Village is limited by a number of factors, including heritage controls, small lot sizes and residential interfaces. He noted that mandatory controls apply in some higher order centres in the municipality, where more growth could be anticipated, and concluded:

I note that the mandatory controls are proposed to be applied to areas that are identified as being within the Heritage Overlay or which demonstrate a unique, fine grain character. The Structure Plan says that these areas require particular attention in built form control and that the loss of the valued character needs to be avoided.

While, ultimately, the urban design and heritage evidence will consider the justification in each individual circumstance, there is nothing inherently wrong from a town planning perspective with the principle of applying mandatory controls in areas that have this type of sensitivity in lower order centres.

...

From a town planning perspective, I find that the mandatory controls can be supported.

Ms Bell's evidence was that though the Structure Plan is silent on whether controls should be mandatory or discretionary, it clearly articulates the parts of Hawksburn Village where existing character and heritage features are stronger and the built form response needs to be tempered, versus areas with a mixed and less valued character where a more robust response can be supported.

Ms Bell supported all of the proposed mandatory controls, except the mandatory height limit on the Toorak Plaza site at 537-541 Malvern Road which she thought should be discretionary (see Chapter 7.2 for detail). She considered that mandatory controls were necessary to:

- ensure the future built form in the Eastern Precinct responds appropriately to the existing and preferred street wall character and 'village' character
- protect heritage buildings by ensuring the retention of the front room of the heritage buildings, avoiding 'facadism'
- protect the heritage and village character in the Eastern Precinct by achieving a consistent front form and consistent setbacks relative to the street
- ensure development in Area 2 (sites with a residential street frontage) transitions to the existing scale within the residential hinterland.

Ms Bell considered that the street wall height and upper level setback controls for the Woolworths site should be mandatory, not discretionary as proposed (see Chapter 7.1 for details).

Mr McGauran expressed general support for mandatory controls in the Eastern Precinct, with the exception of the Toorak Plaza site (see Chapter 7.2). He was "*very comfortable*" with mandatory controls on the smaller sites.

Mr Raworth's evidence was that the mandatory 14 metre height limits proposed in the Eastern Precinct were generally consistent with the height limits in other activity centres in Stonnington (14.5 metres in the Glenferrie Road Major Activity Centre, and 14.6 metres in "*the sensitive heritage environments*" in Chapel Street Windsor and Greville Street). He noted that while upper level setbacks in Glenferrie Road are mandatory, the height limits are discretionary. He stated:

That development outcomes would be somewhat more restricted in the Hawksburn Village as a result of mandatory maximum heights reflects the area's status as a Neighbourhood Activity Centre – ie less intensive forms of development are encouraged in Hawksburn than is the case of Major Activity Centres such as Glenferrie Road.

He concluded:

While it is recognised that [PPN60] discourages the application of mandatory setback and height controls, their introduction in these other Stonnington locations in recent years provides the main impetus for them being put forward in this instance.

The protection of heritage is one of the key justifications for mandatory controls put forward by Council. The Panel therefore explored this issue in detail with Mr Raworth at the Hearing. In response to the Panel's questions, he explained that the mandatory controls in Glenferrie Road, Chapel Street Windsor and Greville Street are linked to the

high heritage significance of these areas. These areas have a consistently low scale, and mandatory heights were considered necessary to maintain this scale.

Mr Raworth did not consider that Hawksburn Village – at least from a heritage perspective – has the same level of significance as these other areas. However, he accepted the urban design evidence that mandatory controls are justified in Hawksburn Village on character grounds. He also noted that a mix of mandatory and non-mandatory controls have been supported in other activity centres in inner Melbourne (Queens Parade, Johnson Street and Swan Street) on the basis of the sort of detailed work undertaken here.

Mr Raworth considered that a consistent street wall is important to protect the heritage values of the Eastern precinct, but that this did not necessarily require a consistent street wall height. Rather, street walls needed to ‘speak to each other’ along and across the street. He noted that on the Gurner site, he had supported a street wall which is higher than the street wall on the adjacent heritage building, and did not consider that this had resulted in a bad heritage outcome.

The Panel asked Mr Raworth whether mandatory controls in the DDO21 are needed given the Heritage Overlay applies extensively in Hawksburn Village. He considered that there is an argument to say the Heritage Overlay helps manage expectations and outcomes, and that even discretionary controls in the DDO would send a strong message. He indicated that he is not actively arguing for mandatory controls in Hawksburn Village, but does not consider that they would be unacceptable.

(ii) Submitters

Creative Property Developments submitted that Council had “*wholly failed*” to discharge the significant burden associated with proposing mandatory controls.

It submitted that PPN59 and PPN60 represent recently updated, and specific, guidance about when mandatory controls may be contemplated, and should be given great weight. It submitted that they set “*quite a high bar*” for the application of mandatory controls. The Practice Notes emphasise that planning schemes are predominantly performance based, and that mandatory provisions are the exception.

It pointed to the fact that PPN60 clearly states that planning policy recognises activity centres are areas where higher density housing and change is encouraged, and that discretionary controls are more likely to facilitate appropriate built form outcomes by providing more flexibility. It emphasised the criteria in PPN60, and submitted that they simply had not been met in this case, particularly outside the heritage areas.

Creative Property Developments submitted that the premise of ‘strong and consistent’ character at the eastern end of the Activity Centre (east of the Woolworths site) “*does not bear scrutiny*”. It submitted that the character at this end is not exceptional, or strong and consistent, or sensitive:

The character of the eastern end of the precinct represents a commonplace circumstance which is found in many inner urban strip shopping centres. Ms Bell and Professor McGauran conceded that for the north east leg, this is the case.

It presents varied heights, varied setbacks, and varied architectural forms.

Mr Raworth described the north east leg in evidence as a “mixed streetscape”.

Creative Property Developments pointed to the development at 599 Malvern Road, which it submitted disrupts the consistent character east of the Woolworths site, and cannot be ignored. The development at 599 Malvern Road is three storeys high, with a wide frontage, a front setback and a three storey street wall height.

Creative Property Developments conceded that the eastern end of the centre has a consistent fine grained retail character and a ‘village feel’, but that this could be sufficiently protected by the design objectives in the DDO21, and discretionary, performance based parameters. It submitted that windows, awnings and rhythm are more important than overall height in protecting this character. It submitted:

Indeed, as Ms Bell has pointed out, even without any status in the Planning Scheme, and a much more varied existing character in the Western Precinct, the Structure Plan has been producing a relatively consistent and acceptable emerging character. There is no reason to think appropriately worded discretionary DDO controls for the Eastern Precinct cannot achieve the same outcome.

Creative Property Developments submitted that Council simply had not established that development exceeding the mandatory controls would cause unacceptable outcomes:

Ms Bell was candid that she had not undertaken this assessment – despite noting that it is common practice for her firm to undertake 3D modelling and testing for ‘basically everything’ now. This is a factor that has suffered due to the length of time that has elapsed since the Structure Plan was created.

Professor McGauran likewise, accepted that he had not undertaken this assessment.

Mr Glossop had not assessed any of the ‘metrics’ of the proposed controls.

In terms of the justification for these mandatory controls then, how could it possibly be said there is a robust strategic basis upon which to conclude that the controls are warranted?

Creative Property Developments submitted that the rudimentary built form testing undertaken by Council (DropBox Document 41) was “*significantly wanting*”:

.... The details of the parameters or accuracy of the exercise have not been provided. It also appears to be an entirely subjective assessment, without any explanation of the approach taken or even who the author is.

Further, when the images are considered, they do not support the proposition that non-compliant built form would be clearly unacceptable.

In fact what the [modelling] shows, is that far from higher development being clearly unacceptable, it potentially makes very little difference to have an additional storey.

...

The Council’s in-house modelling exercise cannot be considered to provide a persuasive basis for why the application of mandatory controls is necessary.

Creative Property Developments submitted that mandatory controls can result in poor urban design outcomes, and that while uniformity may be achieved, it could be at the cost of architectural excellence and design interest. Mandatory controls may also produce “*less than ideal*” floorplates. It submitted that “*against these costs, the rationale and the benefits should be clear*”, which they were not.

Mr Czarny gave urban design evidence for Creative Property Developments. His evidence was:

While I have on occasion supported mandatory measures in selected Activity Centres, this is typically on the basis of exceptional place values – such as special heritage, environmental or coastal contexts – or where critical solar access tests are to be met (I note that solar access to the Malvern Road pedestrian realm is not critically examined in the Structure Plan or background analyses). With the exception of the designated heritage cluster in Hawksburn, I see no clear foundation in the Hawksburn Village NAC for mandatory measures to be applied.

Mr Czarny did not consider that exceptional circumstances applied in Hawksburn Village. His evidence was that the Structure Plan exaggerated the importance (and uniqueness) of the existing character in both Eastern and Western Precincts outside of the heritage areas. He considered that discretionary controls provided greater flexibility for site responsive design. His expert opinion was that site consolidation is a strong influence on the ability to flexibly accommodate height while meeting character and amenity objectives, and that site consolidation should be encouraged.

Several other submissions raised concerns in relation to the lack of strategic justification for the proposed mandatory controls. For example, Memart Investments' original submission stated:

In their current form, the proposed mandatory controls are lacking in strategic justification and we see no benefit that could reasonably outweigh the loss of opportunity and flexibility in a performance based system. ...

Mathoura Road Developments submitted:

It is our client's submission that mandatory provisions are not strategically supported by the relevant Practice Note tests and when the provision of increased densities and diversity of housing, within an activity centre with excellent access to public transport, is a principle outcome sought by state and local planning policy.

Mathoura Road Developments submitted that Council had failed to demonstrate exceptional circumstances, and had failed to demonstrate that discretionary provisions are insufficient to achieve desired outcomes. It submitted that Council's modelling was rudimentary and failed to take account of various planning scheme requirements that would ensure far less 'blocky' and visually bulky built form outcomes than those shown in DropBox Document 41.

On the other hand, some submissions called for a broader application of mandatory controls, particularly in residential interface areas, to provide greater certainty for residents about the expected form of development in the adjacent activity centre. For example, the original submission prepared by Song Bowden for the Clarke Street submitters' stated:

Our clients strongly oppose the application of 'preferred' height and setback controls to the BMW site and are of the view that the discretionary controls would be inadequate to deliver the desired built form objectives of the Structure Plan 2016.

Mandatory controls make the decision processes clear for all parties and their application would remove uncertainty with respect to the BMW site on the periphery of the Activity Centre.

5.5 Discussion

This chapter deals with the overall question of whether mandatory height controls are strategically justified. Several submissions challenged the justification for mandatory controls on specific sites. Those issues are addressed in Chapter 7. The appropriateness of mandatory controls for residential interface areas (Area 2) is dealt with in Chapter 6.4.

Notwithstanding the 2018 updates to PPN59 and PPN60, the Panel considers that they continue to set a high bar for mandatory controls. According to PPN60, mandatory controls should be the exception. PPN60 refers to the need to demonstrate that proposed mandatory controls in an activity centre are “*visionary in nature*”, and that mandatory controls should only be introduced where “*absolutely necessary*” to achieve the built form objectives or outcomes sought.

PPN60 indicates that exceptional circumstances can include areas of high heritage value or strong and consistent character themes.

(i) Heritage

The Panel was not persuaded that the heritage value of Hawksburn Village is sufficient to justify mandatory controls, at least on its own. PPN60 refers to “*significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values*”. In response to questions from the Panel, Mr Raworth indicated that while he did not object to mandatory controls, he did not strongly advocate for them, or see them as necessary to protect heritage values. His evidence was that the Heritage Overlay, in combination with discretionary controls in the DDO, could send a “*strong message*” about the need to protect and respect existing heritage fabric. He also stated that the heritage values of Hawksburn Village were not as significant or unique as those in Chapel Street Windsor or Glenferrie Road.

That leaves the question of whether the existing and emerging character in the Eastern Precinct is sufficiently strong and consistent as to warrant mandatory controls.

(ii) Character

The discussion below is focussed on the Eastern precinct, because that is mainly where mandatory controls are proposed.

Is there strong and consistent character?

No building in the Eastern Precinct is over 3 storeys high, and the vast majority are between 1 and 2 storeys. There is a consistent zero street setback, and a relatively consistent street wall height of between 1 and 2 storeys (the only exception being 599 Malvern Road). That said, other built form elements vary. The Panel agrees with submitters and Mr Czarny that the lot sizes, frontage widths and architectural styles are not completely consistent. It agrees that the development at 599 Malvern Road is a significant presence in the streetscape that interrupts the consistency of the character in this part of the centre.

The Panel agrees with Council, Ms Bell and Mr McGauran that the Eastern Precinct has a relatively consistent fine grained retail character, particularly in the heritage areas around the intersection of Malvern and Williams Roads. However, this fine grained

retail character is not uncommon in Melbourne's older strip shopping centres, and it is by no means 'exceptional'.

On balance, the Panel is not satisfied that Council has demonstrated that the existing character of the Eastern Precinct is sufficiently strong and consistent to be considered exceptional, at least in the non-heritage areas.

The character within the heritage areas in the Eastern Precinct is stronger and more consistent. There has been far less infill development in this area (perhaps because of the Heritage Overlay), and it remains far more intact than the eastern end, and more consistent in its predominantly Victorian and Moderne architectural styles. While there is a mix of one and two storey development in the heritage area, the single storey development generally has parapets that contribute to a relatively consistent street wall, and the narrow lot frontages have contributed to a particularly consistent fine grained retail character in this end of the Eastern Precinct. On balance, the Panel is satisfied that the character of the heritage areas in the Eastern Precinct does constitute something that could be said to be 'exceptional'.

Would development exceeding the mandatory controls be unacceptable?

During cross examination, Ms Pepler (for Creative Property Developments) put questions to Mr McGauran about whether any outcome that exceeded the mandatory controls on the site at 617 Malvern Road would necessarily result in unacceptable outcomes. His response was that it would be a "*clearly unacceptable fit*". The Panel was not persuaded that this would necessarily be the case, either for 617 Malvern Road or for other sites in the Eastern Precinct, particularly those east of the Woolworths site where the character is less strong and consistent.

While the Structure Plan contains some analysis of the existing and proposed built form, it does not demonstrate to the Panel's satisfaction that development that exceeds the proposed mandatory controls would be unacceptable.

Nor does the modelling undertaken by Council (DropBox Document 41) demonstrate that mandatory controls are 'absolutely necessary' to avoid unacceptable built form outcomes. The Panel agrees with Mathoura Road Developments that in many cases, the modelling indicated very little difference between, say, a 4 storey development and a 5 storey development.

Most modelling images showed oblique aerial views rather than streetscape views as illustrated in the Structure Plan. The impact of exceeding the proposed mandatory controls may have been clearer if streetscape views were shown, particularly in relation to exceedances of the mandatory street wall heights and upper level setbacks.

To justify mandatory controls, the Panel would have expected a more detailed analysis than the rather rudimentary modelling in DropBox Document 41. It would have expected the analysis to include more detailed built form modelling, shadow diagrams, view lines along the street, and some form of analysis that considered the effect of topography, site amalgamation or equitable development scenarios.

In the absence of more robust modelling and analysis, the Panel is left with the views of Ms Bell and Mr McGauran that proposals that exceed the mandatory controls would be

unacceptable, versus Mr Czarny's view that outside the heritage areas, they would not. None of the experts undertook a detailed analysis to support their position.

On balance, the Panel prefers the view of Mr Czarny. It was not persuaded on the basis of the material put before it that development that exceeds the mandatory controls in the non-heritage areas would be clearly unacceptable in all cases. It does not consider that the high bar set by PPN59 and PPN60 has been met.

Are mandatory controls absolutely necessary?

It appears that the recent developments and permits issued in the Western Precinct have responded appropriately to character without mandatory controls. Ms Bell considered that the recent developments achieved the character objectives sought by the Structure Plan, notwithstanding that (according to Council) the Structure Plan was given little weight by VCAT. This leads the Panel to conclude that VCAT reached conclusions based on a response to physical context that is on par with the response sought by the Structure Plan. In other words, a performance based framework in the Western Precinct appears to have facilitated an appropriate response to context and character without mandated outcomes. The Panel has no reason to assume that a performance based framework could not achieve similar outcomes in the Eastern Precinct (outside the heritage areas).

(iii) Overall findings

The Panel does not support mandatory controls in the non-heritage areas in the Eastern Precinct. It is not appropriate in a large NAC – an area in which substantial change is encouraged – to seek to curtail the possibility of taller forms or lesser upper level setbacks in order to preserve the existing low scale of 'unprotected' fabric without strong justification, demonstrated through comprehensive built form analysis.

Neither the Structure Plan nor the modelling constitute a sufficiently robust and comprehensive built form analysis to justify mandatory controls east of the Woolworths site. The Panel considers that the controls should allow the consideration of proposals that exceed the mandatory height and setback requirements. Any such proposal will be assessed on its merits, against the policy, the outcomes sought by the Structure Plan and the design objectives in the DDO21.

On balance (and with some reservations) the Panel supports mandatory controls in the heritage areas in Area 6, where the character is stronger and more consistent, and could be said to be 'exceptional'. Mandatory controls in this part of the precinct were not heavily contested. That said, the Panel would have preferred to have seen a more comprehensive built form analysis that demonstrated that development exceeding the mandatory parameters would be unacceptable.

Several submitters, and Mr Czarny, raised the concern that mandatory controls would prevent or frustrate quality design or reasonable development opportunities on their sites. The Panel was not persuaded that this would be the case. The Panel accepts Ms Bell's evidence that most sites have a sufficient depth to allow back to back apartments facing north and south, and that reasonable floorplates could still be achieved on most sites. In this regard, it agrees with the comments of the Yarra Planning Scheme

Amendment C220 Panel (which considered the controls for the Johnson Street activity centre), at page 34 of its report:

The Panel shares Council's faith in the ability of designers to conceive of high quality projects that fit within the proposed mandatory controls. Clearly mandatory controls will affect the amount of development that can be included on a site, but within those limits they do not constrain the creativity of the designer.

(iv) Site consolidation

PPN58 suggests that activity centre planning should consider opportunities for site consolidation. Mr Czarny considered that the DDO21 should encourage or incentivise site consolidation, including through discretionary rather than mandatory controls.

The Panel is cognisant of the very real potential for site consolidation in Hawksburn Village, and that this could result in greater yields accommodating more growth. The Panel does not, however, consider it necessary for the DDO21 to actively encourage site consolidation.

The background strategic work supporting the Structure Plan did not identify a need to specifically attract development to Hawksburn Village to deal with any potential undersupply. Site consolidation appears to be already happening without incentives being offered under the applicable planning controls. Site consolidation has occurred on a number of the recently permitted sites in the Western Precinct.

That said, the Panel considers the potential for site consolidation as a further reason to support discretionary built form controls, as they inherently allow flexibility in design responses.

5.6 Conclusions and recommendations

The Panel concludes:

- While, on balance, mandatory height controls are justified within the heritage areas (Areas 3, 4 and the western parts of Area 6), the Panel was not persuaded that they are justified elsewhere.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

a) In Table 1:

- **convert the mandatory height for non-heritage buildings in Area 6 to a preferred height.**

6 Built form controls

The proposed DDO21 defines two precincts, seven built form Areas and two character areas across Hawksburn Village. The proposed metrics vary across the Areas and even within the Areas. Council did not provide a detailed explanation for the variation in metrics across the Areas.

This chapter deals with general submissions regarding the built form controls. Site specific submissions are dealt with in Chapter 7.

6.1 Building heights

(i) What is proposed?

The DDO21 proposes building heights of 14 metres and 17 metres, with the taller forms west of Williams Road.

Table 4 compares the proposed heights in the Structure Plan with those proposed in the DDO21.

Table 4 Proposed building heights

Area	Structure Plan	DDO21
Eastern Precinct		
Area 1 (Gurner site)	14 metres	17 metres discretionary
Area 2 (residential interfaces)	14 metres	14 metres mandatory
Area 6	14 metres (no height specified for the row of dwellings converted into shops at 580-590 Malvern Road)	14 metres mandatory (Council's post-exhibition proposes 14 metres discretionary at the Toorak Plaza site)
Area 7 (Woolworths site)	14 metres	14 metres discretionary
Western Precinct		
Area 1	17 metres	17 metres discretionary
Area 2 (residential interfaces)	14 metres (17 metres at 1 Miller Street)	14 metres mandatory (17 metres at 2 Cromwell Road)
Area 3 (heritage buildings)	17 metres	17 metres mandatory
Area 4 (heritage buildings)	17 metres	17 metres mandatory
Area 5 (industrial character)	17 metres	17 metres discretionary

(ii) Relevant policies, strategies and studies

Urban design advice

Building heights were discussed in the Urban Design Background Report and both the 2017 and 2019 urban design memos prepared by David Lock Associates:

- The Urban Design Background Report identified the then tallest buildings as the 3 storey building at 599 Malvern Road (Eastern Precinct) and a 7 storey building under construction at 441-473 Malvern Road (Western Precinct) which was approved at 6 storeys.
- The 2017 urban design memo concluded:
 - a 4 storey height limit should apply to the Gurner site with allowance for taller forms in a recessive upper level given the robust Williams Road frontage
 - a discretionary height of 4 storeys should apply to the row of dwellings converted into shops at 580-590 Malvern Road, given it has two residential interfaces
- The 2019 urban design memo supported a 5 storey limit on the Gurner site, noting that the applicable setbacks would ensure the fifth level is recessive, consistent with advice of the previous memo.

Clause 21.06 Built Environment and Heritage

Clause 21.06 seeks to direct higher density development to activity centres, encourage good design which respects any defined character precinct and ensure height is not significantly higher or lower than surrounding buildings unless specified in a Structure Plan.

PPN60: Height and Setback Controls for Activity Centres

PPN60 states that height (and setback) controls in activity centres can be appropriate if aimed to facilitate good design outcomes rather than restrict built form. Metrics must be informed by strategic research and background analysis and comprehensive built form analysis which is not more than five years old, as well as be consistent with state and local policy. Discretionary height controls are preferred, combined with clear design objectives and decision guidelines to ensure any proposal to depart from the nominated heights and setbacks will be able to be rigorously assessed against a clear set of criteria.

(iii) Evidence and submissions

Council

Council submitted that the exhibited heights strike the right balance between allowing growth whilst responding to valued character and heritage. Ms Bell shared this view.

Council maintained that 5 storeys remains appropriate in the Western Precinct despite several recent 6 storey VCAT approvals. Council stated its preference for one level less in these examples. Conversely, Ms Bell considered these recent approvals were generally acceptable and responsive to the character sought by the Structure Plan, being 5 storey presentations to Malvern Road with a recessed sixth storey 'cap'.

Ms Bell recommended increasing all height limits by 1 metre to respond to internal amenity floor to floor space objectives in the Better Apartment Design Standards, implemented into the Planning Scheme (in Clause 58) since adoption of the Structure Plan. Discussions during the Hearing continued to refer to heights of 14 metres (four storeys) and 17 metres (five storeys) limits for consistency, notwithstanding all parties agreed to the 1 metre increase.

The Panel queried Ms Bell on whether 3D modelling informed the proposed heights. She explained that at the time the Structure Plan was prepared, 3D modelling was not as common practice as today. Ms Bell expressed the opinion that 3D modelling can be somewhat 'crude' despite the now widespread use of the tool.

Mr McGauran's evidence was that the 4 and 5 storey scales proposed in the DDO21 were an appropriate response to the coherence and streetscape quality of the village core, the immediacy of the narrow laneway abutments and scale of the adjoining residential hinterland.

The Panel asked Mr McGauran his view on whether the DDO21 provided sufficient guidance to assess proposals which exceeded the discretionary metrics. The examples discussed were amenity impacts and blank side elevations that could result from proposals that exceeded the discretionary height limits. Mr McGauran considered amenity impacts were well covered but that the DDO21 provided limited guidance on 'urban change ambitions'. He referred to provisions in the Yarra Planning Scheme which, in his experience, better expressed such ambitions such as using articulation and massing to respond to character, avoiding blank walls and prescribing restrictions on shade over footpath. Mr McGauran considered avoiding large blank walls of new development adjacent to existing lower rise development and heritage buildings was particularly important.

Council in its oral submissions directed the Panel to the provisions in Clause 21.06 outlined above which are intended to guide decision making on urban design matters and built form character.

Mr Glossop's assessment was that the heights offered a suitable transition to the activity centre's residential zoned interfaces. He did not consider that stepping down in height from commercial spines to the residential interface is necessary in all instances.

Mr Raworth supported the proposed heights, and considered them to be an appropriate response to the heritage buildings within the activity centre. He noted that the lower limit in the Eastern Precinct applied to comparably finer grained lots and more intact buildings which, unlike in the Western Precinct, flanked both sides of Malvern Road.

Submitters

Most submissions sought an increase in the proposed heights of between 1 and 2 storeys, and the conversion of the mandatory heights in the Eastern Precinct to discretionary controls. Submitters contended that the centre could accommodate greater heights without producing unacceptable built form outcomes, and that the proposed heights undermined state and local policy aims for growth in activity centres (this issue is dealt with in more detail in Chapter 4.3).

Rather than making recommendations to change the proposed height metrics, Mr Czarny's evidence was that the DDO21 should include performance measures to assess proposals which exceed height limits. He illustrated how the metrics could be exceeded in both the Eastern and Western Precincts using site specific examples which, in his view, still met bulk objectives (refer to Figure 4 below).

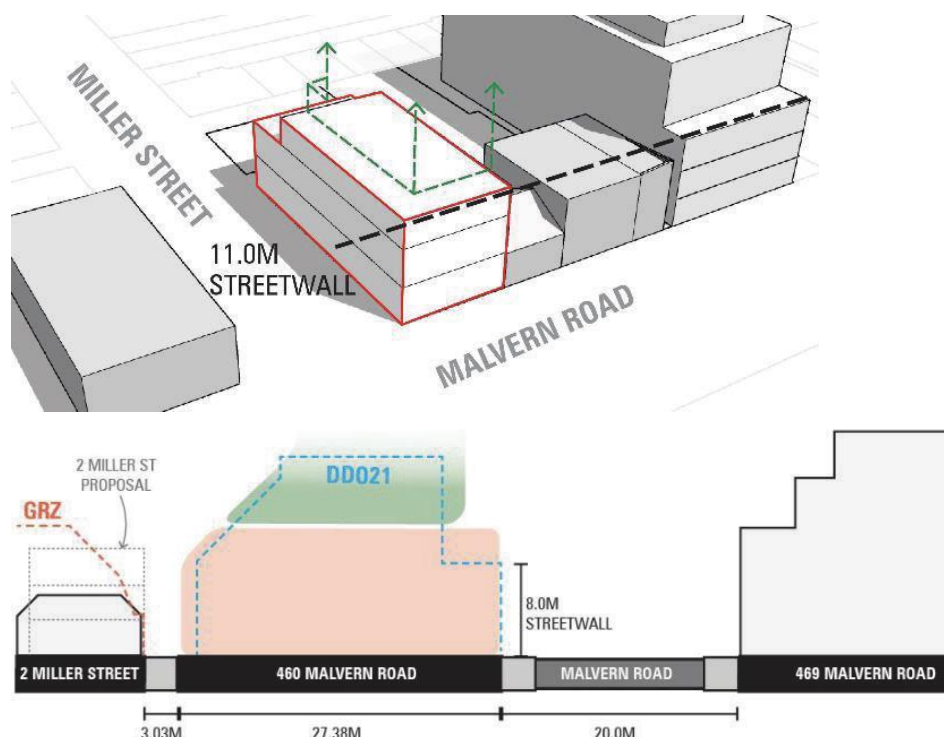


Figure 4 Massing models prepared by Mr Czarny
 Source: Mr Czarny’s evidence (DropBox Document 54)

Other submitters including the Clarke Street submitters and Submitter 13 sought lower heights on key strategic sites with residential interfaces (the BMW site, which interfaces with the Clarke Street residential area and the Woolworths site, which interfaces with the May Road residential area). They submitted that lower heights (which should be mandatory rather than discretionary) were necessary to protect residential amenity and provide an appropriate transition to the residential scale of the surrounding development.

In closing, Council maintained its position that the exhibited heights were appropriate and supported by its experts. Council submitted that it had used 3D modelling to inform heights (DropBox Document 41), and saw the Panel process and use of expert witnesses as further rigour to test their appropriateness.

(iv) Discussion

Debate on building heights is not unique in activity centre contexts. The scope of debate in this instance is relatively confined to a difference of one storey or converting the controls from mandatory to discretionary.

The Panel does not support mandatory height limits in the Eastern Precinct outside the heritage areas, for the reasons set out in Chapter 5. Remaining key considerations regarding heights are:

- whether the 4 storey limit is appropriate in the Eastern Precinct, a low scale precinct which is yet to regenerate (particularly in the heritage areas closer to the intersection of Williams Road and Malvern Road)
- whether the proposed 5 storey limit in the Western Precinct remains relevant amongst the 6 storey character that has evolved since the Structure Plan was adopted
- whether the DDO21 provides sufficient guidance on how to assess proposals which exceed the discretionary height limits.

Are the proposed metrics appropriate?

Overall the Panel considers that the proposed height metrics are generally appropriate. It agrees with the sentiments of Mr McGauran that these metrics express the overall character outcomes sought for Hawksburn Village as set out in the Structure Plan, with the exception of Area 7 where the Panel considers a 5 storey discretionary limit should apply. The Panel's reasons are set out below by Area.

Area 1 and Area 5 (Western Precinct and the Gurner site)

The DDO21 proposes a discretionary 5 storey height limit for most of the Western Precinct (Area 1 and Area 5) and the Gurner site in the Eastern Precinct (Area 1). The Western Precinct is characterised by medium and larger grain frontages with larger format articulation and larger lot sizes than the Eastern Precinct. The Gurner site shares these attributes despite its Eastern Precinct location. A 6 storey character is emerging in the Western Precinct where the upper level is mostly hidden in streetscape views. This condition is also seen on the Gurner site.

The Panel considers that, on the whole, a 5 storey limit remains appropriate across the Western Precinct. That said, it acknowledges there are large sites (such as the BMW site) with potential to accommodate taller forms whilst still meeting character, heritage and amenity objectives. Discretionary controls will allow such proposals to be considered.

The Panel supports the 5 storey height controls and recommends including performance standards against which taller forms can be assessed, as discussed further below.

Area 6 (Eastern Precinct)

The DDO21 proposes a mandatory 4 storey limits across most of the Eastern Precinct (Area 6). This precinct comprises more intact heritage fabric, and a comparably finer grain pattern and facade detailing and more intact heritage streetscape than the Western Precinct. The Panel accepts a more tempered 4 storey response is warranted.

For the reasons set out in Chapter 5, the Panel considers that the height limits in non-heritage parts of Area 6 should be discretionary. Taller proposals should be considered where design demonstrates it achieves the character, heritage and amenity objectives.

Area 7 (Eastern Precinct strategic opportunity sites)

Area 7 includes the Woolworths site. The Panel recommends it also include the Toorak Plaza site, for the reasons outlined in Chapter 7.2.

The DDO21 proposes a discretionary 4 storey height limit for Area 7. In the Panel's view, a step change increase to 5 storeys in Area 7 is warranted, particularly given the Panel's recommendation to convert the 4 storey height limit in the non-heritage parts of Area 6 to a discretionary control. These strategic sites are larger than others in the Eastern Precinct and the Panel agrees with Ms Bell and Mr McGauran that they are capable of accommodating slightly taller forms.

The street wall height and upper level setbacks in Area 7 should be the same as Area 6 to maintain a consistent streetscape at pedestrian level and to contribute to the relatively consistent 'village' character in the Eastern Precinct (discussed in more detail in Chapters 6.2 and 6.3). All proposals across the Eastern Precinct will need to respond to the character, heritage and amenity objectives, which will guide a consistent response overall.

Heritage areas (Areas 3, 4 and part of Area 6)

The DDO21 proposes a mandatory 5 storey limit in Areas 3 and 4, consistent with the principal height limit of the Western Precinct. A mandatory 4 storey limit is proposed for both the heritage and non-heritage parts of Area 6 in the Eastern Precinct. The Panel considers these limits appropriate to ensure future built form is moderated from the heritage facades whilst providing generally consistent heights and upper level streetscape responses to the wider precincts. As discussed in Chapter 5, the mandatory limit in non-heritage areas within Area 6 should be converted to a discretionary limit, but mandatory limits are supported within the heritage areas.

Residential streetscape interfaces (Area 2)

The DDO21 proposes mandatory limits of 5 storeys at 2 Cromwell Road and 4 storeys elsewhere, to transition these sites from the commercial spine to the residential hinterland. Area 2 heights are either the same metric or one storey less than those proposed on abutting lots fronting Malvern Road.

The Panel considers the Area 2 metrics are appropriate but does not consider their mandatory application is necessary, for the reasons set out in Chapter 6.4.

The Panel accepts that 5 storeys, being the already constructed height, is appropriate at 2 Cromwell Road. The 4 storey limit elsewhere in Area 2 is appropriate to facilitate transitions from 4 storeys (Area 6) and 5 storeys (Area 5) along Malvern Road and the limits set by the various residential zones beyond. Whilst the height of Area 2 does not 'step down' from Area 6 (both areas have 4 storey limits) or, in 'step up' from surrounding Residential Growth zoned areas, the Panel agrees with Mr Glossop that a stepped height metric is not necessary to achieve the desired overall graduation in form across the activity centre's residential interfaces, particularly given other amenity considerations will also shape overall form.

Should heights be increased by 1 metre?

The Panel agrees with the expert consensus to increase all heights across the activity centre by 1 metre in response to the Better Apartments Design Standards.

Is further guidance required to guide decision making where discretionary height limits are exceeded?

The Panel agrees with Mr Czarny and Mr McGauran that the DDO21 lacks sufficient guidance to assess proposals which exceed the discretionary metrics. The Panel acknowledges that Clause 21.06 provides general guidance for decision making on urban design matters, however it considers provisions that are tailored to the Hawksburn Village context are needed in the DDO21.

The Panel recommends the addition of four provisions, in response to Mr McGauran's evidence:

- a provision managing overshadowing over the southern footpath along Malvern Road between 10 am and 2 pm on the equinox – this is to distinguish from shadow impacts on the public realm generally, for example on other local streets, and to provide a targeted window for assessment
- a provision which seeks to manage the design of buildings when viewed 'in the round', meaning in close quarters, along the streetscape and to side and rear elevations
- a provision which seeks to avoid blank side walls visible from the street
- a general requirement that developments which exceed the discretionary metrics demonstrate an appropriate response to the character, heritage and off-site amenity objectives.

The Panel provides further discussion on off-site amenity impacts at Chapter 6.5.

(v) Conclusions and recommendations

The Panel concludes:

- Heights of 4 storeys are an appropriate response to the fine grain and lower scale context in the Eastern Precinct, with the exception of the strategic sites (Area 7) and the Gurner site where 5 storeys (discretionary) is appropriate. Heights in Area 6 should be discretionary in non-heritage areas.
- A discretionary height limit of 5 storeys is appropriate in the Western Precinct (Areas 1 and 5), which has a medium to larger grain and larger format articulation character.
- In heritage areas, mandatory heights controls with limits consistent with the wider precinct are appropriate (4 storeys in Area 6 and 5 storeys in Areas 3 and 4).
- Discretionary 4 storey height limits (5 storeys at 2 Cromwell Road) will allow Area 2 sites to provide a site contextual transition response to the neighbouring residential hinterland.
- All heights should be increased by 1 metre to accommodate higher floor-to-floor heights required under the Better Apartments Design Standards.
- Additional performance based measures are needed to guide the assessment of proposals that exceed the discretionary limits to manage character, heritage and amenity objectives.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

- a) In Table 1:
 - specify a discretionary 18 metre height limit for Area 7
 - increase all remaining heights by 1 metre.
- b) In Clause 2.0, add the following general requirements:
 - Be designed to minimise overshadowing any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22).
 - Be designed and spaced to create a visually interesting skyline, streetscape and coherent precinct when viewed in short range and long range views including to side and rear elevations, particularly adjacent to existing heritage buildings.
 - Be designed to minimise blank side walls that are visible from the surrounding streets.
 - Ensure designs that exceed discretionary parameters of Tables 1, 2 and 3 demonstrate a suitable response to identified character, heritage buildings and off-site amenity requirements.

6.2 Street wall heights and the extent of Area 5

(i) What is proposed?

The DDO21 proposes two street wall heights along the non-heritage areas of Malvern Road:

- 8 metres in the Eastern Precinct (Area 6) and the industrial character area in the Western Precinct (Area 5)
- 11 metres elsewhere (Area 1).

No street wall heights are specified for heritage buildings (Area 3, 4 and part of Area 6) given the Planning Scheme seeks that heritage buildings be retained.

Along Williams Road and side streets, discretionary 11 metre street wall heights are proposed apart from in residential transition areas (Area 2) where a mandatory 8 metre street wall height is proposed.

Table 5 compares the proposed street wall heights in the Structure Plan and the DDO21.

Table 5 Proposed street wall heights

Area	Structure Plan	DDO21
Eastern Precinct		
Area 1 (Gurner site)	Respond to existing 2 to 3 storeys	11 metres discretionary
Area 2 (residential interfaces)	Errol Street and Robinson Street: none stated Mathoura Road: Retain village street wall character	8 metres mandatory
Area 6 (non-heritage buildings)	580-590 Malvern Road: retain built form	8 metres mandatory

	Elsewhere: Respond to existing 2 to 3 storeys	
Area 6 (heritage buildings)	Respond to existing 2 to 3 storeys	-
Area 7 (Woolworths site)	Respond to existing 2 to 3 storeys	8 metres discretionary
Western Precinct		
Area 1	Respond to existing 2 to 3 storeys	11 metres discretionary
Area 2 (residential interfaces)	Cromwell Road and Miller Street: Respond to existing 2 to 3 storeys	8 metres mandatory (11 metres in Cromwell Road)
Area 3	Heritage facade	-
Area 4	Heritage facade	-
Area 5	Respond to existing 2 to 3 storeys	8 metres discretionary

The industrial character area in the Western Precinct (Area 5) is proposed to extend along the south side of Malvern Road, from Francis Street to the eastern boundary or 480 Malvern Road. It includes 13 properties.

(ii) Relevant policies, strategies and studies

Urban design advice

Street wall heights were discussed in the Urban Design Background Report, the Structure Plan and the 2019 urban design memo prepared by David Lock Associates:

- The Urban Design Background Report generalised the (then) existing street wall along Malvern Road as a one to three storey “*traditional high street*” character.
- The 2019 urban design memo confirmed 2 to 3 storey street wall heights at the Gurner site were an appropriate response to the robust nature of Williams Road.

Clause 21.06 Built Environment and Heritage

Clause 21.06 encourages a continuous street wall of a uniform height at street level, seeks to ensure a landscaped setting except for in the Commercial Zone where a street wall character is preferred, and requires new development to respect the scale and form of nearby heritage places.

(iii) Evidence and submissions

Council

Relying on the evidence of Ms Bell that a street wall height of 11 metres in Area 1 responds to emerging character and 8 metres elsewhere responded to valued character (being ‘industrial character’ in Area 5 and ‘village character’ in Area 6), Council submitted that the exhibited street wall heights were appropriate.

Ms Bell's opinion was that the fine grain retail pattern and detailed facades were intrinsic to the Eastern Precinct and strongly contributed to its sense of place and village atmosphere. She considered that a lower scale street wall (8 metres) should be mandated for Area 7 (where the DDO21 proposes a discretionary 8 metre street wall height control).

In the Western Precinct, she referred to a "*quite consistent*" emerging character to support 3 storey street walls in Area 1. She considered the industrial character of Area 5 should be celebrated and reflected in future development by continuing the 8 metre (2 storey) street wall in this section as derived from the existing facades.

She noted that the omission of street wall metrics in heritage areas was deliberate, as the Heritage Overlay and related local policy seek to retain the facades.

The Panel questioned Ms Bell on the ability to set a preferred character on the basis of 'unprotected' fabric and whether loss of the key contributing buildings would irreparably dilute the character. The industrial buildings in Area 5 are one example of this. Another is the row of former Edwardian houses at 580-590 Malvern Road that have been converted into shops. Ms Bell expressed disappointment for the lack of protection but considered new buildings in their place could still deliver the character sought for the respective precincts.

Mr McGauran regarded it appropriate for mandatory street wall heights to reinforce the visual coherence of the Eastern Precinct and its integration with higher density entry boulevard arrivals. He described the centre's plan as 'unapologetic' in valuing character, which he defined as distinctive.

Mr Raworth's evidence canvassed existing conditions where well-designed street walls comfortably sit higher than the adjacent heritage fabric. He indicated that he supported the example of this condition at the Gurner site where the new 3 storey street wall sits alongside a 2 storey heritage facade along Williams Road.

Submitters

As noted in Chapter 5, Creative Property Developments challenged the presence of a 'strong and consistent' village character and consistency of street wall heights in the Eastern Precinct, particularly east of the Woolworths site. In cross examination, Ms Pepler put to Ms Bell that the DDO elevated village character values on par with heritage values despite the difference in statutory protection. Ms Bell conceded the fine grain retail frontages were more consistent than street wall height.

Ausvest Holdings challenged the industrial character in Area 5, suggesting that it should be confined to the four buildings east of Francis Street. Ms Bell conceded that Area 5 may extend further than needed, but that the character of Area 5 was enhanced by an exemplar infill development at 424 Malvern Road designed by John Wardle Architects that referenced the industrial character very successfully. Character aside, Ms Bell conceded that an 11 metre street wall may better frame the street in Area 5.

In cross examination by Ms Pepler, Mr McGauran maintained that a consistent 2 storey street wall in the Eastern Precinct was appropriate, while acknowledging the character was relatively typical of an inner Melbourne strip shopping centre.

Relying on the evidence of Mr Czarny, Creative Property Developments sought 3 storey street walls in the Eastern Precinct, submitting that the mandated 8 metres was lower than the Structure Plan's aim to maintain 2 to 3 storey street wall heights. It drew attention to the Niche Report (DropBox Document 61) prepared for Council which highlighted that some heritage parapets extended to 3 storeys, justifying infills at 2 and 3 storeys.

Creative Property Developments submitted that the so-called village character of Hawksburn Village is based on its 'feel and vibe' and rejected this as justification for mandatory controls. It highlighted that while mandatory controls might be justified to protect existing character, their application in the DDO21 was seeking to *create* strong and consistent character. It submitted that discretionary controls were more appropriate to continue the fine grain retail character and rhythm.

Ausvest Holdings stressed the limited extant industrial character in the Western Precinct in seeking a reduction to the extent of Area 5 to the four buildings east of Francis Street.

Mr Czarny characterised Hawksburn Village as a traditional main street spine "*very familiar in inner and middle Melbourne*". He observed several recent developments approved with 3 storey street walls which, in his view, demonstrated a compatible fit with traditional or heritage abutments. He recommended 3 storey street walls for the non-heritage parts of the Eastern Precinct. Specific to Area 5, he took issue with the "*vagaries*" of the identified industrial character and considered that its extent should be reduced.

(iv) Discussion

The degree of variation in street wall heights sought by the parties is relatively confined. The Panel's considerations are limited to whether:

- 3 storey street walls are more appropriate than 2 storeys to respond to the village character in the Eastern Precinct (Area 6) and the industrial character section of the Western Precinct (Area 5)
- Area 5 should be reduced from the proposed 13 lots to four lots.

The proposed street wall heights for residential interface areas (Area 2) are discussed in Chapter 6.4.

The Panel considers that:

- the limit in Area 6 should be increased from 2 to 3 storeys, and made discretionary
- the extent of Area 5 should be reduced.

The Panel's reasons are set out below by Area.

Area 1 (Western Precinct and Gurner site)

The Panel supports the 11 metre (3 storey) discretionary street wall control in Area 1, which was uncontested. It considers the recent approvals and developments in the Western Precinct demonstrate that a 3 storey street wall can deliver a comfortable street scale and that the medium grain rhythm and articulation reflects the mixed-use character sought.

Area 5 (Western Precinct, industrial character)

The Panel agrees with Mr Czarny (and conceded by Ms Bell) that Area 5 extends farther than needed and recommends the extent of Area 5 be reduced to the four lots east of Francis Street (424 to 438 Malvern Road). The remaining lots in Area 5 should be reclassified as Area 1, consistent with the bulk of the Western Precinct.

The four lots are occupied by buildings with facades of similar style and form, notwithstanding the building at 424 Malvern Road is a recent infill. The 7 to 8 metres facades are built to boundary, express an industrial character and are punctuated with large window and door openings. The facades farther east in the proposed Area 5 extent vary in height, style and front setback with presentations more akin to the mixed use character of Area 1.

The Panel understands Council's desire to retain the unprotected industrial fabric in Area 5. Retention could lead to unique and aesthetically pleasing outcomes. However, there are no statutory controls in place to ensure retention. Retention could also be at the expense of other good design outcomes, such as public realm improvements for weather protection or landscaping.

Whether the existing facades remain or are replaced, the Panel is confident that future built form can reflect the industrial character of Area 5 as sought by the Structure Plan. The Wardle development at 424 Malvern Road is a good example of this. However, the Panel considers that more detailed guidance is required in the DDO21. The Panel has included appropriate provisions in its preferred version of DDO21 in Appendix D.

The Panel accepts that an 8 metre street wall will help to retain the industrial character of the reduced extent Area 5.

Area 6 (non-heritage parts of the Eastern Precinct)

The Panel considers discretionary 3 storeys street wall limits are appropriate for the Eastern Precinct. The character of the Eastern Precinct can be distinguished from the Western Precinct by continuing the existing fine grain rhythm as sought by the Structure Plan. The Panel does not consider that a different street wall height is necessary to achieve a distinct character in the Eastern Precinct.

In considering the proposed street wall controls for the Eastern Precinct, a central question is whether there is character to protect versus character to reference in future development. The Panel finds the existing character is one to reference, rather than one to necessarily protect. The Panel agrees with Mr McGauran and Mr Czarny that the streetscape is a relatively typical Melbourne strip shop presentation. Other than the heritage buildings straddling the Williams Road and Malvern Road intersection, the remaining facades may well be redeveloped over time. Whilst Council may aspire to retain non-heritage facades, there are no statutory mechanisms in place to achieve this (nor was there any suggestion that such a control would be warranted).

The existing heritage facades in the Eastern Precinct reach a modern equivalent height of more than 1 and up to 3 storeys high. They are characterised by fine grain ground level rhythm and intricate detailing above. The Panel agrees with Mr Raworth that well-designed street walls adjacent to heritage facades can comfortably sit at 3 storeys.

The Panel endorses a 3 storey scale for urban design reasons as well. It provides a more comfortable street wall to street width ratio. The Panel also considers that 3 storeys, as opposed to 2 storeys, will go further to visually recessing upper levels, thereby creating an intimate village feel as sought by the Structure Plan.

The Council did not present a clear demonstrated need to mandate street walls to respond to the physical context, or protect the village character of the Eastern Precinct. The valued character in the Eastern Precinct outside the heritage areas is not protected with any statutory control. In the Panel's view, the most consistent form in the Eastern Precinct is the ground plane built to the boundary (zero street setbacks) and peculiarly this is the only element proposed as discretionary in DDO21.

The Panel anticipates that the transition to 3 storey street walls in the Eastern Precinct will occur over time. It is likely that, as redevelopment of the Eastern Precinct proceeds, 3 storey street walls will sit alongside existing lower facades. In the Panel's view this would not be incongruous to the character. Indeed, this condition is already observed by the heritage facades which aesthetically vary by 1 storey whilst maintaining coherence through activated and fine grain ground floor planes and complementary detailing above.

(v) Conclusions and recommendations

The Panel concludes:

- The proposed discretionary street wall heights of 3 storeys are appropriate for Area 1 (Western Precinct), and are consistent with the emerging character.
- Street wall heights in Area 6 (Eastern Precinct) should be 3 storeys (discretionary), not 2 storeys (mandatory), to provide a scale consistent with the heritage facades and, when combined with recessed upper levels, contribute to the 'intimate' village character.
- Area 5 should be reduced to the four lots at 424 to 438 Malvern Road which express a similar industrial character, with the remaining properties in Area 5 reclassified as Area 1 consistent with their more varied mixed use character.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

a) In Table 2:

- **convert the mandatory street wall height for Area 6 (non-heritage buildings) to a preferred street wall height and increase the height to 11 metres**

b) Amend the map to:

- **reduce the extent of Area 5 to apply to the lots at 424 - 438 Malvern Road, with the remaining properties to be reclassified as Area 1.**

6.3 Upper level setbacks

(i) What is proposed?

The DDO21 proposes 5 metre setbacks above the street wall along Malvern Road, to protect valued character and heritage across both Precincts. Setbacks behind a 45

degree plane are proposed in residential interface areas. Setbacks are mandatory in the Eastern Precinct, heritage areas in the Western Precinct and in residential interface areas, and discretionary elsewhere.

Table 6 sets out the proposed setbacks in the Structure Plan and the DDO21.

Table 6 Proposed upper level setbacks above the street wall

Area	Structure Plan	DDO21
Eastern Precinct		
Area 1 (Gurner site)	5 metres	5 metres discretionary
Area 2 (residential interfaces)	Behind a 45 degree plane	Behind a 45 degree plane (mandatory)
Area 6 (non-heritage areas)	5 metres	5 metres mandatory
Area 6 (heritage buildings)	Behind primary building volume	5 metres mandatory
Area 7 (Woolworths site)	5 metres	5 metres discretionary
Western Precinct		
Area 1	5 metres	5 metres discretionary
Area 2 (residential interfaces)	Behind a 45 degree plane	Behind a 45 degree plane (mandatory)
Area 3 (heritage buildings)	Behind primary building volume	Behind the entire main gable roof form at the front of the building (mandatory)
Area 4 (heritage buildings)	Behind primary building volume	5 metres mandatory
Area 5	5 metres	5 metres discretionary

(ii) Relevant policies, strategies and studies

Structure Plan

The Structure Plan states upper levels must be set back appropriately to avoid an overbearing relationship with the street. It identifies two setbacks:

- the same depth as the 'primary volume' of heritage fabric being retained in heritage areas (being generally 8 metres)
- 5 metres elsewhere, to not occupy more than one quarter of views when standing on the opposite side of the street (measured along the vertical axis of the view line).

The Raworth report

The Raworth report confirmed that the 5 metre setback controls proposed in the DDO21 were appropriate above heritage buildings rather than the 'primary volume' sought by the Structure Plan.

Clause 21.06 Built Environment and Heritage

Clause 21.06 seeks to ensure elements above 2 to 3 storeys street walls are set back to minimise impacts on the streetscape and maintain a human scale, require new development to respect the scale, form and setbacks of nearby heritage places, encourage good design which respects the scale and setbacks of any defined character precinct and require new development to respect the scale, form and setbacks of nearby heritage places.

PPN60: Height and Setback Controls for Activity Centres

PPN60 provides direction on setback controls. Key is for setback (and height) controls to seek to facilitate good outcomes, be informed by comprehensive analysis, be consistent with state and local policy and that discretionary controls are preferred.

(iii) Evidence and submissions**Council**

Council submitted the setbacks were needed to respond to heritage values and ensure future buildings would not overwhelm the street. It said the modest setbacks reflected the modest heights. It contended the heritage values and the 'village feel' of the Eastern Precinct required mandatory setback controls.

Council referred to several recent VCAT approvals in the Western Precinct where upper level setbacks were closer to 3 metres than the 5 metres sought by the DDO21. Council's position was that greater setbacks would have reduced the presence of upper levels on the street.

Ms Bell explained that the primary tool to determine upper level setbacks was calculating what portion of streetscape view lines were occupied by facades versus the upper level setbacks when viewed from the (direct) opposite side of the street. She deemed a ratio of 75 percent facades, 25 percent upper levels, was appropriate.

Ms Bell explained that the upper level setback response would emphasise the dominant street wall character across Hawksburn Village. Her evidence was that mandated setbacks in the Eastern Precinct would avoid unwanted 'ins and outs' viewed when walking along the street and ensure no crowding on and adjacent to heritage buildings.

Mr Raworth explained the different approaches to upper level setbacks in the Structure Plan (which aims to retain 'primary volume' of heritage buildings) versus the 5 metre setbacks in the DDO21. The Structure Plan was informed the Council's Heritage Guidelines which seek 8 to 10 metre upper level setbacks in commercial settings. The DDO21 was informed by the Glenferrie Road and High Street Activity Centre Panel Report (Stonnington Planning Scheme Amendment C223) issued in the intervening period. That Panel found that 8 to 10 metre setbacks would be excessive for a Major Activity Centre and would "*give unsupported additional weight to planning policies for heritage values over policies supporting development in activity centres*". Mr Raworth considered the 5 metre benchmark a useful reference for Hawksburn Village notwithstanding the heritage precinct is not as consistent in character nor as significant in value as that in Glenferrie Road and High Street.

Submitters

Mandatory upper level setbacks were not contested in heritage areas, but they were contested in non-heritage areas. Several submitters considered that the discretionary upper level setbacks in the Western Precinct were too generous and contrary to emerging character. Others highlighted the absence of concessions for architectural features, submitting that this precluded the ability to use articulation to manage visual bulk and aesthetics. For example, 387-403 Malvern Road Pty Ltd submitted:

A design intelligence is required to suitably create a building above a street wall that recognises the evolution of an activity centre but also excellence in architecture. ... [An] understated backdrop to the street wall is achievable and ... a discretionary set back of 3 metres allows that outcome.

Mr Czarny considered that the 5 metre setback control in the Eastern Precinct (Area 6) should be discretionary. Mr Czarny challenged the uniqueness of the character in the Eastern Precinct. He also considered it acceptable for upper levels to occupy more than one quarter of the view line outside of heritage areas. Discretionary parameters would also provide opportunity to respond to particular site conditions such as corner sites, amalgamated parcels and atypical allotments, in his opinion.

Mr Czarny considered that in the Western Precinct, setbacks should be reduced from 5 metres to 2 to 3 metres. He considered that shallower setbacks (and varied street wall heights) would better facilitate an appropriate response to context and site consolidation. He contended narrower setbacks would also favourably shift building massing away from the more sensitive residential interface.

In cross examining Mr Czarny, Mr O'Farrell (for Council) asked what the justification was for changing a discretionary metric in the Western Precinct, given discretionary setbacks can (in appropriate circumstances) be reduced. Mr Czarny's response was that in his experience, preferred limits were usually applied as definitive. When the Panel sought to explore this with Mr Czarny in more detail, he explained that 3 metre setbacks, which are large enough to accommodate balconies, are a more useful utility setback, while 5 metre depths are comparably more vacuous.

(iv) Discussion

Upper level setbacks for the residential interface areas (Area 2) are discussed in Chapter 6.4. In other areas, the key questions are whether:

- the 5 metre setback in the Eastern Precinct (Area 6) should be discretionary
- setbacks should be reduced to 3 metres in non-heritage parts of the Western Precinct (Areas 1 and 5)
- mandatory 5 metre setbacks are appropriate for heritage buildings (other than Area 3 where setbacks are behind the main gable).

The Panel considers that:

- the setback in the Western Precinct fronting Malvern Road (Area 1) should be reduced from 5 metres to 3 metres
- setbacks in non-heritage areas should be discretionary.

The Panel's reasons are set out below by Area.

The Eastern Precinct (Area 6)

The Panel agrees with the 5 metres metric for upper level setbacks along Malvern Road in the Eastern Precinct. Five metre setbacks, when combined with the recommended 3 storey street wall heights, will result in visually recessed upper levels and contribute to the village character sought for the Eastern Precinct.

Council did not, however, demonstrate to the Panel's satisfaction that mandated setbacks were necessary to protect the village character. For example, Council did not demonstrate how intrusion of elements such as balconies and architectural features could influence the way in which setbacks are read in views from the street. The Panel considers that the setbacks outside the heritage areas should be discretionary, to allow lesser setbacks to be considered where they meet the heritage, character and amenity objectives. This will also allow the flexibility for architectural features such as balconies to protrude into the upper level setbacks.

The Western Precinct and the Gurner site (Area 1)

The Panel agrees with Mr Czarny that the upper level setbacks along Malvern Road in Area 1 and Area 5 should be reduced to 3 metres. Narrower setbacks are consistent with the emerging character in this mixed use, medium grain section of Hawksburn Village. The Western Precinct has a comparably more robust existing and future character than the Eastern Precinct, and the Panel considers that less generously recessed upper levels are appropriate and will provide a suitable distinction between the two precincts. The Panel also supports 3 metre setbacks along Williams Road (including the Gurner site), given the mixed use character continues along this street.

The Panel does not consider that 3 metre upper level setbacks will overwhelm the diverse streetscape character in the Western Precinct. Furthermore, the Panel sees benefit in building mass being directed towards the main road street frontage and away from the residential interfaces.

The 3 metre setbacks remain appropriate where Area 1 lots 'turn the corner' from main roads into local streets. The effect of viewing a 3 storey street wall from these narrower local streets will be that the facade encompasses a larger portion of the view and conceals more of the upper levels. Further, the corner transition provision in the DDO21 will ensure that development along these local streets transitions to the residential streetscape character, as discussed further in Chapter 6.4.

The Western Precinct industrial character area (Area 5)

The Panel accepts the proposed 5 metres setbacks above the (reduced extent) Area 5, to recess mass away from industrial character facades. The discretionary application of this metric will allow consideration of alternative appropriate responses including the protrusion of architectural features into this setback.

Heritage buildings (Areas 3, 4 and 6)

The Panel supports the (uncontested) mandatory 5 metre upper level setback control for heritage buildings (Area 4 and parts of Area 6). It represents an adaptive approach by Council, building on recommendations of previous panel reports, and was supported by Mr Raworth. When used in conjunction with the Heritage Overlay provisions, the

Panel agrees a 5 metre mandated setback will suitably manage impacts of upper levels on heritage facades in an activity centre context.

For completeness, the Panel also supports the uncontested tailored upper level setback control for the pair of heritage bluestone houses at 372 and 374 Malvern Road (Area 3).

(v) Conclusions and recommendations

The Panel concludes:

- The 5 metre setback in the Eastern Precinct and in the industrial character part of the Western Precinct will contribute to the existing and emerging character in these areas sought by the Structure Plan.
- A narrower 3 metre setback in the remainder of the Western Precinct (Area 1) will respond to the emerging character in this mixed-use and medium grain section of Hawksburn Village. This should continue in Area 1 fronting Williams Road.
- The different setbacks in the Eastern and Western Precincts are warranted and will assist to visibly distinguish their different characters.
- Mandatory upper level setbacks are supported on heritage buildings, but are not justified in non-heritage areas.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

a) In Table 3:

- **reduce preferred setbacks for Area 1 from 5 metres to 3 metres**
- **convert the mandatory 5 metres setback for Area 6 (non-heritage buildings) to a preferred setback.**

6.4 Gateway sites, corner sites and residential interfaces

(i) What is proposed?

The DDO21 includes discretionary requirements applicable to buildings on corner sites:

- street wall setbacks of existing, adjacent residential properties on the side street should be respected and a transitional street wall setback response applied (this is referred to as the 'transitional corner site provision')
- at corner lots with a main street frontage of less than 20 metres, the setback above the street wall on the side street can be reduced by up to 50 per cent.

These requirements operate together with the street wall height and upper level setback controls discussed in the previous sections to ensure new development appropriately transitions into residential side streets.

(ii) Relevant policies, strategies and studies

The Structure Plan

The Structure Plan provides the following guidance for lots fronting residential streets:

- street wall heights of 8 metres
- upper level setbacks behind a 45 degree plane

- front ground level setbacks on side streets should be an average of the setbacks of the front walls of the existing abutting properties, or 3 metres, whichever is lesser.

Urban design advice

The Urban Design Background Report noted two entrance locations to the activity centre, one at the intersection of Malvern Road and Mathoura Road and a smaller entrance at the intersection of Hobson Street and Malvern Road.

The 2019 urban design memo concluded that the DDO21 provided sufficient guidance for the residential side street responses through the combination of Area 2 metrics and the provisions which seek transitional corner responses.

The Planning Policy Framework

Two provisions in the Stonnington Planning Scheme specifically pertain to corner sites:

- Clause 15.01-1S (Urban design) references the *Urban Design Guidelines for Victoria*, which seek to shape building form and detail to reinforce important street corners.
- Clause 21.06 (Built Environment and Heritage) seeks to ensure consistent front setbacks in residential streetscapes, encourage good design which respects the scale and setbacks of any defined character precinct and encourage development to be designed to address both street frontages on corner sites.

(iii) Evidence and submissions

Submissions cited lack of specific guidance for gateway sites, a failure to recognise the ability of gateway sites to accommodate more robust built form, and ambiguity in the wording of the corner provisions. Three corners were the subject of specific submissions:

- the corner of Mathoura Road and Malvern Road (the eastern entrance to the centre)
- the corner of Malvern Road and Miller Street (mid-Western Precinct)
- the corner of Clarke Street and Williams Road (the BMW site).

Council submitted the corner site and residential side street metrics were appropriate, as confirmed by the 2019 urban design memo. It recommended rewording the corner site provision dealing with narrow (less than 20 metre) main road frontages to address concerns on its lack of clarity.

Mr McGauran's evidence, responding to submissions calling for increased heights on gateway sites, was that an entrance to an activity centre does not necessarily need to be marked by additional height (and reduced upper level setbacks). There are other ways to mark the start of a commercial strip and to distinguish it from adjacent residential development, such as a zero street wall setback.

The Panel explored the role of gateway sites with Ms Bell, and whether these needed specific referencing in the DDO21. She considered that further guidance could be

beneficial and provided a suggested provision for the BP site⁴ on the corner of Malvern and Williams Roads (DropBox Document 113):

At the south-west corner of Malvern and Williams Road (500-504 Malvern Road), the preferred street wall height can be exceeded to emphasise the corner and improve legibility.

Ms Bell and Mr McGauran further addressed the Clarke Street interface and the Mathoura Road corner in oral evidence and cross examination. These issues are dealt with in the relevant parts of Chapter 7.

Mr Czarny considered that the DDO21 should seek a gateway response at the eastern entrance to the centre, specifically at the site at 617 Malvern Road. He noted that the Urban Design Background Report identified a gateway to the centre in this location, and referred to the following guidance from the *Urban Design Guidelines for Victoria*:

.. to shape the building form and detail to reinforce important street corners.

He considered it a lost opportunity to ignore the ability for corner sites to aid urban design legibility and diversity, and to define the gateways or entrances to the centre. Mr Czarny conceded in cross examination by Mr O'Farrell (for Council) that other design elements were also possible but highlighted that mandatory controls limited options for a distinct design on gateway sites.

Ms Bell and Mr McGauran both provided suggested alternative wording for the corner site provisions to improve their clarity.

(iv) Discussion

Key considerations are whether:

- specific design guidance and/or a different treatment is required for gateway sites or other corner sites
- the treatment of residential interfaces (Area 2) is appropriate.

Submissions and evidence about specific corner sites are addressed in Chapter 7. The clarity of the corner site provisions is dealt with in Chapter 9.1(v).

The Panel considers that:

- gateway sites should be identified in the DDO21, and additional guidance should be provided for development on key gateway sites
- the metrics of the controls for residential interface areas (Area 2) are supported, but the controls should be discretionary not mandatory.

The Panel's reasons are set out below.

Gateway sites and other corner sites

The Urban Design Background Report identifies three gateway sites:

- the 'gateway sign' entrance at the intersection of Malvern and Williams Roads (the BP site)
- the pedestrian entrance at the intersection of Hobson Street and Malvern Road, which provides a link to Hawksburn Station

⁴ The BP site was identified as a landmark site in the Urban Design Background Report, but not in the Structure Plan.

- the Mathoura Road entrance (617 Malvern Road).

Corners are important in aiding legibility, particularly gateway sites which have a role in marking a sense of arrival to an activity centre. All corner sites require careful design resolution.

The Panel considers that the three gateway sites identified in the Urban Design Background Report should be referenced in the DDO21, along with an explanation of what the Structure Plan seeks for those sites given their respective contexts.

The BP site on the south west corner of Williams and Malvern Roads is capable of accommodating comparably more robust built form than the other two entrances. The site is situated at the crossroad of two arterial roads and at two key entries to Hawksburn Village, being the southern and northern approaches along Williams Road. It sits in a pocket of large lots and away from sensitive residential interfaces. The BP service station is the only non-heritage building on the intersection.

The Panel agrees with the principle of Ms Bell's suggested provision for the future building to emphasise the corner. However, it considers that the provision should be reworded to reflect a performance based approach of seeking a design outcome that emphasises the corner condition, rather than a specific invitation to exceed the discretionary street wall height.

The Panel does not consider that the DDO21 needs to provide specific guidance in respect of the Hobson Street entrance (other than acknowledging it as a gateway to the centre). Hobson Street is a local street and its entrance to Malvern Road is flanked by existing and relatively recent buildings with strong three storey street walls which already mark a sense of arrival. The Structure Plan encourages the installation of wayfinding signs which, in the Panel's view, will sufficiently distinguish this pedestrian entrance to the centre.

At the eastern entrance to the centre (617 Malvern Road at the Mathoura Road corner), the DDO21 should seek future built form that emphasises the corner, but with an overall scale that responds to the village character of the Eastern Precinct and residential hinterland. The Panel agrees with Mr McGauran that this entrance does not necessarily need to be marked with additional height. An entrance and sense of arrival can be achieved via facade detailing which wraps an activated street wall (three storey and built to boundary) around both frontages, which will distinguish it from the adjacent residential development in both Mathoura and Malvern Roads.

Other corner sites were not identified in the background work as being of strategic importance to the identity of Hawksburn Village. The Panel does not consider that these require specific guidance beyond what is already proposed. In addition to the character, heritage and amenity objectives in DDO21, development on these corner sites will be guided by Clause 21.06 which seeks both frontages of corner sites be activated.

Residential interfaces (Area 2)

Area 2 applies to a limited number of lots which are zoned C1Z, but sit behind the commercial spine and front residential streets. Not all side streets interfaces have this condition.

The DDO21 proposes discretionary front setbacks and mandatory street wall heights and upper level setbacks, to ensure a transition into the residential streetscape. The expected outcome for Area 2 is built form that progressively peels away from the lot boundary, eventually aligning with the adjacent residential streetscape setbacks.

The collective goal of the Area 2 controls is not to respond to one particular character but rather to mediate between a commercial character and a residential character. Area 2 spans various combinations of these characters. There are two different commercial characters of the Eastern Precinct and Western Precincts. The residential characters vary between large three and four storey dwellings in Mathoura Road, mixed one and two storey dwelling styles along Miller Street and the Area 2 lot in Errol Street which sits wedged between a recent dwelling development with a robust two storey pitched facade and opposite C1Z land. The Robinson Street interface presents a different condition again. It is considerably less residential in character than the other streets, as the entire northern side is in the C1Z and half of this interface is already permitted with three storey street walls (on the Gurner site and at 7-9 Robinson Street).

Council did not explore in any detail the building heights of adjoining residential zones, or the potential for site consolidation (and how this might impact on the justification for mandatory controls). The five storey permit at 7-9 Robinson Street indicates to the Panel that structures taller than the proposed 4 storeys may be achievable and acceptable where site conditions enable sufficient management of character, heritage and amenity impacts. Site consolidation (as occurred at 7-9 Robinson Street) could help to achieve this. Further, most (if not all) Area 2 sites have commercial abutments which offer a less sensitive interface and more flexible outcomes to the rear.

The DDO21 triggers permits for all buildings and works, which will ensure due assessment (and third-party appeal rights) of potential impact from heights on all Area 2 sites. The Panel therefore considers that discretionary height limits for Area 2 would be more appropriate.

Council did not fully explain the reason for mandating 8 metre street walls and upper level setbacks behind a 45 degree plane across Area 2 sites. The Panel was not persuaded that mandatory controls are justified, particularly given the varying main road and residential streetscape contexts between which Area 2 sites mediate.

Whilst the Panel accepts that an 8 metre street wall is a generally consistent scale across these residential streetscapes, it does not see this as being absolutely necessary to provide appropriate transitions in all Area 2 contexts. Nor does it consider that a mandatory upper level setback behind a 45 degree plane has been justified. A setback behind a 45 degree plane generously recesses upper levels from streetscape views. However, third levels on existing developments are clearly visible along Mathoura Road, 3 storey street walls are present in Robinson Street, gables extend taller than 8 metres in Errol Street and hipped roofs sit above two storey dwellings in Miller Street. Having upper levels visible above 8 metres street walls would not be incongruous in these streetscapes.

The Panel supports the discretionary front setback requirement that calls for the lesser of 3 metres or an average setback of abutting lots. This can provide the visual effect of a residential setback whilst still accommodating commercial uses at the ground plane

consistent with the C1Z and DDO21 objectives. Discretionary application will allow flexibility for site specific responses.

The Panel accepts the metrics are appropriate for Cromwell Road given these are generally consistent with scale of existing recent development on the site but recommends their discretionary application, consistent with the other Area 2 locations.

(v) Conclusions and recommendations

The Panel concludes:

- Gateway sites previously identified for their strategic importance to Hawksburn Village should be identified in the DDO21, and more guidance should be provided in relation to key gateway sites to ensure they add to the identity and legibility of Hawksburn Village.
- The metrics of the Area 2 controls are appropriate to ensure a transition to adjacent residential areas, but they should be discretionary to allow designs that are responsive to the varied site contexts in Area 2.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

- a) **In Clause 2.0, add the following general requirement:**
 - at key corner sites at 500-504 Malvern Road and 617 Malvern Road, ensure design emphasises the corner to provide visual cues to mark the entrance to Hawksburn Village and to visually distinguish the site's transition from one streetscape context into the other.
- b) **In Table 1:**
 - convert the mandatory height limits for Area 2 to preferred heights
- c) **In Table 2:**
 - convert the mandatory street wall heights for Area 2 to preferred street wall heights
- d) **In Table 3:**
 - convert the mandatory setback for Area 2 to a preferred setback
- e) **Amend the map to:**
 - identify key gateway sites.

6.5 Rear boundary treatments

(i) What is proposed?

The DDO21 proposes rear boundary treatments as follows (all are discretionary):

- an 8 metre maximum rear wall height
- ground level setbacks of 3 metres to abutting residential zones (these can be reduced where there is a rear laneway, but for laneways less than 4.5 metres wide the setback plus the laneway width should total 4.5 metres)
- upper level setbacks behind a 45 degree plane, to a maximum of 10 metres (with the third and fourth storey at the same setback, rather than tiered).

(ii) Relevant policies and standards

These include:

- Standard B17 of Clause 55.04-1 (Side and rear setbacks objective) is the tool used to assess the appropriateness of setbacks in Residential Zones. While it is technically not applicable to the C1Z, it guides a tiered setback response whereby mass progressively peels away from residential boundaries with each increasing level.
- Clause 21.06 (Built Environment and Heritage) seeks to ensure new development provides a sensitive transition with adjoining lower density development in terms of built form, scale, setbacks and visual bulk.

(iii) Evidence and submissions

Two submissions opposed the discretionary rear boundary controls. 387-403 Malvern Road submitted that rear setbacks “*should be determined by appropriate protection of amenity rather than a prescribed quantum*”. Creative Property Developments’ original submission opposed the rear setbacks for being too restrictive. Neither party expanded on this issue in submissions to the Panel.

Relying on the evidence of Ms Bell and Mr McGauran, Council submitted the exhibited rear setback provisions were appropriate. Ms Bell’s evidence demonstrated the rear setbacks were generally consistent with the B17 setback which she considered acceptable to ameliorate off-site amenity impacts to residential interfaces. Ms Bell considered that continuing the B17 setback would be appropriate for buildings which exceeded five storeys, to protect adjacent residential amenity (refer to Figure 5).

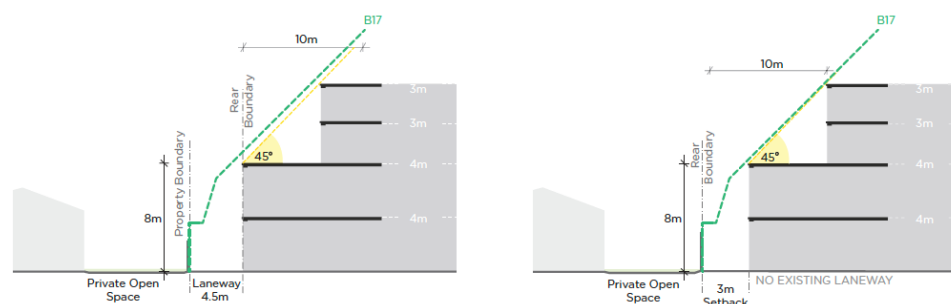


Figure 5 Setbacks behind a 45 degree plane compared with Standard B17

Source: Ms Bell’s evidence (DropBox Document 48A)

Mr McGauran saw the rear setback controls as essential, opposing the view expressed by 387-403 Malvern Road’s submission that they were too generous. In Mr McGauran’s view, the setbacks would avoid outcomes that dramatically curtail residential amenity in terms of access to daylight, views to the sky, visual bulk and overlooking.

Mr Glossop considered that the rear setback requirements from the Structure Plan had been effectively translated and would manage amenity issues that might arise from height.

Mr Czarny acknowledged the need to protect the amenity of adjacent residential development, and considered that the rear boundary controls would effectively manage this issue. His recommendations were confined to the reducing the total laneway and

setback width from 4.5 metres to 3.5 metres. His evidence specifically related to the laneway to the rear of 460 Malvern Road, which is a dead end laneway that provides access to the rear of the commercial properties fronting Malvern Road. He did not consider that 4.5 metres was needed, as the laneway cannot provide 'enhanced access' as sought by the Structure Plan. He considered that improved vehicle manoeuvrability could be achieved in other ways such as buildings cantilevered over laneways.

(iv) Discussion

The Panel considers the discretionary rear setbacks metrics are appropriate given their consistency with the commonly adopted B17 setbacks. All experts agreed that the controls were appropriate.

The Panel adopts the view of Ms Bell that proposals which exceed five storeys should continue rear setbacks behind a 45 degree plane. This requires removing the reference to a maximum 10 metre setback, as above 5 storeys, setbacks would need to be greater than 10 metres to remain behind a 45 degree plane.

The DDO21 requires the third and fourth floors to be set back the same distance behind a 45 degree plane, rather than tiered distances, to avoid the 'wedding cake' effect. The Panel accepts this is necessary at the third and fourth storeys given these levels have the greater potential to cause visual bulk impacts on abutting residential properties. However, applying the two floor increment at the sixth level would require a greater setback at the fifth storey than represented in the setback diagrams in Figure 7 and Figure 8 of the DDO21, and greater than necessary in the Panel's view given these upper level will be well recessed from the boundary. Given the two floor increment at the third and fourth level is illustrated in the setback diagrams, the provision requiring two floor increments should be deleted.

The Structure Plan seeks 4.5 metre wide laneways to provide pedestrian access, vehicle movement and safety. The setback plus laneway width requirement in the DDO21 is discretionary, allowing consideration of alternative outcomes.

The Panel accepts 4.5 metres may not be necessary in every instance and that there may be alternative ways to achieve the outcome sought as presented by Mr Czarny. The example outlined by Mr Czarny may be one example, where the function of the laneway is not to provide through access or increase permeability. Detailed considerations of alternatives are appropriately dealt with at the planning permit stage when site analysis and traffic advice supports it.

The Panel does, however, see benefit in including a requirement that laneway widths be suitable for the intended function of the laneway. This will help guide decision making on proposals that do not provide a 4.5 metre width.

(v) Conclusions and recommendations

The Panel concludes:

- The rear boundary treatments will appropriately manage amenity impacts on residential interfaces.

- The rear interface setback provisions should be refined to provide guidance for proposals which exceed five storeys in permitted areas, including a continuation of setbacks behind a 45 degree plane.
- The laneway width metric is acceptable, however a requirement should be included clarifying the purpose of increased laneways widths, to guide decision making.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

- a) **In Clause 2.0:**
 - **refine the rear setback provisions and diagrams to provide setback guidance for buildings which exceed five storeys**
- b) **In Clause 2.0, add the following rear wall and rear setback requirement:**
 - **Ensure that setbacks on laneways less than 4.5 metres wide are sufficient to provide for safe pedestrian access and vehicle movement, depending on the laneway's function.**

7 Site specific submissions

7.1 580-590 Malvern Road and the May Road carpark (the Woolworths site)

This site is identified as a strategic opportunity site in the Structure Plan. It is in Area 7 in the DDO21.

(i) What is proposed?

The DDO21 proposes a 14 metre (4 storey) height limit, 8 metre (2 storey) street wall height and a 5 metre upper level setback, all discretionary.

(ii) The issues

The issues are whether:

- the metrics proposed are appropriate
- mandatory controls are appropriate.

(iii) Evidence and submissions

Submitter 12 (owner of 559-569 Malvern Road) submitted that the DDO21 fails to recognise the strategic importance of the Woolworths site given its nomination as a strategic opportunity site in the Structure Plan. It submitted that the height, siting and setback controls are inconsistent with its strategic opportunity site status, and will not deliver on relevant land use and design objectives contemplated by the Amendment.

Submitter 13 submitted that a mandatory height limit should be applied to the Woolworths site because of the topography, which slopes down from Malvern Road toward May Road, meaning the visual bulk of any building will be much greater at the rear, where residential properties are located. He submitted that a larger building is not consistent with the proposed character sought by the Structure Plan.

Ms Bell supported the discretionary height limit proposed for the Woolworths site (4 storeys), but considered that the street wall height and upper level setbacks should be mandatory to ensure future development on the site appropriately responds to the existing scale of the heritage buildings and the 'village' character in the Eastern Precinct.

Mr McGauran did not consider that any mandatory controls were required on the Woolworths site.

(iv) Discussion

The Structure Plan seeks a consolidated redevelopment of the site of 4 storeys on the Malvern Road frontage, stepping down to 3 storeys on the May Road carpark.

The Panel generally supports the metrics of the proposed controls, but recommends building height be increased to 5 storeys (discretionary) along Malvern Road, for the reasons set out in Chapter 6. The Panel does not support mandatory controls on the site. It agrees with Mr McGauran that discretionary controls are more appropriate for such a large strategic site. Any redevelopment proposal, including the street wall and setback along the Malvern road frontage, will need to respond to the character and

heritage objectives of the DDO21 (as well as other provisions in the Scheme). The Panel is confident that this will guide a design that is consistent with and responsive to the village character sought by the Structure Plan for the Eastern Precinct.

The Panel acknowledges the concerns raised by Submitter 13. The rear of the site (along May Road) has a more sensitive interface than the Malvern Road frontage, as it addresses the residential hinterland rather than the commercial strip along Malvern Road. However, the May Road carpark is in the Neighbourhood Residential Zone (NRZ), which is not proposed to change. A mandatory maximum 2 storey (9 metre) height limit applies under the NRZ. As Ms Bell pointed out in her oral evidence, this effectively limits the likely redevelopment on this part of the site to a 2 storey townhouse development.

The Panel considers that the retention of the NRZ on the rear of the site will provide appropriate protection for the amenity of the residential hinterland in May Road. A two storey townhouse development on the rear of the site would also provide a suitable buffer and screening to possible taller built form along the Malvern Road frontage.

(v) Conclusions

The Panel concludes:

- The Panel supports the metrics proposed for the Woolworths site, subject to increasing the overall height to 5 storeys. These metrics (with the height increase) appropriately recognise the strategic role of the site, while balancing the need to protect and respect the village character of the Eastern Precinct.
- All of the built form controls for the Woolworths site should remain discretionary.
- The retention of the NRZ on the May Road carpark will ensure an appropriate response to the sensitive residential interface in May Road.

7.2 537-541 Malvern Road (the Toorak Plaza site)

This site is a large site on the north side of Malvern Road. It is located in the Eastern Precinct, a short distance to the west of the Woolworths site. It is in Area 6 and is adjacent to the heritage area covered by HO142.

(i) What is proposed?

The exhibited DDO21 proposes a 14 metre (4 storey) height limit, 8 metre (2 storey) street wall height and 5 metre upper level setback, all mandatory.

Council's revised DDO21 (DropBox Document 47) made a change to effectively convert the mandatory 4 storey height limit to a discretionary limit, but did not propose any change to the site's classification, or the other controls.

(ii) The issues

The issues are whether the:

- site should be regarded as a strategic opportunity site and included in Area 7
- metrics proposed are appropriate
- mandatory street wall and upper level setbacks are appropriate.

(iii) Evidence and submissions

Memart Investment (owner of the Toorak plaza site) submitted that the site was identified in the background reports as a key strategic site, and is one of the few sites in the centre capable of accommodating a high quality office development. It submitted that the Structure Plan's aspirations of encouraging more office space in the centre would be *"compromised by the restrictive built form controls, which undermine the viability of office proposals"*. It went on to say:

Regard must also be had for the relevant policy context, wherein higher density built form is directed to Activity Centres in order to co-locate jobs, services and access to public transport. Given these planning aspirations it is fair to say that a 14-metre building height on this property may in fact lead to a sub-optimal planning outcome.

Memart Investments requested the site be included in Area 7 along with the Woolworths site, which would have the effect of converting the mandatory street wall height (8 metres) and upper level setbacks (5 metres) to discretionary controls. It also requested that no height limit be applied, and that an additional design objective be added to the DDO21:

To recognise strategic opportunity sites as the focus for intensive development within Hawksburn Village.

Memart Investments presented design concepts prepared by Bates Smart Architects which it said demonstrated that the site could accommodate a 7 storey office development without compromising the character of the centre or the amenity of nearby residential areas.



Figure 6 Concept design for Toorak Plaza site
Source: Bates Smart Concept Design (DropBox Document 127)

Ms Bell and Mr McGauran both considered that this site shared many characteristics with the Woolworths site, and should be included in Area 7. Ms Bell supported a discretionary 4 storey height limit on the site, but considered that the street wall height and upper level setbacks should be mandatory for the same reason as the Woolworths site.

Mr McGauran considered that all the built form controls for the Toorak Plaza site should be discretionary. He, like Ms Bell, considered that this site shares attributes with the

Woolworths site and should be treated in a similar way. He also considered it should be included in Area 7. Mr McGauran indicated in response to the Panel's questions that a mandatory street wall height may be warranted on the Toorak Plaza site (as recommended by Ms Bell), given it was adjacent to a row of heritage shops.

Neither Ms Bell nor Mr McGauran commented specifically on the Bates Smart concept.

(iv) Discussion

The Panel agrees that the site's size presents strategic opportunities that are relatively rare in the Eastern Precinct without substantial site consolidation occurring. It is similar in size to the part of the Woolworths site fronting Malvern Road (on which the supermarket is currently located), and offers the possibility of generous floorplates required for high quality office development.

The Panel agrees with Memart Investments and Ms Bell and Mr McGauran that the site shares many attributes of the Woolworths site, and should be included in Area 7. The Panel has recommended in previous chapters that the Area 7 built form controls all be discretionary, and that the height for Area 7 be increased to 5 storeys.

The Panel does not agree with Memart Investments that no height limit should apply. While the site shares many attributes with the Woolworths site, it does have some constraints that do not apply to the Woolworths site. It has direct residential abuttals to the rear, and is directly adjacent to single storey heritage buildings. No height limit would be inappropriate in these circumstances.

This should not be taken as implying that the Bates Smart concept is not appropriate, or represents an overdevelopment of the site. On first appearances, the concept looks to be a generally sensitive and site responsive design. However it would require a proper detailed assessment. Discretionary controls (including a discretionary 5 storey height limit) would allow designs such as the Bates Smart concept to be considered and properly assessed against the objectives of the DDO21 and other relevant provisions of the Planning Scheme.

(v) Conclusions and recommendations

The Panel concludes:

- The Toorak Plaza site shares many characteristics with the Woolworths site (a strategic opportunity site) and should be included in Area 7.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

a) Amend the map to:

- designate the Toorak Plaza site at 537-541 Malvern Road as Area 7.

7.3 617 Malvern Road

617 Malvern Road is on the north west corner of Mathoura Road and Malvern Road. It is owned by Creative Property Developments and is in Area 6 within the Eastern Precinct.

A planning permit application for a 5 storey building with a 3 storey street wall was lodged with Council in April 2020. At the time of the Hearing this application was at the request for further information stage and had not been fully considered by Council.

(i) What is proposed?

The DDO21 proposes mandatory height (4 storeys), street wall height (2 storeys) and upper level setback (5 metre) controls.

Being a corner site with a frontage of less than 20 metres wide, both the transitional corner site provision and the narrower corner site provision inviting a reduction in upper level setbacks would apply.

(ii) The issues

The issues are whether:

- the metrics proposed are appropriate
- mandatory controls are appropriate.

Other issues raised in Creative Property Developments' submissions and evidence have been dealt with elsewhere:

- incentives for site consolidation in Chapter 5.5(iv)
- whether the site warrants recognition as a gateway site in Chapter 6.4.

(iii) Evidence and submissions

Creative Property Developments sought 5 storey heights, 3 storey street walls and reduced upper level setbacks, relying on Mr Czarny's evidence that the site's corner gateway location and sloping topography justified a more robust built form, including to mark the entrance to Hawksburn Village. It noted the physical context of adjoining three and four storey residential areas in Malvern and Mathoura Road, and submitted that 5 storeys should at least be able to be considered, allowing site assessment to determine the appropriateness of heights.

Mr McGauran assessed the proposed metrics in the DDO21 for 617 Malvern Road as providing a sustainable increment of intensification without undermining the underlying goal to retain the character and coherence of Hawksburn Village. His opinion of exceeding the four storey height limit was that it would *"undermine with the dimensional attributes and open corner visibility eliminating any realistic likelihood of concealing upper level development from intersectional street view"*. Mr McGauran also considered the site warranted a 'soft' gateway treatment given the unlikely potential, in his view, of site consolidation to accommodate a more robust form given the rear laneway separating the site from 1 and 1A Mathoura Road.

Under cross examination by Ms Pepler, Mr McGauran conceded that topography can be a matter to consider in setting appropriate heights, but that the downhill slope along Malvern Road from Orrong Road toward the eastern entrance of the village was not so significant as to justify increasing the mandatory 4 storey height limit on the site.

Under cross examination by Ms Pepler, Ms Bell agreed that gateway sites have a role in defining the entrance to an activity centre, but maintained that, as the eastern approach to Hawksburn Village is characterised by landscaped residential setbacks, the

zero street wall setback at 617 Malvern Road was a sufficiently distinguishable element to mark this gateway.

(iv) Discussion

As discussed in previous chapters, the Panel recommends 4 storey heights, 3 storey street walls and 5 metre upper level setbacks (all discretionary) for non-heritage parts of Area 6, including 617 Malvern Road. It recommends that the DDO21 identify this as a gateway site, and explicitly seek future built form on the site to express its gateway role.

The Panel sees no need for an alternative site-specific metric at 617 Malvern Road. The topography is not so significant as to justify a higher height on this site, given the Panel's conclusions that the adjacent (downslope) sites in Malvern Road should remain at 4 storeys (albeit discretionary). While the site's gateway status may justify a more robust built form, this can be accommodated within the existing metrics (converted to discretionary controls), and will be guided by the Panel's recommendations for a strategic gateway expression on this site as discussed in Chapter 6.4. This can be determined and assessed during the planning permit stage, and will be further guided by the Panel's recommended additional performance standards in the DDO21.

(v) Conclusion

The Panel concludes:

- The metrics of the controls for 617 Malvern Road are appropriate, but they should be discretionary.

7.4 1 and 1A Mathoura Road

The consolidated site of 1 and 1A Mathoura Road is located to the rear of 617 Mathoura Road, separated by a laneway. It is in the C1Z (no change proposed) and Area 2 (residential street interface areas).

(i) What is proposed?

DDO21 proposes mandatory height limits (4 storeys), mandatory street wall height (2 storeys), mandatory upper level setbacks (behind a 45 degree plane) and a discretionary transitional front setback (lesser of 3 metres and the average setbacks of the abutting lots).

(ii) The issues

The issues are whether:

- the metrics proposed are appropriate
- mandatory controls are appropriate.

(iii) Evidence and submissions

Mathoura Road Developments submitted that the site's attributes collectively justified discretionary controls and revised metrics of a stepped front setback, no specified street wall height and 5 metre upper level setbacks. It submitted that the site is zoned C1Z, and is at the transition of a substantial change area (the activity centre) and a residential

hinterland which itself has an emerging character of 3 to 4 storeys. It described the site interfaces as being robust – a blank two storey party wall at 3 Mathoura Road and expectations for a robust ‘built to boundary’ corner expression at 617 Malvern Road. It used a cross section to illustrate how the consolidated lots could, in its submission, hold a five storey mass away from the residential interface.

In relation to the mandatory controls, Mathoura Road Developments submitted that these would limit the opportunity for a responsive design, and that:

... perceived amenity ‘gains’ or ‘protections’ from the proposed mandatory height, streetwall and setback controls will be outweighed by the lost opportunities for site responsive design, and where yield within a strictly controlled building envelope will be the applicant’s end-game focus, and not on a high quality and responsive built form outcome.

Mr McGauran considered that the built form parameters in the DDO21, including the transitional setback requirement, as appropriate to stitch 1 and 1A Mathoura Road into the directly abutting residential development along Mathoura Road to the north. He preferred this outcome over stitching to the comparably farther activity centre context located over the laneway to 617 Malvern Road to the south. He observed that laneways usually form the activity centre edge, rather than the C1Z continuing beyond these rear accessways.

(iv) Discussion

As discussed in previous chapters, the Panel recommends retaining the proposed metrics for Area 2, but making them discretionary. When applied to 1 and 1A Mathoura Road, the Panel considers discretionary provisions will facilitate an appropriate transitional response.

The Panel agrees with Mathoura Road Developments that the consolidated lot, when combined with the site’s gently sloping topography, could accommodate built form that exceeds the discretionary parameters whilst meeting the amenity objectives and goals for a design response that transitions from the village character of the Eastern Precinct to the neighbourhood character of the residential hinterland along Mathoura Road.

The Panel sees an opportunity for a taller form (above 4 storeys) to comfortably sit along the southern boundary of the site, away from the residential interfaces, overcoming potential concerns for visual bulk, shadow and overlooking impacts. However discretionary controls will allow consideration of appropriate responses without needing to increase the height limit on the site.

A discretionary 8 metre street wall will allow a stepped response between the 11 metre street wall control recommended at 617 Malvern Road and the 9 metre mandatory height limit at 3 Mathoura Road (zoned NRZ) where the existing facade comprises a two storey blank wall set back from the street.

The discretionary transitional 3 metre front setback (which, in this instance, is generally equal to the average of the abutting setbacks) is appropriate for the site. This will enable activation of commercial ground floors as envisaged by DDO21 while ensuring a future street wall transition to the 5 metre setback of the abutting dwelling at 3 Mathoura Road. The Panel agrees with Mathoura Road Developments that there is an opportunity for the consolidated lots to provide a setback that progressively increases in depth

moving north along the frontage, rather than providing a consistent setback depth across the frontage. A discretionary metric can facilitate this.

A discretionary upper level setback will provide an opportunity for an applicant to demonstrate how a different presentation suitably responds to context. The Mathoura Road residential streetscape comprises numerous examples, including in the immediate vicinity of the site, where levels above two storeys are clearly visible in streetscape views. Any redevelopment of the adjoining lot at 617 Malvern Road will influence a design response on the site.

(v) Conclusion

The Panel concludes:

- Discretionary Area 2 controls are appropriate to 1 and 1A Mathoura Road to enable a transitioned response to the site's context.

7.5 48 Westbourne Street

48 Westbourne Street is currently zoned C1Z. It contains a relatively recently renovated dwelling, and is within HO370 (Residential Precinct) which includes both sides of Westbourne Street for most of its length.

The property has dead end laneways on both sides. The lane to the north provides rear access to the commercial properties fronting Malvern Road, including 578 and 578A Malvern Road. The lane to the south appears to provide access to a parking space at the rear of 48 Westbourne Street.

The property is within the activity centre boundary, and the Structure Plan includes it in the area designated 'specialty retail destination within the eastern precinct' (refer to the Framework Plan). It is within the area identified for 4 storeys, along with the properties fronting Malvern Road. The Structure Plan indicates that the northern commercial laneway should be enhanced.

(i) What is proposed?

The Amendment proposes to rezone 48 Westbourne Street from C1Z to NRZ. It is not intended to be covered by the DDO21.

(ii) The issues

The issues are:

- whether the rezoning is appropriate, given its inconsistency with the Structure Plan
- whether the rezoning will cause reverse amenity impacts to the C1Z properties fronting Malvern Road that would restrict their use for commercial purposes.

(iii) Evidence and submissions

Council submitted that the NRZ is the most appropriate zone for the site. The site is part of a residential heritage precinct within the Heritage Overlay, and any redevelopment would therefore prove challenging.

Mr Glossop and Mr McGauran both agreed the rezoning was appropriate. Mr Glossop considered that the site's location within a residential heritage precinct limits its future development potential notwithstanding that the Structure Plan identifies it as part of the commercial area identified for intensification. He noted that local policy within the Planning Scheme excludes land in a residential heritage precinct from being considered as a location for substantial change.

Mr McGauran's evidence was:

I think the inclusion of the subject property in the adjoining NRZ is an outcome that ensures the zoning provisions are consistent with the attributes of the property, its contribution to the preferred heritage character of the hinterland neighbourhood ... and the attributes of the land uses to the south and east into which it is stitched on the eastern side of the street.

The owner of the C1Z properties at 578 and 578A Malvern Road submitted that the northern laneway is used for vehicle access, waste disposal and other purposes related to the commercial uses along Malvern Road, and that the residential use of the property has caused numerous problems, with the occupants of the dwelling "*continuing to complain about many issues that come with abutting the commercial zone*". It submitted that the zone transition between the C1Z and NRZ should remain on the south side of 48 Westbourne Street.

No submission was received from the owner of 48 Westbourne Street.

(iv) Discussion

The Panel agrees that it is appropriate to rezone 48 Westbourne Street from C1Z to NRZ, notwithstanding that the Structure Plan identifies it as part of the specialty retail destination along with the commercial area fronting Malvern Road (no doubt by reason of its current inclusion in the C1Z).

The site appears to have been used for residential purposes for some time, despite its current commercial zoning. A timber dwelling that looks to be dated from the early twentieth century occupies the site, and has been relatively recently renovated. The Panel agrees with Mr Glossop and Mr McGauran that the site's context is part of the heritage residential streetscape in Westbourne Street, rather than part of the commercial area fronting Malvern Road, and that the application of HO370 would limit its future redevelopment potential for commercial purposes.

While the Panel acknowledges the submissions from the owner of 578 and 578A Malvern Road, these issues arise from the use of 48 Westbourne Street as a dwelling, not from its zoning. Even if it remained in the C1Z, the chances of it being redeveloped for commercial purposes are limited, for the reasons outlined by Mr Glossop and Mr McGauran.

Notwithstanding that the site will not be covered by the DDO21, the Panel considers that the activity centre boundary in the Structure Plan should be updated to exclude this site from the activity centre, to avoid any confusion about its status and aspirations for its future use and development. The Structure Plan will remain a relevant document, albeit a reference document in the Planning Scheme.

(v) Conclusion and recommendation

The Panel concludes:

- It supports the rezoning of 48 Westbourne Street from C1Z to NRZ, notwithstanding that it is within the activity centre boundary and identified in the Structure Plan as part of the specialty retail area fronting Malvern Road in which intensification is anticipated.

The Panel recommends:

Amend the Structure Plan to:

- a) **remove 48 Westbourne Street from the activity centre boundary, and make any consequential changes to the Structure Plan that may be required.**

7.6 145 Williams Road (the BMW site)

The BMW site is located on the corner of Williams Road and Clarke Street, a residential side street. It sits at the southern edge of the Western Precinct and Hawksburn Village, and is located in Area 1.

(i) What is proposed?

The DDO21 proposes a 5 storey height limit, a 3 storey street wall height, and a 5 metre upper level setback. The corner site transitional provision applies, requiring a ground level setback on Clarke Street that respects existing, adjacent residential setbacks on Clarke Street, at the lesser of 3 metres or the average of adjacent residential setbacks.

(ii) The issues

The issues are whether:

- the 5 storey height limit is excessive, given the site's residential interface
- the site should be reclassified to Area 2
- mandatory controls are needed
- more guidance is needed in relation to the Clarke Street frontage
- commercial uses should not be encouraged along the Clarke Street frontage.

(iii) Evidence and submissions

The Clarke Street submitters submitted that the DDO21 insufficiently guided built form outcomes on the BMW site, particularly along its sensitive residential interface along Clarke Street. They considered that the Area 1 classification was more suited to lots fronting Malvern Road, and that there was a strong rationale for the site (or at least its western portion) being reclassified as Area 2 with a mandatory four storey height limit. They suggested the Area 2 controls should apply from the approximate mid-point of the site's Clarke Street frontage.

The Clarke Street submitters' original submission (Submission 10) sought two other changes which were not ultimately referred to in their submissions to the Panel:

- redrafting the DDO21 to exclude the Clarke Street frontage from the general encouragement of commercial and offices uses at lower levels

- the rear boundary setbacks, rather than side street setbacks, apply along the Clarke Street frontage.

Ms Bell noted that the BMW site was identified as a key redevelopment site in the Structure Plan because of its large size, prominent corner location and rear laneway access. Her evidence was that although the Structure Plan indicated that further work was needed to inform the built form controls, the DDO21 as proposed would sufficiently guide future development outcomes. Her opinion was that if anything, the site could probably accommodate more than the 5 storeys envisaged under the DDO21 due to its size, robust Williams Road frontage and lack of heritage or other constraints (apart from the residential interface along Clarke Street).

In cross examination, Mr Bunting (for the Clarke Street submitters) asked a series of questions of Ms Bell focussed on whether the Area 2 controls were more appropriate for the site given its residential interface. Ms Bell remained unsupportive of a mandatory height limit on the site or its reclassification as Area 2. She did however concede that the overall design would need to be responsive to the residential character of Clarke Street, including the rear wall, and reduced street wall heights and increased landscaped setbacks at the western end of the site. Ms Bell later tendered revised DDO21 provisions which applied the following site-specific front setback (DropBox Document 113):

Clarke Street – within 15 metres of the adjacent residentially zoned property, setback the front wall 3 metres or the average setback of existing abutting properties (whichever is less).

Mr McGauran similarly considered that the DDO21 would appropriately guide future design responses on the site. He did not support applying the rear interface setbacks along the Clarke Street interface. He described the site's attributes as having an exceptional frontage to Williams Road, a secondary frontage to Clarke Street and service laneways both north and west. He considered that it is capable of accommodating robust built form given its context diagonally opposite the Gurner site and adjoining the BP site, both of which are earmarked for taller forms. He considered the site as currently underutilised and that its southwest to northeast orientation would ensure offsite impacts of future form could be more easily mitigated than a generally east-west orientation. Mr McGauran did not support mandatory controls on the site, and said that in his experience discretionary provisions on large strategic redevelopment sites often deliver better outcomes.

The Panel further explored with Mr McGauran whether the DDO21 needed to be more explicit about stepping down built form to the south-east corner of the site, where it abuts residential properties in Clarke Street. He conceded that guidance for a more meaningful landscaped setback was warranted, to better transition into the Clarke Street streetscape. He considered that the transitioned setback should commence at around the midpoint of the Clarke Street frontage, and should provide opportunities for deep soil planting.

(iv) Discussion

The Panel agrees with Ms Bell and Mr McGauran that the BMW site has significant strategic value, and that in general, the DDO21 provides sufficient direction to facilitate

appropriate outcomes on the site. It considers that the Area 1 height limits, street wall heights and upper level setbacks are appropriate for the site, and that the rear boundary controls will suitably manage the most sensitive interface, being a direct abuttal to a 2 storey dwelling at 69 Clarke Street.

The Panel recommends a three storey street wall and 3 metre upper level setback for Area 1. The Panel considers these metrics are needed to ensure built form holds the corner at Clarke Street and Williams Road, to mark the entrance on the southern approach to Hawksburn Village. However, the street wall and upper level setbacks continuing into Clarke Street will need to transition to respect the residential character of Clarke Street. While this is generally guided by the transitional corner site provision, the Panel considers that the length of the Clarke Street frontage warrants more specific guidance.

The Panel agrees with the Clarke Street submitters that the DDO21 should specify that this transition should commence at the midpoint of the site's Clarke Street frontage, opposite the laneway at the rear of the heritage building on the south corner of Clarke Street and Williams Road. The provision should require ground level setbacks, street wall and upper level setbacks to transition down to the adjacent residential buildings from this point. The Panel also agrees with Mr McGauran that a meaningful landscape setback capable of deep soil planting is needed and sees greenery as providing an additional element to facilitate the successful integration of the site into the residential street context.

The Panel does not consider it appropriate to discourage commercial uses along the Clarke Street frontage given many commercial uses are as of right in the C1Z. The Panel considers the built form provisions will appropriately manage potential amenity impacts of commercial uses along this frontage.

(v) Conclusions and recommendations

The Panel concludes:

- The Clarke Street interface of the BMW site warrants tailored guidance for a transitioned and landscaped setback along Clarke Street.
- It is not appropriate for commercial uses to be discouraged along the Clarke Street frontage given the site is in a C1Z.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

a) In Clause 2.0, add the following street wall and building setback requirement:

- **Development at 145 Williams Road must provide a transitional street wall and upper level setback, and a landscaped ground level setback which includes opportunities for deep soil planting, along the southern boundary from the midpoint to the western edge of the site.**

7.7 442-450 Malvern Road

These properties are on the south side of Malvern Road in the Western Precinct, just to the west of Miller Street. The rear boundary of these properties is shared with the boundary of the townhouse development at 6 Miller Street.

The Malvern Road frontages of these properties are in the C1Z, but a section at the rear is zoned GRZ. The C1Z portion of the sites is within the EAO.

(i) What is proposed?

The Amendment proposes to:

- extend the C1Z to the rear of these properties (see Figure 7)
- extend the existing EAO to the rear of these properties, and to a small portion of land that was recently transferred from the title of 442-446 Malvern Road to the owner of 6/6 Miller Street.

The application of the EAO to the portion of land that is now part of 6/6 Miller Street is dealt with in the following section.

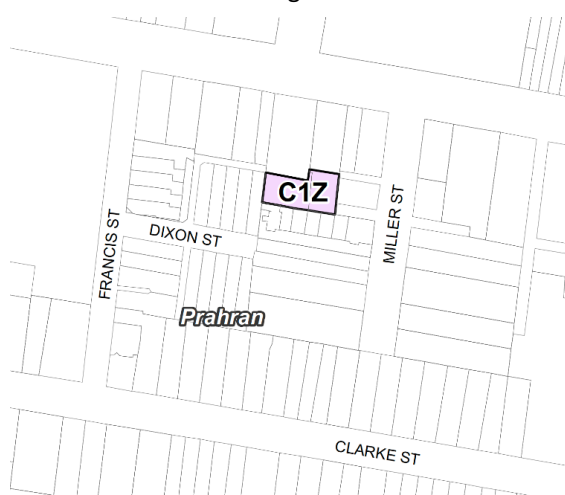


Figure 7 Proposed rezoning to the rear of 442-450 Malvern Road
Source: exhibited rezoning map

(ii) The issue

The issue is whether rezoning the land to C1Z will result in adverse amenity impacts on the residential properties at 6 Miller Street.

(iii) Evidence and submissions

Submitters 3, 4, 5 and 7 opposed the rezoning on behalf of 1/6, 2/6, 3/6 and 6/6 Miller Street, primarily on the basis that the proposed change is not a better reflection of the current or future use of the land and will result in adverse amenity outcomes. They were concerned about the possibility of a commercial development being built right to the rear boundary of the properties that would not be subject to the 3 storey height limit that applies under the GRZ, and that would look directly into their north facing balconies and habitable rooms.

Submitter 4 pointed to a recent success in curtailing a development at 422 Malvern Road (VCAT P1356/2018) which he submitted “*was based purely on having this particular area zones as residential (GRZ)*”. He submitted that if the property was zoned C1Z, the rear of the property could have been developed right up to its rear boundary, to a commercial zoned height.

Council submitted that rezoning the land is “*logical and desirable*” as the land is contiguously owned with adjoining Malvern Road frontages. The rezoning will align the zone boundary with the title boundaries, assisting with land use management. Council submitted that all buildings and works will still require a permit under the C1Z, and most will also require one under DDO21. The DDO21 includes rear boundary treatments to ensure an appropriate response to adjoining residential development. Other provisions of the Scheme will require that any impact on amenity of the residential properties in Miller Street be appropriately managed.

Mr McGauran noted that the DDO21 has a preferred minimum 3 metre setback from adjoining residential development and a preferred rear wall height of 8 metres. The GRZ (in which the development at 6 Miller Street is located) imposes a mandatory maximum height of 9 metres (3 storeys). He concluded:

I am satisfied that the proposed provisions in the DDO and notably the rezoning of the land from a GRZ12 to a Commercial 1 Zone (C1Z) provide reasonable standards of amenity for the occupants of abutting residential land and that the rezoning is a logical inclusion within the Commercial Zone given it is contiguously owned with the adjoining Malvern Road frontages and that the consolidated site is serviced from the same site as the adjoining commercial frontages to the east of these properties on the Malvern Road frontage.

(iv) Discussion

Zone boundaries should generally align with title boundaries. The Panel is satisfied that rezoning the rear of these properties to reflect the zoning of the Malvern Road frontages is logical and sensible.

The Panel understand the concerns of the residents at 6 Miller Street. However, it is satisfied that the rezoning will not detrimentally impact their amenity.

All buildings and work require a permit under the C1Z (apart from minor exemptions). The decision guidelines in the C1Z require consideration of overlooking, overshadowing, and overshadowing of existing rooftop solar energy systems on adjoining dwellings in the GRZ. Further, clause 34.01-2 contains a general requirement that any use not detrimentally affect the amenity of the neighbourhood including through deliveries, the appearance of buildings and noise and light emissions.

The Panel is satisfied that the rear boundary treatments in DDO21 suitably address the amenity of adjoining residential properties, for the reasons set out in Chapter 6.5. Further, any residential development on the C1Z land will be subject to the requirements of Clauses 55 (multiple dwellings), 56 (residential subdivision) and/or 58 (apartments), depending on the proposal.

The Panel is satisfied that the DDO21, in combination with other provisions of the Planning Scheme, will ensure that the amenity of adjoining dwellings such as those at 6 Miller Street will be appropriately managed and protected.

(v) Conclusion

The Panel concludes:

- It supports the rezoning of the rear of the properties at 442-450 Malvern Road to C1Z, to reflect the current zoning of the Malvern Road frontages of these properties.

7.8 6/6 Miller Street

6/6 Miller Street is part of a development of 6 townhouses accessed via a shared driveway off Miller Street. The townhouses share a boundary with the laneway at the rear of 442-450 Malvern Road.

(i) What is proposed?

The Amendment proposes to apply the EAO to the portion of land that was recently transferred from the title of 442-446 Malvern Road to the owner of 6/6 Miller Street.

The consequence would be that the landowner would be required to obtain a certificate or statement of environmental audit under the *Environment Protection Act 1970* prior to commencing a sensitive use, or buildings and works associated with a sensitive use.

(ii) The issue

The issue is whether it is appropriate to extend the EAO to the portion of land now owned by 6/6 Miller Street.

(iii) Relevant policies and guidance

These include:

- Clause 13.04-1 seeks “to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.” It requires planning to consider Ministerial Direction No. 1 – Potentially Contaminated Land.
- Ministerial Direction No. 1 requires planning authorities to be satisfied that any amendment which would have the effect of allowing potentially contaminated land to be used for a sensitive use is suitable for those uses. The C1Z allows sensitive uses, including residential use.
- Ministerial Direction No. 19 requires a planning authority to seek the views of the Environment Protection Authority (EPA) about the potential impacts of a proposed planning scheme amendment on the environment, amenity and human health.
- *PPN30: Potentially Contaminated Land* provides guidance on how to identify if land is potentially contaminated, the appropriate level of assessment of contamination for a planning scheme amendment, and the circumstances where the EAO should be applied. It lists land uses which have a potential for contamination, including printing shops, chemical or fuel storage, and industrial activities including warehousing.

(iv) Evidence and submissions

Submitter 4, the owner of 6/6 Miller Street, opposed the extension of the EAO onto the small parcel of land recently transferred from the title to 442-446 Malvern Road. He submitted that contamination travels horizontally, not just vertically, and there was no rational basis for applying the EAO to his property but not to the remaining properties along 6 Miller Street which are also located directly south of the properties at 442-450 Malvern Road. He also noted that the portion of land transferred to him had once formed part of the laneway that runs along the southern boundary of 460 Malvern Road, and that if the EAO is extended to the relevant portion of 6/6 Miller Street it should also be extended to the rest of the laneway.

Council submitted that it had undertaken an extensive historical records search (a copy of which was provided as DropBox Document 36) which showed that the properties at 442-450 Malvern Road had historically been zoned for industry, and had been used over the years for various industrial and warehousing uses including clothing manufacturing, a carpentry business, a printer and lithographer, a typesetter, a factory and a warehouse.

Council sought the views of the EPA about the Amendment in accordance with Ministerial Direction 19. The EPA's response (DropBox Document 37) included:

It appears that there is reasonable evidence to suggest that there is potential contamination. Noting that sensitive uses can occur in the C1Z (subject to conditions and / permit requirements) there would need to be consideration given to whether the potential contamination poses risk to future uses.

Accordingly, EPA does not object to the extension of the EAO across the subject site.

Council submitted that the extension of the EAO will ensure the risk of contamination can be assessed and addressed prior to the commencement of any sensitive uses on the land fronting Malvern Road. In relation to 6/6 Millar Street, where the land is already located within the GRZ, the EAO will guide future land use and development appropriately.

Mr Glossop considered the extension of the EAO to be appropriate, as it would ensure that future sensitive uses on potentially contaminated land are managed appropriately. In his oral evidence, he acknowledged that the application of the EAO would have "*not insignificant*" consequences for the landowner, but given the history of the land use on the properties fronting Malvern Road and the lack of certainty, net community benefit is in favour of the application of the EAO.

(v) Discussion

The application of the EAO has the potential to significantly add to the cost of any development associated with a sensitive use, including residential use. Irrespective of whether a small deck or larger site redevelopment is proposed, the EAO provides no exemptions (even if the works do not involve disturbing the soil).

The Practitioner's Guide states in section 4.3:

The VPP principle of being 'proportional' means that a provision should be designed to only impose a level of regulatory burden that is proportional to the planning and environmental risk.

It addresses the application of the EAO in section 5.2.5:

... The EAO is not simply a means of identifying land that is or might be contaminated and should not be used for that purpose. Previous zoning is not sufficient reason in itself to apply the EAO.

...

Planning authorities should be careful in applying the EAO. All buildings and works associated with a sensitive use (irrespective of how minor) will trigger the need to undertake an environmental audit.

Where sensitive uses already exist on a site the planning authority, before applying an EAO, should satisfy itself that these sites are potentially contaminated (through site history records). If there is no evidence of potentially contaminated land it may not be appropriate to apply the EAO to these sites.

The Panel therefore considers that the EAO should not be applied lightly, and should only be applied when its application would be a proportional response to the risk of contamination being present, and harming future users of the land.

In this case, no testing has been undertaken to verify whether or not the land is or may be contaminated. The assessment is limited to a search of the historical zoning of the land, and historical records as to site use.

On balance, and with some reservations, the Panel considers that the historical records searches undertaken by Council are sufficient to justify the application of the EAO. The searches were not limited to the previous zoning, and considered historical uses of the site in accordance with the approach recommended in the Practitioner's Guide. Some of the previous uses are on the list of potentially contaminating uses in PPN30. While this represents a highly cautionary approach, the Panel notes that both the EPA and Mr Glossop support the application of the EAO.

The application of the EAO triggers a requirement for the landowner to complete a statutory audit of the land prior to undertaking any development associated with a sensitive use, no matter how minor. This burden is arguably disproportionate when the risk of contamination being present, and causing harm, has not been fully established through testing. The point has been made by previous panels, including the panel considering Amendment C309 to the Melbourne Planning Scheme, that consideration of this issue would have been more straightforward if the EAO included some exemptions that allowed for low risk forms of development to occur without the need for an environmental audit. If such changes were made to the EAO, the burden associated with its application would be less disproportionate in circumstances such as these, where the contamination risk has not been quantified.

(vi) Conclusion

The Panel concludes:

- On balance, and with some reservations, it supports the proposed extension of the EAO notwithstanding the absence of testing that verifies whether the land is in fact contaminated.

7.9 387-403 Malvern Road

This site is located on the north side of Malvern Road between Cromwell Road and Hobson Street. It is in Area 1 in the Western Precinct. It is owned by 387-403 Malvern Road, South Yarra Pty Ltd. The site has a VCAT issued permit for a 6 storey building with 5 metres upper level setbacks.

(i) What is proposed?

The DDO21 proposes discretionary controls of 5 storeys, with a 3 storey street wall height and a 5 metre upper level setback.

(ii) The issues

The issues are whether:

- the height limit should be increased to 6 storeys
- the upper level setback should be reduced to 3 metres.

The written submission to Council also sought revisions to the rear setback, however this was not expanded on in submissions to the Panel. The Panel considers that the exhibited rear boundary treatment provisions are appropriate for the reasons discussed in Chapter 6.5.

(iii) Evidence and submissions

387-403 Malvern Road sought an increase in the height to 6 storeys, justified on the basis that VCAT has issued a permit for this height on the site. Its submissions included a quote from the VCAT decision in which the Tribunal deliberated that the overall height would be in the order of what exists and had been approved in Hawksburn Village.

387-403 Malvern Road considered that reduced upper level setbacks of 3 metres would achieve a suitably understated backdrop above the street wall, notwithstanding the issued permit applied 5 metre setbacks.

In response to questions, Ms Bell indicated that in her view, 6 storey forms in the Western Precinct comprising a recessed top level 'cap' would not be inconsistent with the Structure Plan. Mr McGauran considered there was "*little doubt*" that a preferred height of around 5 storeys is correct for the site and considered taller forms could be approved where sufficiently meritorious. He saw no reason to reduce the upper level setbacks.

(iv) Discussion

The Panel supports a 5 storey height control across Area 1. This area covers a large portion of Hawksburn Village and comprises a broad range of lot sizes and configurations. On larger lots such as consolidated 387-403 Malvern Road, the Panel considers that the discretionary metrics proposed, combined with its recommendations for further guidance by which proposals that exceed the discretionary limits can be assessed, will appropriately guide how these heights can be acceptably exceeded.

As discussed in Chapter 6.3, the Panel recommends reducing the upper level setbacks in Area 1 to 3 metres, as this is consistent with the mixed-use character sought for the

Western Precinct where building expression will be comparably more robust than the Eastern Precinct.

(v) Conclusion

The Panel concludes:

- Discretionary controls of 5 storey heights and 3 metre upper level setbacks are appropriate at 387-403 Malvern Road.

7.10 333 Malvern Road (the former Hawksburn Primary School site)

333 Malvern Road is owned by Australian Technical Approvals. It contains the former Hawksburn Primary School, which is currently occupied by Leonard Joel Auctions. The site is included on the Victorian Heritage Register (VHR H1032), and is also registered by the National Trust (File No. B6646). Heritage Victoria is the Responsible Authority for issuing heritage permits for works to the former school building.

The Structure Plan identifies the site as a landmark site, and states at page 26:

The Hawksburn Primary School, now occupied by the Leonard Joel Auction House, is a key landmark and entry feature upon arrival within the activity centre. Covered by Heritage Overlay 76 and listed on the Victorian Heritage Register, it is classified as Grade 'A' significance, is considered a building of state importance, and an irreplaceable part of Australia's built form heritage. Its grading means that it should be retained as a priority. Any demolition or removal of part of a building may be considered where the section of the building to be demolished is not visible from the street and does not contribute to the heritage value of the building and place. Due to the stringent heritage controls applying to the site, it is not necessary to provide any design parameters for the future development of the site. Any future redevelopment of the site will need to comply with the requirements of Heritage Victoria.

(i) What is proposed?

The site is currently predominantly in the RGZ, with a small portion in the north west corner zoned GRZ. The Amendment proposes to rezone this portion from GRZ to RGZ, consistent with the rest of the site.

(ii) The issue

The issue is whether the whole site should be zoned RGZ as proposed, or C1Z or the Mixed Use Zone (MUZ) as sought by the owner.

(iii) Evidence and submissions

Australian Technical Approvals did not object to rezoning in order to address the current split zoning of the land, but considered that the C1Z or the MUZ would be a more appropriate zone for the whole of the site, rather than the RGZ. It submitted that the land has never been used for residential purposes, and has been used for commercial, retail and mixed use purposes for many years. The site is very well serviced, abuts the Chapel Street Activity Centre, "*contributes strongly to the retail offering*" in Hawksburn Village, and has a "*relatively robust*" residential interface to the north (being separated from the adjacent two storey residential development by a 4 metre wide laneway).

The Amendment proposes to change the description of Hawksburn Village in the local policy (Clause 21.04-1) to (among other things) add the words “*Retain employment areas on ground and first floors and encourage residential uses above these*”. Australian Technical Approvals submitted that the proposed change provides a “*very clear direction*” that employment uses are sought at ground and first floor levels within the activity centre.

Australian Technical Approvals submitted that there were strong grounds to support rezoning the site from RGZ to C1Z, as this would:

- be strategically justified
- promote the commercial re-use of the site
- have better built form implications for the heritage building on the site.

It submitted that a commercial zoning would better reflect the current use of the land, better reflect its context in the activity centre (and abutting the Chapel Street activity centre), and would provide greater flexibility in the adaptive re-use of the building for commercial purposes. Relying on the evidence of Mr Beeston, it submitted that a commercial re-use would result in better heritage outcomes than a residential re-use.

Mr Beeston’s evidence was that a residential re-use would likely be in the form of apartments, which would require substantial internal alterations to the building. The large classroom spaces would likely be subdivided up into smaller apartments, with bathrooms and kitchens having to be fitted and the internal windows in the building removed to create private dwellings. This would likely result in the loss of a substantial portion of the internal building fabric. Commercial uses, on the other hand, are more suited to larger internal spaces or fit-outs that do less damage to the existing internal building fabric. He therefore supported a commercial zoning, concluding that this would provide more flexibility and encourage a more compatible re-use.

Council submitted that it is appropriate to rezone the land to RGZ, having regard to the heritage significance of the site, adjoining residential properties and the lack of strategic justification to support a change in zone. It noted that any future proposal to convert the heritage building to residential would require a heritage permit from Heritage Victoria, which would ensure an appropriate heritage outcome. Both Mr Glossop and Mr McGauran considered the submissions from Australian Technical Approvals, and neither supported a commercial rezoning, considering that it lacked strategic justification.

(iv) Discussion

The Panel was not persuaded that a commercial rezoning of the site was sufficiently strategically justified, or would necessarily result in a better heritage outcome.

The RGZ would not preclude commercial uses of the site. Under the Heritage Overlay which applies to the site (HO76), land on the Victorian Heritage Register can be used for a range of uses, including prohibited uses provided that:

- the prohibited use will not adversely affect the significance of the heritage place, and
- the benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

The site can therefore be used for commercial purposes, even prohibited ones, whether as a continuation of the current use (which has been in place for some time and may well have existing use rights), or pursuant to a new commercial proposal (provided the requirements of the overlay could be met).

The Panel agrees with Council that as part of this Amendment, it is appropriate to correct the split zoning of the site, and that the appropriate zone to apply is the RGZ (which the majority of the site is already in). Any future proposal to rezone the land to a commercial zoning would require proper strategic justification.

(v) Conclusion

The Panel concludes:

- On the basis of the information before it, the rezoning of the site at 333 Malvern Road to the C1Z or the MUZ as part of this Amendment is not justified.

8 Other issues

8.1 Impacts on residential amenity

(i) The issues

The issue is whether the Amendment will result in unacceptable impacts on the amenity of adjoining residential areas (other than as a result of built form outcomes).

(ii) Evidence and submissions

Submission 13 expressed concern that residential amenity impacts beyond visual aspects were not properly addressed. These included changes in the nature and type of retail encouraged under the Structure Plan, noise nuisance, increased vehicle movements, congestion and the management of deliveries and collections from commercial premises.

Evidence from Mr McGauran and Mr Glossop talked to the common tension between strategic directions to focus activity in activity centres and along commercial spines, and managing impacts on the residential hinterland beyond. Both considered that the DDO appropriately managed these interfaces.

(iii) Discussion

Submitter 13's concerns generally arise from the use of land in the activity centre, rather than its development (which is essentially what the Amendment seeks to address). Tensions often arise where C1Z land sits alongside residentially zoned land. Living near activity centres brings clear benefits, such as easy access to a range of commercial facilities, job opportunities and services, but can also have its downsides. The C1Z and the MUZ both contain a number of provisions that seek to appropriately manage amenity implications from commercial uses. The Panel encourages Council to continue to work constructively with businesses in the activity centre and with the local community to ensure that potential land use conflicts at the centre's edges are appropriately managed.

(iv) Conclusion

The Panel concludes:

- Amenity impacts from future uses within the activity centre will be suitably guided by the underlying zone provisions.

8.2 Strategic sites

(i) What is proposed?

The Structure Plan identified several strategic sites, as described in Chapter 3(iv). Other sites were identified as strategic sites in some of the background reports, that were not identified as such in the Structure Plan. The DDO21 does not specifically identify strategic sites.

(ii) Evidence and submissions

Ms Bell explained that the reason the DDO21 does not specifically identify strategic sites is a change to state policy since the Structure Plan was adopted. When the Structure Plan was prepared, the then Clause 16.01-2 (Strategic Redevelopment Sites) sought these sites be identified. In this former strategic context, the following three sites were nominated for their large size and continuous ownership:

- 559-569 Malvern Road and 32-34 May Road (the Woolworths site)
- 145 Williams Road (the BMW site)
- 396-400 Malvern Road (the Police Station).

The Structure Plan indicated that further strategic work should be undertaken to inform the built form controls for these sites. The Clarke Street submitters' original submission to Council highlighted the fact that no strategic work had been undertaken for the BMW site, representing a gap.

Ms Bell's opinion was that as the Planning Scheme no longer calls for identification of strategic sites, it was no longer necessary for the DDO21 to do so. Her view was that further strategic work would only be needed if redevelopment of these sites depended on more than built form outcomes, for example pedestrian links. She considered that the DDO21 sufficiently facilitates strategic opportunities on these sites through appropriate discretionary built form controls.

Council clarified that further strategic work was planned for the Woolworths site given the site's mix of Council land and private land ownership.

As discussed in previous chapters, Mr McGauran was supportive of the Structure Plan's identification of the Woolworths site and BMW site as strategic sites based on their size and attributes, and supported the proposed discretionary metrics. He considered that the Toorak Plaza site held similar attributes and also warranted discretionary controls, which the Panel supports (refer to Chapter 7.2).

Mr McGauran expressed a preference for campus style development on the larger strategic sites, with a varied roof form or skyline, rather than a single massed form which he considered would be incongruous to the area. He recommended a provision adapted from the Yarra C223 Amendment which proposes new controls for the Harry the Hirer site in Burnley Street Richmond:

Ensure for large strategic development sites that buildings are designed and spaced to create a visually interesting skyline, streetscape and coherent precinct.

The Panel questioned Mr McGauran on the collective role of strategic sites in Hawksburn Village. He remarked that these form a pivotal role in holding significant mass where other smaller and otherwise constrained sites held comparably less opportunity. This was disputed by Mr Czarny, who considered that relying on strategic sites to accommodate a large portion of growth would be a lost opportunity due to typically longer lead times to redevelop these sites. He also referred to the possibility of site consolidation.

(iii) Discussion

In the Panel's view, the strategic and physical context of Hawksburn Village does not warrant the specific identification of strategic sites, other than through the allocation of appropriate discretionary metrics. As discussed in previous Chapters, the Panel supports the metrics proposed for the BMW site, subject to including further requirements that address the Clarke Street frontage. It generally supports the metrics proposed for the Woolworths and Toorak Plaza sites, subject to an increase in the discretionary height limit to 5 storeys.

The Panel understands the perceived analysis gap raised by the Clarke Street submitters, given the wording of the Structure Plan. However, it agrees with Ms Bell that, as the sites (apart from the Woolworths site) are in one ownership and no public use improvements are proposed, further strategic work is not needed. The exception is at the Woolworths site where a public thoroughfare and public space are anticipated. Council has committed to further work in this regard (and has the impetus to do so given it is a partial landowner).

That said, the Panel agrees to including Mr McGauran's suggested requirement for visually interesting skylines and modulated building mass on larger strategic sites. This provision will beneficially inform the design process, guide assessment of future proposals and provide expectations on future form for adjoining residents.

The Structure Plan will require regular review through which opportunity sites not yet developed can be assessed on the need for further investigations.

(iv) Conclusions and recommendations

The Panel concludes:

- It is not necessary for the DDO21 to specifically identify strategic sites.
- Subject to some adjustments discussed in previous chapters, the discretionary controls in the DDO21 will appropriately guide built form outcomes on the strategic sites without the need for further strategic work (although Council has indicated it will undertake further strategic work in relation to the Woolworths site).
- An additional requirement should be added to the DDO21 seeking development on large sites to adequately space building mass and create a varied and interesting skyline. This requirement has been combined with the Panel's recommended requirement to consider views to buildings 'in the round' in Chapter 6.1.

The Panel recommends:

Amend the Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

a) In Clause 2.0, add the following general requirement:

- **Ensure new development on large sites respects the surrounding prevailing subdivision pattern by providing separation between buildings and modular building bulk rather than unbroken mass.**

9 Form and content of the Amendment

9.1 General drafting issues

Mr Glossop addressed some general drafting issues associated with the DDO21 in his evidence. He concluded that the exhibited DDO21 generally translated the requirements of the Structure Plan, and is logically drafted and clearly expressed. However, he recommended some general drafting improvements.

Council produced a post-exhibition version of the DDO21 which it circulated with its Part A submission (DropBox Document 47). Mr Glossop reviewed DropBox Document 47, which incorporated some (but not all) of the changes he recommended. He supported the changes in DropBox Document 47 from a drafting perspective, as does the Panel. It considers that they improve the clarity and readability of the schedule.

(i) Clause 1.0 Design objectives

Mr Glossop found that the design objectives generally reflect (and consolidate) relevant objectives found within the Structure Plan, within the constraints of the Ministerial Direction on the Form and Content of Planning Schemes (which allows a maximum of five objectives in a DDO schedule). However, he considered that there was *“a level of ambiguity to them which is undesirable for a statutory control”*.

He recommended the design objectives be replaced with:

- To ensure that new development east of Williams Road reflects a fine grain when viewed from the streetscape.
- To ensure that new development west of Williams Road responds to the area's mixed built form character (including industrial format buildings).
- To ensure that new development responds to the area's heritage character.
- To design buildings that encourage non-residential land uses within lower levels of the building.
- To ensure that new development does not cause unreasonable amenity impacts on nearby residential land.

Council did not adopt Mr Glossop's recommended design objectives in DropBox Document 47.

Mr Glossop explained at the Hearing that he considered that the third dot point should read *“responds to the area's heritage character”*, rather than the exhibited version which reads *“respects and enhances the identified heritage buildings...”*, as the exhibited wording was close to that in the Heritage Overlay. He considered it preferable that the DDO be worded differently to the HO given their different functions. The Panel agrees, and supports Mr Glossop's wording.

The principle of Mr Glossop's recommendations to ensure distinct and separate functions of the HO and DDO21 needs to be applied to the building and works and application requirements too, in the Panel's view. The Panel recommends removing terms such as 'sympathetic' and 'existing urban fabric' from DDO21 as they duplicate the provisions of the HO. These changes are shown in Appendix D.

In the fourth dot point, Mr Glossop referred to *“non-residential uses”* whereas the exhibited version refers to *“commercial uses”*. The relevant objectives and strategies in

section 5.4 of the Structure Plan refer to “*employment uses*” at the ground and first floors, as does the proposed strategic direction for Hawksburn Village in Clause 21.04-1. Non-residential uses are not necessarily employment generating, whereas commercial uses are. While not much may turn on the difference between “*commercial uses*” and “*employment uses*”, the Panel prefers “*employment uses*”, for consistency with the Structure Plan.

In the fifth dot point, Mr Glossop referred to “*nearby residential land*” whereas the exhibited version refers to “*adjacent residential areas*”. The Structure Plan refers to adjacent residential properties, adjoining residential areas, adjacent residential areas, the residential hinterland and residential character precincts. On balance the Panel considers that the Structure Plan seeks to protect the amenity of the residential hinterland more broadly, rather than just adjacent residential properties. Again, not much may turn on the difference in wording between Mr Glossop’s version and Council’s version, but the Panel considers that Mr Glossop’s wording could be construed more broadly, and to that extent is more consistent with the Structure Plan.

Mr Glossop split the first exhibited design objective into two separate objectives, one for the Eastern Precinct and one for the Western Precinct. As a result, Mr Glossop’s version does not include the last objective, “*To ensure new development makes a positive contribution to the appearance and activation of streetscapes and laneways*” due to the limit of five objectives.

The Panel considers that the two separate objectives for the Eastern and Western Precincts are clearer and easier to understand. It considers that the fifth objective in the exhibited DDO21 is adequately dealt with elsewhere in the Planning Scheme, notably in the decision guidelines in the C1Z. It therefore supports Mr Glossop’s approach of separating the first objective into two, notwithstanding the resulting loss of the fifth objective.

The Panel has reflected the above findings in its preferred version of the DDO21 in Appendix D.

(ii) Mandatory and discretionary requirements

Mr Glossop considered that generally speaking, the requirements at Clause 2.0 of the exhibited DDO21 are logical expressions of the Structure Plan, but that there is some confusion between the expression of ‘must’ and ‘should’ for discretionary requirements. He recommended that the schedule be clarified to distinguish between discretionary and mandatory requirements consistent with the guidance in the Practitioner’s Guide, which states that ‘must’ should be used for mandatory requirements and ‘should’ is used for discretionary requirements.

These changes were included in Document 47, and the Panel supports them. They improve the clarity of the controls, and are consistent with the guidance provided in the Practitioner’s Guide.

(iii) Area 5 design requirements

The Panel considers some minor drafting refinements to the design requirements for Area 5 are needed. The exhibited DDO21 provisions include words that suggest the facade elements should be designed in comparison to others using the terms ‘larger’

and ‘relatively’, however they do not state what the comparison is. The Panel recommends this provision be reworded to avoid potential confusion. Changes are included in Appendix D.

(iv) Area 6 design requirements

The Panel considers refinements to the design requirements for Area 6, described in DDO21 as the area “East of Williams Road and along Malvern Road”, are warranted. The exhibited DDO21 says new developments should be designed to respond to the identified urban character of fine grain lots and narrow shops. The Panel considers the provisions should be reworded to specify that this character is intended to be expressed in the street wall and upper levels. Recommended changes are included in Appendix D.

(v) Clarity of the corner site provisions

As discussed in Chapter 6.4, the purpose of the corner site transition provision is to guide development on corner sites to include street walls and upper level setbacks on the side street that progressively scale down from a zero lot line condition at the main street to a landscaped residential streetscape condition in the side street. Reduced upper level setbacks are allowed where the main road frontage is less than 20 metres wide. The Panel supports the provisions, for the reasons set out in Chapter 6.4.

Three versions of these provisions were submitted to the Panel. In the Panel’s view, the provision inviting reduced setbacks on lots with less than 20 metre main road frontages requires further refinement. The Panel understand that the purpose of the provision is to deliver viable floorplates on narrow sites, however the reasoning behind the 50 percent metric was not explained other than Council clarifying that it is not intended to operate as a mandatory cap. The Panel recommends rewording the provision and removing reference to the 50 percent metric to avoid confusion, as shown in Appendix D.

(vi) The map

The Ministerial Direction on the Form and Content of Planning Schemes, issued under section 7(5) of the Act, requires that any image in a planning scheme ordinance including a map must meet all of the following requirements:

- The image cropped and sized to fit the available space on the page with a maximum file size of 3000 kilobytes and 300 pixels per inch (ppi).
- Be the only image on a horizontal line (that is, no images side by side or use of multiple images or layered images to make one single image).
- Have a title, reference number and border.
- The image title written as text outside of the image.
- Include a legend and source, where applicable.
- Include a north arrow and scale, where applicable.

The Practitioner’s Guide recommends that maps or visual data be readable in both black and white, and by a person affected by colour blindness.

The Panel considers that Map 3 in DDO9 for the Toorak Village Activity Centre is more legible, and more consistent with the guidance provided in the Ministerial Direction and the Practitioner’s Guide. Map 3 in DDO9 simply and clearly represents multiple built

form controls, including street wall heights and overall building heights, in an easy to read format. The Panel encourages Council to reformat the proposed map in DDO21 in line with Map 3 in DDO9.

(vii) The rear setback diagrams

The rear setback diagrams in the DDO21 (Figure 7 and 8) include a notation '5th storey (Area 1, 3, 4 and 5 only)'. Given the Panel recommends confining the mandatory 4 storey limit to the heritage areas in Area 6, the Panel recommends revising this notation to read '5th storey not applicable to Area 6 (heritage buildings)'.

9.2 General drafting improvements

The Panel has included other general drafting improvements in Appendix D, for example to remove duplication between the DDO21 and other provisions of the Planning Scheme. These are explained in Appendix D with footnotes.

9.3 Recommendations

The Panel recommends:

Amend the exhibited Design and Development Overlay Schedule 21 as shown in Appendix D as follows:

- a) **In Clause 1.0:**
 - **revise and clarify the design objectives**
- b) **In Clause 2.0:**
 - **clarify the operation of the transitional corner provisions**
 - **remove the duplications with the function of the Heritage Overlay**
 - **clarify the expression of design requirements for Area 5**
 - **clarify the expression of design requirements for the area 'East of Williams Road and along Malvern Road'**
- c) **In Clause 5.0:**
 - **remove the duplications with the function of the Heritage Overlay**
- d) **Amend the map to:**
 - **reformat the map in line with Map 3 of the Toorak Village Activity Centre contained in Design and Development Overlay Schedule 9 in the Stonnington Planning Scheme**
- e) **Make the changes shown in Council's revised schedule (DropBox Document 47).**
- f) **Make general drafting improvements shown in Appendix D to remove repetition between the requirements in Design and Development Overlay Schedule 21 and other provisions in the Planning Scheme.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Ryan Denereaz of the Denereaz Group Pty Ltd
2	Creative Property Developments Pty Ltd
3	Lincoln Sweeney
4	Anthony Voglis
5	Terry Teh
6	Memart Investments Pty Ltd
7	Wayne and Carol Condon
8	387-403 Malvern Road, South Yarra Pty Ltd
9	Australian Technical Approvals Pty Ltd
10	Eric Sfyridis, Sarah Kovatch, Edward Bunting and Athena Trinh (the Clarke Street submitters)
11	Mathoura Road Developments Pty Ltd
12	Karina Ganesh Investments Pty Ltd
13	Ian Greer
14	Ausvest Holdings Pty Ltd

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Stonnington City Council	Peter O'Farrell and Carly Robertson of Counsel, instructed by Rhodie Anderson of Rigby Cooke, who called expert evidence from: <ul style="list-style-type: none"> - Julia Bell of Kinetica on urban design - Rob McGauran of MGS Architects on urban design - John Glossop of Glossop Town Planning on planning - Marcus Spiller of SGS Economics and Planning on capacity analysis - Bryce Raworth of Bryce Raworth Conservation Heritage on heritage
Ausvest Holdings Pty Ltd	Emma Pepler of Counsel, instructed by Rob McKendrick of Planning and Property Partners, who called evidence from: <ul style="list-style-type: none"> - Craig Czarny of Hansen Partnership on urban design
Creative Property Developments Pty Ltd	Emma Pepler of Counsel, instructed by Rob McKendrick of Planning and Property Partners, who called evidence from: <ul style="list-style-type: none"> - Craig Czarny of Hansen Partnership on urban design
Australian Technical Approvals Pty Ltd	Daniel Herrmann of Tract Consultants, and calling evidence from: <ul style="list-style-type: none"> - Roger Beeston of Roger Beeston Architects and Heritage Consultants
Memart Investments Pty Ltd	Will Pearce of Human Habitats, assisted by Cian Davis and Camilla Tierney of Bates Smart
Mathoura Road Developments Pty Ltd	Kellie Burns of SJB Planning
Eric Sfyridis, Sarah Kovatch, Edward Bunting and Athena Trinh (the Clarke Street submitters)	Edward Bunting
387-403 Malvern Road, South Yarra Pty Ltd	David Hickey of SJB Planning

Appendix C PPV and DropBox Document lists

PPV Document List

No.	Date	Description	Presented by
1	21 04 20	Notification letter	PPV
2	05 05 20	Directions and Timetable (v1)	"
3	21 05 20	Letter confirming Hearing arrangements	"
4	08 05 20	Email from Ms Kovatch	Ms Kovatch, Clarke Street Residents
5	25 05 20	Request for Online Hearing Notice	PPV
6	01 06 20	Location plan of submitters - Direction 19	Council
7	03 06 20	Letter to Council requesting various documents referred to in Council's Part A submission	Planning and Property Partners
8	05 06 20	Council - Letter to Panel re witness examination	Council
9	"	Letter to Planning and Property Partners regarding requested documents	Rigby Cooke on behalf of Council
10	"	Timetable and distribution list (v2)	PPV
11	10 06 20	Distribution list	"
12	15 06 20	Email to PPV - VHR listing at 333 Malvern Road	Tract on behalf of Australian Technical Approvals P/L
13	16 06 20	Index of documents Panel E-book	Rigby Cooke on behalf of Council
14	"	Panel E-book	"
15	19 06 20	Planning and Property Partners response to Dr Spiller's supplementary evidence	Planning and Property Partners

DropBox Document List

EXHIBITED DOCUMENTATION		
1.	Explanatory Report	
2.	Instruction Sheet	
Clauses and Schedule		
3.	Clause 21.04 – Economic Development	
4.	Clause 21.04 – Economic Development (Tracked Changes)	
5.	Clause 21.06 – Built Environment and Heritage	
6.	Clause 21.06 – Built Environment and Heritage (Tracked Changes)	
7.	Clause 21.09 – Reference Documents	
8.	Clause 21.09 – Reference Documents (Tracked Changes)	
9.	Schedule 21 to the Design and Development Overlay (Clause 43.02)	
Map Sheets		
10.	Design and Development Overlay – Schedule 21 (DDO21) <i>[Part of Planning Scheme Maps 1DDO, 4DDO & 5 DDO]</i>	
11.	Environmental Audit Overlay <i>[Part of Planning Scheme Map 4EAO]</i>	
12.	Zoning Map <i>[Part of Planning Scheme Maps 1, 4 & 5]</i>	
Supporting Documents		
13.	Hawksburn Village Structure Plan - Final (David Lock Associates)	July 2016
14.	Hawksburn Structure Plan: Urban Design Memorandum (David Lock Associates)	17 July 2019
15.	<i>Hawksburn Village Neighbourhood Activity Centre – Review of Setbacks to Upper Storey Additions</i> , Report to Council (Bryce Raworth)	June 2019
SUBMISSIONS LODGED WITH COUNCIL		
16.	RD FAMILY TRUST 578, 1/578A & 2/578A Malvern Road, Prahran Submission 1	26 Nov 2019
17.	CREATIVE PROPERTY DEVELOPMENTS PTY LTD (Planning & Property Partners) 617 Malvern Road, Toorak	12 Dec 2019

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	Submission 2	
18.	LINCOLN SWEENEY 2/6 Miller Street, Prahran Submission 3	16 Dec 2019
19.	ANTHONY VOGLIS 6/6 Miller Street, Prahran Submission 4 and 4b	16 Dec 2019 21 Dec 2019
20.	TERRY TEH 1/6 Miller Street, Prahran Submission 5	16 Dec 2019
21.	MEMART INVESTMENTS PTY LTD (Human Habitats) 537-541 Malvern Road, Toorak Submission 6	19 Dec 2019
22.	WAYNE & CAROL CONDON 3/6 Millar Street, Prahran Submission 7	19 Dec 2019
23.	387-403 MALVERN ROAD SOUTH YARRA PTY LTD (SJB Planning) 387-403 Malvern Road, South Yarra Submission 8	19 Dec 2019
24.	AUSTRALIAN TECHNICAL APPROVALS (Tract Consultants) 333 Malvern Road, South Yarra Submission 9	20 Dec 2019
25.	ERIC SFYRIDIS, SARAH KOVATCH & EDWARD BUNTING and ATHENA TRINH (Song Bowden Planning) 70, 72 & 74 Clarke Street, Prahran Submission 10	23 Dec 2019
26.	MATHOURA ROAD DEVELOPMENTS (SJB Planning) 1 & 1A Mathoura Road, Toorak Submission 11	23 Dec 2019
27.	KARINA GANESH INVESTMENTS PTY LTD (Planning & Property Partners) 559-569 Malvern Road and 32-34 May Road, Toorak Submission 12	23 Dec 2019

28.	IAN GREER 33 May Road, Toorak Submission 13	
29.	AUSVEST HOLDINGS PTY LTD 460 Malvern Road, Prahran Late Submission 14	21 April 2020
COUNCIL'S PART A SUBMISSION		
30.	Council's Part A Submission	29 May 2020
Appendices		
31.	A – Chronology of Events	
32.	B – Council Report & Minutes	22 August 2016
33.	C – DLA Urban Design Memo, 162-164 Williams Road & 580-590 Malvern Road	24 April 2017
34.	D – Bryce Raworth - Hawksburn Village Neighbourhood Activity Centre: Review of Setbacks to Upper Storey Additions	June 2019
35.	E -- DLA Urban Design Memo, Hawksburn Structure Plan	17 July 2019
36.	F – Historical Records Research	
37.	G – Letters regarding extension of the EAO <ul style="list-style-type: none"> ▪ City of Stonnington to EPA; and ▪ EPA to City of Stonnington. 	29 July 2019 8 August 2019
38.	H - Letter to Tract Consultants regarding 333 Malvern Road	7 June 2019
39.	I - Council Report & Minutes	24 June 2019
40.	J - Authorisation Letter from DELWP	3 Sept 2019
41.	K –3D Analysis of Proposed DDO21 (authorisation version)	Oct 2019
42.	L – Emails from EPA to City of Stonnington	5 & 6 Feb 2020
43.	M - Council Report & Attachments and CEO Decision	30 March 2020

44.	N – 3D Analysis of Proposed DDO21	Oct 2019
45.	O – Emails from EPA to City of Stonnington	5 & 6 Feb 2020
46.	P - Figure Indicating Location of Mandatory Controls	
47.	Q – Post Exhibition marked up version of DDO21 for Panel	
EVIDENCE CIRCULATED BY THE PARTIES		
Stonnington City Council		
48A.	Julia Bell (Kinetica) – Urban Design	
48B.	Julia Bell (Kinetica) – Urban Design (presentation)	
49.	Rob McGauran (MGS Architects) – Urban Design	
50.	John Glossop (John Glossop Town Planning) - Planning	
51.	Marcus Spiller (SGS Economics & Planning) – Capacity Analysis	
52.	Bryce Raworth (Bryce Raworth Conservation Heritage) - Heritage	
Ausvest Holdings Pty Ltd, Creative Property Developments Pty Ltd (Planning & Property Partners)		
53.	Craig Czarny (Hansen) – Urban Design (460 Malvern Road, Prahran)	
54.	Craig Czarny (Hansen) – Urban Design (617 Malvern Road, Toorak)	
Australian Technical Approvals (Tract Consultants)		
55.	Roger Beeston (Roger Beeston Architects) - Heritage	
PLANNING PRACTICE NOTES		
56.	<i>Strategic Assessment Guidelines</i> (Planning Practice Note 46) (PPN46)	
57.	<i>Structure Planning for Activity Centres</i> (Planning Practice Note 58) (PPN58)	Sept 2018
58.	<i>The Role of Mandatory Provisions in Planning Schemes</i> (Planning Practice Note 59) (PPN59)	Sept 2018
59.	<i>Height and Setback Controls for Activity Centres</i> (Planning Practice Note 60) (PPN60)	Sept 2018
NICHE STUDIO REVIEW REPORT AND ATTACHMENTS		
60.	Letter from Rigby Cooke to PP Partners enclosing Niche Report and attachments	5 June 2020
61.	Niche Planning Studio Built Form Review Report	2017

62.	Plan 1 - Built Form Controls and Area of Influence Boundary Plan	
63.	Plan 2 - Precinct Plan	
64.	Plan 3 - Lots Subject to Heritage Overlay	
65.	Plan 4 - Building Heights Plan	
66.	Plan 5 - Lot Areas - Eastern Precinct	
67.	Plan 6 - Cadastral Assumptions to Inform Yield Investigations	
68.	Plan 7 - Heritage Overlay and Schedules	
69.	Plan 8 - Current Development Proposal	
70.	Plan 9 - Existing Building Heights	
71.	Plan 10 - Proposed Building Heights Comparison	
72.	Plan 11 - SP Guidelines (Individual)	
73.	Plan 12 - Potential Site Amalgamations	
74.	Plan 13 - SP Guidelines (Amalgamated)	
75.	Plan 14 - Developable Area (Ground Floor)	
76.	Plan 15 - Developable Area (First Floor)	
77.	Plan 16 - Developable Area (Second Floor)	
78.	Plan 17 - Developable Area (Third Floor)	
79.	Plan 18 - Developable Area (Fourth Floor)	
80.	Plan 19 - Developable Area (Fifth Floor)	
81.	Plan 20 - Developable Area – Amalgamated Sites (Ground Floor)	
82.	Plan 21 - Developable Area – Amalgamated Sites (First Floor)	
83.	Plan 22 - Developable Area – Amalgamated Sites (Second Floor)	
84.	Plan 23 - Developable Area – Amalgamated Sites (Third Floor)	
85.	Plan 24 - Developable Area – Amalgamated Sites (Fourth Floor)	
86.	Plan 25 - Developable Area – Amalgamated Sites (Fifth Floor)	
87.	Plan 26 - Land Locked Sites	
88.	Plan 27 - Individual Sites Overshadowing Analysis - 9AM	
89.	Plan 28 - Individual Sites Overshadowing Analysis - 12PM	

90.	Plan 29 - Individual Sites Overshadowing Analysis - 3PM	
91.	Plan 30 - Amalgamated Sites Overshadowing Analysis - 9AM	
92.	Plan 31 - Amalgamated Sites Overshadowing Analysis - 12PM	
93.	Plan 32 - Amalgamated Sites Overshadowing Analysis - 3PM	
94.	Plan 33 - Potential Overlooking	
95.	Plan 34 - Lot Areas	
96.	Plan 35 - Existing Building Heights	
97.	Plan 36 - Proposed Building Heights Comparisons	
98.	Plan 37 - SP Guidelines (Setbacks)	
99.	Plan 38 - Overshadowing Analysis - 9AM	
100.	Plan 39 - Overshadowing Analysis - 12PM	
101.	Plan 40 - Overshadowing Analysis - 3PM	
102.	Plan 41 - Overlooking Analysis	
103.	Plan 42 - Potential Significant Overshadowing	
104.	Plan 43 - Proposed Design Considerations	
COUNCIL'S PART B SUBMISSION		
105.	Council's Part B Submission	5 June 2020
PARTY DOCUMENT UPLOADS		
Clarke Street Residents		
106A.	Submissions	
106B.	Photos	
Stonnington City Council		
107.	Applications and Approvals map	
108.	617 Current Application	
109.	Woolworths Property Boundaries	
110.	Marked up clause 34.01 Commercial 1 Zone	
111.	Professor McGauran response to Panel enquiry	

112.	SGS Stonnington Housing Capacity Analysis	November 2017
113.	Ms Bell's response to Panel enquiry DDO21 (marked up)	
114.	East v West average lot sizes	
115.	424 Malvern Road façade animation	
116.	Supplementary evidence of M Spiller	
Ausvest Holdings Pty Ltd and Creative Property Developments Pty Ltd (PP Partners)		
117.	Central Subregion Residential Zones State of Play Report	29 January 2016
118.	Design and Development Overlay – Schedule 9 of the Stonnington Planning Scheme	
119.	Professor McGauran's expert witness statement in the <i>Gurner 164</i>	
120.	Built form controls of Stonnington's Activity Centres	
121.	Submissions Ausvest Holdings	
122.	Submissions Creative Property	
123.	VCAT decision – <i>Gurner 164</i>	
Australian Technical Approvals (Tract Consultants)		
124.	Submissions	
Memart Investments Pty Ltd (Human Habitats)		
125.	Submissions	
126.	Memart Investments version of DDO21 (marked up)	
127.	Concept Document	
Mathoura Road Developments Pty Ltd (SJB Planning)		
128.	Submissions	
387 – 403 Malvern Road Pty Ltd		
129.	Submissions	
Council's Part C Submission		
130.	Council's Part C Submission	15 June 2020

Appendix D Panel preferred version of Design and Development Overlay Schedule 21

Tracked against the post-exhibition version (DropBox Document 47)

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Proposed
C272

SCHEDULE 21 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO 21**.

HAWKSBURN VILLAGE NEIGHBOURHOOD ACTIVITY CENTRE

1.0 Design objectives⁵

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To ensure new development east of Williams Road reflects a ~~respects, responds to and enhances the unique identity of Hawksburn Village; that being the~~ fine grain when viewed from the streetscape.

To ensure new development west ~~scale of buildings east~~ of Williams Road responds to the area's ~~and the more~~ mixed built form character (including ~~that includes~~ industrial format buildings, west of Williams Road).

To ensure new development ~~respects and enhances the identified~~ responds to the area's heritage ~~buildings of Hawksburn Village~~ character.

To encourage building design that allows for commercial employment uses on ~~lower the ground and first floor~~ levels of buildings.

To ensure new ~~buildings development does not cause~~ limit unreasonable amenity impacts on ~~adjacent nearby~~ residential ~~areas~~ land.

~~To ensure new development makes a positive contribution to the appearance and activation of streetscapes and laneways.~~

2.0 Buildings and works

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Proposed
C272

A permit is required to construct or carry out works for services normal to a building other than a dwelling, ~~including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar~~ if the works are visible from a street (other than a lane) or public park.⁶

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

General requirements

New development should:

- Be designed to ~~be sympathetic respond~~ to nearby heritage buildings.⁷
- Be designed to contribute ~~and respond to~~ and enhance the ~~existing urban fabric~~⁸; scale, materiality, identity and character of Hawksburn Village, as described in the Hawksburn Village Structure Plan 2016.

~~▪ Be designed to respond to identified urban character at the following locations:~~

⁵ Revised design objectives have been recommended generally in accordance with Mr Glossop's recommendations. See Chapter 9

⁶ The Panel does not consider that these words are necessary. The Act contains a definition of works

⁷ See Chapter 9.1(i)

⁸ Existing urban fabric may not be retained

- ~~— East of Williams Road, along Malvern Road— fine grain lots and narrow shop front rhythm.~~
- ~~— Area 5 (identified on Map 1)— industrial features including:~~
 - ~~— A street wall design that references the industrial character of the area.~~
 - ~~— A medium grain (in the order of 12-14 metres) facade width.~~
 - ~~— Relatively plain parapets.~~
 - ~~— Larger scale front doors and window elements.~~
- East of Williams Road and along Malvern Road, be designed to express the fine-grained subdivision pattern in overall building design and facade articulation.⁹
- In Area 5, be designed to reference the industrial character of the area, medium grain frontage widths (in the order of 12-14 metres), plain parapets and wide door and window elements.¹⁰
- ~~▪ Provide consistent street wall heights and recessive upper levels.~~¹¹
- At key corner sites at 500-504 Malvern Road and 617 Malvern Road, ensure design emphasises the corner to provide visual cues to mark the entrance to the Hawksburn Village and to visually distinguish the site's transition from one streetscape context into the other.¹²
- Provide a sensitive design response (including a transition in building scale and height) where there is an interface with an area of public open space or a residential property or residential area.
- ~~▪ Be designed to minimise the overlooking of private open space and habitable room windows of adjacent residential properties and of dwellings within the proposed development. Designs which~~¹³
- Incorporate built form articulation and/or building separation are preferred design outcomes in preference to screening where required to manage overlooking.
- Be designed to minimise additional overshadowing of north facing windows and the secluded private open space of adjoining residential properties, particularly between the hours of 10am and 2pm measured at the equinox (September 22).
- Provide a design response that considers the outlook, daylight and solar access to windows of adjacent properties.
- Be designed to minimise overshadowing any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22).¹⁴
- Locate loading bays and parking areas to minimise adverse amenity impacts to adjoining residential properties.
- Contribute to additional landscaping along residential street frontages.
- ~~▪ Provide active frontages to Malvern Road and Williams Road through building design.~~
- ~~▪ Provide for the passive surveillance of the public realm including streets, rear laneways and public open spaces.~~¹⁵
- Improve pedestrian connectivity through 559-569 Malvern Road Area 7 (identified on Map 1) from car parking to the north through to Malvern Road.¹⁶

⁹ See Chapter 9.1(iv)

¹⁰ See Chapter 9.1(iii)

¹¹ This requirement duplicates the specific street wall and setback requirements in this schedule, and is also covered in local policy in Clause 21.06-4. Refer to discussion in Chapter 9.1(ii)

¹² See Chapter 6.4.

¹³ The first part of this requirement is dealt with in clauses 55 or 58 (for residential development), and clauses 34.01-2, 34.01-8, 32.04-10 and 32.04-14 for other forms of development

¹⁴ See Chapter 6.1

¹⁵ These requirements are covered by local policy in Clauses 21.03-2, 21.06-4 and 21.06-9

¹⁶ Required as the Panel recommends the Toorak plaza site also be included in Area 7

~~• Ensure that any vehicular access to a site is designed to maximise pedestrian safety.~~¹⁷

- ~~Ensure buildings are~~ Be designed and spaced to create a visually interesting skyline, streetscape and coherent precinct when viewed in short range and long range views including to side and rear elevations, particularly adjacent to existing heritage buildings.¹⁸
- Be designed to minimise blank side walls that are visible from the surrounding streets.¹⁹
- Ensure new development on large sites respects the surrounding prevailing subdivision pattern by providing separation between buildings and modular building bulk rather than unbroken mass.²⁰
- Ensure designs that exceed discretionary parameters of Tables 1, 2 and 3 demonstrate a suitable response to identified character, streetscape presentation and residential interfaces.²¹

Building height requirements

Development should:

- Not exceed the preferred maximum building height specified in Table 1 below.
- Provide a minimum 4 metre floor to floor height at the ground level and first floor levels of new buildings, to allow for commercial occupancies.

Development must:

- Not exceed the mandatory maximum building height specified in Table 1 below.

A permit cannot be granted to vary a mandatory maximum building height specified in Table 1 (except in relation to 537-541 Malvern Road).

Table 1

Area (see Map 1)	Preferred Maximum Building Height	Mandatory Maximum Building Height
1	47 18 metres	-
2	<u>15 metres (except 2 Cromwell Road: 18 metres)</u>	All properties in Area 2: 14 metres (except 2 Cromwell Road :17 metres)
3	-	47 18 metres
4	-	47 18 metres
5	47 18 metres	-
6	15 metres (non-heritage buildings)	44 15 metres (heritage buildings)
7	44 18 metres	-

Building height does not include architectural features that project above the roof or parapet and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:

¹⁷ This requirement is covered by policy in Clause 15.01-25 and Clause 21.06-4
¹⁸ See Chapter 6.1
¹⁹ See Chapter 6.1
²⁰ See Chapter 8.2
²¹ See Chapter 6.1

- Less than 50 per cent of the roof area in total is occupied by service equipment (other than solar panels);
- Any equipment is located in a position on the roof so as to avoid additional overshadowing of either public or private open space, or windows to habitable rooms;
- Any service equipment does not extend higher than 2 metres above the proposed height of the building; and
- Any service equipment and any screening is integrated into the design of the building to the satisfaction of the responsible authority.

Street wall and building setback requirements

Definitions

Street wall, is the façade of a building at the street/s boundary or at the setback from the street boundary.

Main street, is either Malvern or Williams Roads

Side street, is any other street within the Hawksburn Village activity centre which is not classified as a main street.

Development should:

- Not exceed the preferred maximum street wall height specified in Table 2 below ([this requirement does not apply to corner lots with a main street abuttal of less than 20 metres](#)).²²
- Be set back from the street/s as specified in Table 2 and as represented in Figures 1 to 7.
- ~~At corner lots with a main street abuttal of less than 20 metres, the setback above the street wall on the lot's side street abuttal can be reduced by up to 50 per cent.~~
- ~~At corner lots, on the side street abuttal, street wall setbacks of existing, adjacent residential properties should be respected and a transitional street wall setback response applied.~~
- [Development on corner lots should provide a transitional street wall setback response on the side street that respects street wall setbacks of nearby residential properties.](#)

Development must:

- Not exceed the mandatory maximum street wall height specified in Table 2 below.
- Not reduce the mandatory minimum setback above the street wall specified in Table 2 below.

[Development at 145 Williams Road must provide a transitional street wall and upper level setbacks, commencing from approximately midblock along the Clarke Street frontage, and landscaped ground level setback which includes deep soil planting, along the southern boundary from the midpoint to the western edge of the site.](#)²³

A permit cannot be granted to vary a mandatory maximum street wall height.

A permit cannot be granted to vary a mandatory minimum setback above the street wall, except ~~in the case of the setback above the street wall~~ on corner lots with a main street abuttal of less than 20 metres, ~~as set out above.~~

²² See Chapter 9.1(v)

²³ See Chapter 7.6

Table 2

Area (see Map 1)	Preferred minimum street wall setback	Preferred maximum street wall height	Mandatory maximum street wall height	Preferred minimum setback above street wall	Mandatory minimum setback above street wall
1	0 metres	11 metres	-	5 3 metres	-
2	3 metres or average setback of existing abutting properties (whichever is less)	Cromwell Road: 11 metres All other streets in Area 2: 8 metres	Cromwell Road: 11 metres All other streets in Area 2: 8 metres	Behind a 45 degree plane	Behind a 45 degree plane
3	-	-	-	-	Behind the entire main gable roof form at the front of the building
4	-	-	-	-	5 metres
5	0 metres	8 metres	-	5 metres	-
6 (not Heritage Buildings)	0 metres	-11 metres	8 metres	-5 metres	5 metres
6 (Heritage Buildings)	-	-	-	-	5 metres
7	0 metres	8-11 metres	-	5 metres	-

Rear wall and rear setbacks requirements

Definition

Rear wall is the wall of any proposed building or structure whether on the rear property boundary or setback from the rear property boundary.

Development should:

- Not exceed the preferred maximum rear wall height specified in Table 3 below.
- Be setback in accordance with the rear setbacks specified in Table 3 and as represented in Figures ~~7 to 8~~~~to 9~~.
- ~~Increase levels above the rear wall in a minimum of 2 floor increments.~~²⁴
- Ensure balconies and terraces do not encroach into the rear setback specified in Table 3.

²⁴ See Chapter 6.5

- [Ensure that setbacks on laneways less than 4.5 metres wide are sufficient to provide for safe pedestrian access and vehicle movement, depending on the laneway’s function.](#)²⁵

Table 3

Area (see Map 1)	Preferred minimum setback of rear wall	Preferred maximum rear wall height	Preferred minimum setback for levels above rear wall
All areas	Residential zone abuttal - 3 metres Laneway abuttal: <ul style="list-style-type: none"> ▪ laneway less than 4.5 metres wide - setback and laneway width should total 4.5 metres ▪ laneway equal to or greater than 4.5 metres wide – 0 metres 	8 metres	Laneway or residential zone abuttal: Behind a 45 degree plane up to a maximum setback of 4.0 ²⁶

3.0 Subdivision
 --/--/20—
 Proposed C272 None specified.

4.0 Signs
 --/--/20—
 Proposed C272 None specified.

5.0 Application requirements
 --/--/20—
 Proposed C272 The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

- For all applications 14 metres or greater in height, a 3D massing model of the building envelope that shows:
 - ~~The potential impact of the development on the private open space and north facing habitable rooms of adjoining residential properties.~~²⁷
 - How the built form has been articulated within the envelope to achieve maximum solar access internally to neighbouring properties and the public realm.
 - How the development has been designed to minimise overlooking and overshadowing to the private open space and habitable room windows of adjacent properties and of dwellings within the proposed development.
 - How the design (including building height and setbacks) contributes to the ~~existing identified and valued~~ character of Hawksburn Village as set out in the Hawksburn Village Structure Plan 2016 while having regard to visual bulk.
 - How the design (including building height and setbacks) ~~respects and~~ responds to heritage buildings.

²⁵ See Chapter 6.5
²⁶ See Chapter 6.5
²⁷ Consolidated with third dash point

6.0 Decision guidelines

--/20--
Proposed C272

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [For development 14 metres or greater in height, the 3D massing model provided under Clause 5.0.](#)
- ~~Whether~~ How the proposal ~~reflects and~~ contributes to the fine grain character (along Malvern Road, east of Williams Road) and the industrial character (in Area 5) of Hawksburn Village.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity, to the site.
- How the proposal contributes to the public realm, including streetscapes, public open spaces and laneways, in terms of safety, amenity, landscaping and accessibility.
- ~~How the proposal manages off site amenity impacts on residential properties including those listed in the design requirements for overshadowing, overlooking and visual bulk.~~²⁸
- Whether the location of features such as loading bays and parking are provided either internally or separated/screened from adjoining residential land.

²⁸ This is covered by the recommended massing model decision guideline, given the massing model needs to consider overlooking and overshadowing

Map 1 – Hawksburn Village Areas²⁹



²⁹ Panel recommended changes:

- change Toorak Plaza site to Area 7
- reduce the extent of Area 5 to the four lots east of Francis Street
- identify key gateway sites
- reformat in line with Map 3 in DDO9 (for the Toorak Village NAC).

Figure 1 – Area 1, interface with street

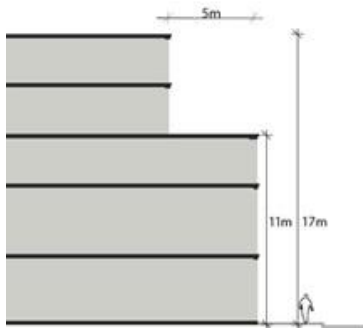


Figure 2 – Area 2, interface with residential street

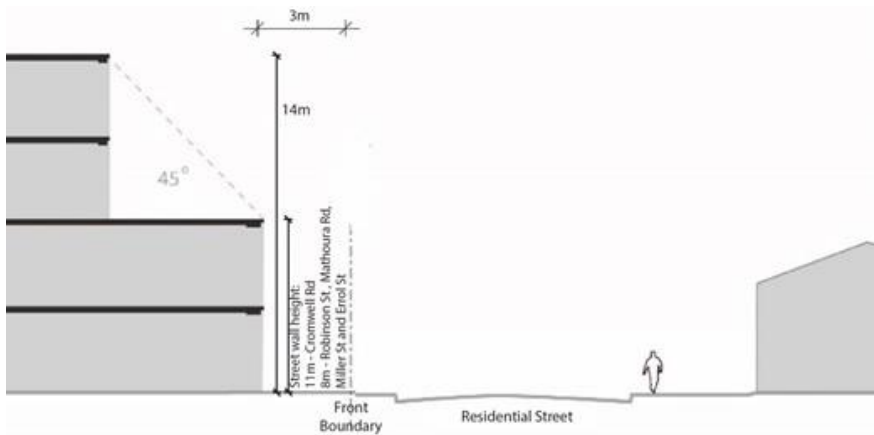


Figure 3 – Area 4 interface with street (heritage building)³⁰

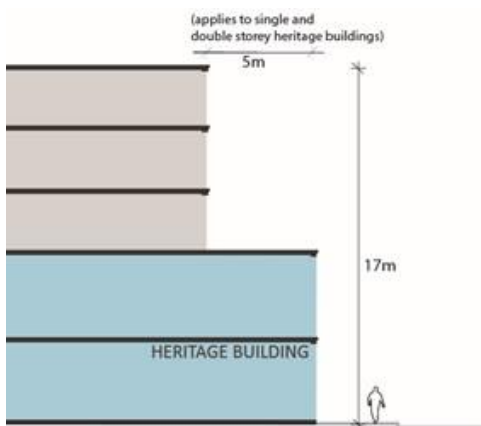


Figure 4 – Area 5, interface with street (industrial character)

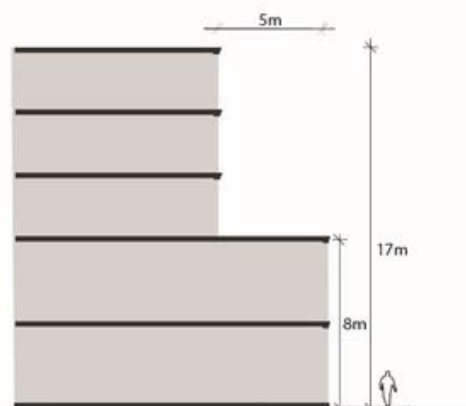


Figure 5 – Area 6, interface with street (heritage building)

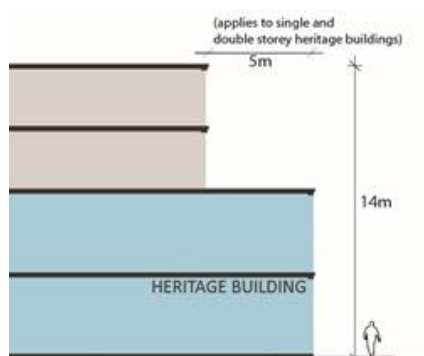


Figure 6 – Area 6 and 7, interface with street

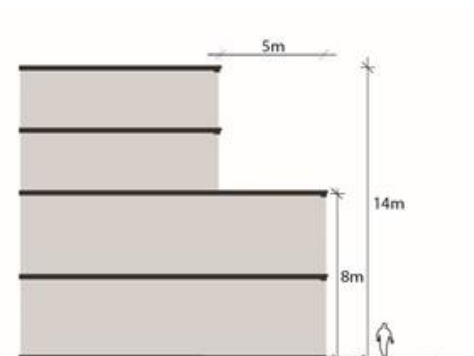
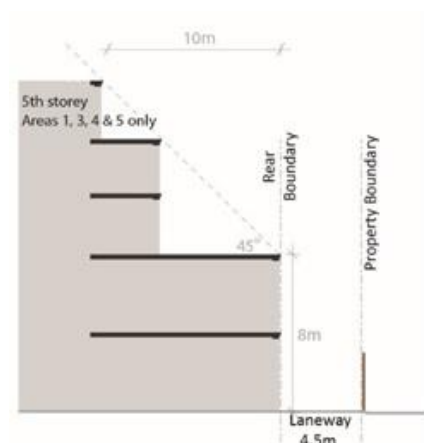


Figure 7 – Rear interface with laneway (4.5m+ in width)³¹

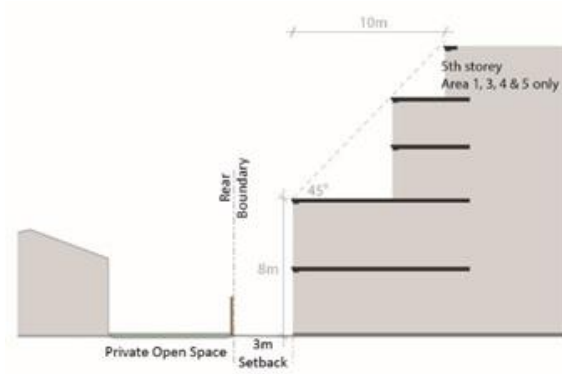


³⁰ Do not have Figures side to side (Form and Content Direction)

³¹ Revise Figures 7 and 8 to:

- Remove 10 metre measure to 5th storey setback
- Replace 5th storey notation with '5th storey not applicable to heritage buildings' (see Chapters 6.5 and 9.1(vii))

Figure 8 – Rear interface with a residential property



Attachment 2

1. Map indicating Panel's key recommended changes to DDO21



2. Table A -- Panel recommendations which have been implemented into DDO21 for Council adoption

These should be read in conjunction with the Panel Report (Attachment 1) explaining in detail the reasons for changes AND the tracked changes version of DDO21 (Attachment 3)

DDO21	Panel recommended change	Officer response
<i>1st page of DDO21 on Page 107 of Panel Report</i>		
1	Clause 1.0 Design Objectives	Revise and clarify the design objectives.
		Agree. These updated design objectives, as originally devised by Council's planning expert for the Panel, are streamlined, clearer and avoid repetition with content elsewhere in the planning scheme. Changes have been made – please refer to Attachment 3.

Attachment 2

	DDO21	Panel recommended change	Officer response
2	Clause 2.0 General Requirements	Remove the duplications with the function of the Heritage Overlay: <i>Be designed to be sympathetic respond to nearby heritage buildings.</i>	Agree to removal of <i>be sympathetic</i> –Change made please refer to Attachment 3.
3	Clause 2.0 General Requirements	Remove strike through text: <i>Be designed to contribute and respond to and enhance the existing urban fabric, scale, materiality, identity and character of Hawksburn Village, as described in the Hawksburn Village Structure Plan 2016.</i> Existing urban fabric cannot be retained	Agree. Change made please refer to Attachment 3.
2nd page of DDO21 on Page 108 of Panel Report			
4	Clause 2.0 General Requirements	Clarify the expression of design requirements for the area ‘East of Williams Road and along Malvern Road’: <i>East of Williams Road and along Malvern Road, be designed to express the fine-grained subdivision pattern in overall building design and facade articulation.</i>	Agree. Change made please refer to Attachment 3.
5	Clause 2.0 General Requirements	Clarify the expression of design requirements for Area 5: <i>In Area 5, be designed to reference the industrial character of the area, medium grain frontage widths (in the order of 12-14 metres), plain parapets and wide door and window elements.</i>	Agree. Change made please refer to Attachment 3.
6	Clause 2.0 General Requirements	Add: <i>Be designed to minimise overshadowing any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22).</i>	Agree. Change made please refer to Attachment 3.
3rd page of DDO21 on Page 109 of Panel Report			
7	Clause 2.0 General Requirements	Add: <i>Be designed and spaced to create a visually interesting skyline, streetscape and coherent precinct when viewed in short range and long range views</i>	Agree. Requirement provided by Council’s urban design expert to the Panel. Change made please refer to Attachment 3.

Attachment 2

	DDO21	Panel recommended change	Officer response
		<i>including to side and rear elevations, particularly adjacent to existing heritage buildings.</i>	
8	Clause 2.0 General Requirements	Add: <i>Be designed to minimise blank side walls that are visible from the surrounding streets.</i>	Agree. Requirement provided by Council's urban design expert to the Panel. Change made please refer to Attachment 3.
9	Clause 2.0 General Requirements	Add: <i>Ensure new development on large sites respects the surrounding prevailing subdivision pattern by providing separation between buildings and modular building bulk rather than unbroken mass.</i>	Agree. Requirement provided by Council's urban design expert to the Panel. Change made please refer to Attachment 3.
10	Clause 2.0 Building Height Requirements Table 1	In Table 1: <ul style="list-style-type: none"> • convert: the mandatory height limits for Area 2 to preferred heights • convert: the mandatory height for non-heritage buildings in Area 6 to a preferred height • specify: a discretionary 18 metre height limit for Area 7 • increase: all remaining heights by 1 metre. 	Agree to change based on Panel's recommendation - mandatory controls to apply only in heritage overlay areas. Agree that all building heights across the activity centre to increase by 1m in order to comply with Better Apartments Design Standards. This was recommended to Panel by Council's urban design expert.
<i>4th page of DDO21 on Page 110 of Panel Report</i>			
11	Clause 2.0 Street wall and building setback requirements	Clarify the operation of the transitional corner provisions <i>On corner lots, provide a transitional street wall setback response on the side street that respects street wall setbacks of nearby residential properties.</i>	Suggested changes to the broad requirement have been applied in DDO21. However, please refer to item 8 in next table (officer modifications) in regard to the approach for 145 Williams Road and the transitional response on the Clarke Street interface.
<i>5th page of DDO21 on Page 111 of Panel Report</i>			
12	Clause 2.0 Street Wall and building Setback Requirements Table 2	In Table 2: Convert: the mandatory street wall height for Area 2 to a preferred street wall height.	Agree to change based on Panel's recommendation that discretionary provisions will facilitate an appropriate transitional response. Change made please refer to Attachment 3.
<i>6th page of DDO21 on Page 112 of Panel Report</i>			
13	Clause 2.0 Rear Wall and Setback Requirements	Add: <i>Ensure that setbacks on laneways less than 4.5 metres wide are sufficient to provide for safe</i>	Agree with the change as it allows for the requirement to better respond to the various laneway functions across the centre. Change made please refer to Attachment 3.

Attachment 2

	DDO21	Panel recommended change	Officer response
		<i>pedestrian access and vehicle movement, depending on the laneway's function.</i>	
14	<p>Clause 2.0 Rear Wall and Setback Requirements</p> <p>Table 3</p>	<p>In Table 3:</p> <ul style="list-style-type: none"> • reduce the preferred setbacks for Area 1 from 5 metres to 3 metres • convert the mandatory setback for Area 2 to a preferred setback • convert the mandatory 5 metre setback for Area 6 (non heritage) to a preferred setback. 	<p>Agree to changes based on Panel's recommendation that:</p> <ul style="list-style-type: none"> - A 3m setback is more consistent with the emerging character in western precinct/Area 1 - A 3m setback in Area 1 will be of benefit by directing building mass towards the main road street frontage and away from the residential interfaces - Response to the application of discretionary requirements in Areas 2 and 6 is discussed in items 10 & 12 of this table. <p>Changes made please refer to Attachment 3.</p>
15	<p>Clause 5.0 Application Requirements</p> <p>Page 6 of DDO21 – Page 112 of Panel Report</p>	<p>Remove the duplications with the function of the Heritage Overlay</p> <p><i>How the design (including building height and setbacks) respects and responds to heritage buildings.</i></p>	<p>Agree to removal of 'respects'. Change made please refer to Attachment 3.</p>
8th page of DD21 on Page 114 of Panel Report			
16	<p>Map 1 – Hawksburn Village Areas</p>	<p>Reduce the extent of Area 5 to apply to the properties at 424 to 438 Malvern Road, with the remaining properties to be reclassified as Area 1</p> <p>Designate the Toorak Plaza site at 537-541 Malvern Road as Area 7</p> <p>Reformat the map in line with Map 3 of the Toorak Village Activity Centre contained in Design and Development Overlay Schedule 9 in the Stonnington Planning Scheme.</p>	<p>Agree. Change made to Map.</p> <p>Agree. Change made to Map.</p> <p>Work in progress</p>
10th and 11th pages of DD021 on Pages 116 & 117 of Panel Report			
17	<p>Figures 7 & 8</p>	<p>Remove: reference to 10 metre setback</p> <p>Proposals greater than 5 storeys would need an upper level setback for the upper level/s of greater than 10m if they are to sit behind a 45 degree plan.</p>	<p>Agree. Now that controls have moved to discretionary for all non-heritage sites, it is acknowledged that proposals for buildings with a height of greater than 5 storeys may be received. Removing the 10m maximum setback requirement</p>

Attachment 2

	DDO21	Panel recommended change	Officer response
			will allow for such proposals to achieve rear upper level setbacks “behind a 45 degree plane”.
<i>Throughout Panel version of DDO21 in Panel Report – Pages 107-117</i>			
18	Throughout DDO21	Make the changes shown in Council’s revised schedule (DropBox Document 47).	<p>Document 47 is proposed changes to DDO21 made by officers prior to the Panel hearing. The changes responded to some of the issues raised by submitters. These changes were reported to Council at its meeting on 30 March 2020.</p> <p>Where the changes are still relevant (have not been affected by the changes recommended by the Panel), they have been made – please refer to Attachment 3.</p> <p><i>Note: Panel’s DDO21 uses Document 47 as the base document for additional changes it proposed to DDO21.</i></p>
19	Throughout DDO21	Make general drafting improvements to remove repetition between the requirements in DDO21 and other provisions in the Planning Scheme.	Agree. Improvements made in Panel’s DDO21 have been made, please refer to Attachment 3.

Table B – Panel recommendations where officers consider a different or modified response is required

	DDO 21	Panel recommended change	Officer response (different from Panel recommendation)
<i>1st page of DDO21 on Page 107 of Panel Report</i>			
1	Clause 2.0 Buildings and works	<p>Remove: <i>including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar</i></p> <p>These words are not necessary and there is a definition for ‘works’ in the act.</p>	<p>Keep these specific words in DDO21.</p> <p>The definition of “works” in the Act is not considered focused enough to relay the detail of these particular services. To note they are all fully articulated with a permit exemption in Clause 62.02. If they are not listed in the DDO21 it could be misinterpreted that the permit exemption applies for them, this is not what is intended.</p>
<i>2nd page of DDO21 on Page 108 of Panel Report</i>			
2	Clause 2.0 General Requirements	Insert: <i>At key corner sites at 500-504 Malvern Road and 617 Malvern Road, ensure design emphasises the corner to</i>	Do not reference any of these sites in DDO21 as a gateway site.

Attachment 2

	DDO 21	Panel recommended change	Officer response (different from Panel recommendation)
		<p><i>provide visual cues to mark the entrance to the Hawksburn Village and to visually distinguish the site's transition from one streetscape context into the other.</i></p> <p>The Panel also recommends the DDO21 map be updated to indicate the sites as gateway.</p> <p>The Panel report also refers to the intersection of Hobson Street and Malvern Road, which provides a link to Hawksburn Station. This is a smaller gateway location but should be annotated on the DDO21 map also.</p>	<p>This terminology is unnecessary and could lead to the misinterpretation of the strategically justified design requirements that have been prepared for these sites.</p> <p>The Structure Plan, DDO21 and elsewhere in the planning scheme already provide appropriate design guidance. The sites identified by the Panel will all have discretionary controls applied and this allows for the importance of these corner locations to be considered as part of the urban design response in a development application.</p> <p>To note, the Structure Plan only identifies the Bush Inn on the corner of Williams Rd and Malvern Rd and the former Hawksburn Primary School at 333 Malvern Road as existing landmark/gateways in the centre and provides the following guidance: <i>“Both hold a significant presence in Hawksburn Village and any redevelopment must protect the heritage significance of these buildings.</i></p> <p>Applying the term ‘gateway’ to these sites is not consist with the use and application of this language elsewhere in the Stonnington Planning Scheme.</p> <p>Stonnington’s urban fabric is often of a high density of up to five storeys on main roads. Supporting the term ‘gateway’ for sites with a preferred maximum building height of 4-5 storeys/15-18m may have the unintended consequence of supporting the term being used for many other locations in Stonnington.</p> <p>Referencing a ‘gateway’ is not generally supported by DELWP. Commentary on this matter is raised several times in the 2018 <i>Activity Centre Pilot Program Key Findings Report</i> e.g on Page 21 of that report: <i>“...the use of descriptive terms to nominate particular sites, such as...‘gateway’... can also result in confusion over the strategic planning intent and objectives, particularly regarding impact on intended height. This can often result in a misinterpretation that</i></p>

Attachment 2

	DDO 21	Panel recommended change	Officer response (different from Panel recommendation)
			<i>these sites are exempt from the range of considerations that are applied to other sites within the centre.</i>
3rd page of DDO21 on Page 109 of Panel Report			
3	Clause 2.0 General Requirements	Add: <i>Ensure designs that exceed discretionary parameters of Tables 1, 2 and 3 demonstrate a suitable response to identified character, heritage buildings and off-site amenity requirements.</i>	Agree with change. This will assist statutory planners in the assessment of applications that do not meet discretionary requirements. Suggest using “does not meet” wording rather than “exceed” – as in the case of setbacks it is a minimum preferred requirement and exceeding this is not a contrary design outcome.
4	Clause 2.0 Building height requirements	<i>A permit cannot be granted to vary a mandatory maximum building height specified in Table 1 (except in relation to 537-541 Malvern Road)</i>	This change was proposed by Council as part of a post exhibition update to the DDO21. The Panel did not remove it from their version of DDO21. It should be removed because 537-541 Malvern Road now is in Area 7 where preferred building heights are prescribed. This requirement in is no longer required.
4th page of DDO 21 on Page 110 of Panel Report			
5	Clause 2.0 Street wall and building setback requirements	<i>Development should: Not exceed the preferred maximum street wall height specified in Table 2 below Insert: (this requirement does not apply to corner lots with a mains street abuttal of less than 20 metres)</i>	Remove this part of the requirement: <i>does not apply to corner lots with a mains street abuttal of less than 20 metres.</i> This is considered to be an error in the Panel’s edit, as this requirement relates to street wall height. The 20m rule intention is intended to apply when deciding to reduce an upper level setback above the street wall on a side street. If this 20m rule applies to street wall height (as this requirement now reads) then this allows street walls to be any height when the width of the lot on the main street is less than 20m. This is not an outcome that DDO21 or the Structure Plan intends to occur, there is no rationale or strategic reason for it. There is no reference to making this change to street wall heights in the Panel’s report, to further confirm the error.
6	Clause 2.0 Street wall and building setback requirements	Remove: <i>At corner lots with a main street abuttal of less than 20 metres, the setback above the street wall on the lot’s side street abuttal can be reduced by up to 50 per cent.</i>	Agree with the Panel’s comment, in its report, on removing the 50 per cent requirement to avoid confusion. Instead officers suggest a metric requirement particularly as the Panel did state that it understands the purpose of the requirement. To clarify this

Attachment 2

	DDO 21	Panel recommended change	Officer response (different from Panel recommendation)
			<p>purpose, officers make the following comments on the reason behind reducing the side upper level setback:</p> <ul style="list-style-type: none"> - To maintain a viable floorplate, particularly on narrow sites. - To respond to a site's location on a corner within the activity centre at the confluence of two different zones and character areas - To respond to the narrowness of the side street, which creates a steeper angle of view above the street wall from the opposite side of the street <p>Following the Panel's recommendation to reduce the upper level setback above the street wall to 3m in Area 1, it is no longer considered necessary to reduce the upper level setback for side streets (this will also be 3m).</p> <p>However, it is considered necessary to make a reduction in setback on side streets in Areas 5 and 6 where the upper level setback on the main street is 5m. For corner lots in Areas 5 and 6, it is proposed the following now apply:</p> <p>Insert: <i>In Precincts 5 and 6 (not heritage buildings) on corner lots with a main street abuttal of less than 20 metres, the setback above the street wall on the lot's side street abuttal can be reduced to 3 metres.</i></p> <p>This provides for consistency of a 3m upper level side setback for non-heritage corner sites across the activity centre.</p>
7	<p>Clause 2.0 Street wall and building setback requirements</p>	<p><i>Development must not exceed the mandatory maximum street wall height specified in Table 2.</i></p>	<p>This requirement is no longer required (Panel version retains it). Street wall heights do not get specified for heritage buildings (heritage buildings are the only sites in the DDO21 where mandatory requirements now apply).</p>
8	<p>Clause 2.0 Street wall and building setback requirements</p>	<p>Insert: <i>Development at 145 Williams Road must provide a transitional street wall and upper level setback, and a landscaped ground level setback which includes</i></p>	<p>Officers do not consider that this should be a mandatory requirement. Mandatory requirements now only apply to heritage buildings in the centre. This site/interface should not be an exception to this rule. A discretionary requirement will still provide</p>

Attachment 2

	DDO 21	Panel recommended change	Officer response (different from Panel recommendation)
		<i>opportunities for deep soil planting, along the southern boundary from the midpoint to the western edge of the site.</i>	for specific interface management and could also enable other design responses that may have better outcomes. Keep requirement, but make it discretionary.
9	Clause 2.0 Street wall and building setback requirements	<i>A permit cannot be granted to vary a mandatory maximum street wall height.</i>	Remove. As per item 6 above.
10	Clause 2.0 Street wall and building setback requirements	<i>A permit cannot be granted to vary a mandatory minimum setback above the street wall, except in the case of the setback above the street wall on corner lots with a main street abuttal of less than 20 metres, as set out above.</i>	Remove the following component of the requirement ' <i>except in the case of the setback above the street wall on corner lots with a main street abuttal of less than 20 metres, as set out above</i> '. This reduction does not apply to heritage buildings
5th page of DDO 21 on Page 111 of Panel Report			
11	Clause 2.0 Street wall and building setback requirements Table 2	Change street wall height in Areas 6 and 7 (non-heritage buildings) from 8m to 11m.	Officers consider that the 8m (2 storey) street wall height is important and integral to maintain and enhance the village's highly valued character. Existing street wall heights across Areas 6 and 7 are predominantly 1 or 2 storeys (there is only one 3 storey street wall). The 8m approach is supported by the Structure Plan and Council's urban design experts. The 8m is a discretionary requirement.
12	Clause 2.0 Rear wall and rear setback requirements	Remove: <i>increase levels above the rear wall in a minimum of 2 floor increments</i> The Panel accepts that two floor increments avoids the wedding cake effect and is necessary at the third and fourth storeys given these levels have the greater potential to cause visual bulk impacts on abutting residential properties. However, this as these upper level will be well recessed from the boundary. Given the two floor increment at the third and fourth level is illustrated in the setback diagrams, the provision requiring two floor increments should be deleted.	Agree with Panel's reasoning but do not think should rely on diagrams alone. Retain words with the following addition: <i>increase levels above the rear wall in a minimum of 2 floor increments, up to an including the 4th storey of the building.</i>

Attachment 2

	DDO 21	Panel recommended change	Officer response (different from Panel recommendation)
6th page of DDO 21 on Page 112 of Panel Report			
13	Clause 5.0 Application requirements	<i>For all applications 14 metres or greater in height, a 3D massing model of the building envelope that shows:</i>	Reword to allow for additional 1m in building height to comply with Better Apartment Design Standards: <i>For all applications 15 metres or greater in height, a 3D massing model of the building envelope that shows:</i>
14	Clause 6.0 Decision guidelines	<i>For development 14 metres or greater in height, the 3D massing model provided under Clause 5.0.</i>	Similar to item 12 above: <i>For development 15 metres or greater in height, the 3D massing model provided under Clause 5.0.</i>
10th and 11th pages of DDO21 on Page 116 and 117of Panel Report			
15	Figures	Appears that Panel have removed Figure 3 from the exhibited version of DDO21. Revise exhibition version Figures 7 & 8 (8 & 9 on the exhibition version of DDO21) – into one Figure 7. Replace 5 th storey notation with 5 th storey not applicable to heritage buildings.	Figure 3 in the exhibited version of DDO21 demonstrated the design requirements at the interface with the street in Area 2 at Cromwell Road. These design requirements do differ from other Area 2 requirements (e.g. street wall height is 11m rather than 8m) and officers maintain that this diagram is important to relay this different built form outcome. Agree a 5 th storey is not applicable to heritage buildings, but a discretionary height limit of 15m (4 storeys) applies to Areas 6 and most of Area 2 (bar 2 Cromwell Road). If this is not clearly demonstrated in the Figures then there is a risk that the requirements could be misinterpreted.

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SCHEDULE 21 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO21**.

HAWKSBURN VILLAGE NEIGHBOURHOOD ACTIVITY CENTRE**1.0**

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Design objectives

To ensure new development east of Williams Road reflects a fine grain when viewed from the streetscape.

To ensure new development west of Williams Road responds to the area's mixed built form character (including industrial format buildings).

To ensure new development responds to the area's heritage character.

To encourage building design that allows for employment uses on the ground and first floor levels of buildings.

To ensure new development does not cause unreasonable amenity impacts on nearby residential land.

2.0

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Buildings and works

A permit is required to construct or carry out works for services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar if the works are visible from a street (other than a lane) or public park.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

General requirements

New development should:

- Be designed to respond to nearby heritage buildings.
- Be designed to contribute and enhance the scale, materiality, identity and character of Hawksburn Village, as described in the Hawksburn Village Structure Plan (2016).
- East of Williams Road and along Malvern Road, be designed to express the fine-grained subdivision pattern in overall building design and façade articulation.
- In Area 5, be designed to reference the industrial character of the area, medium grain frontage widths (in the order of 12-14 metres), plain parapets and wide door and window elements.
- Provide a sensitive design response (including a transition in building scale and height) where there is an interface with an area of public open space or, a residential property or residential area.
- Where required, incorporate built form articulation and/or building separation in preference to screening to manage overlooking.
- Be designed to minimise additional overshadowing of north facing windows and the secluded private open space of adjoining residential properties, particularly between the hours of 10am and 2pm measured at the equinox (September 22).
- Provide a design response that considers the outlook, daylight and solar access to windows of adjacent properties.
- Be designed to minimise overshadowing of any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22).
- Locate loading bays and parking areas to minimise adverse amenity impacts to adjoining residential properties.

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- Contribute to additional landscaping along residential street frontages.
- Improve pedestrian connectivity through 559-569 Malvern Road, from car parking to the north through to Malvern Road.
- Be designed and spaced to create a visually interesting skyline, streetscape and coherent precinct when viewed in short range and long range views including to side and rear elevations, particularly adjacent to heritage buildings.
- Be designed to minimise blank side walls that are visible from the surrounding streets.
- Ensure new development on large sites respects the surrounding prevailing subdivision pattern by providing separation between buildings and modular building bulk rather than unbroken mass.
- Ensure designs that exceed discretionary parameters in Tables 1, 2 and 3 demonstrate a suitable response to identified character, streetscape presentation and residential interfaces.

Building height requirements

Development should:

- Not exceed the preferred maximum building height specified in Table 1.
- Provide a minimum 4 metre floor to floor height at the ground and first floor levels of new buildings, to allow for commercial occupancies.

Development must:

- Not exceed the mandatory maximum building height specified in Table 1.

A permit cannot be granted to vary a mandatory maximum building height specified in Table 1.

Table 1

Area (see Map 1)	Preferred Maximum Building Height	Mandatory Maximum Building Height
1	18 metres	-
2	15 metres (except 2 Cromwell Road: 18 metres)	-
3	-	18 metres
4	-	18 metres
5	18 metres	-
6	15 metres (non-heritage buildings)	15 metres (heritage buildings)
7	18 metres	-

Building height does not include architectural features that project above the roof or parapet and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:

- Less than 50 per cent of the roof area in total is occupied by service equipment (other than solar panels);
- Any equipment is located in a position on the roof so as to avoid additional overshadowing of either public or private open space, or windows to habitable rooms;

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- Any service equipment does not extend higher than 2 metres above the proposed height of the building; and
- Any service equipment and any screening is integrated into the design of the building to the satisfaction of the responsible authority.

Street wall and building setback requirements

Definitions

Street wall, is the façade of a building at the street/s boundary or at the setback from the street/s boundary.

Main street, is either Malvern Road or Williams Road.

Side street, is any other street within the Hawksburn Village activity centre which is not classified as a main street.

Development should:

- Not exceed the preferred maximum street wall height specified in Table 2.
- Be set back from the street/s as specified in Table 2 and as represented in Figures 1 to 7.
- In Areas 5 and 6 (non-heritage buildings) on corner lots with a main street abuttal of less than 20 metres, the setback above the street wall on the lot's side street abuttal can be reduced to 3 metres.
- On corner lots, provide a transitional street wall setback response on the side street that respects street wall setbacks of nearby residential properties.
- On the southern boundary of 145 Williams Road (Clarke Street frontage), from mid block to the western edge of the site, provide:
 - A transitional street wall and setbacks above the street wall.
 - A landscaped ground level setback which includes deep soil planting.

Development must:

- Not reduce the mandatory minimum setback above the street wall specified in Table 2.

A permit cannot be granted to vary a mandatory minimum setback above the street wall.

Table 2

Area (see Map 1)	Preferred minimum street wall setback	Preferred maximum street wall height	Mandatory maximum street wall height	Preferred minimum setback above street wall	Mandatory minimum setback above street wall
1	0 metres	11 metres	-	3 metres	-
2	3 metres or average setback of existing abutting properties (whichever is less)	Cromwell Road: 11 metres All other streets in Area 2: 8 metres	-	Behind a 45 degree plane	-

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Area (see Map 1)	Preferred minimum street wall setback	Preferred maximum street wall height	Mandatory maximum street wall height	Preferred minimum setback above street wall	Mandatory minimum setback above street wall
3	-	-	-	-	Behind the entire main gable roof form at the front of the building
4	-	-	-	-	5 metres
5	0 metres	8 metres	-	5 metres	-
6 (not Heritage Buildings)	0 metres	8 metres	-	5 metres	-
6 (Heritage Buildings)	-	-	-	-	5 metres
7	0 metres	8 metres	-	5 metres	-

Rear wall and rear setback requirements

Definition

Rear wall is the wall of any proposed building or structure whether on the rear property boundary or setback from the rear property boundary.

Development should:

- Not exceed the preferred minimum rear wall height specified in Table 3.
- Be setback in accordance with the rear setbacks specified in Table 3 and as represented in Figures 8 to 9.
- Above the rear wall, increase in a minimum of 2 floor increments, up to and including the 4th storey of the building.
- Ensure balconies and terraces do not encroach into the rear setback specified in Table 3.
- Ensure that setbacks on laneways less than 4.5 metres wide are sufficient to provide for safe pedestrian access and vehicle movement, depending on the laneway's function.

Table 3

Area (see Map 1)	Preferred minimum setback of rear wall	Preferred maximum rear wall height	Preferred minimum setback for levels above rear wall
All areas	Residential zone abuttal - 3 metres Laneway abuttal: <ul style="list-style-type: none"> ▪ laneway less than 4.5 metres wide - setback and laneway 	8 metres	Laneway or residential zone abuttal: Behind a 45 degree plane.

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Area (see Map 1)	Preferred minimum setback of rear wall	Preferred maximum rear wall height	Preferred minimum setback for levels above rear wall
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width should total 4.5 metres

- laneway equal to or greater than 4.5 metres wide – 0 metres

3.0

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Subdivision

None specified.

4.0

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Signs

None specified.

5.0

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Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For all applications 15 metres or greater in height, a 3D massing model of the building envelope that shows:
 - How the built form has been articulated within the envelope to achieve maximum solar access internally to neighbouring properties and the public realm.
 - How the development has been designed to minimise overlooking and overshadowing to the private open space and habitable room windows of adjacent properties and of dwellings within the proposed development.
 - How the design (including building height and setbacks) contributes to the character of Hawksburn Village, as set out in the Hawksburn Village Structure Plan (2016), while having regard to visual bulk.
 - How the design (including building height and setbacks) responds to heritage buildings.

6.0

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- For development 15 metres or greater in height, the 3D massing model provided under Clause 5.0.
- How the proposal contributes to the fine grain character (along Malvern Road, east of Williams Road) and the industrial character (in Area 5) of Hawksburn Village.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity, to the site.
- Whether the location of features such as loading bays and parking are provided either internally or separated/screened from adjoining residential land.

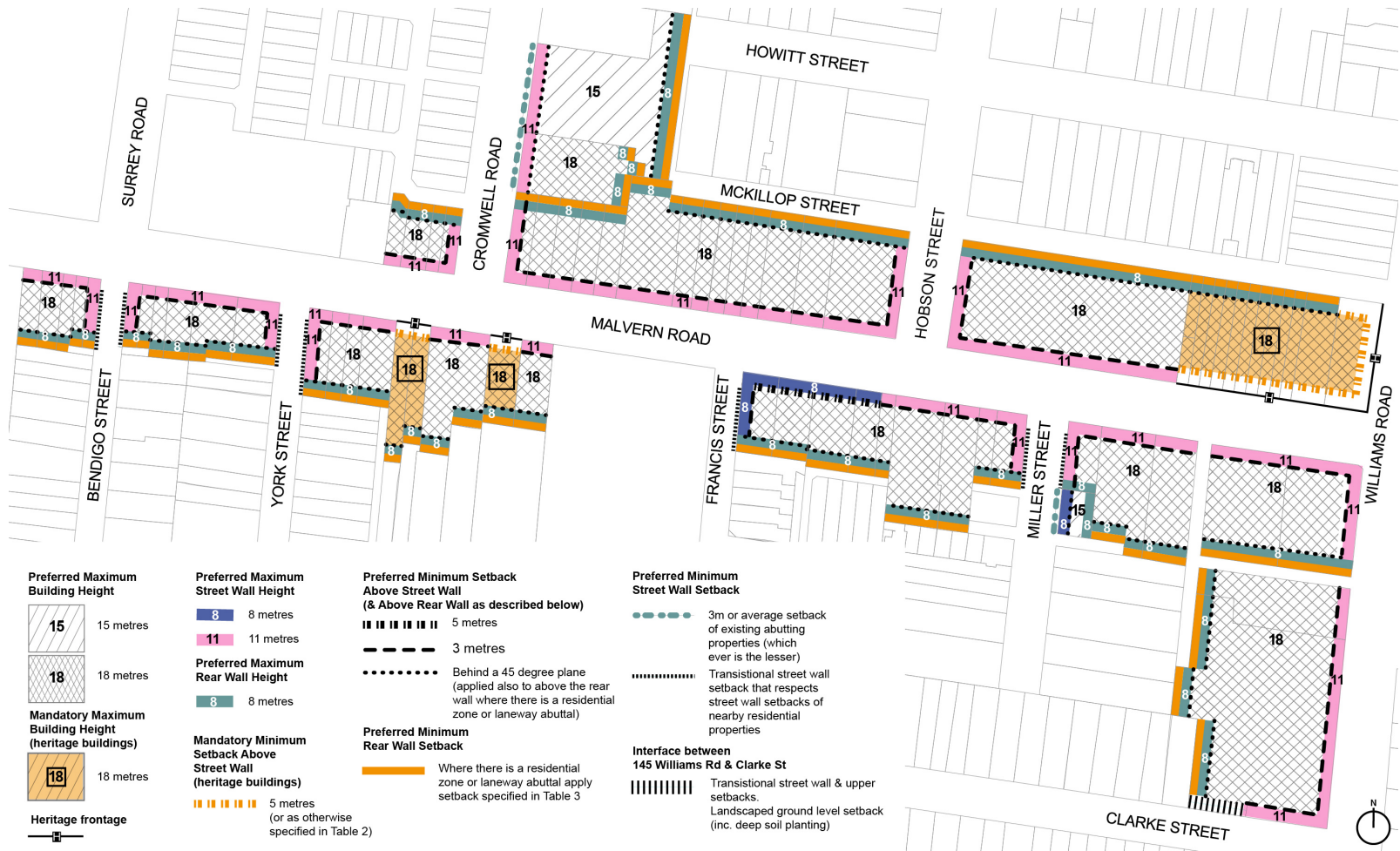
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Map 1 to Schedule 21 to Clause 43.02 - Hawksburn Village Areas west of Williams Road



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Map 2 to Schedule 21 to Clause 43.02 - Design requirements, west of Williams Road



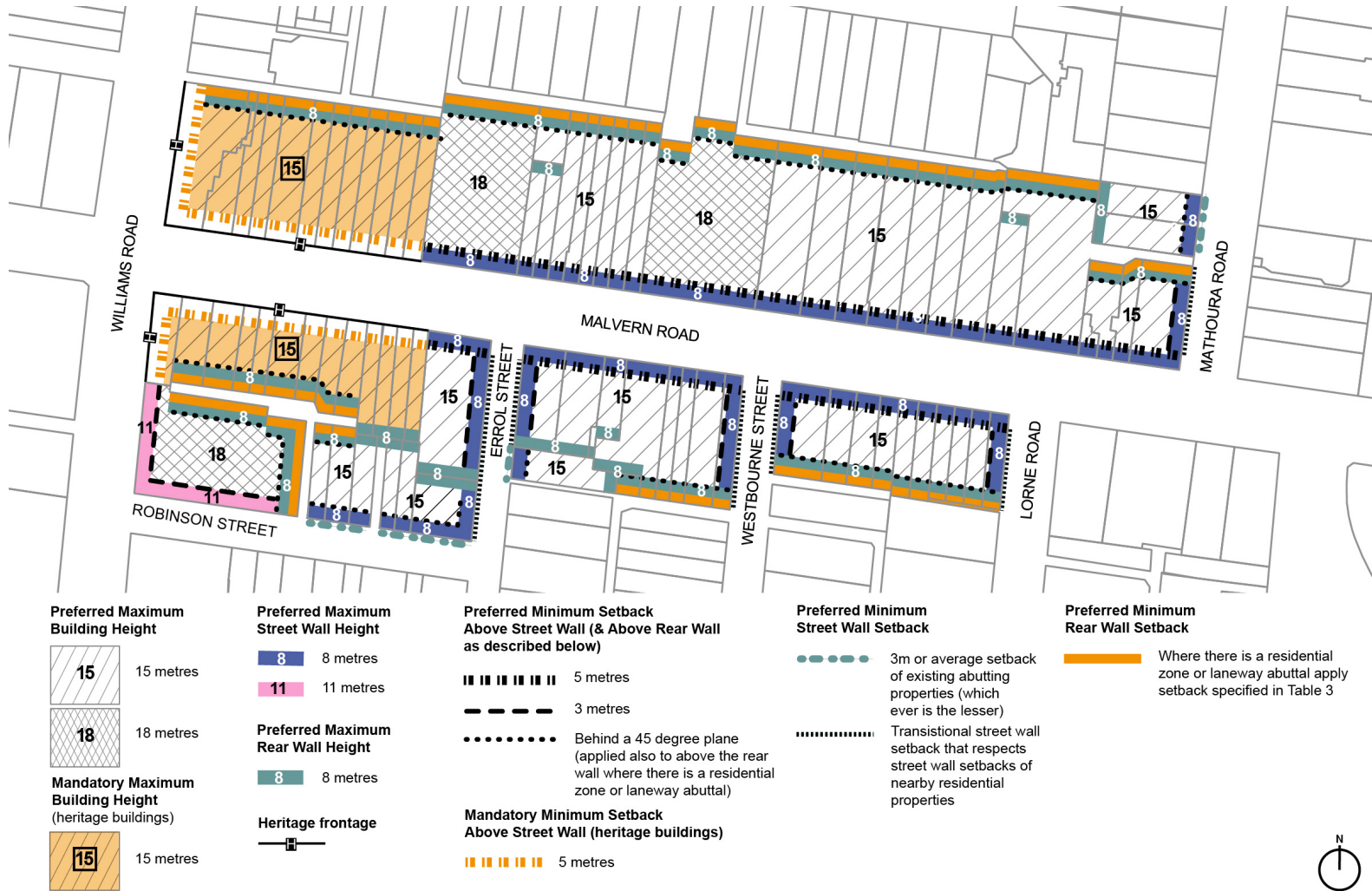
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Map 3 to Schedule 21 to Clause 43.02 - Hawksburn Village Areas east of Williams Road



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Map 2 to Schedule 21 to Clause 43.02 - Design requirements, east of Williams Road



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Figure 1 - Area 1, interface with street

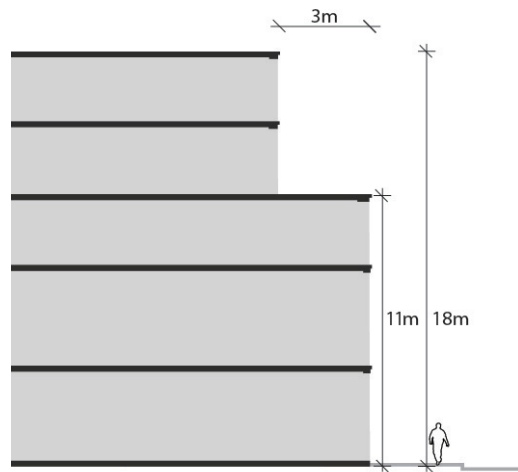


Figure 2 - Area 2, interface with street (all streets in Area 2 except Cromwell Road)

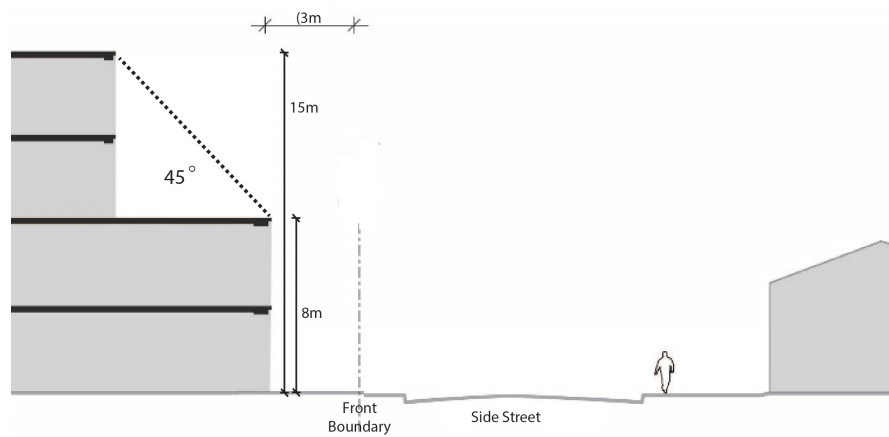
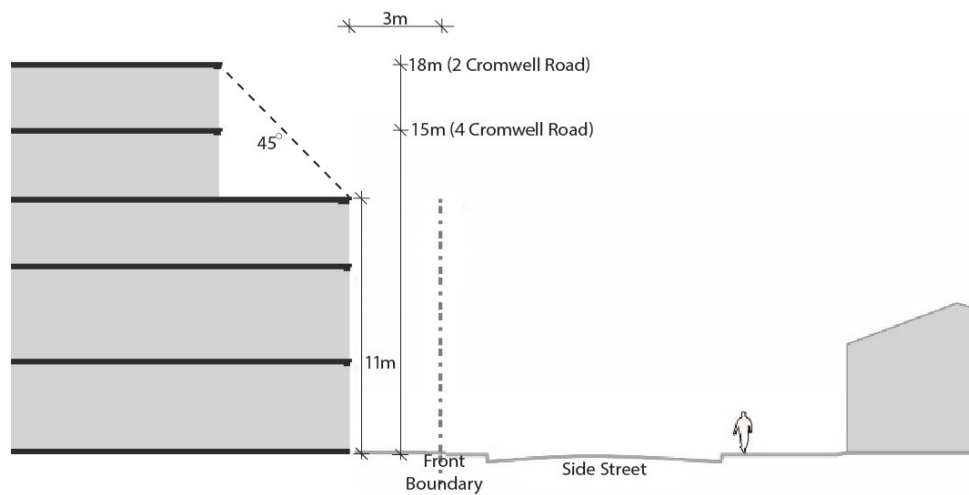


Figure 3 - Area 2, interface with street (Cromwell Road only)



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Figure 4 - Area 4 interface with street (heritage building)

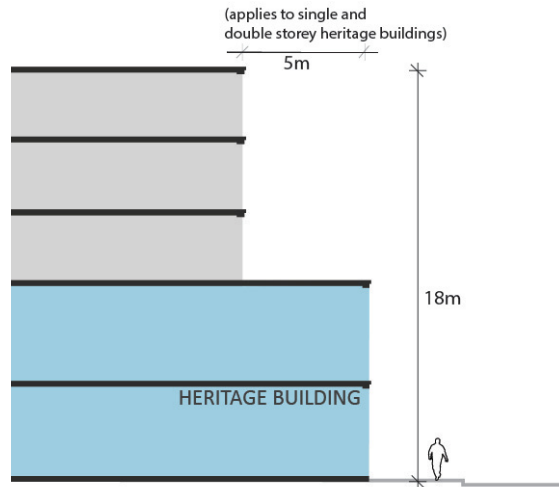


Figure 5 - Areas 5 and 7, interface with street

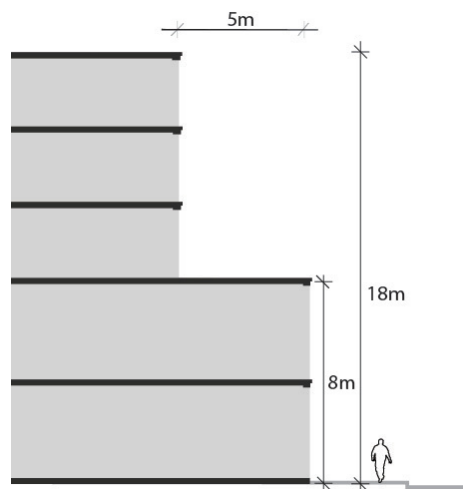
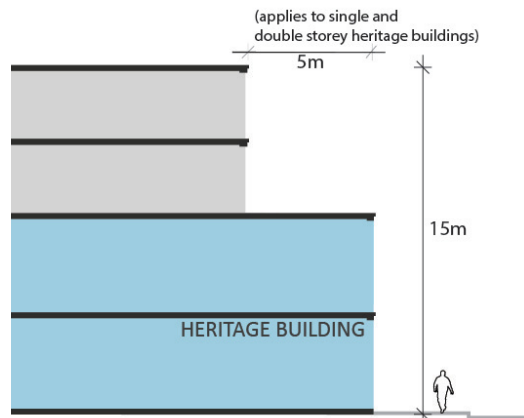


Figure 6 - Area 6, interface with street (heritage buildings only)



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Figure 7 - Area 6, interface with street (excluding heritage buildings)

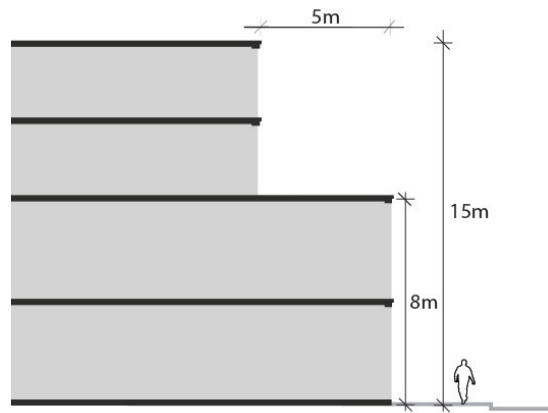
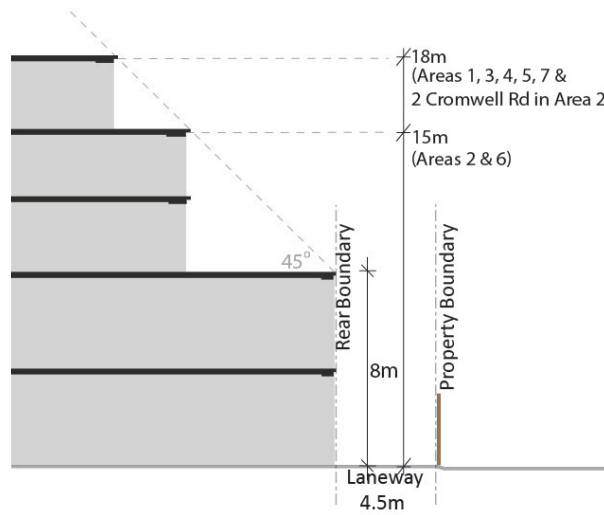
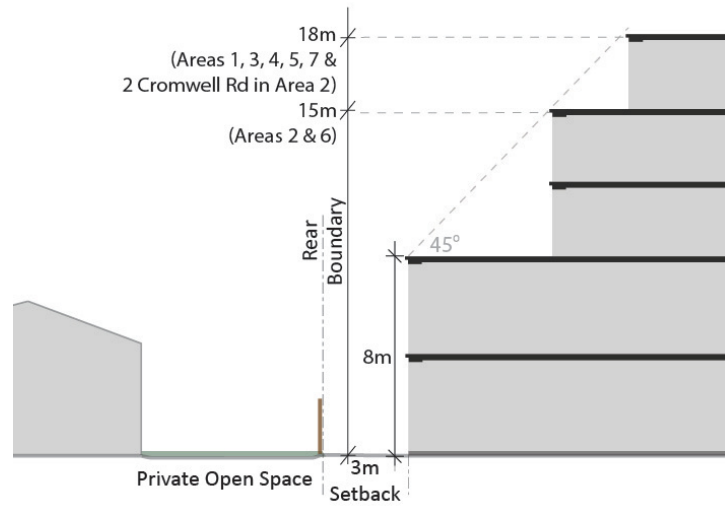


Figure 8 - All Areas, rear interface with laneway (4.5m+ in width)



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Figure 9 - All Areas, rear interface with a residential property



Track changes version of Schedule 21 to Clause 43.02 Design and Development Overlay

Changes made to exhibited version of DDO21

Red - deletion

Green - insertion

Blue – format change

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SCHEDULE 21 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO21**.

HAWKSBURN VILLAGE NEIGHBOURHOOD ACTIVITY CENTRE**1.0**

C272ston

Design objectives

To ensure new development ~~respects, responds to and enhances the unique identity of Hawksburn Village; that being the fine grain scale of buildings east of Williams Road and the more mixed character, that includes industrial format buildings, west of Williams Road~~ reflects a fine grain when viewed from the streetscape.

To ensure new development west of Williams Road responds to the area's mixed built form character (including industrial format buildings).

To ensure new development ~~respects and enhances the identified heritage buildings of Hawksburn Village~~ responds to the area's heritage character.

To encourage building design that allows for ~~commercial uses on lower levels~~ employment uses on the ground and first floor levels. of buildings.

To ensure new ~~buildings limit~~ development does not cause unreasonable amenity impacts on ~~adjacent residential areas~~ nearby residential land.

~~To ensure new development makes a positive contribution to the appearance and activation of streetscapes and laneways.~~

2.0

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Buildings and works

A permit is required to construct or carry out works for services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar if the works are visible from a street (other than a lane) or public park.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

General requirements

New development should:

- Be designed to ~~be sympathetic~~ respond to nearby heritage buildings.
- Be designed to contribute and ~~respond to the existing urban fabric~~; enhance the scale, materiality, identity and character of Hawksburn Village, as described in the Hawksburn Village Structure Plan (2016).
- East of Williams Road and along Malvern Road, be designed to express the fine-grained subdivision pattern in overall building design and façade articulation.
- ~~Be designed to respond to identified urban character at the following locations:~~
 - ~~East of Williams Road, along Malvern Road - fine grain lots and narrow shop front rhythm:~~
 - ~~Area 5 (identified on Map 1) - industrial features including:~~
 - ~~A street wall design that references the industrial character of the area.~~
 - ~~A medium grain (in the order of 12-14 metres) facade width.~~
 - ~~Relatively plain parapets:~~
 - ~~Larger scale front doors and window elements:~~

In Area 5, be designed to reference the industrial character of the area, medium grain frontage widths (in the order of 12-14 metres), plain parapets and wide door and window elements.

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- ~~Provide consistent street wall heights and recessive upper levels:~~
 - Provide a sensitive design response (including a transition in building scale and height) where there is an interface with an area of public open space ~~or~~, a residential property or residential area.
 - ~~Be designed to minimise the overlooking of private open space and habitable room windows of adjacent residential properties and of dwellings within the proposed development. Designs which~~ Where required, incorporate built form articulation and/or building separation ~~are preferred design outcomes to screening~~ in preference to screening to manage overlooking.
 - Be designed to minimise additional overshadowing of north facing windows and the secluded private open space of adjoining residential properties, particularly between the hours of 10am and 2pm measured at the equinox (September 22).
 - Provide a design response that considers the outlook, daylight and solar access to windows of adjacent properties.
- Be designed to minimise overshadowing of any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22).
- Locate loading bays and parking areas to minimise adverse amenity impacts to adjoining residential properties.
- Contribute to additional landscaping along residential street frontages.
- ~~Provide active frontages to Malvern Road and Williams Road through building design:~~
- ~~Provide for the passive surveillance of the public realm including streets, rear laneways and public open spaces:~~
- Improve pedestrian connectivity through ~~Area 7 (identified on Map 1)~~ 559-569 Malvern Road, from car parking to the north through to Malvern Road.
- Be designed and spaced to create a visually interesting skyline, streetscape and coherent precinct when viewed in short range and long range views including to side and rear elevations, particularly adjacent to heritage buildings.
- ~~Ensure that any vehicular access to a site is designed to maximise pedestrian safety~~ Be designed to minimise blank side walls that are visible from the surrounding streets.
- Ensure new development on large sites respects the surrounding prevailing subdivision pattern by providing separation between buildings and modular building bulk rather than unbroken mass.
- Ensure designs that exceed discretionary parameters in Tables 1, 2 and 3 demonstrate a suitable response to identified character, streetscape presentation and residential interfaces.

Building height requirements

Development ~~must~~ should:

- Not exceed the preferred maximum building height specified in Table 1 ~~below~~.
- Provide a minimum 4 metre floor to floor height at the ground ~~level~~ and first floor levels of new buildings, to allow for commercial occupancies.

Development must:

- Not exceed the mandatory maximum building height specified in Table 1.
- A permit cannot be granted to vary a mandatory maximum building height specified in Table 1.

AMENDMENT C272STON

Table 1

Area (see Map 1)	Preferred Maximum Building Height	Mandatory Maximum Building Height
1	17.18 metres	-
2	-	15 metres All properties in Area 2: 14 metres (except 2 Cromwell Road: 17.18 metres)
3	-	17.18 metres
4	-	17.18 metres
5	17.18 metres	-
6	15 metres (non-heritage buildings)	14 metres 15 metres (heritage buildings)
7	17.18 metres	-

A permit cannot be granted to vary a mandatory maximum building height specified in Table 1.

Building height does not include architectural features that project above the roof or parapet and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:

- Less than 50 per cent of the roof area in total is occupied by service equipment (other than solar panels);
- Any equipment is located in a position on the roof so as to avoid additional overshadowing of either public or private open space, or windows to habitable rooms;
- Any service equipment does not extend higher than 2 metres above the proposed height of the building; and
- Any service equipment and any screening is integrated into the design of the building to the satisfaction of the responsible authority.

Street wall and building setback requirements

Definitions

Street wall, is the façade of a building at the street/s boundary or at the setback from the street/s boundary.

Main street, is either Malvern Road or Williams Road.

Side street, is any other street within the Hawksburn Village activity centre which is not classified as a main street.

Development must should:

- Not exceed the preferred maximum street wall height specified in Table 2 below.
- Be set back from the street/s as specified in Table 2 and as represented in Figures 1 to 7.
- For In Areas 5 and 6 (non-heritage buildings) on corner lots with a main street abuttal of less than 20 metres, the setback above the street wall setback on the lot's side street abuttal can be reduced by up to 50 per cent to 3 metres.

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- ~~At~~On corner lots, provide a transitional street wall setback response on the side street ~~abuttal~~, that respects street wall setbacks of ~~existing, adjacent residential properties should be respected and a transitional street wall setback response applied~~ nearby residential properties.
- On the southern boundary of 145 Williams Road (Clarke Street frontage), from mid block to the western edge of the site, provide:
 - A transitional street wall and setbacks above the street wall.
 - A landscaped ground level setback which includes deep soil planting.

Development must:

- Not reduce the mandatory minimum setback above the street wall specified in Table 2. A permit cannot be granted to vary a mandatory minimum setback above the street wall.

Table 2

Area (see Map 1)	Preferred minimum street wall setback	Preferred maximum street wall height	Mandatory maximum street wall height	Preferred minimum setback above street wall	Mandatory minimum setback above street wall
1	0 metres	11 metres	-	5.3 metres	-
2	3 metres or average setback of existing abutting properties (whichever is less)	-	Cromwell Road: 11 metres All other streets in Area 2: 8 metres	-	Behind a 45 degree plane
3	-	-	-	-	Behind the entire main gable roof form at the front of the building
4	-	-	-	-	5 metres
5	0 metres	8 metres	-	5 metres	-
6 (not Heritage Buildings)	0 metres	-	8 metres	-	5 metres
6 (Heritage Buildings)	-	-	-	-	5 metres
7	0 metres	8 metres	-	5 metres	-

~~A permit cannot be granted to vary a mandatory maximum street wall height or a mandatory minimum setback above the street wall.~~

Rear wall and rear setback requirements

~~Street wall Definition~~, is the façade of a building at the street/s boundary.

~~Main street~~, is either Malvern or Williams Roads.

AMENDMENT C272STON

~~Side street. Rear wall is any other street within the Hawksburn Village activity centre which is not classified as a main street~~ the wall of any proposed building or structure whether on the rear property boundary or setback from the rear property boundary.

Rear wall and rear setbacks

Development ~~must~~ should:

- Not exceed the preferred minimum rear wall height specified in Table 3 ~~below~~.
- Be setback in accordance with the rear setbacks specified in Table 3 and as represented in Figures 8 to 9.
- ~~Increase levels above~~ Above the rear wall, increase in a minimum of 2 floor increments, up to and including the 4th storey of the building.
- Ensure balconies and terraces do not encroach into the rear setback specified in Table 3.
- Ensure that setbacks on laneways less than 4.5 metres wide are sufficient to provide for safe pedestrian access and vehicle movement, depending on the laneway's function.

Table 3

Area (see Map 1)	Preferred minimum setback of rear wall	Preferred maximum rear wall height	Preferred minimum setback for levels above rear wall
All areas	Residential zone abuttal - 3 metres Laneway abuttal: <ul style="list-style-type: none"> ▪ laneway less than 4.5 metres wide - setback and laneway width should total 4.5 metres ▪ laneway equal to or greater than 4.5 metres wide – 0 metres 	8 metres	Laneway or residential zone abuttal: Behind a 45 degree plane up to a maximum setback of 10 metres.

~~Rear wall is the wall of any proposed building or structure whether on the rear property boundary or setback from the rear property boundary.~~

3.0
C272ston

Subdivision

None specified.

4.0
C272ston

Signs

None specified.

5.0
C272ston

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For all applications ~~14~~ 15 metres or greater in height, a 3D massing model of the building envelope that shows:

AMENDMENT C272STON

- ~~The potential impact of the development on the private open space and north facing habitable rooms of adjoining residential properties.~~
- How the built form has been articulated within the envelope to achieve maximum solar access internally to neighbouring properties and the public realm.
- How the development has been designed to minimise overlooking **and overshadowing** to the private open space and habitable room windows of adjacent properties and of dwellings within the proposed development.
- How the design (including building height and setbacks) contributes to the ~~existing identified and valued character of Hawksburn Village whilst~~ **character of Hawksburn Village, as set out in the Hawksburn Village Structure Plan (2016), while** having regard to visual bulk.
- How the design (including building height and setbacks) ~~respects and~~ responds to heritage buildings.

6.0

C272ston

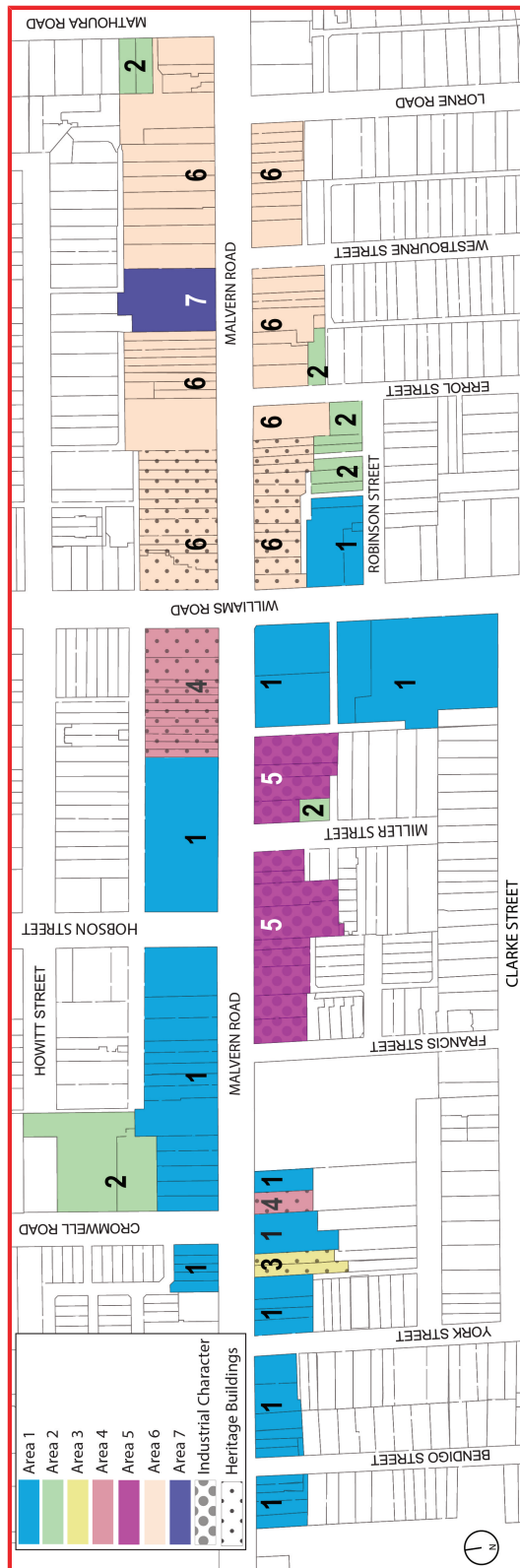
Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- **For development 15 metres or greater in height, the 3D massing model provided under Clause 5.0.**
- ~~Whether~~ **How** the proposal ~~reflects and~~ contributes to the fine grain character (along Malvern Road, east of Williams Road) and the industrial character (in Area 5) of Hawksburn Village.
- ~~How the proposal contributes to the public realm, including streetscapes, public open spaces and laneways, in terms of safety, amenity, landscaping and accessibility.~~
- Whether the location of features such as loading bays and parking are provided either internally or separated/screened from adjoining residential land.

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Map 1 to Schedule 24 to Clause 43.02 - Hawksburn Village Areas



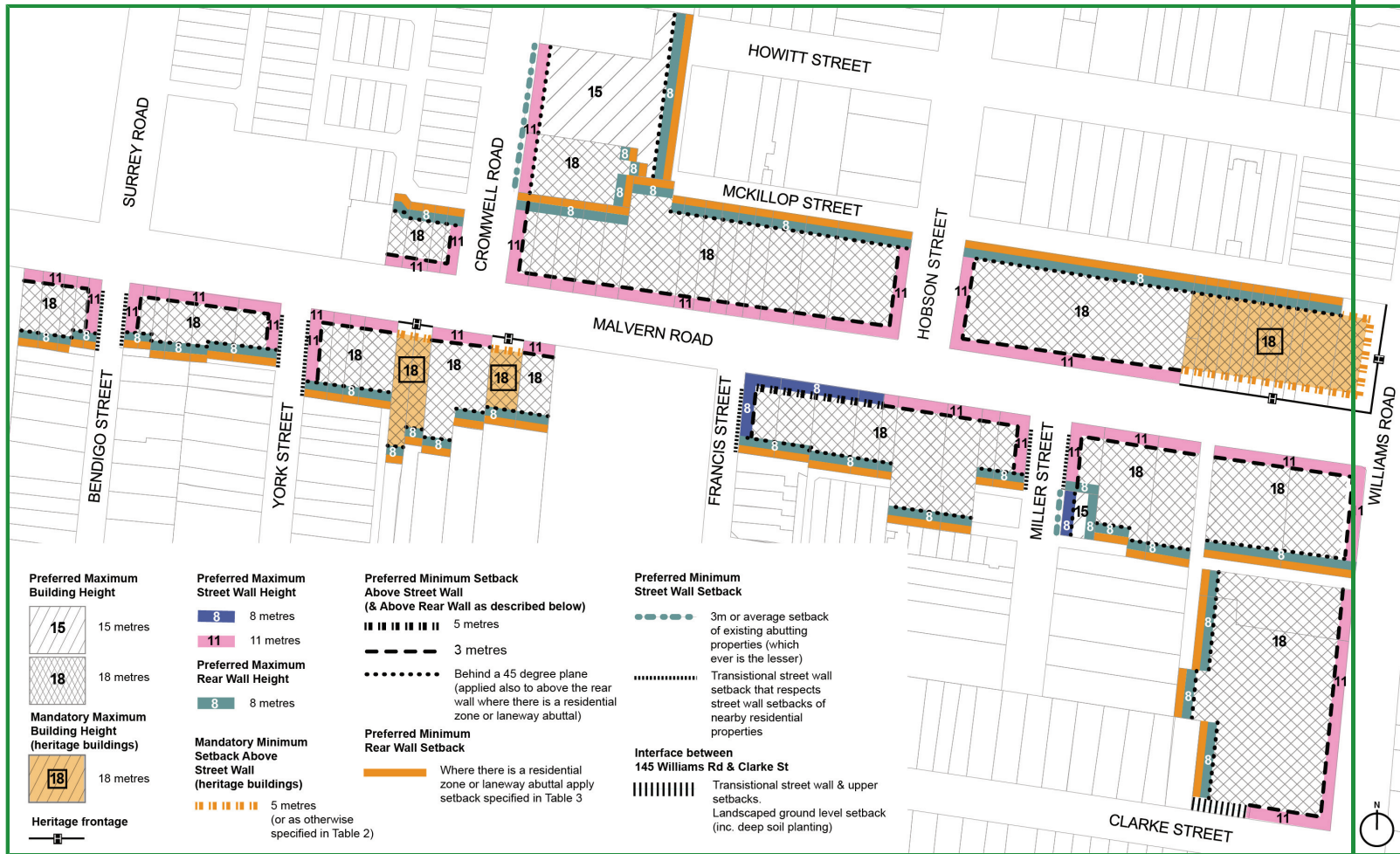
AMENDMENT C272STON

Map 1 to Schedule 21 to Clause 43.02 - Hawksburn Village Areas west of Williams Road



AMENDMENT C272STON

Map 2 to Schedule 21 to Clause 43.02 - Design requirements, west of Williams Road



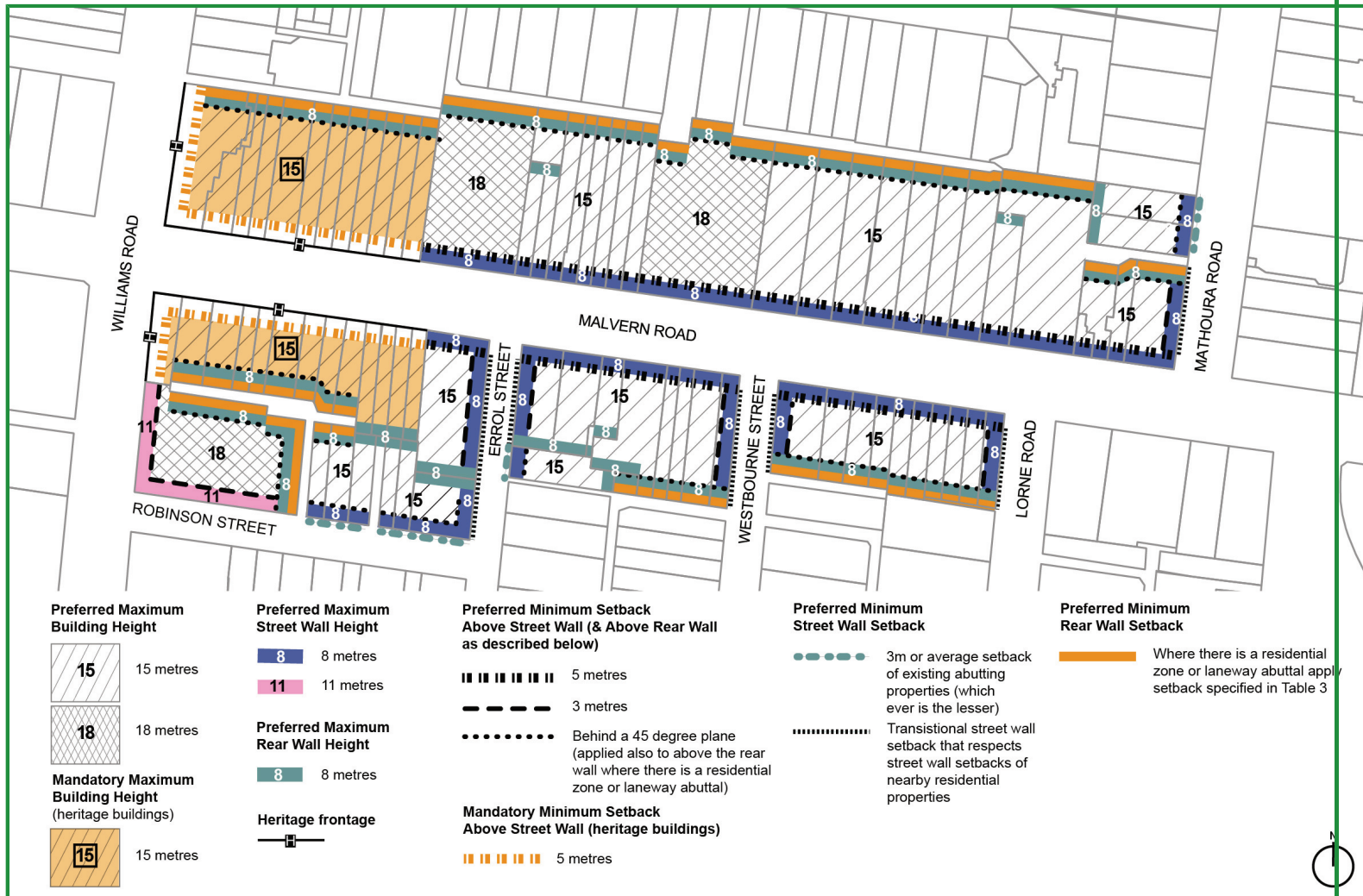
AMENDMENT C272STON

Map 3 to Schedule 21 to Clause 43.02 - Hawksburn Village Areas east of Williams Road



AMENDMENT C272STON

Map 2 to Schedule 21 to Clause 43.02 - Design requirements, east of Williams Road



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Figure 1 - Area 1, interface with street

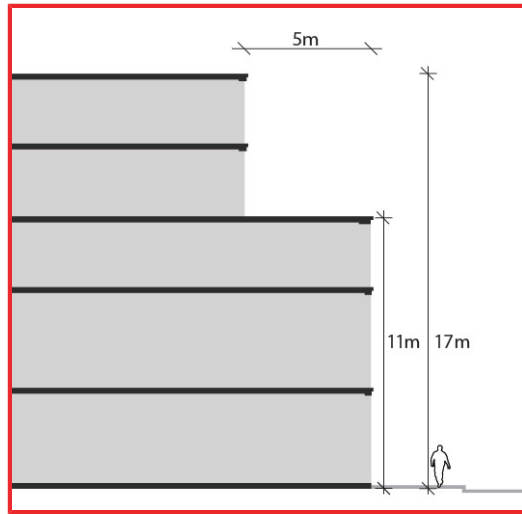


Figure 2 - Area 2, interface with street (all streets in Area 2 except Cromwell Road)

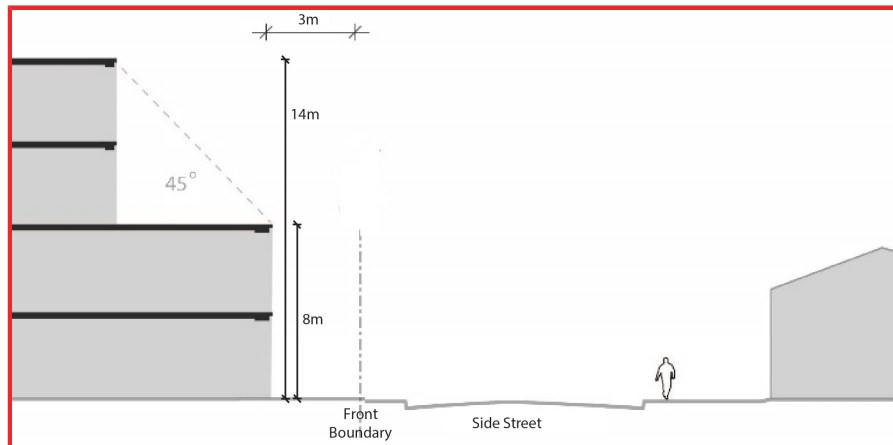
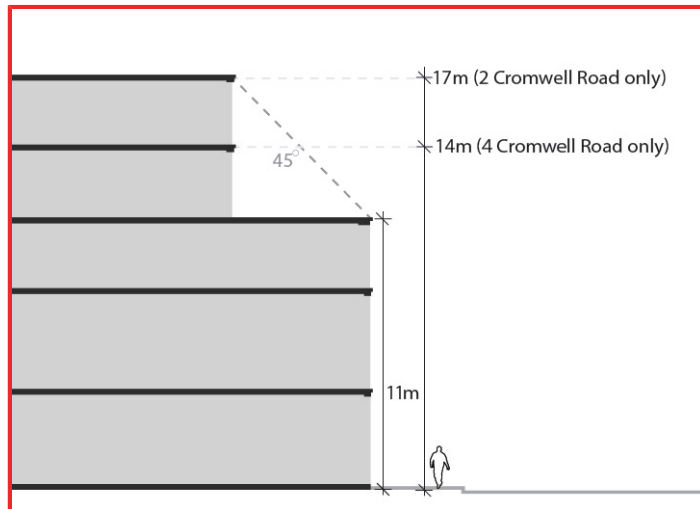


Figure 3 - Area 2, interface with street (Cromwell Road only)



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Figure 1 - Area 1, interface with street

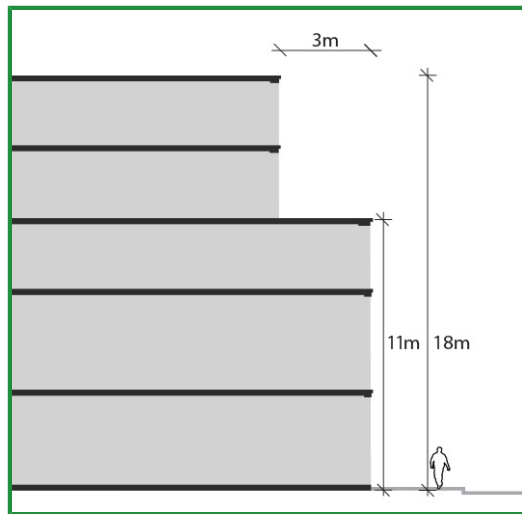


Figure 2 - Area 2, interface with street (all streets in Area 2 except Cromwell Road)

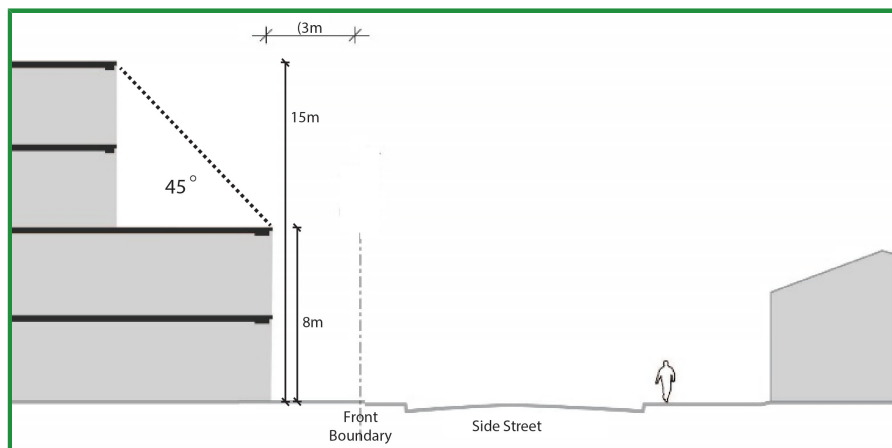
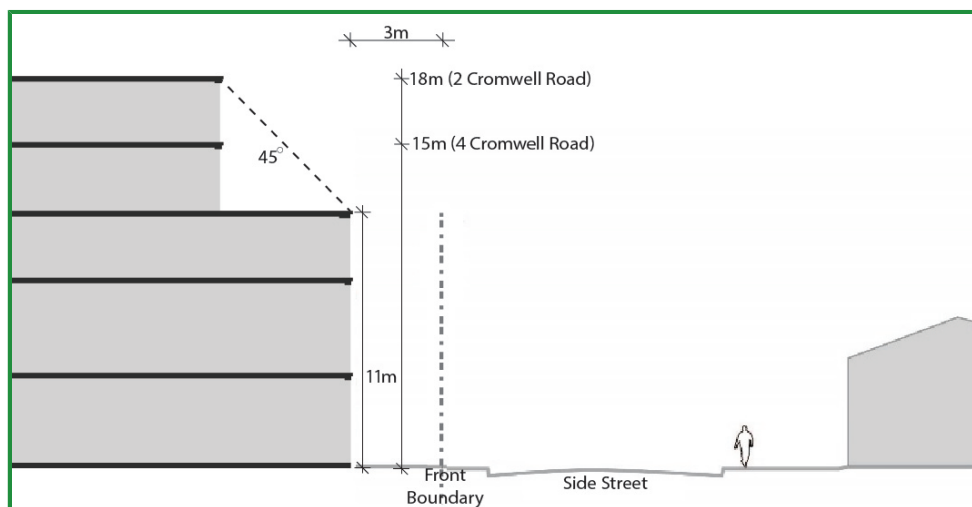


Figure 3 - Area 2, interface with street (Cromwell Road only)



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Figure 4 – Area 4 interface with street (heritage building)

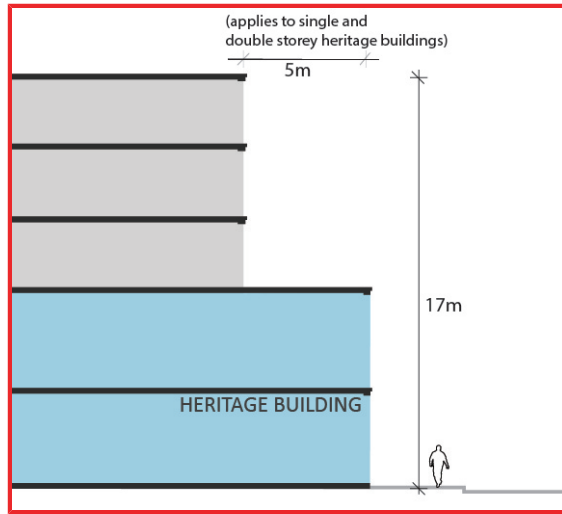


Figure 5 – Area 5, interface with street (industrial character)

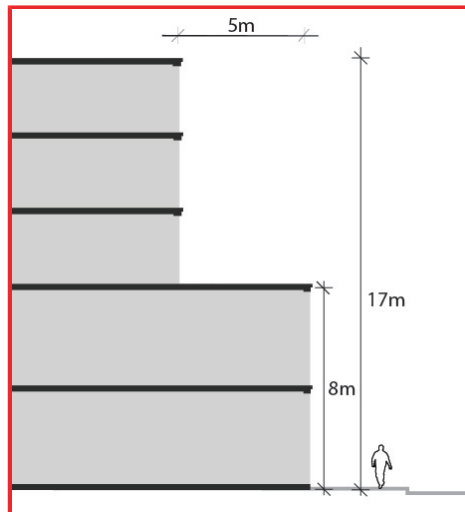
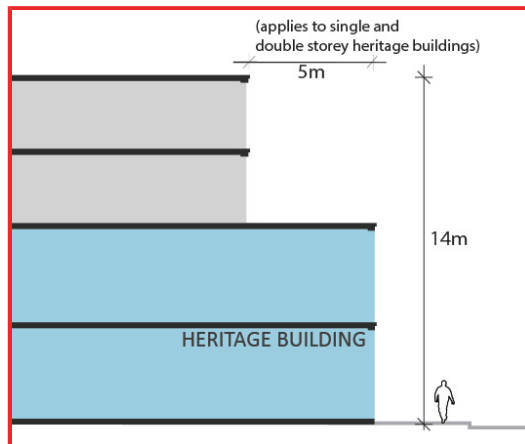


Figure 6 – Area 6, interface with street (heritage buildings only)



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Figure 4 - Area 4 interface with street (heritage building)

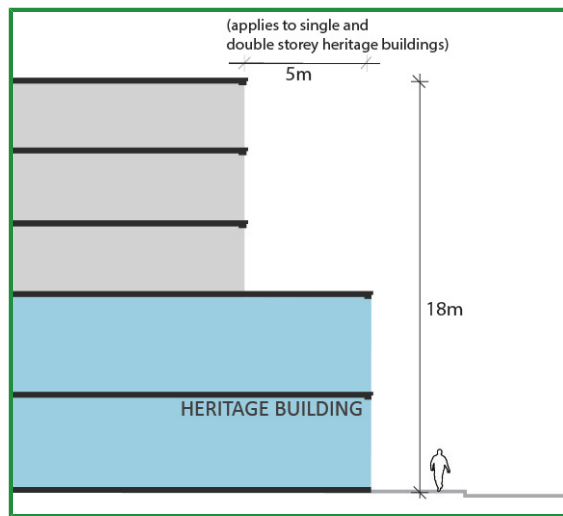


Figure 5 - Areas 5 and 7, interface with street

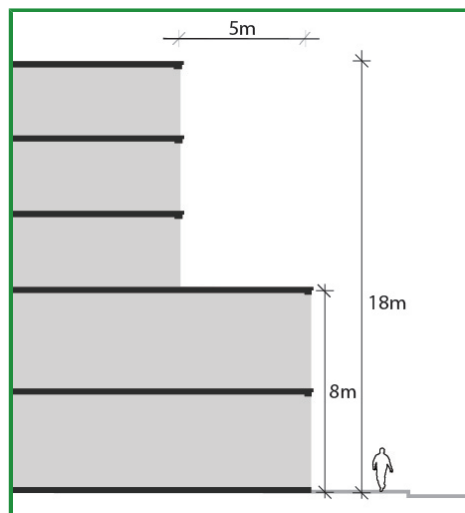
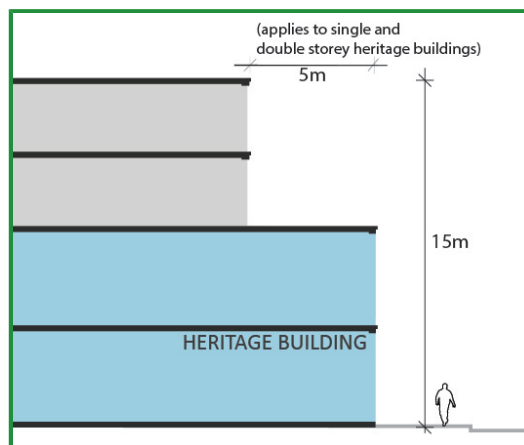


Figure 6 - Area 6, interface with street (heritage buildings only)



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Figure 7 -- Areas 6 (excluding heritage buildings) and 7, interface with street

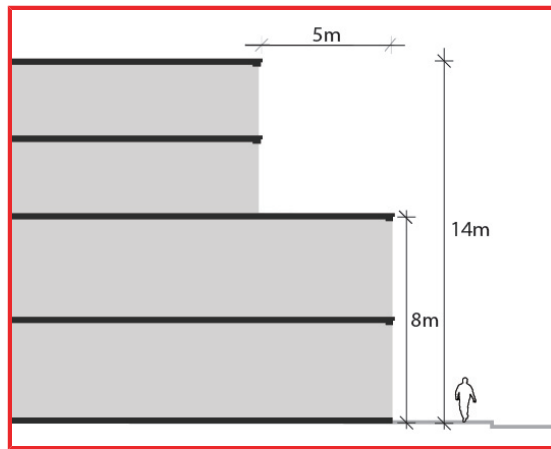
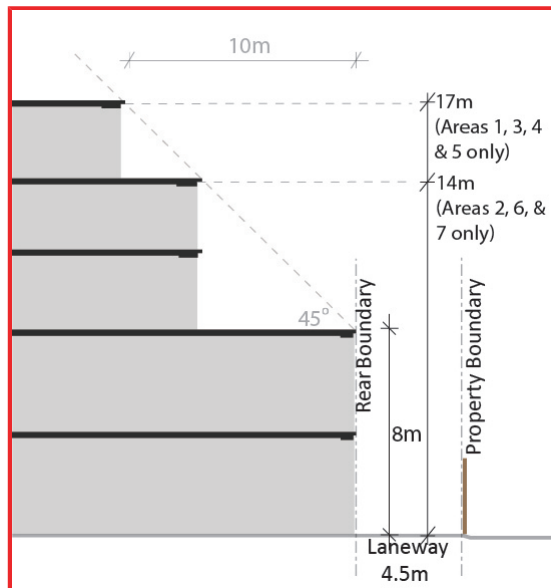


Figure 8 -- All Areas, rear interface with laneway (4.5m+ in width)



AMENDMENT C272STON

Figure 7 - Area 6, interface with street (excluding heritage buildings)

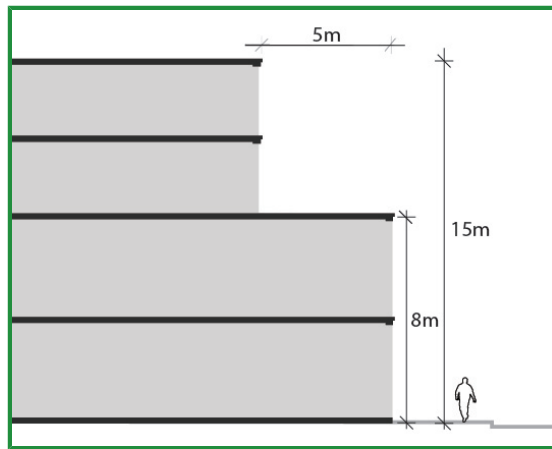
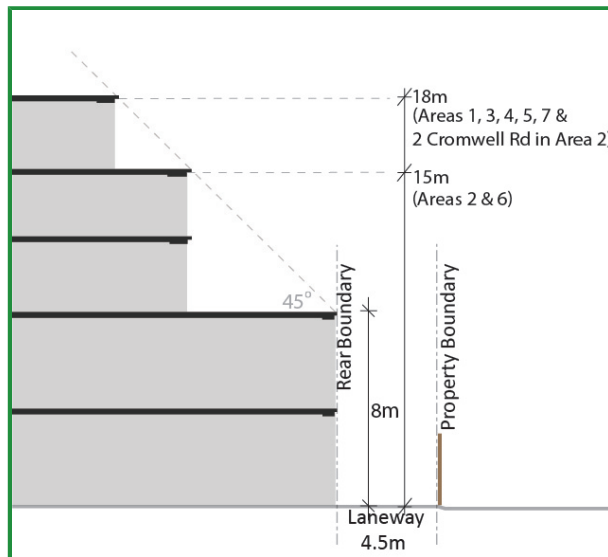
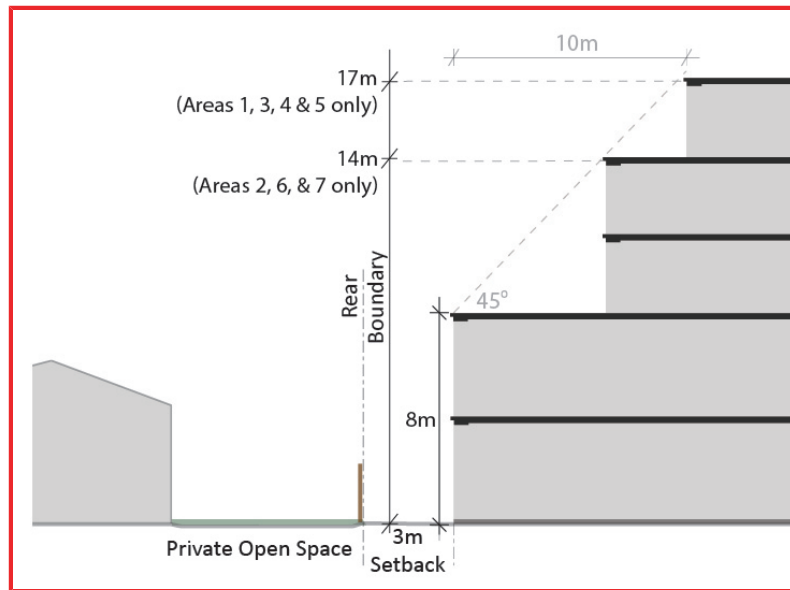


Figure 8 - All Areas, rear interface with laneway (4.5m+ in width)



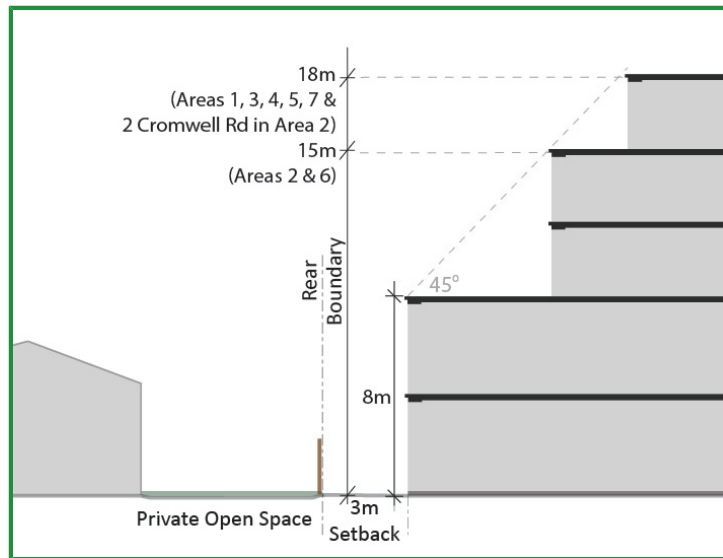
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Figure 9--All Areas, rear interface with a residential property



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Figure 9 - All Areas, rear interface with a residential property



13.5 Toorak Road Level Crossing Project - Ferrie Oval Redevelopment

Manager Open Space & Environment: Simon Holloway

Director Environment & Infrastructure: Rick Kwasek

Linkage to Council Plan

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

C1 Enhance community health and wellbeing outcomes through quality service delivery and strategic partnerships.

Liveability: The most desirable place to live, work and visit.

L1 Strategically invest in open spaces, sporting fields and community facilities, and optimise use according to community needs.

Purpose of Report

To seek Council support for the implementation of the planned redevelopment of Ferrie Oval following the completion of the Toorak Road Level Crossing Removal Project.

Officer Recommendation

That Council:

- 1. SUPPORT the planned redevelopment of Ferrie Oval and surrounding open space precinct following the completion of the Toorak Road Level Crossing Removal Project.**
- 2. SUPPORT the planned communication and consultation in relation to the redevelopment of Ferrie Oval, surrounding precinct and potential future floodlighting.**

Executive Summary

The Toorak Road Level Crossing Removal Project (LXRP) has been implemented by the Victorian Government over the past year, with major works now complete and trains travelling on the new rail bridge. The project is set to be completed in early July 2020, with final stages including road works, landscaping and site rehabilitation currently being undertaken.

The level crossing removal project involved the occupation of various parcels of Council land, including Ferrie Oval for a site office and works compound. Following completion of the project, Ferrie Oval will need to be fully redeveloped to a condition suitable for sport and passive recreation. It has been agreed between Council and the Level Crossing Removal Authority (LXRA) that the project will reinstate (make good) the land to an agreed standard and provide Council with a financial contribution to enable it to complete the sports ground redevelopment works.

It was Council's preference for it to undertake these works, rather than LXRA, on that basis that it allows Council to carry out works to a preferred (better than minimum) standard, incorporate a number of long-term asset renewal elements given the opportunity (already planned for the site) and integrate a number of other open space improvements in the

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precinct. The additional works will be funded by Council out of existing open space renewal budgets in the capital program.

Council officers are currently preparing to undertake the redevelopment of Ferrie Oval and surrounding precinct in 2020/21. This report sets out the planned scope of works, timing, budget and other considerations.

Background

Current use of Ferrie Oval

Ferrie Oval is one of 22 sports grounds in the City of Stonnington and located in the municipality's largest sports precinct, Sir Zelman Cowen Reserve. The precinct consists of five sports grounds, catering for six different sports and twelve clubs.

Ferrie Oval, a turf ground, is currently used predominantly for junior sports – cricket in summer and AFL football in winter – and a range of active and passive recreation activities outside of allocated sports usage times. The ground is one of the smallest ovals in the City of Stonnington at 6,358m² and is located between Righetti Oval, the Monash Freeway, residential properties on Talbot Crescent and vegetated open space through to Toorak Road.

Current usage of Ferrie Oval for sport includes:

Sports club	No. of teams	Hours of use
Summer (October – March)		
Malvern Junior Cricket Club	35 (28 Junior)	4 hours per week
Toorak Prahran Cricket Club	38 (32 Junior)	3.5 hours per week
Winter (April – September)		
Glen Iris Junior Football Club	30 (all Junior)	10 hours per week
Total	103 teams (90 junior)	7.5 hours per week (summer) 10 hours per week (winter)

Scope of Works

A Ferrie Oval Concept Plan has been developed with input from multiple departments (see attached). The planned scope of works includes:

- Reinstatement of Ferrie Oval suitable for junior sport - AFL and cricket)
 - Approximately 60m+ x 100m (looking to maximize width)
 - New sod turf surface - relevelled and shaped
 - New drainage, irrigation, synthetic cricket wicket, football goal posts and fencing where required
- Construction of a new shared path between the oval and freeway (as identified in draft Gardiners Creek Masterplan)
 - Connects with Talbot Crescent, Toorak Road, Tooronga Park, Sir Zelman Cowan Reserve and the Gardiners Creek Trail
 - Removes dangerous conflict with sporting precinct car parking at end of Elizabeth Street
 - Separates through cyclists from passive walking and sport spectator areas to the west of the oval and in front of Muir Pavillion
 - Retention of existing path on western side of the oval for pedestrians
- Enhanced landscaping, access and open space assets (seats, tables etc) throughout

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- Potential future floodlighting to increase ground use capacity and free up times at other grounds

Lighting

Further to the oval redevelopment and additional open space upgrade works, Council is also exploring the feasibility, cost, benefits and potential impacts of introducing floodlighting to Ferrie Oval as part of the precinct redevelopment following the level crossing removal project.

Ferrie Oval is currently one of only three sports grounds in the City of Stonnington without floodlighting and the only ground in the Sir Zelman Cowen Reserve without lighting. This has limitations on the extent to which the ground can be utilised.

The majority of current usage of Ferrie Oval for sport is on weekends for competitions. The lack of lighting prevents the Glen Iris Junior Football Club from utilising the ground to its capacity for training throughout the winter season. The club only trains on the ground for two hours per week (4-6pm on Fridays). Its 30 teams are required to train across five different grounds in Stonnington, totaling 16.5 hours each week. The club has expressed strong interest in the installation of new floodlighting at Ferrie Oval.

The introduction of lighting at Ferrie Oval would enable the Glen Iris Junior Football Club to have a central training base at the ground and free up important winter training availability (up to 7 hours) from several of their other training venues (Righetti Oval, Birrell Reserve, TH King Reserve and Gardiner Park).

All City of Stonnington sports grounds are currently at full capacity for winter sports training. Dimming of lights for a period after training would create opportunities for community use of the ground in the evening, thereby increasing the overall active recreation space available through the winter months.

A lighting consultant has been engaged to develop concept design plans for Council consideration, noting the inherent size constraints of the ground and its proximity to residential properties and the freeway.

Budget

The indicative budget for the project has been developed (see attached). The cost estimate for the oval reconstruction is based on an independent sportsground construction report commissioned by Council. Note:

- The \$182k for base works covers the basic oval reinstatement. These costs will be covered by the LXRA contribution.
- The \$100k covers provisional items that may be required subject to a condition assessment report following removal of the compound. If damaged and need replacement to reinstate to the previous condition, LXRA will cover these costs.
- The \$150k for additional oval works and \$293k for additional open pace upgrades cover works beyond the scope of the oval reinstatement that LXRA would be responsible for. These are additional works that Council had planned to undertake independent of the level crossing removal project. These costs will be covered by Council.
- No budget estimate or funding source is yet confirmed for the floodlighting element.

Timeframe

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The broad timeframe for the redevelopment of Ferrie Oval and surrounding precinct includes:

June – August 2020	Communications and stakeholder engagement
Early July 2020	Handover from LXRA
July – August 2020	Tree planting in areas not subject to further works
August – October 2020	Civil works and landscaping in surrounding precinct
October 2020	Lay sod turf and maintain for maximum grow-in over summer
March – April 2021	Open for use and commencement of AFL season

Communications and consultation

It is proposed to roll out broad communications to all affected parties in June, following the Council meeting, to outline the planned scope of oval redevelopment and surrounding precinct upgrade works. A communications package is currently being developed by Council's communications team.

It is also proposed that Council would consult with nearby residents, park users and sports clubs on any proposed introduction of lighting to the oval. Part of this discussion would be around days and times of the week that lights would be operational. Further discussions will be held with the Glen Iris Junior Football Club regarding a potential financial contribution to the lighting.

Subject to the outcome of the consultation on the floodlighting element, this will either be built into the construction program, scheduled for future delivery or deferred to a later date. Provision will be made for future lighting through the installation of underground conduit.

Key Issues and Discussion

Key issues for consideration include:

- Council agreement to undertake the oval reinstatement works on behalf of LXRA in lieu of an agreed financial contribution and the benefits / rationale of doing this.
- The oval reinstatement works are essentially replacing like for like.
- The proposed new shared path to the east of the oval will deliver improved accessibility and safety of cyclists, pedestrians and sports players / spectators.
- It is important that works are commenced shortly after handover from LXRA in order to meet the October / November timeline for laying of turf in order for the ground to be available for the 2021 junior AFL season.
- The potential future installation of floodlighting at Ferrie Oval will increase ground use capacity, free up evening training time at other grounds, increase community use of the ground in the evening and increase overall active recreation space available through the winter months.
- The introduction of new floodlighting is subject to community consultation, budget availability and discussion with the Glen Iris Junior Football Club regarding potential financial contribution.

Conclusion

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Following the completion of the Toorak Road Level Crossing Removal Project and associated occupation of Council land, Ferrie Oval requires redevelopment to a condition suitable for sport and passive recreation. It has been agreed between Council and the Level Crossing Removal Authority (LXRA) that the project will reinstate (make good) the land to an agreed standard and provide Council with a financial contribution to enable it to complete the sports ground redevelopment works. Council will utilise this opportunity to undertake other (planned) works on the sports ground and surrounding precinct. This report sets out the proposed scope and timing of these works and associated communications / consultation.

Governance Compliance

Policy Implications

The planned redevelopment of Ferrie Oval and surrounds supports Council's policies to provide high quality sport and recreation facilities, enhanced open space and improved walking / cycling infrastructure.

Financial and Resource Implications

A budget summary has been attached to this report, noting that funding for the works will be provided by LXRA and Council's capital budget.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

There are no legal / risk implications relevant to this report.

Stakeholder Consultation

It is proposed to undertake community consultation on the planned redevelopment of Ferrie Oval and surrounding precinct, including the feasibility of installing new floodlighting, prior to the commencement of works.

Human Rights Consideration

Complies with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. Ferrie Oval Redevelopment Concept Plan [**13.5.1** - 4 pages]
2. Ferrie Oval Redevelopment Cost Estimate [**13.5.2** - 1 page]



FERRIE OVAL REINSTATEMENT

DRAFT

OVERALL PRECINCT
1:750 @A1 | 1:1500 @A3
SD01

MAY 2020



City of
STONNINGTON



FERRIE OVAL REINSTATEMENT

DRAFT

FERRIE OVAL PRECINCT
1:300 @A1 | 1:600 @A3
SD02

MAY 2020

LEGEND

-  Proposed planting zones
-  Proposed understorey planting zones
-  Reinstated open space areas
-  Reinstated turf oval
-  Existing shared path to be pedestrian only
-  New shared path (3.0m wide)
-  Oval fencing
-  Path intersection line marking
-  Proposed seating / bag drop area





FERRIE OVAL REINSTATEMENT

DRAFT

SOUTHERN OPEN SPACE / TOORAK ROAD
 1:300 @A1 | 1:600 @A3
 MAY 2020
 SD03

LEGEND	
	Proposed planting zones
	Reinstated open space areas
	Proposed understorey planting zones
	Path intersection linemarking
	Existing shared path to be pedestrian only
	New shared path (3.0m wide)
	Oval fencing
	PROPOSED SEATING





Black PVC Chain Mesh Fence



Spectator Seating (Recycled Plastic Seat Slats)



Park Seating (Recycled Plastic Seat Slats)



Shared Path - Asphalt with concrete edge



Spectator Seating (Recycled Plastic Seat Slats)

FERRIE OVAL REINSTATEMENT

DRAFT

PRECEDENT IMAGES
NOT TO SCALE
SD04

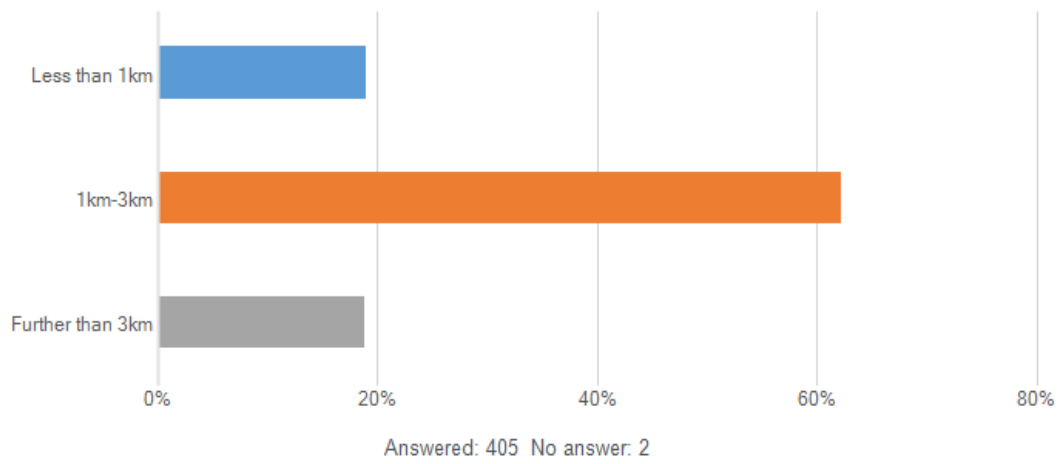
MAY 2020



FERRIE OVAL REDEVELOPMENT				
PROVISIONAL BUDGET SUMMARY				
EXPENDITURE		INCOME		
Item	Cost (\$ ex GST)	Source	Amount (\$ ex GST)	Account
OVAL REDEVELOPMENT		OVAL REDEVELOPMENT		
Base works		LXRA - ground reinstatement	182,000	External funding (agreed amount)
Preliminary work	15,000	LXRA - PS items if required	100,000	External funding (agreed amount if required based on inspection)
Initial earthworks	40,000	Council - PS items if required		PKS046 Sportsgrounds - Maintenance & Renewal
Surrounds	20,000	Council - additional works	150,000	X9940 Sportsgrounds - Ferrie Oval Redevelopment
Final surface works (inc turf)	60,000			
Maintenance period	45,000			
Clean up	2,000			
	182,000			
PS Items				
Irrigation works	55,000			
Replacement synthetic cricket pitch	25,000			
Replacement AFL goals and other infrastructure	20,000			
	100,000			
Additional works				
Drainage upgrade	65,000			
Enhanced root zone layer - to enhance ground quality	85,000			
	150,000			
TOTAL - OVAL REDEVELOPMENT	432,000	TOTAL - OVAL REDEVELOPMENT	432,000	
ADDITIONAL OPEN SPACE UPGRADES		ADDITIONAL OPEN SPACE UPGRADES		
New shared path @ approx 350 l/m	225,000	Council - Shared path upgrade	225,000	X8727 Environment - Waterways & Biodiversity Projects / Cycling budgets
New seats and other park furniture	10,000	Council - New park furniture	10,000	X8445 Parks - Furniture maintenance & renewal
Additional landscaping and tree planting	10,000	Council - Additional landscaping and tree planting	10,000	X9912 Urban Forest Strategy Implementation - Parks & Open space
New sportsground perimeter fencing @ approx 225 l/m	25,000	Council - New perimeter fence	25,000	PKS046 Sportsgrounds - Maintenance & Renewal
Other project costs	23,000	LXRA - site rental	23,000	External funding (LXRA agreed to \$23k, Council seeking \$90,099)
TOTAL - ADDITIONAL OPEN SPACE UPGRADES	293,000	TOTAL - ADDITIONAL OPEN SPACE UPGRADES	293,000	

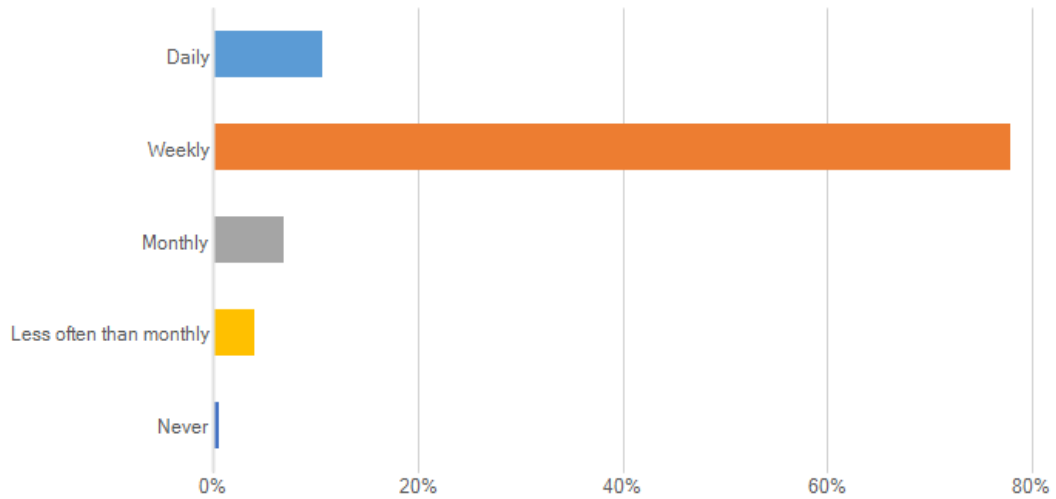
Ferrie Oval

Approximately how far do you live from Ferrie Oval?



Answer choice	Responses	Percent
Less than 1km	77	19.0%
1km-3km	252	62.2%
Further than 3km	76	18.8%
Total	405	100%

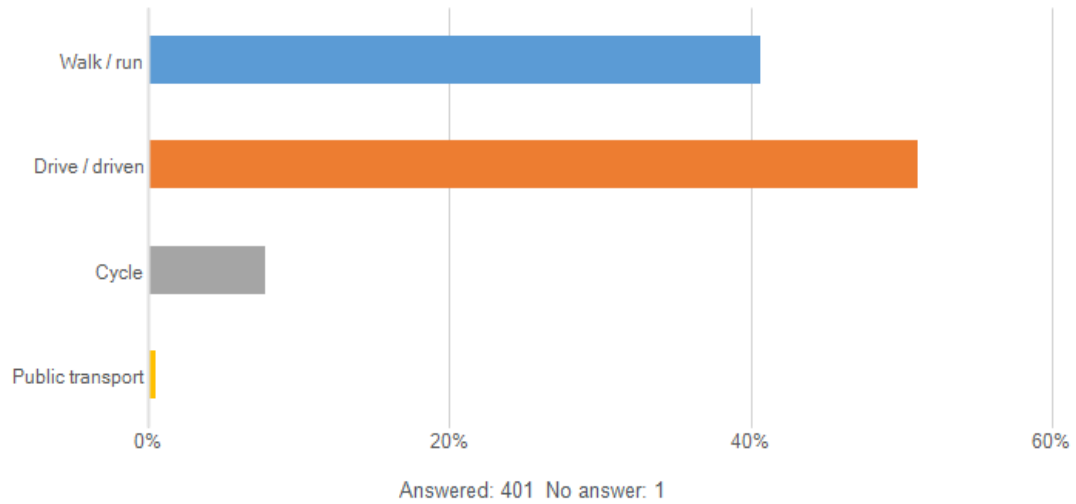
Before it was unavailable due to the level crossing works, approximately how often did you visit Ferrie Oval?



Answered: 404 No answer: 3

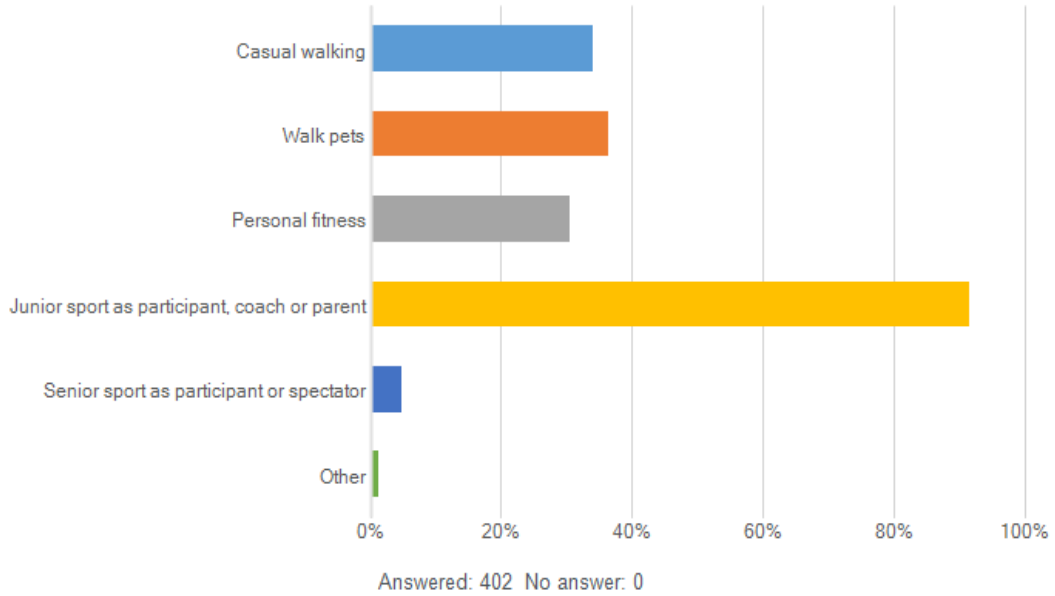
Answer choice	Responses	Percent
Daily	43	10.6%
Weekly	315	78.0%
Monthly	28	6.9%
Less often than monthly	16	4.0%
Never	2	0.5%
Total	404	100%

How do you usually get to Ferrie Oval?



Answer choice	Responses	Percent
Walk / run	163	40.6%
Drive / driven	205	51.1%
Cycle	31	7.7%
Public transport	2	0.5%
Total	401	100%

For what reasons do you usually visit Ferrie Oval and the surrounding park area? Select all that apply



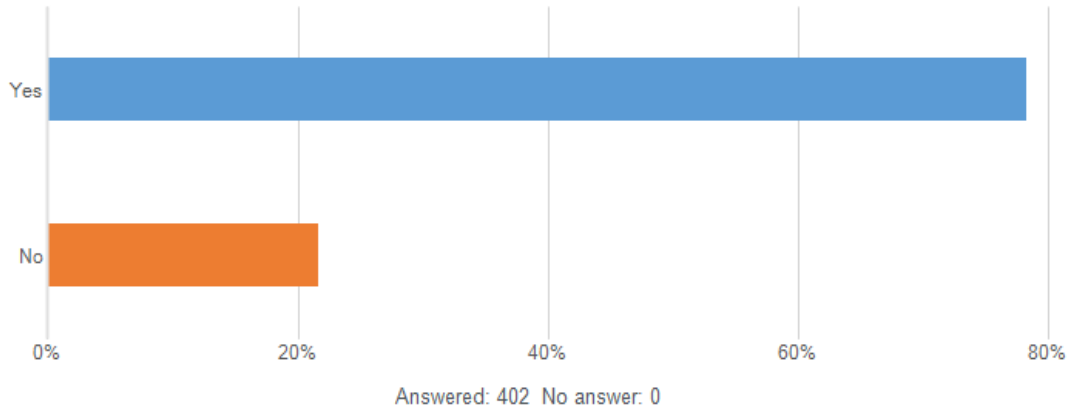
(respondent could choose more than one response)

Answer choice	Responses	Percent
Casual walking	137	34.1%
Walk pets	146	36.3%
Personal fitness	123	30.6%
Junior sport as participant, coach or parent	368	91.5%
Senior sport as participant or spectator	19	4.7%
Other	5	1.2%
Total Respondents	402	

Other:

Responses
commuting through the area
Kite flying
Sibling plays footy there
Football League Administrator

While Ferrie Oval was unavailable, did you visit an alternative oval or park?



Answer choice	Responses	Percent
Yes	315	78.4%
No	87	21.6%
Total	402	100%

Yes:

Responses
Righetti
Gardiner Park
Righetti Oval; Anderson Park
Righetti Oval
Righetti, TH King
Anderson Park
H A Smith
Righetti
Gardiner Oval
Righetti
Victoria Road
Righetti
Rigetti Oval
Righetti oval
Gardiner Park
Righetti

Righetti
Orrong park
Gardiner
Anderson park
Righetti oval
Righetti
Righetti Oval
HA Smith Reserve and Anderson park
Righetti
Central park
Near Glen Iris High St freeway entrance (forgot the name)
HA Smith
Righetti
HA Smith and Fairview park
Righetti Oval
Righetti, Central Park, Malvern Reserve, TH King
Righetti
Righetti
Righetti Oval
Righetti
HA Smith Reserve
Kooyong
Righetti
Righetti
Parkin St oval
Gardiner
Prahran
Righetti
Righetti oval
Gardiner
Anderson
Gardiner
gardiner
Glenferrie Oval
Righetti
Anderson Park
rigetti
Anderson Park
Righetti
Righetti and Anderson Parks

Righetti
Menzies Reserve and Fairview Park
The velodrome
HA Smith and Righetti
Central Park
Gardiner park
Gardner creek for sport and Fairview for walking
Malvern cricket ground
Righetti, TH King
Righetti oval
Righetti
Gardiner Park
Anderson Park
Righetti, Anderson Park
Righetti oval
TH King
Righetti
Righetti and Central and Gardiner
Menzies
Righetti and surrounds
Righetti, Wadsworth
Righetti oval
Righetti
Righetti
Anniversary outer circle trail
Righetti oval, zelman oval, Menzies
Rigetti,
Righetti, TH King
Rigetti, fritz holzer and Fairview
righetti, Anderson
Rhegettie oval
Fritsche Holzer; Fairview; Kooyong
Robert Menzies, Righetti, Fairview
Righetti
Righetti
Several nearby
Righetti
Righetti
Righetti oval
Righetti oval

Central park
Righetti and Central Park Malvern East
Righetti oval, Caulfield park
Righetti oval and HA Smith reserve
Menzies Reserve
Menzies
Righetti
Sir Robert Menzies
Anderson park
righetti
Gardiner
Regetti
Righetti oval
Righetti
Righetti, St James, Kew
Menzies Reserve
Righetti
Righetti and Anderson park
Righetti
Righetti Oval
Rigetthi Oval
Anderson Park. Sir Robert Menzies
Anderson
bURKE rOAD
Toorak park
Righetti, Fairview, th king
Anderson
Fairview Park, Grace Park
Oval next to it
Fritz holtzer, Anderson Park, Fairview, Bartlett Reserve
Rigetti
Fairview Park
Righetti
Regetti
opposite oval to Ferrie and other ovals all the way up to Glenferrie Road
Righetti and Gardiner
Righetti
Righetti Oval
Central Park, Righetti oval, Menzies Reserve
Righetti

Fairview, Central
Malvern Cricket Oval, Central Park
Anderson Park. Fritz holzer Park
Righetti oval
Righetti and also Gardiner Reserve
Righetti
Anderson Park, Fritz Holtzer Park
Menzies
Anderson park
various - only for dog walking
Rigetti
Righetti
H A Smith Reserve
The other ovals in the vicinity
Righetti Oval
Central Park
Central Park
Rigetti
Central park
Ferndale
Rhigetti Oval
righetti oval
H A Smith
Righetti
Gardener Park
HA Smith
righetti oval
Central Park
Righetti Fairview St James
Central park
Righetti, Central Park
HA Smith Reserve
Rigetti
Central Park, TH King Oval
Central Park
Glenferrie Oval, Orrong Park
Righetti
Regetti
Righetti
Rhigetti Oval

Righetti Oval & TH King
Righetti, TH King
Lynden Park
Righetti Oval
TH King, oval opposite Gardiner st
Anderson Park
Righetti
Gardiner Park
Orrong Park
Anderson park
Anderson Park, Kevin Bartlett Reserve,
Rigetti
Fritz
Anderson
TH king
Malvern Central Park
Caulfield
Victoria Park, Kew
multiple
TH king
Righetti oval and Gardiner res
Anderson Park; Camberwell Oval
Fairview
Gardiner park
Sir Robert Menzies
Gardiner Oval
Righetti
Windy hill
anderson park
Righetti
Various
Anderson Park
Righetti, Anderson Park, Gardiner Park
Central Park, Caulfield Park, Glenferrie Road Park Oval
Fritz Holzer
Rigetti Oval
Righetti Oval
Balwyn Football Club Oval, Whitehorse Rd.
Righetti
Ferndale Park

TH King
Righetti, HA Smith
Righetti
HA Smith
Gardiner Oval
TH King. Nettleton Reserve. Central Park.
Gardiner Reserve
Caulfield Park
Gardiner
Righetti, Fritz Holtzer
T h king
Regetti Gardner park
righetti oval
Righetti Oval
Menzies
H A Smith
local ones
Gardner Park
Righetti oval
TH King
Righetti or Menzies
Glenferrie Rd
surrounding ovals
HA SMITH
Righetti Oval
Gardiner
Anderson Park
TH King, Righetti Oval
Behind town hall
Righetti
Andersen Park
Rigetti
Righetti
Righetti Oval, Anderson Park
HA Smith Reserve
righetti, menzies, th king
Righetti Oval, Gardiner Park
Gairdner park
Anderson Park
Anderson park

Righetti
Righetti Oval
Orrong
Anderson Park
Righetti
Gardiner oval
Righetti
Visited gardeners creek more. Th king,Central Park
Robert Menzies
Righetti, HA Smith
Morang Road Reserve
Fairview Park
Gardiner oval, central park, righetti, menzies
Righetti oval
Righetti oval. Fairview
righetti
Righetti
Various Anderson Fairview
Anderson Park
Rigetti etc plus HA Smith
righetti
gardiner
T H King, Eric Raven
Anderson Park
Gardiner Park
The other sports grounds in Kooyong Park
Reghetti
Righetti and McApine,Wadsworth, Birrell
Righetti and McApine,Wadsworth, Birrell
Menzies reserve
Righetti Oval

Do you have any comments about the overall concept design for the redevelopment of Ferrie

Responses (Valid n = 258)
Great to have lights on Ferrie is possible
looks good
A fantastic design that will enhance the stonnington areas ovals and parks
A must do
Addition of floodlights for winter night use. The rest was excellent.
Additional lighting to Ferrie oval would be extremely beneficial to exercise & sport.
Additional lighting would allow for so much extra use of the oval and provide mire opportunities for our children to participate in sporting activities which is so beneficial both health wise and and for local social interaction
All looks good. Happy to see floodlights in the plan.
An essential oval for community sport. Lighting the oval allows for greater flexibility of user groups on the oval and safe levels of training and competition. It also significantly increases and improves the security on the site as well and establishes another asset the community can be proud of.
Appears to be for for purpose.
Can we please install the floodlights in the park, so people can still use the park after it is dark? Thanks
completed 10 minutes ago
Concept is good but we definitely need floodlights installed on Ferrie oval so evening sports can continue and so there is enough space for everyone to exercise
Design concept fine, oval needs lighting for after dark training.
Disagree with extra path for cyclists. Disagree with lights which disrupts the neighbours as this area was originally only for casual sport and not blown out to the size it is now
Excellent improvements. I use Ferrie Oval for many different activities from dog walking to Junior Girls AFL, for running, walking, and sometimes just to 'get outside'.
Excellent including two lighting option at 138 lux!
Excellent, the floodlights are greatly needed for our football kids during winter.
Extra lighting is particularly important to the kids playing football in winter and when I walk my dog there
Fantastic to return the precinct to a family friendly multi purpose sporting area.
Ferrie Oval floodlight installation is important for both my boys to be able to train for footy which they love. With the limited amount of green space in Stonnington vs many other local councils, we need to light this oval to increase the usage and the amount of kids to have the opportunity to use this facility.
Ferrie Oval has always provided a natural amphitheatre due to its park like surrounds, established mature trees and should be maintained in this way for future generations.
Ferrie Oval has been a valuable resource for both Glen Iris JFC and the Yarra Junior Football League. The redevelopment will assist both the Club and the League cater for continued growth, particularly in the area of female football. Congratulations on the concept design.
Ferrie Oval is a closer and more preferred park for us as a family for too many reasons to list.
Ferrie Oval would be one of the few ovals that does NOT have lighting. It would be great to have lighting so we can use the oval for football training for the Gladiators with their 500 girls and boys who play football.
Fine
Flood lighting at night would make training at night more accessible and enjoyable
Flood lighting will allow our junior footy teams to train and play during winter past 5pm, and also add a greater level of security and safety in the area.
Flood lights are essential for the continuation of clubs using the oval
Flood lights are vitally important for the junior football in the area

Flood Lights to help junior sport
Flood lights would be great - it gets dark during the winter months very early and this would allow additional training
Floodlighting improves training opportunities for football as it extends the period for training beyond 5pm in the evenings and will be very useful if installed
Floodlights installation for junior football, safety, etc.
Floodlights really important for prolonging junior sports training and match opportunities
Floodlights will provide a much safer environment for evening sports activities and greater use of the amenities. Includes promotion of junior community support and the floodlights will provide compensation for the considerable disruption the occupation of Ferrie Oval caused to the GIJFC.
Floodlights would be amazing to extend use of oval
For any sport to be played on the oval, floodlights are essential. During winter, it gets dark and impossible to play with no lights. The local footy club would greatly benefit from this upgrade.
Full support of project
Fully support it including the plan for floodlights
Fully supportive of the development
Get it done
Get it done
Good consideration of users and local residents
Great
Great design, lights would be fantastic
Great little oval for kids to practice footy but flood lights are essential as the oval is too dark after 5pm.
I am supportive of extra trees, seating and lighting being installed
I am very supportive of lights on Ferrie Oval to allow for later training for junior sports teams, and safety for walkers after business hours especially in the winter months
I cant see a single (sensible)reason for the second road/footpath I am, however, in favour of the floodlights - as I am in favour of all facilities being used Why not use some (a small amount) of the money that would be saved by ignoring the second road and properly enhancing the area - with basketball hoops and cricket nets?
I feel the concept design is well designed to consider the aesthetics and privacy for the adjacent residents.
I feel the erecting of floodlights on Ferrie Oval is a very good idea and essential to allow an increased number of kids to safely access the oval in the winter months for football training.
I fully support the proposal. Open space is scarce and we need to ensure that it can be utilised as much as possible. Having regard to the popularity of junior football and the rise in female participation numbers it is vital to provide greater ground availability and the lighting project would support a number of junior boys and girls teams
I like what is being proposed
I love the concept design. I think it is important to keep the natural setting that the trees and close plantings provide. The proposed cycle path on the East side is a great addition to the precinct, and will certainly help avoid the many close misses (or accidents) that happen at present as bicycles are forced past the Muir Pavillion front door. Ferrie Oval is one of the very few ovals in the area that is the right size for junior (U8 to U10) football. All the kids love playing there. I commend the lighting design, particularly with the two towers backing onto nearby houses so that the lights do not affect the residents.
I love the position of the lighting and how it does not point towards the housing. Drainage was a problem during winter and the ground was very soft and dangerous.
i support flood lights for junior football
I support lights being installed at Ferrie oval to maximise the opportunity for use, especially by junior footballers
I support the concept and think it is essential that we allow Ferrie Oval to be used for longer by adding flood lighting. Its a no brainer given Stonnington has such a small amount of open public spaces, we need to maximise the use of what we have. We need to make sporting facilities available to everyone as much as possible.
I support the concept design for the new Ferrie Oval.
I support the concept plan
I support the current concept

I support the design and I like the proposal to include flood lights.
I support the installation of lighting so the oval can be used by kids to train in the evenings
I support the proposal to have good bike and walking paths around the oval
I think having improved lighting would be a wonderful addition to the oval and improve its amenity for the community
I think it will be a huge improvement and lights would be great
I think it would be really good if we could have light on the oval
I think it's a brilliant proposal
I think it's important to include lighting to extend usefulness of the oval particularly in winter
I think that it needs Flood lights for sport especially in the winter months
I think the lighting layout caters for all sporting uses of the oval, while being considerate to neighbors of the oval.
I think the redevelopment of Ferrie Oval is essential, especially the installation of Sports Lighting. I have 4 children, who have all enjoyed sports training at Ferrie Oval. With the explosion in female participation in junior AFL, the lights are desperately needed at Ferrie Oval so that all teams have an opportunity to train. I also walk my dog in the area, and would appreciate an oval that is lit - I would feel much safer walking there than other areas that are dark.
i THINK THE REDEVELOPMENT WILL BE SENSATIONAL FOR ALL THE YOUNG FAMILIES INVOLVED IN SPORT. IT WILL ALSO BE FANTASTIC FOR WALKERS, RUNNERS AND DOG LOVERS.
I would like lights at Ferris oval for sporting use over the winter months
I would welcome the opportunity to use the entire park for my family and exercise which I use twice daily. I have used this twice daily for the last 6 yes. To bring it back to its original use would be brilliant. I have had 3 children all play with the Glen Iris Gladiators and to have that turfed and also lights installed would be incredibly useful so the club could have all the kids train rather than training at TH King or the other oval in Glen Iris.
Iâ€™d love to see lights added to Ferrie Oval so extra time for walking and kids training in the winter months can happen
Iâ€™m 100% happy that our parks are being upgraded and created in Stonnington.
If more car parking could be squeezed in that would be beneficial as parking is very difficult at the oval during football training and games
Improved lighting for night time play would be of great benefit to junior footy
In favour or the proposed design
Inclusion of lights great
Install as many services as possible to make it really usable please - day and night
Installation of effective lighting will significantly increase usage by junior sports groups and improve traffic flow and staggered usage
Installing lights would be great for gladiators training on the winter months.
Is sound, lighting is necessary to ensure proper winter usage.
It all looks great, and I think the addition of flood lighting for sport training and games would be fantastic. Itâ€™s definitely needed i the area and wld be greatly appreciated by all.
It is a good design that works well. Floodlighting would allow for extended use for both casual and sporting users
It looks awesome, I would love to be able to train and play footy under lights on Ferrie Oval
It looks great
It looks great - I think nighttime lighting would improve safety for dog walkers/ runners & benefit local sporting clubs
It looks great and a very worthwhile exercise
It looks great and I think will be a huge benefit to the local community . New lighting on Ferrie will mean the oval will see much greater use all year round and not just the warmer months , particularly for sports training such as football and running .
It looks great and it will be great to have it back for community use
It looks great and it would be very beneficial for the floodlights to be installed
It looks great, especially the addition of floodlights so this special oval can be used by the younger footballers. I say special, as Ferrie oval is a smaller afl oval that is especially useful for the younger footballers. I have three children, two girls who have played at Ferrie and both the groups that they played with, suffered from a lack of time available to train on the GIJFC ovals. When I grew up we trained two nights a week, for two or more hours. Now, the kids have only one session of one hour.

It looks great, perfect for the local community and the local kids and sporting clubs
It looks great. Lights are essential
It looks really good especially with the lights
it looks very good.
It needs to have lighting for sports training
It sounds like a great plan to add more lighting, for all users. The hours up until 8pm seem sensible to me. I hope it goes ahead. Thanks
It will be an important and fabulous addition to the area
It would be a welcome improvement to the area and make improve the usability and safety
It would be good to make it full size as the size of it pre works limited it's use for sporting activity. Also lighting would enable more use at night for footy training and take the pressure of the heavy emphasis on Righetti oval
It would be great if the pedestrian only path on the western side of Ferrie oval could have lighting. It's usually a bit dark and scary but with the temporary work site lighting it has been so much safer. The increase in seating is useful. Please put in more rubbish bins and another dog poo bag station. It would also be nice to have a drinking fountain and dog drinking water station towards the Toorak Road end of the oval. Please keep as much of the trees/plants as you can. Thank you for looking after and improving our park.
It would be great to ensure the accessibility of the pathways linking the ovals and from pathways onto the ovals. I am in a wheelchair and a regular user of all the ovals to walk my pets and get exercise with my hand bike. It would be great to have pathways that linked the ovals that did not require use of the car parks and roads in between.
Keen to see floodlights included as part of the final project so that the GJFC can use this to supplement night training at Righetti Oval, which is currently overcrowded, especially during the winter months.
Lighting for night sport would be great
Lighting in winter is vital for ground usage for junior sport - very supportive
Lighting is a great idea - will material increase usage. Also any chance to relocate the cricket net next to Righetti which is not used currently?
Lighting is a huge bonus enabling the evening use of the oval during winter months.
Lighting is essential to support the gladiators which is a phenomenal community sporting club
Lighting is great idea. Would increase opportunity to use ferrie for our junior footy training and for pet exercising
Lighting looks great!
Lighting on this oval will really makes it much more usable and safe in the winter Months
Lighting would be fantastic for the gladiator football club
Lighting would be great
Lighting would be very useful
Lights are a great addition
Lights for evening sport are essential
Lights for junior sport training would make the ground possible to use on Winter Evenings.
Lights will be great
Lights will make it safer and more encouraging to use late in the afternoon and at night. Safety and security are becoming big issues and will continue to be into the future and the ability to light up the park would be fantastic to encourage more use.
Lights would allow better utilisation of the oval for organised and casual recreation without negatively impacting on the adjoining residents' amenity.
Lights would be a great benefit to the local kids who use it for sports training in winter when it gets dark so early.
Lights would be amazing to help reduce congestion on Righetti
lights would be fantastic and enable all athletes young and old to use the facilities at night when they would otherwise not be able to.
Lights would be good
Lights would be great
Lights would be great for evening training for the kids

Lights would be really helpful
Lights would seriously improve the oval
Lithographic be terrific as it is dangerously dark in the area after 5pm in winter. Pathways become dangerous without sufficient lighting. The lights would allow additional training sessions for football.
Long overdue. With the additional burden on football grounds as a result of increased numbers of girls playing football, it is essential that Ferrie Oval be utilised to its full capacity. I wholeheartedly support the concept design, in particular the proposed lighting.
Looks amazing and well overdue. Very supportive of this.
Looks amazing, the lights will be fabulous for kids sport
Looks fantastic
Looks fantastic
Looks fantastic - especially the lights for evening training
looks good
Looks good
looks good
Looks good Lights are essential Proper irrigation and drainage also super important to solve previous issues w very poor drainage that meant at times parts of the area were unusable
Looks good, lights for footy will be critical
Looks good. Definitely require lights to be installed for junior sport training and safety3
Looks good. Ground lighting is essential for junior football training.
Looks good. Nice landscaping. What do lights look like?
Looks good. Oval lighting for kids training, new trees, surround oval seating and landscaping are most important
Looks great
Looks great
Looks great Very happy the lightning is low and facing the freeway
Looks great! Would love it to be lit so it could be used in the evenings too
Looks great, lights are a good idea for safety and sports use
looks great, please make it happen.
Looks great.
Looks great.
Looks great. Lights a fantastic addition to maximise use of a great piece of land
Looks great. Shared path on the Eastern Freeway side would be beneficial as it allows the bike path users to not go through a busy car park at Rigetti
Looks great. . looking forward to being able to use the oval after dark for training for the kids.
looks ok to me
Looks quite nice. I would expect that the oval is available to off-lead dog walking when sport is not on.
Looks reasonable
Looks well thought through and floodlights a must to maximise the potential of community use and demand for such. Particularly junior football for girls and boys.
Love it!
Love the idea of lights, these have been fantastic at Gardiner Reserve since that venue was upgraded.
Love to see the lights Gives greater opportunities for use
Must have lights on the oval. Maximise its use and let kids train after 5pm
My concerns as a local resident are around floodlighting, traffic congestion, parking and noise.

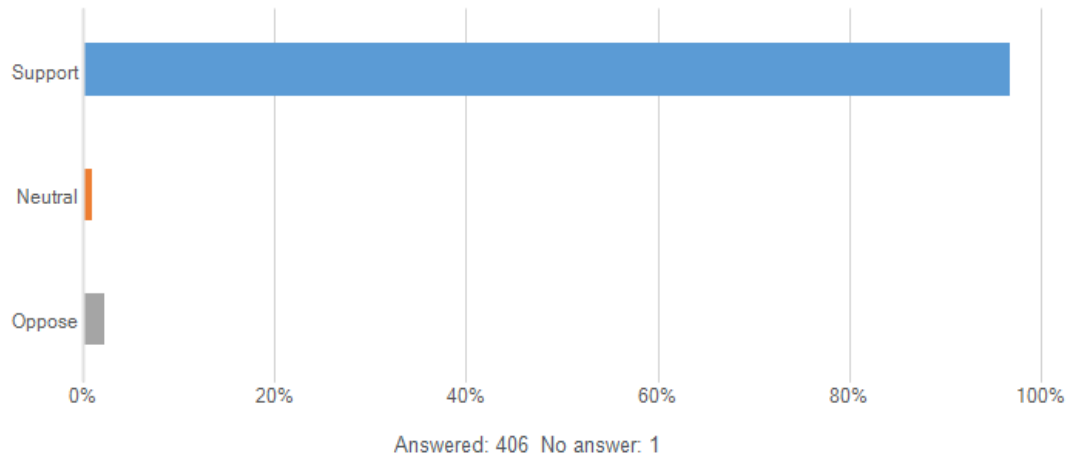
My son plays football at Gladiators and I support the plan, especially additional seating and floodlights so that the oval can be used for sport in the evening, which would increase the safety and usage of the area by more people, (dog walkers, joggers etc, parents) as well as the kids playing sport.
Need floodlights so the park can be used after 5:30 as it get very dark
Need lightening to cater for the numbers for footy training... safety
Needs floodlights
Needs lights
No
NO
no
No
No
No
No
no
No - this will represent a huge benefit for the Community
No, I like the concept design
None, except get moving! This is for our kids and community.
not enough public car parking for the increasing usage of the ovals
Our daughter plays football for the Gladiators and we are very supportive of the lighting initiatives to assist with training over winter and safety. We are local residents and use the parks extensively. We support the floodlighting project
Parking has always been an issue
Parkland and sporting facilities are vitally important to the community. As our population grows and the growth seen in girls sports, particularly football the installation of lighting for evening training as well as added security for those walking pets in the evening is a must.
Pedestrian only paths in front of pavilion and new bike path positive improvements. Pedestrian crossing between pavilion and Ferrie oval safer if parking prohibited in immediate vicinity of crossing point. Support night lighting to increase oval use.
Plans look good . Requirement for improved lighting
Please include floodlights
Please include sufficient flood lighting for Ferrie Oval to ensure this oval can be used for Football training and games
Please install flood lights so we can use for Junior footy training during Winter months
Please install lights on the oval
Please install lights to allow maximum usage. The kids love those ovals. We need community footy more than ever !!!
Please put in floodlights for footy training during the winter months
Please restore the playing surface and landscaping. Lights would be amazing for sports training. Thank you
Put lights on ferris oval for evening sport training and to make the area feel safer in the evening
Put the lighting in now to extend the hours use and safety of the park. Why dig it up again in future
Rather than relocate the storage containers these need to be removed from the park altogether. If it is necessary to install any fencing at all, can it be aligned to run parallel with the shared path and the car park rather than following the boundary line of the sports ground. Set it back near the hard infrastructure so that it minimises any intrusion into the open space and allows space for spectators to stand between the fence and the ground without getting in the way of shared path users. I am concerned about the width of the sportsground. The introduction of a second path on the freeway side of the oval further constrains the space. At 60m, the width of the ground makes it suitable only for very young age groups. For cricket a 30m boundary is suitable for age groups no older than under-10s. If that is the case, there is no need to install a new cricket pitch. Instead, u10 cricket matches could be played on a roll out pitch like the ones Malvern Cricket Club use at TH King. Without a permanent cricket pitch the ground would be safer when football is played on it during the winter months. The turf would need to be couch rather than kikuyu as it was so that it is firm enough for the roll out pitch to be effective. New floodlights have just been installed on Righetti Oval but these have had very little use to date. Surely this provides additional capacity for football training that the club wasn't able to schedule previously? Do they need more lights already? There

are floodlights already on the two soccer grounds as well. Is there a need for floodlighting on another ground in the precinct? Could those three grounds that have lights already be used for casual recreation without the need for installing more floodlights?
Really like the concept design and would be very beneficial for my child's footy training
Really looking forward to getting back on Ferrie Oval with my boys. Would be even better if: 1) There was good lighting to allow night/evening matches for football & cricket 2) There was more car parking
require lighting
Seems well thought out with lights directed away from residents towards freeway and on a timer. Should increase community usage and safety of the area for recreation, year round.
separated bike lane is the best outcome from the whole Level crossing removal. The mixing of walkers ,children, dogs, and the lance Armstrong wantabees is extremely dangerous. The removal of the crickets nets was disappointing but can see now the removal was not for lack of use (they did produce Austrlian reps) but to make way for the new bike lanes. I could not see any TENNIS COURTS in the concept Plan. Surely a hitting wall (double sided) could be provided. THERE IS A COMPLETE LACK OF PUBLIC TENNIS COURTS IN THE AREA. not every one can afford to be members of KLTC. THERE IS A TOTAL LACK OF CAR PARKING FOR THE EXPECTED INCREASE IN USE.
Shared path realignment is good and removes current conflicts with sports oval and car parking. The path between Glenferrie Road and the new site could be repaved as current surface is poor quality compared to newer sections.
Sooport development and lights. Very important given the increase in girls football as the glen Iris Gladiators need trading grounds for extra teams
Sounds great, the lighting would mean that training would be much easier for the junior sport, given that it is winter and dark when they mostly play. It is much better for them to train on grass and at the club rather than have to drive to an alternate facility to train.
Support floodlighting
Support it
Support lighting to Ferrie Oval
Supportive of lights
The availability of lights will provide good amenity for junior footballers and the broader public
The concept looks good. The area between the pavilion and Righetti needs to be sealed / resurfaced as it gets very wet and muddy.
The design is good.
The design looks good in that the light is aimed away from the houses.
The Ferrie Oval is becoming more and more popular as football use increases and the diversity increases with the number females now playing and as such the demand on the oval is increasing to meet diversity needs. Thus I believe it is necessary to add adequate lighting to allow all children to have the opportunity to use the facility as it can no longer cope with daylight only hours. I would make the comment that if there is a concern about residents having light directed to their homes, I would make the point that all of the children playing football finish before 8pm and thus will not impact on sleep for residents. Secondly if it is still seen as an issue then I would suggest placing more lights on the southern and western side with a majority of the light beams facing away from homes.
The Ferrie Oval plans look FANTASTIC! Thank you for putting in lights and making it safe for kids to play on. To be able to use it with lights safely and outside daylight hours for my 3 boys will be incredible. Seating for Footy games will be well utilised. To have a ground for the kids that is safe to play on all be great.. and with real grass! Well done on listening to residents and park users. I can't tell you how excited I will be to have such a great facility within walking distance. Well done.
The floodlights are imperative to the continuation of community sport for the youth in the area
The floodlights would assist in using Ferrie Oval, as I use a route via Ferrie for walking and as a woman feel more comfortable in a lit environment. My son's local footy team also trains at the oval, but in the winter months needs to finish by 5pm due to light levels. This is difficult to facilitate with my work commitments, so if trainings could be held later, it would be easier for us as a family to facilitate his participation in local sport.
The increased seating and proposed floodlighting will be a fantastic result for the community
The installation of light towers would be very beneficial for football training.
The lights will support the local sports clubs and release pressure on the other grounds in the area. The lights will see my use and community involvement under lights.
The lights are a great concept for junior sport and also for personal safety.
The lights are vital for junior sport. Post COVID, being able to cater for more kids will be vital to get them back to fitness and assist their mental health.
The lights would be good
The more flood lights the better. It makes it better and easier for the 100s of children to train

The most important aspect of the design for me is the lights on ferrie oval. I have young children who train there with the glen iris gladiators and lights would be fantastic. As a female too, I would feel much safer exercising there at night if there were lights.
The overall plan looks good; the freeway side of the ground appears close to the proposed bike track but it is similar to the creek side of THKing Oval (where bike track and football boundary line are close) which seems to work well. Does Ferrie Oval need bike track on both sides of the ground?
The plans look amazing. Having the oval lite will be an extremely positive measure for junior sport through the winter months especially with the lingering impacts on separation from the COVID-19 pandemic and reduced training numbers per group. The extra oval time will be invaluable.
The potential additional car parking area should definitely be used for car parking, as it is already limited.
The proposal looks like a great improvement and enhancement to local junior sporting facilities. Lighting particularly will be a most welcome addition.
The redevelopment plans look very good. Lights for training purposes are essential and overdue. They would also greatly benefit general/casual users.
There is absolutely no need for the additional 3m wide bike path on the Monash freeway side of the oval. Why go to the expense when there is a perfectly good, well sealed path that leads to the same destination? Why not save this money and spend elsewhere. Like on the new playground that was due to come to Ferrie oval under the LXRA plans?? Or how about some better noise attenuation of the freeway for park users including blind cricketers? Low spill lighting facing away from residents homes is a misnomer. The new lights on Righetti oval were meant to be this but they shine directly into my sons bedroom even well after park users have finished playing.
There should not be a second road/bike track on the freeway side.
They look great - hurry up!
Think it looks awesome and a great idea!
Think it's a great idea for the local community and I like how it is sensitively planned with the local homeowners in mind
This is a great facility which will be improved enormously by improved turf / drainage and lighting. Lights will enable significantly more children to learn and play AFL
This is a truly community space. One of the best parts of Stonnington is this area and the use it gets from the community.
trongly support lights as it makes the oval useable for longer periods during winter.
Two light towers on Ferris oval would be a fantastic contribution to the park for Junior sport training and community use of the space. We are really looking forward to the park being reinstated.
Very good
Very important training requirements of the Gladiators and other Junior Football teams and guests are able to train safely and effectively with 4 floodlights for the Ferrie Oval in the winter months
Very practical
Very supportive, great venue to facilitate junior sport.
We are hoping the Council will install lights so ferrie oval can be used more regularly and safely. Also, the parking situation is extremely congested on Friday nights and Sundays. It was disappointing that no additional parking has been introduced to get children in and out of the area safely
We lease install the lights. Critical for stronger community use and safety.
We need floodlights
We need lights on the oval for kids footy in the winter and possibly form other sports.
We strongly support the Install of lighting for sporting and general safety of those wanting to use the park in the winter
We would be delighted if they were to install lights at the Ferrie Oval. It would mean my children's teams could train longer. Thank you.
While the decision to elevate the rail line instead of the consistent approach (ref Bourke Rd) of putting it under the road was a very disappointing one, as it has created a real eyesore for the area, I had hoped that an elevated footpath/bikepath would have been constructed to go over Toorak Road. I have crossed at the new pedestrian lights crossing a couple of times and once was nearly run over by a car zooming down the Toorak Rd heading East, it failed to stop at the red light as the driver was not looking at the pedestrian crossing traffic lights but was looking at the following set of traffic lights to access the Monash Freeway.
Will be amazing!
Would like lighting so can use after 5pm in winter and also prefer access from Toorak road.
yes i like the lights option for night training

Yes, but Councillors and our Council Officers have never listened in the past so why would they listen now. At best they all pay lip service and then endeavour to justify their positions, they have no true vision for the parkland whose major users are the walkers not the sporting clubs. Kooyong Park is disgrace. And those new 4 gigantic light poles on Righetti, they are not required for a big ball sport, and do not quote me the Australian Standards,

How do you feel about the installation of low spill floodlighting at Ferrie Oval?



Answer choice	Responses	Percent
Support	393	96.8%
Neutral	4	1.0%
Oppose	9	2.2%
Total	406	100%

If we did install floodlighting for use during the winter months, what would you consider a reasonable time to operate these until for casual and sporting use?

Responses (Valid n = 383)
from 5pm till 8.30
until 8 pm
Until 8.30pm
10.00pm
10.pm As this also makes the walking cycle paths safer to use as there is light and people in the area. Which could be resultant in more people use for commuting
10:00pm
10pm
10pm
10pm
10pm
10pm
10pm
10pm
10pm
10pm
10pm
10pm
10pm would be a reasonable time to turn the lights off.
11.00pm
11pm No issue. All positive
2 or 3 nights a week from say 7pm
20:00 hours
21.00hrs
3 hours ie 5-8pm
4.30 - 9pm
4:30-8:30pm
4:30-9 pm
4-9pm
4pm-9pm
5 - 8
5 - 8:30pm
5 pm TIL 9 pm
5 till 7
5 till 9
5 to 10pm
5.00pm to 9.00pm
5.30 to 9.00 pm

5:00-8:30
5:00pm - 8:00pm
5:30-8:30
5-10 pm
5-10pm
5-10pm
5-7 Friday nights
5-8
5-8
5-8 pm
5-8.30
5-8pm
5-8pm
5-8pm
5-8pm
5-8pm
5-8pm
5-8pm
5-9
5-9.30 pm
5-9pm
5-9pm
5-9PM
5-9pm
5-9pm . Lynden Park lightening provides safety for people walking their animals and also playing sport - when you have young kids it helps as well . Bring on the lights!!!
5-9pm which equates to less than typical domestic tennis courts
5pm (or dusk) until 8:30pm
5pm to 7pm
5pm to 8pm
5pm to 8pm
5pm to 9pm
5pm to 9pm
5pm to 9pm
5pm to 9pm
5pm until 9pm
5pm Council have stated this oval is small, only large enough for little kids so an early finish to their sport is required to enable them to get home, clean up, eat family time before bed.
5pm-10pm
5pm-8pm
5pm-8pm
5pm-9
5pm-9:30pm

6.30am 9.00pm
6-8
6pm - 7pm
6pm to 8pm
7.30
7.30 / 8.00
7.30- 8.00. Same as Prahran - toorak oval. There is a full development around that oval and everyone works harmoniously!!!
7.30pm
7.30pm
7.30pm
7.30pm lights out
7:00 pm
7:30
7:30pm
7:30pm would provide adequate time for training etc.
730-8pm
730pm
730pm in winter. Would allow kids to train from 430pm (when the light falls) to a reasonable time at night.
7-7.30
7-7.30 a few nights a week.
7am to 8pm each night
7pm
7pm maximum.
8 or 9pm
8.00 pm
8.00 pm at the latest
8.00pm
8.00pm
8.00pm or 9.00pm
8.30-9pm, as it allows for later exercise sessions but isn't too late to disturb local residents
8.30om
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8.30pm
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8pm
8pm
8pm - 8.30pm
8pm finish training lights out by 8.15pm
8pm or 9pm
8pm Winter months and 9.30pm summer months.
8pm, as a resident already exposed to floodlighting I have no concerns about it. 8pm should reassure those who are concerned but have not experienced the reality of it which is really not that bad.
8pm, no later
9
9 pm
9 pm
9 pm
9.00pm
9.00pm
9.00pm
9.00pm
9.30/10pm
9.30pm
9.30pm

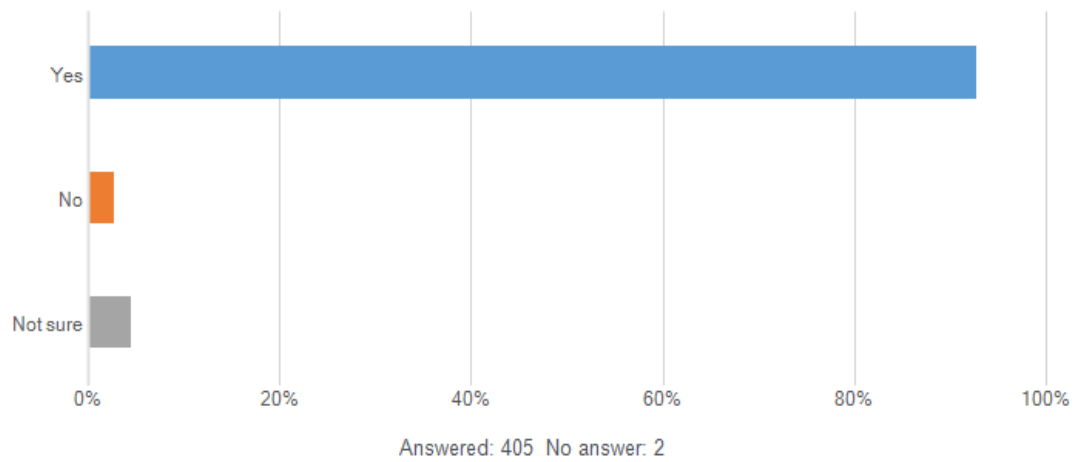
9pm
9pm
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9pm
9pm
9pm to allow 7.30-8.30pm Training sessions - which is similar to what occurs at Hawthorn Hockey ground close by. Such a time would be reasonable for local residents, later may not be as acceptable.
Around 930pm
At least 8pm. Later for special occasions.
At least until 8pm weekdays and weekends. We want Australians, young and old alike, to continue to play team sports and to maintain fitness. These lights would give us the opportunity To use valuable facilities for another few hours everyday. Lights makes it safer for everyone to go for a walk after work Or jog around the oval as a study break. Anyone who works or attends school will hardly benefit from Council improvements for 7 dark months of the year if lighting isnâ€™t installed.
Between 4.30 - 7.00pm
Between 6.30pm to 7.30pm
completed 10 mins ago
Couple of nights a week, until 10
Dusk till 9pm
Dusk until 10pm
dusk until 9pm
Empathetic to impact on local residents but 8pm would seem reasonable and maybe 9pm if they donâ€™t object
Few months
From 5.30 to 10pm
From 5pm through till 8.30pm
From 5pm to 10pm will be great I think
From 5pm to 8pm
From 5pm to 8pm would be great
From 6am-9pm
From dark until 10pm. WE live nearby and it would not bother us at all.
From dusk through to 9pm
From dusk until 10.00 pm
From dusk until 8.15pm

From sunset till 8pm
Given the size of the space it will only be used for junior sport and the lights wouldn't need to be on any later than the junior football club train on the main oval already. I might use the new floodlights if all the other grounds are being used for sport during winter.
Having lights working from 5pm to 7pm on a few nights would be the minimum, maybe to 8pm two nights a week. That is a fair balance for neighbours and the wider community.
Having the ability to utilise the lighting up to 8:00 pm would allow for flexibility in catering to the member needs of a large, and continually growing club.
I think 9pm is reasonable
I would think up until 8pm would be reasonable
If there could be floodlighting until 10pm, it would allow full and reasonable use of the oval facilities after work. Having more users and being able to extend usage times is better use of a community asset and better for security and safety.
In Winter months, oval lighting would be invaluable in extending sport training time beyond 5pm. A reasonable time for the lighting to go off would be around 8pm.
It is essential to have floodlights so that it is safe and easy for all groups to train day and night.
Lights off by 7pm
maybe 9pm
MON - FRI 5 PM - 8PM
Monday - Friday 5-8pm
no comment
No later than 7pm
No later than 9pm
Not in summer, winter until 8pm
not past 8pm
Operational to 10pm
Say between 5PM and 8PM during winter months and then shifting the window a little later during Spring / Summer months for cricket?
Taking into account that it gets dark at around 5pm, I think until 9 pm would be reasonable to allow kids to have footy practice and give time for casual use by the community.
The design looks very impressive and I fully support the installation of lights. As an older parent of a Glen Iris Gladiator I know how hard it was to fit all teams on the oval and to give the kids enough room to train properly. Having the flexibility of another oval after dark for training and games would be invaluable.
Til 8pm
till 7pm
till 8.00
Till 8.30pm-9pm
Till 9pm
Till about 9pm
To 8pm
Turning off by 8.30pm when training is completed and residents begin to potentially go to bed from 9pm.
Until 10pm
Until 10pm
Until 10pm
Until 10pm.
until 10pm?
Until 2100pm

Until 7 or 8pm. They shouldn't impact nearby residents in any significant way
Until 7.30pm
Until 7.30pm
Until 7.30pm in the evening
Until 7:30 pm
Until 8 or 9pm
until 8 pm
Until 8 pm
Until 8 pm
Until 8.30
Until 8.30pm at night.
Until 8:30pm
Until 8am or until training finishes
Until 8pm
Until 8pm
until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm
Until 8pm each night.
Until 8pm.
UNTIL 9.00 PM
Until 9.00pm
Until 9:30
Until 9:30pm
Until 900pm Every night
Until 9-9.30
Until 9pm
Until 9pm
Until 9pm
until 9pm
Until 9pm
Until 9pm
Until 9pm
until 9pm
Until 9pm

Until 9pm
Until 9pm
Until 9pm
until 9pm
until 9pm
Until 9pm
Until 9pm
Until 9pm 2-3 days per week
Until 9pm.
Until about 8pm
Until day light savings starts
Until the kids training finished. Iâ€™d think 8pm would be fine.
Until training is finished but not too late that it disrupts home owners/sleep. I would say until about 8pm.
Up till 8.30 in the evening
Up to 8.30pm Monday-Saturday
Up to 8:00pm
Up to 8pm
Up to 9pm
Up to 9pm would be great. Football training in winter months would run for hourly slots, so that allows for last training to be scheduled 8pm-9pm.
Up until 7 at night 2/3 times a week
Up until 7pm
Up until 8.00 pm
Up until 8:30 pm would be fair.
Up until 8pm
Up until 8pm during winter
up until 9 pm
Up until 9pm
Up until 9pm.
upto 7pm only
What ever is needed
Whenever sport is scheduled
Whilst the floodlights, as per the plans, face away from residential houses Iâ€™d still suggest 8pm latest is reasonable.
Yes
Yes

If floodlighting was installed and used in set times, do you think that you would use the oval more?



Answer choice	Responses	Percent
Yes	376	92.8%
No	11	2.7%
Not sure	18	4.4%
Total	405	100%

Yes

Responses
Playing, walking, dog walking.
football training
cricket and football
Football training
playing sport with my family - running, footy, soccer, etc
Football
Football (Gladiators)
Football training
Walking
personal fitness/kicking balls
Sports and walking dog
Football
sport training
Sport
Excercise
All activities. Walking, running, kicking the footy, walking the dog. Iâ€™d love it.
Everything - safe to walk the dog and walk on my own
Football training
Football
Football training and walking
Football
Walking
Walk and kids sports
Walking and fitness
Football and training
Football training
Footy practise and exercise
Walking after sunset and junior Footy training
Footy training
Football
Gladiators footy
Junior Football
Junior sport
Exercise with family
Junior sport, walking pets, personal exercise
Footy and walking
Junior football
Football

Junior Football
Football training
Walking
Sport
Walking, more people/users feels safer
Walking and kicking the footy
Junior Football
Exercise. I would also feel more confident to allow my teenage daughter to practice her footy skills and do running for exercise with the safety that lighting provides
Running, kids football training, dog walking
Football training , walking dogs
football training, dog walking
Football
Footy and walking
Walking. Running. Kids getting out
Football junior. Community sport !!
Junior football and family sports activities
Football
The children playing sport
Football and walking
Footy
Everything - fitness related
exercise
Junior sport (football) & personal exercise
Walking
Foot ball training, walking
Kids sport
Footy training and running
Kids activities
Walking and son's football training
football
Sports training and fitness -running
Children's sport
Football
Football
Safer walking and for my son's football
Football and walking my dogs
Casual use, organized sport
Junior football
Walking, sport , great for kids
Football and cricket

exercise / sport
Football
Football training
kids sport/running
Football training & potential games
Personal training, recreation ,
Footy
Pet walking, footy training.
Football
Footy training
Exercise
Footy training
Sport/ training
Football
Football training
football
AFL training for 2 children, occasional walk or jog, our twilight Little Aths meets are special. I wouldn't have to take 2 hours off work every Friday to get kids to early training
Football and walking pet
Watching sport and walking the dog
Recreational use
Training
Exercise and junior sport
Having a kick of footy after work with the kids
Any organized community sport
Children's sport, regular exercise
Football. Dog exercise
Football and general fitness
Football training
AFL, running or walking dogs
Kids could practice kicking after school during winter
walking/children sport
Football, dog walking and running. It isn't safe to be in the dark
Sports training and matches, eg footy
Running, football skills training
Sport
AFL training
Sport
Kids sport
Running
Organised sport, football

Footy training
Junior sport and walking with children
Walking safely
Family activities , dog walking , kicking the footy
Football and walking
Football training
Junior sport
Sport and fitness
Exercise
Football
more junior footbll
Football
Kids sport
Footy
Footy w kids
Footy
Footy
Football training
Junior sport, walking, dog walking
Walking, junior sport™s training
Sport
Footy training
Running and organised sports training
junior sports
recreational sport
Training
Football training
Football
Bike riding, walking, Junior sports training
Footie / walk dog
Football
WALKING / CYCLING
Walking. Kicking practice
Football
Junior Football, evening dog walking
Dog, exercise
Any sport!
Football training
Walking, running, personal fitness
Junior football trainjng

Football training
football
Football & dog walking
Training
Sport
Junior football
Walking, playing sport with my children
Football
Walking, pet walking and footy practise
Football training
fitness, footy
walking safety and kids programs
Running
sport, dog walking, running
Cycle and sports
Afl training
football training
Footy and then cricket training
Football
Junior training g/ dog walking
Walking and footy
After work exercise
Running
Sport
dog walking, more football training
Kids sport
For walking and personal fitness, would also give more flexibility for junior sport training
Football
Football sprint work
Personal fitness, football training.
Club sport, football
Exercise, walking, dog walking
Fitness, dog walking, playing footy with my children
sport
Walking dogs
AFL
Football
football
walking, kicking footballs, general activity with kids
Football

Spectator for childrens football
junior sport
exercise
Sports like Footy
Junior sport
multiple
Observation of junior footy training and personal fitness
Exercise
Exercise and Sport
Dog walking
football training and jogging
exercise
Footy in winter,potentially cricket in summer
Football
Football and general recreation
Football training
Football
Kids football
Football training
junior sport
Football, jogging
Football training
All activity
Football
Footy training
Afl, soccer
Junior sport
Junior footy
Walking and sport
Junior sport and walking
Football training / games
Football training, running training
Football and walking dog
to watch footy
Sports, Recreational play, family games
Exercise / junior sport
Football training for my children
Cricket and AFL
sport/walking dog
Dog run

Any sport or fitness activity
running, football
footy, cricket
Football and recreational
Junior sports
Walk and junior sports
Walking
Personal fitness
Bike rides around oval
Football and walking
Watching junior training
AFL football training
Junior sport
Football training
Futness
Footy and exercise
Recreation
Runs. Coaching sport
kids sport
Football and walking
Football
running and sport training
Football and bike riding, exercise
Junior football
Footy
Football, Winter walking from 5:30pm onwards.
Footy with Dad, running
junior sport
Football and dog walking
Football
Footy, soccer, cricket and jogging
Walking around
fitness & recreational
Walking
Sport and excercise
walking pets, socialising
Sport training and the ability to walk my pet feeling safe
Walking, watching junior sport training
bike riding
Walking

Walking, sport training
Junior sports & personal fitness
Sport
exercise
kids footy
PT - feels safer even in the shadows of the lights esp if teams are training out there
Junior sport or other physical activity
Football and running
Football
training and walking
football training
Soccer
Football training
walking sport
organised sport and casual recreational activity
Football and personal exercise
Exercise
Football
junior sport
Junior AFL
Football training
Football
recreational activity
Football
Junior football training
FOOTBALL AND WALKING
Training and walking.
Exercise
sport - football cricket athletics
Football training
Footy training
Junior football
Football
Sporting games and training
AFL
football, dog walking and general fitness / recreation
Football
Football training
Footy and general fitness
fitness and sporting requirements

Kid sport, walking
Running & cycling
Football training
Walking
Kids sports training, & dog walking/exercising
personal fitness
Footy
Walking and training
Football
Cricket, Football
football
Walking and dog walking
Junior football
Exercise
Running and Cycle path
opportunity to exercise at other times
Football
Football training
Football and safety for women to exercise
Junior sport
sport, walking
Football
Walk
Walking & kids sport & kick to kick etc
Sports, walking
Footy, running
AFL and walking
exercise/walking dogs
Footy training. Cricket training. Dog walking
Sport
Walking around
junior sport training
Sport
All activity
Walking / kids sport
Footy
Football training, dog walking
Junior Sport
Kicking football / soccer ball / frisbee with family
footy

football training
walking
Junior sport
Kicking a footy with my son.
Football
running , dog walking, kids training for sport
Junior football
junior football (AFL)
Running and footy

Do you have any further feedback?

Responses (Valid n = 133)
-
WOULD FURTHER ENHANCE UTILITY OF PRECINCT AND ENCOURAGE OUTDOOR ACTIVITY ESPECIALLY AFTER WORK WHICH AS A DR I FEEL WOULD BRING POSITIVE HEALTH BENEFITS TO OUR COMMUNITY. ALSO WOULD IMPROVE SAFETY, PARTICULARLY FOR WOMEN WISHING TO EXERCISE AFTER HRS
A Floodlit Ferrie Oval would Truly help the Glafiators Club, as well as keep locals safer. It will enhance The aesthetics of the area when driving past too.
A great initiative that will bring another stonnington reserve up to community standards
A necessary project for the benefit of the broader community to enable improved usability and safety of the park and general area
a wonderful concept. righetti alone cannot support all the kids in winter after 5pm
As per previous section feedback
Bring it on. Can't wait for the construction to finish and we can get more green ovals back
CAR PARKING IS THE MAJOR PROBLEM IT WAS A PROBLEM PREVIOUSLY>. IS THE COUNCIL THING OF PROVIDING A MULTI LEVEL CAR IN THE FUTUR ?
Community sport is the backbone of a strong community. Gladiators Junior Football Club is a hub for hundreds of families. Providing adequate facilities is essential for it to continue to flourish.
completed 10 mins ago
Congrats for asking for feedback
Consultation and feedback process for instsllation of floodlights on Righetti oval was non-existent. Still haing problems tewith those lights.
Create more amenity and install the lights, they will be great for the kids sport and local community
Cycle paths need upgrading
Disappointing that such a large community space was locked out in the first place for essentially a private car park for the contractors involved. Next time consider using existing street parking with permit exempt for contractors. Money to swap the oval back and forth is absolute discrace. From the observation of works plant stabling area could have been many times smaller. Closer to the toorak Rd site without takeover of the oval.
Do it! We have put up with the loss of Ferrie oval for long enough. It will be good for the whole community. Please make it happen. Turf, not fake grass and lights please.
Don't was ratepayers money on an unnecessary path. A good one already exists! Spend that money on better weed control perhaps!! or re sowing Righetti oval and getting rid of the weeds that proliferate the surface and look unsightly. Why don't you actually come and speak to residents of Kooyong rather than sit behind an online survey when many of the residents are elderly and couldn't be bothered with filling out an online survey.
Drainage is so important. Please dont cut costs on the drainage! I've seen the council do this at Basil Oval and it just causes unnecessary problems.
Fix the parking ?
Fix the paths to eliminate flooding and mud build-up. Make sure all the path lights work. Signs for all cyclists to use their bells when passing people.
For our children to be able to train/matches at this oval after 5.00pm during the winter months, the flood lighting is essential for visibility.
Get it done
Get it done
Getting kids to play sport is one of the biggest challenges and clubs like the Glen Iris Gladiators are invaluable to help support this. As the current registrations officer for the club I know how many kids are registered to play and trying to fit all those kids on the limited parks we have is near impossible. Installing floodlights would be a fantastic initiative for the surrounding community and if turned on of a night I am sure there are Dads who would love to have a kick with their sons or daughters.
GIJFC is a wonderful community club. The lights will see more community interaction throughout the season with more space and children accessing the facilities.
Good initiative to improve Ferrie Oval

Good unitive and consultation Lights is forward thinking and will allow greater use of an already great public space
Great idea to create lighting for the area
great idea. hundreds of people would get direct benefit from this
Great to see this on the agenda
Hopefully you also replace the lights on the main oval as well, they really need it, very hard for kids to see the ball properly at night. Thanks for your support
Hoping to see it eventuate for the benefit of residents and club members.
I believe flood lights would encourage increased numbers of children exercising and reduce the risk of injury due to poor lighting risks.
I believe should the lighting go ahead it will benefit the local community and I fully support such initiatives.
I completely support the developments and think that the floodlighting would be a huge boost for junior footy
I fully support this upgrade and installation in sports lighting. Providing safe areas to exercise is an absolute must!!
I hope they go ahead. Thanks
I support the proposal
I think for the sake of the sporting clubs who are a very important part of the community, this should be given the go ahead.
I think lighting would make a huge difference to using the oval to walk our dog as well as adding time in winter to gladiator footy training
I wanted to encourage Council to use recycled plastics for benches, seating and walkways in all Stonnington parks.
I've coached boys and girls from under 8 football for 5 years now. Having 160 children training on Righetti oval at a time is overcrowded. Opening Ferrie oval with the addition of lights would be a much better use of public open space. With higher density living, designated sporting precincts should be available for the community to use for the specific sports they were created.
It is important that the lighting be available for the capacity and traffic easing from Righetti, where 5 teams are training on the same ground at the same time. This is not ideal for 2 reasons. First Righetti gets cut up from too many teams on it. Second too many players on one oval in times like the current COVID issues.
It will be great to have Ferrie Oval back and even better to have lighting.
it will only enhance facilities in our area
it would be good if it was a similar size to Righetti and the surface was all year as they have done at the redeveloped Gardner Reserve
It would be great to have a modern two level club house/ social club in the future.
It would be safer environment for all
Keep up the good work. These enhancements will benefit the community.
Lighting is very important as our children like to continue playing after training and it becomes a major safety issue when there is no light. Evening games and training is another opportunity for community interaction.
Lighting on Righetti Oval until 8pm on weeknights during lock down would be fantastic! The volume of people walking dogs and exercising late afternoon would be dispersed. The council would encourage exercise and facilitate social distancing by increasing the time available for workers and school children to enjoy the council facilities that our council fees contribute towards.
Lighting would be of enormous benefit to so many young footballers!
Lights are a great idea
Lights are a necessity as we need to maximise the usability and ability to spread training sessions
Lights are essential for various users of the oval Pls put them in
lights help us feel safe
Lights is an obvious progression, nearly all sports venues in all councils now have lights to extend their usage times to when people can use them. This is a no brainer & long overdue.
Looking forward to having Ferrie Oval back. Especially as it seemed to have been used largely as a car park!! Kick the kids off their oval and discourage them from a healthy pursuit to provide a car park for workers who are building a car encouraging piece of infrastructure. Not very sustainable thinking project. Encouraging kids onto devices and stopping their sport and encouraging cars onto roads....as the kids say, 'just saying'.
LOOKS FANTASTIC AS A DEVELOPMENT VAST IMPROVEMENT FOR THE SPACE THAT WAS GETTING TIRED
Looks great and will be of enormous benefit to GIJFC

Love the lights
Mental health and fitness are very important. It is difficult in winter to stay active because it is always dark after work. Lighting up the park will add so much value to the community at large. Turn the park into an outdoor gym flooded in light.
Must install floodlights. Thanks to the City of Stonnington for the upgrades to the sporting and casual use park and oval.
My husband used this same email address so I hope my submission is not discounted!!
Need to support clubs that create community and support physical activity for children
No
No
No
No
No
no
No
No
No
No
No
No
No
No
No
No
No
No
No just do it!
No, other than I'd love there to be lights on Ferrie!
No, thanks
No. Looks great. Let's encourage kids to play sport. Thanks
nope
On what we believe is proposed (and no doubt pushed behind the scenes by a commercial entities, a junior Aust. rules football club ; together with Bicycle Victoria) the bike path is a dead end. If Council conducted a survey of cyclists, and did not tell Bicycle Victoria, the daily count would be nearly none. To have football training by the numbers proposed will result in horrific car parking 30 teams more than 600 cars ! WHERE ARE THEY ALL GOING TO PARK ?
Only that we need all the ovals that we can get in the community for junior sport and having Ferrie oval available after 5pm would be of great benefit.
Overpass looks great - well done.
Please consider installing floodlights and additional parking to the area
please don't do anything that stops community use of these spaces. These spaces, the community access and the families it attracts are what makes Stonnington very special
Please install the lights!
please put floodlights in
Please, please help our girl footballers by installing these lights. They are too often shoved to the end of an overcrowded oval or have no facilities (changerooms) etc. This would be a way we can tell them they are important too
Put the lights in.
See my comments re concept design. Further, please make it clear to all that these 'enhancements' are being funded by 'blood money' from the LXRA - paid due to the Council's total accession to all (LXRA's) demands and desires. Improvements made will not forgive the initial inaction

Stonnington is the council with the lowest amount of public open space so we really need to making the most of what we have - we need to make sure residents can access and share the spaces we do have. Adding lights to Ferrie Oval will allow more people to have access to open space for longer (during the winter months).
Stop delaying....
Stress strongly the need for maximum utilisation of sporting grounds that Stonnington does have, given that the areas available are limited. By installing good quality lighting at Ferrie Oval, the ground usage in winter could extend beyond 5pm (at which time it is too dark to train/play); the additional 3 hours would be well used in the name of Community junior football.
Strong support for this than you
Synthetic turf would be much better and allow for many different sports to use the oval
Thank you
Thank you for getting this project done! Lighting would be awesome...
Thank you for giving us much needed lights and more options to be outside and healthy
Thanks for doing this - it will make a big difference to the community
Thanks for the proposal
Thankyou
The addition of girls teams at the gladiators has dramatically increased the use of the righetti oval. It is crazy the Ferrie cant be used because of lights. It would be great for girls sport.
The artificial turf surface at Gardiner Oval is sensational and would be great as a surface at Ferrie
The council is doing many great things and providing us with more improvement to our public spaces. Thank you.
The decision to cut off entry onto Toorak Rd from Talbot Cres is ridiculous. Talbot Cres is narrow (especially with cars parked on the side of the road), and it is impossible to safely turn right from Talbot Cres onto Glenferrie Rd (unless the boom gates are down). It makes it impossible to access the ovals and parkland, and a nightmare traffic situation for the residents of Talbot Cres.
the footy club really needs this oval for training on
The installation of floodlighting on Ferrie Oval will allow hundreds of boys and girls from the Glen Iris Junior Football Club to use the oval during the winter months for training purposes. At present the ground cannot be used after 5pm during the winter months because it is too dark.
The lack of lights limits the ability of the junior teams to train. It is also a safety issue with a lot of kids and cars about and difficulties in seeing at night.
The lights will get good use and improve the overall amenity of ferrie
The lights would improve usage of the area and safety for local residents, not just the sport clubs.
The new floodlights installed at the larger Righetti Oval are amazing so providing floodlights for the smaller Ferrie Oval will greatly benefit both the local community and local sporting clubs that use these facilities. Iâ€™m sure there will be an large increase in local sporting club numbers post-COVID restrictions so more reason than ever to invest in these facilities.
The new space looks more attractive for walks as well
The oval will be a great destination for kids in the area. It needs to be well lit to encourage kids to play there. IT needs to feel safer for the parents and kids and lighting helps with that. To have the oval as well drained as Righetti Oval is fantastic. WELL done!
The plans to reinstate the turf oval with lights & surrounding landscaping & bike paths are perfect for the area.
The proposed floodlighting is a terrific idea. At present Ferrie can only be used until 5pm in winter months. To have that ground lit will allow training to continue on the busy nights (e.g. Friday) in line with the use of Righetti Oval. This will not only maximise use of this asset, but also free up other nearby grounds - e.g. TH King, Gardiner Park, etc - which would otherwise be used.
The Toorak Rd crossing looks amazing! Can't wait to see what the oval will look like!
The Yarra Junior Football League is fully supportive of this initiative and congratulates the City of Stonnington for it's continued commitment to the health and well being of the children for whom sport is a key pillar to their overall development.
There is a clear community demand for floodlights at Ferrie Oval to maximise its use and benefit to the local community. If anything, COVID has shown how critical community sport is to the physical and mental health and wellbeing of a community. It's vital we maximise use of all our facilities in Stonnington to meet that demand now and in the future.
This is a great initiative of council to include the lighting option
This junior football club seems to be running this area for their football and also Stonnington Councillors and council employees are listening to the football club and not considering the residents

This will be wonderful for my kids footy training and walking our dog. Thank you
This would represent a valuable improvement to the sporting grounds at Kooyong and will benefit the community enormously
Thks for the community consultation
We are supportive of the flood lighting project as local residents
We need to keep providing opportunities for our kids to flourish. Not reduce them. Thank you.
Well Done for adding the lights. Important for the community
Would be a great addition to the ovals

Ferrie Oval Redevelopment

Submission

This submission is made on behalf of the surveyed residents of Elizabeth Street and Talbot Crescent who will be most directly affected by the proposed redevelopment of Ferrie Oval. The surveys were distributed to residents and completed during the period of 16 to 31 July 2020. The survey questions are set out in Annexure A and the results of the surveys are set out in Annexure B.

Background

The Stonnington Council is proposing to redevelop Ferrie Oval and surrounding open space following the completion of the Toorak Road Level Crossing Removal Project. Council is undertaking a community consultation process with local residents, park users, sports clubs and other users in relation to the redevelopment.

Whilst the proposed redevelopment will have benefits for the broader community, the main party to benefit from the redevelopment will be the Glen Iris Junior Football Club who will have a central training base at Ferrie Oval with floodlighting that will allow its 31 teams (720 players) to train 3 or 4 nights a week from 4.30 pm until 9.00 pm (although the exact hours are not known). Previously the oval was only used by the Club for training on Fridays between 4.30 pm and 6.00 pm.

The Council together with the Level Crossing Authority is funding the redevelopment; however only the Council is funding the floodlights (with a possible contribution from the Club). This apparently means that the Club does not have to lodge a planning permit application for the floodlights. Only a building permit will be required.

It has been represented by Council that there is no agreement in place between the Council/LXRA and the Glen Iris Junior Football Club. Based on various posts on the GIJFC website including the following one on 19 June 2019 Council has been in discussions with the Club for the last 3 years and the Club has made detailed submissions to Council. This all suggests that in principle agreement has been in place for some time. One may well ask why it is the football club which is given compensation for their "significant inconvenience" from Council funds when it is the rate paying residents who are kept in the dark about proposed plans, have been most directly impacted by the LXRA works, noise and dust for the last 12 months and receive no compensation?

Lights on Ferrie Oval

As a matter of Interest, by way of compensation to the Gladiators Football Club for the significant inconvenience that we will suffer by reason of losing access to Ferrie Oval for 1-2 years we have asked both Stonnington Council and the Level Crossing Removal Authority to assist with Planning Approval and funding for **installation of floodlights on Ferrie Oval**. We believe that this installation could take place during the Ferrie Oval reinstatement period after the Level Crossing Removal works have completed. At present there are no lights on Ferrie Oval and during most of the season we cannot use the ground much past 5pm due to the fading light. To have lights on Ferrie Oval would mean that we could make much more use of the oval throughout the season.

We will keep you informed of further developments as they arise...

Filed Under: Administration, Footy
Tagged With: Lighting

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Survey Findings

A summary of the key survey findings are as follows:

- » 26 out of 33 residents stated that they would not use Ferrie Oval more as a result of the redevelopment.
- » 25 out of 33 residents stated that they would not use Ferrie Oval for recreational use after training if the floodlights are dimmed.
- » 12 out of 17 residents in Elizabeth Street (who are most affected by the floodlights) oppose the installation of the floodlights.
- » 23 out of 33 residents believe the floodlights should operate between 5.00 and 8.00pm.
- » 30 out of 33 residents believe the floodlights should be automatically switched off at latest permissible time (8.00pm).
- » 27 out of 33 residents are in favour of the separate bike path on the Monash freeway side.
- » 27 out of 33 residents support parking restrictions in Elizabeth Street and Talbot Crescent.
- » 20 out of 33 residents support parking restrictions (permit parking only) on both sides of Elizabeth Street.
- » 22 out of 33 residents support parking restrictions (permit parking only) in Talbot Crescent.
- » 10 out 17 residents in Elizabeth Street would prefer parking restrictions to apply between 1 March and 30 September (one month earlier than currently applies).
- » 50 % of residents in Talbot Crescent prefer parking restrictions to apply between 1 March and 30 September and 50 % would prefer parking restrictions to apply between 1 April and 30 September.
- » 30 out of 33 residents would like Council to prioritise re-surfacing the road in Talbot Crescent once the landscaping for the level crossing project is completed.

General Comments

Residents were also given the opportunity to provide some general comments on the redevelopment and their interaction with Council. Some these comments are set out below.

- » Unfair on residents to have football traffic 6 days of the week.
- » Lack of parking for our friends and family is a problem during football season. This will only get worse unless further parking restrictions are imposed.
- » Council need to listen to local residents and not a domineering football club.
- » Talbot Crescent should be closed to through traffic and be for local use only.

- » We were not consulted by Council when the Righetti Oval floodlights were installed. We get bright lights shining in our children's bedrooms.
- » Increasing training from 1 night to 4 nights per week seems excessive.
- » More money should be spent on other facilities for recreational users rather than large sums of our ratepayer money for one football club.
- » Ferrie Oval should be reserved for passive recreation. Most other areas are purpose built for sport.
- » There should be larger car park capacity at Righetti Oval pavilion.
- » What about basketball hoops, hits walls and other activities for kids who do not play team sport.
- » More parking/carparks are needed as part of redevelopment and the increased use of the parkland.
- » Righetti oval floodlights are of concern to drivers driving towards them.
- » Additional trees and vegetation should be looked at to reduce noise levels that are accentuated by Monash freeway sound walls.

Requests

We request that Council:

- » takes into account the above findings and views of the local residents in its plans for the redevelopment of the Righetti Oval and in its decision whether to fund and install the proposed floodlights;
- » provides the residents with the conditions to be attached to the proposed building permit for the redevelopment and the floodlights for review and comment;
- » restricts the operation of the floodlights on Ferrie Oval so that they automatically switch off at no later than 8.00pm and are not illuminated during daylight saving or on Saturday or Sunday;
- » restrict the number of days of training to 2 days per week (not 4 days);
- » restricts the height of the floodlight poles to 15 metres and plants mature trees which will eventually provide a screen to diminish the light spillage from the floodlights;
- » prioritises the re-surfacing of the road in Talbot Crescent;
- » consults with residents who are currently experiencing problems with the floodlights on Righetti Oval and adjust the baffling if required;
- » introduces further parking restrictions (and associated parking permits) in Elizabeth Street on both sides of the street between 1 March and 30 September; and
- » introduces parking restrictions (and associated parking permits) in Talbot Crescent between 1 March and 30 September.

These are not demands, they are well thought out requests based on resident feedback and we believe provide a reasonable balance between the various stakeholders associated with this redevelopment. With these measures we are confident that the impact of the redevelopment can be kept to an acceptable level and the amenity of the residents not adversely affected.

Consultation Process

We recognise that Council has separately undertaken a community consultation process with local residents, park users, sports clubs and other users in relation to the redevelopment and has an on-line survey of its own.

We appreciate that our views and submission are likely to be dwarfed by the responses you receive from the parents and members of the Glen Iris Junior Football Club. The President of the Club in his latest posts on the website has clearly rallied the troops and is expecting at least 300 responses to the Council survey on the redevelopment and encourages members and "your other family members to complete the survey as the more people in favour of the proposal the better."

However, we ask that the views of those most directly affected by the redevelopment and the consequential increase in traffic be given greater weight in Council's deliberations in relation to this redevelopment and our requests above.

Alan Maclean
116 Elizabeth Street
0419 337 561

Terry Pacini
112 Elizabeth Street
0407 304 223

Annexure A

Use of Ferrie Oval

Would you use the Ferrie Oval precinct more as a result of the proposed redevelopment?

Yes No (Please circle)

Would you use Ferrie oval at night after football training for recreational use if the floodlights were dimmed?

Yes No (Please circle)

Floodlights

Do you support the installation of floodlights at Ferrie oval?

Yes No (Please circle)

If floodlights are installed how high should the floodlight poles be?

Preliminary design is for two 25 metre poles.

For reference the Righetti oval floodlight poles are 30 metres high.

15M

20M

25M (Please circle)

What hours should the floodlights operate during the football season (1 April to 30 September)?

5.00pm to 9.00pm

5.00pm to 8.30pm

5.00pm to 8.00pm (Please circle)

Do you find the Righetti oval baffling on the floodlights satisfactory?

Yes No (Please circle)

Should the floodlights be automatically switched off at the latest permissible time?

Yes No (Please circle)

Separate Bike Path

Do you support a separate path on the eastern freeway side of the oval for bikes and other higher speed traffic?

Yes No (Please circle)

Parking Restrictions

Given the higher volume of traffic should there be further parking restrictions during the football season:

In Elizabeth Street Yes No (Please circle)

If yes, should there be restrictions on one side or both sides of Elizabeth Street?

One side Both sides (Please circle)

Which months should the restrictions apply (currently April to September)?

April to September

March to September

Another period (Please circle)

If another period, please specify:

In Talbot Crescent Yes No (Please circle)

Which months should the restrictions apply (currently only no standing on the railway side applies)?

April to September

March to September

Another period (Please circle)

If another period, please specify:

Once the redevelopment of Ferrie Oval and the landscaping for the Level Crossing project has been completed would you be in favour of Council re-surfacing Talbot Crescent?

Yes No (Please circle)

Other Comments

Do you have any other comments on the proposed redevelopment of Ferrie Oval?

Annexure B

Ferrie Oval Redevelopment Resident Survey Results

Elizabeth Street North Residents (Responses from 17 of 18 residents)

Question	Responses
Would you use the Ferrie Oval precinct more as a result of the proposed redevelopment?	15 No 2 Yes
Would you use Ferrie oval at night after football training for recreational use if the floodlights were dimmed?	15 No 1 Yes 1 No response
Do you support the installation of floodlights at Ferrie oval?	12 No 4 Yes 1 No response
How high should the floodlight poles be?	10 (15 M) 3 (25 M) 4 No responses
What hours should the floodlights operate during the football season (1 April to 30 September)?	12 (5.00 to 8.00 pm) 3 (5.00 to 9.00 pm) 2 No response
Do you find the Righetti oval baffling on the floodlights satisfactory?	6 No 5 Yes 5 No response
Should the floodlights be automatically switched off at the latest permissible time?	15 Yes 2 No
Do you support a separate path on the eastern freeway side of the oval for bikes and other higher speed traffic?	12 Yes 5 No
Given the higher volume of traffic should there be further parking restrictions during the football season?	13 Yes 4 No
If yes, should there be restrictions on one side or both sides of Elizabeth Streets?	8 Both Sides 4 One Side 2 No restrictions

Which months should the restrictions apply (currently April to September)?	10 March to September 5 April to September 2 No restrictions
If yes, should there be parking restrictions in Talbot Crescent?	11 Yes 4 No 2 No response
Which months should the restrictions apply (currently April to September)?	9 March to September 3 April to September 5 No restrictions
Once the redevelopment of Ferrie Oval and the landscaping for the Level Crossing project has been completed would you be in favour of Council re-surfacing Talbot Crescent?	16 Yes 1 No

Talbot Crescent East Residents (Responses from 7 of 11 residents)

Question	Responses
Would you use the Ferrie Oval precinct more as a result of the proposed redevelopment?	4 No 3 Yes
Would you use Ferrie oval at night after football training for recreational use if the floodlights were dimmed?	4 No 3 Yes
Do you support the installation of floodlights at Ferrie oval?	2 No 5 Yes
How high should the floodlight poles be?	2 (15 M) 3 (25 M) 2 No responses
What hours should the floodlights operate during the football season (1 April to 30 September)?	6 (5.00 to 8.00 pm) 1 (5.00 to 9.00 pm)
Do you find the Righetti oval baffling on the floodlights satisfactory?	2 No 2 Yes 3 No responses/NA
Should the floodlights be automatically switched off at the latest permissible time?	6 Yes 1 No response
Do you support a separate path on the eastern freeway side of the oval for bikes and other higher speed traffic?	7 Yes

Question	Responses
Given the higher volume of traffic should there be further parking restrictions during the football season?	6 Yes 1 No
If yes, should there be restrictions on one side or both sides of Elizabeth Streets?	5 Both Sides 1 One Side 1 No restrictions
Which months should the restrictions apply (currently April to September)?	2 March to September 4 April to September 1 No restrictions
If yes, should there be parking restrictions in Talbot Crescent?	6 Yes 1 No
Which months should the restrictions apply (currently April to September)?	2 March to September 4 April to September 1 No restrictions
Once the redevelopment of Ferrie Oval and the landscaping for the Level Crossing project has been completed would you be in favour of Council re-surfacing Talbot Crescent?	6 Yes 1 No

Talbot Crescent West Residents (Responses from 9 of 12 residents)

Question	Responses
Would you use the Ferrie Oval precinct more as a result of the proposed redevelopment?	7 No 2 Yes
Would you use Ferrie oval at night after football training for recreational use if the floodlights were dimmed?	9 No 0 Yes
Do you support the installation of floodlights at Ferrie oval?	3 No 6 Yes
How high should the floodlight poles be?	2 (20 M) 3 (25 M) 4 No response
What hours should the floodlights operate during the football season (1 April to 30 September)?	5 (5.00 to 8.00 pm) 1 (5.00 to 8.30 pm) 1 (5.00 to 9.00 pm) 2 No response

Question	Responses
Do you find the Righetti oval baffling on the floodlights satisfactory?	2 No 5 Yes 2 No response/NA
Should the floodlights be automatically switched off at the latest permissible time?	9 Yes 0 No
Do you support a separate path on the eastern freeway side of the oval for bikes and other higher speed traffic?	9 Yes 0 No
Given the higher volume of traffic should there be further parking restrictions during the football season?	8 Yes 1 No
If yes, should there be restrictions on one side or both sides of Elizabeth Streets?	5 Both Sides 3 One Side 1 No restrictions
Which months should the restrictions apply (currently April to September)?	3 March to September 5 April to September 1 No restrictions
If yes, should there be parking restrictions in Talbot Crescent?	4 Yes 5 No
Which months should the restrictions apply (currently April to September)?	2 March to September 2 April to September 5 No restrictions
Once the redevelopment of Ferrie Oval and the landscaping for the Level Crossing project has been completed would you be in favour of Council re-surfacing Talbot Crescent?	8 Yes 1 No



PROJECT: Ferri Rd Stonnington - 2 Poles				Scale	Size	Date	Designer	Drawing No:	Page 1 of 3
 JASSTECH Ph: 1300 665 135 Email: design@jasstech.com.au				NTS	A3	05/05/2020	J. Albin REG.No: IES2739	350520 SOC/STO BTR V2.0	
				Version Control				The numerical values shown in this report are the result of precision calculations based upon precisely positioned luminaires in a fixed relationship to each other and to the area under examination. In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and/or electrical supply. Referenced differences are defined in EN12193 clause 5.4 with a maximum of 10%.	
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				Version Control					
				Date	Detail	Author	Ver No.		
	For Information Only	J.Albin	V1.0						
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Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max
Ferrie Oval Field	Illuminance	Lux	138.83	207	71	0.51	0.34
ObtrusiveLight 3 C	Obtrusive Ligh	N.A.	N.A.	8467	241	N.A.	N.A.
ObtrusiveLight 3 I	Obtrusive Ligh	Lux	N.A.	2	1	N.A.	N.A.

Luminaire Schedule				
Symbol	Qty	Description	Lum. Watts	Total Watts
A	4	FLS-1250-30x30-P8	1350	5400
B	2	WDG-1250-MLR-5050	1305.5	2611
C	4	WDG-1250-PF-5050	1308.6	5234.4

Luminaire Location Summary						
LumNo	Z	X	Y	Tilt	X-Aimpt	Y-Aimpt
1	25	-30	24.5	44.779	-12.27	7.149
2	25	-30	24.5	18.592	-21.685	23.244
3	25	-30	24.5	53.715	-0.67	41.801
4	25	-29.5	-28	48.734	-4.229	-41.157
5	25	-29.5	-28	9.046	-25.539	-27.605
6	25	-29.5	-28	51.038	-5.318	-8.74
7	25	-29.727	24.298	63.846	19.667	36.632
8	25	-29.727	24.298	66.7	25.09	5.194
9	25	-29.552	-27.771	62.283	17.21	-36.581
10	25	-29.552	-27.771	66.324	23.904	-7.94

THE LIGHTING DESIGN COMPLIES WITH: AS2560.2.3
 - AMATEUR TRAINING:
 • 50 LUX; ERMin/Ave. = 0.3

* Design calculations use a Maintenance Factor of 0.85 (Actual 0.848) based on the below quantification.

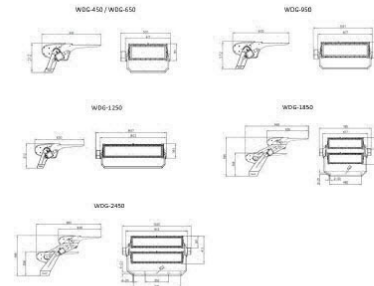
LLD = 0.87 (Based on IP6+, medium pollution and 36mth cleaning cycle per AS2560.1-2002 table 4.
 LL = 0.975 (L90 B10 is based on Initial startup of 97.5% at 20,000hrs)
 This means that initial illumination will be higher than required by the standard.

* Luminaires can be dimmed, via internal wireless controls. for all Levels of play and training.

NOTES:
 - Pole positions to be confirmed prior to commissioning



Dimensions



Obtrusive Light - Compliance Report

AS/NZS 4282:2019, A3 - Medium District Brightness, Non-Curfew L1
 Filename: Ferrie Oval 100 Lux Stonnington 2 POLE OPTION
 31/05/2020 11:36:00 AM

Illuminance

Maximum Allowable Value: 10 Lux

Calculations Tested (1):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_3_Ill_Seg1	PASS	1

Luminous Intensity (Cd) At Vertical Planes

Maximum Allowable Value: 12500 Cd

Calculations Tested (1):

Calculation Label	Test Results
ObtrusiveLight_3_Cd_Seg1	PASS

	Model			
	WDG-450	WDG-650	WDG-950	WDG-1250
Dimensions mm (LxBxH)	531x630x312	661x630x312	897x630x312	
Mass (kg)	30.5	11	13	23
Wattage	450	650	950	1250
Front Windage (m²)	0.092		0.119	0.167
Side Windage (m²)			0.074	
Luminous Flux	51500	74500	108000	143500
Lumens/W			115	
CRI			80	
IP Rating			IP65	
Operating Temp °C			-40° to +45°	
Driver Detail				
Dimensions mm	250 x 120 x 50	Dual Driver in 3 Configuration Options		
Mass (kg)	3.8	4.8	7.5	
Input Voltage (V)	100VAC-277VAC OR 249Vac-523Vac			
Max Current (A)	4.5A OR 2.5A			
Power Factor	>0.96			
Input Surge Protection	8kV line-line, 10kV line-earth			
Dimming options	0-10V/PWM/Timer Dimmable (3 Timer Modes)			
Standby in Dimming mode	Standby Power ≤ 1.5 W			
Protection	Over Voltage, Short Circuit, Thermal Sensing and Protection for LED Module			
IP Rating	IP67			
Manufacturer Warranty	5 Years			

SEE LUMINAIRE DATASHEETS FOR MORE DETAIL

FIELD MARKING IS AN ESTIMATE - CLUB TO CONFIRM

PROJECT: Ferrie Rd Stonnington - 2 Poles Ph: 1300 665 135 Email: design@jasstech.com.au SPORTS	Scale	Size	Date	Designer	Drawing No:	Page 3 of 3
	NTS	A3	31/05/2020	J. Albin REG.No:IES2739	350520 SOC/STO BTR V2.0	
Version Control						
Date	Detail	Author	Ver No			
	For Information Only	J.Albin	V1.0			
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FERRIE OVAL REDEVELOPMENT – POTENTIAL ADDITIONAL BUFFER TREE PLANTING (SUBJECT TO COMMUNITY ENGAGEMENT)



Officer response to local resident submission comments on floodlighting

A separate submission on the Ferrie Oval redevelopment was provided by 33 residents located in the streets closest to Ferrie Oval. Of these, 15 residents supported the installation of floodlights and 17 were opposed to the floodlights. As part of the local resident submission 9 requests were put to Council for consideration. The summary of these requests along with officer recommendations are as follows:

Resident request	Council officer response
<i>We request that Council:</i>	
1. <i>Takes into account the above findings and views of the local residents in its plans for the redevelopment of the Righetti Oval and in its decision whether to fund and install the proposed floodlights;</i>	Officers agree. The proposed lighting schedule has been developed with consideration to resident feedback in mind while still meeting the needs of the wider community.
2. <i>Provides the residents with the conditions to be attached to the proposed building permit for the redevelopment and the floodlights for review and comment;</i>	
3. <i>Restricts the operation of the floodlights on Ferrie Oval so that they automatically switch off at no later than 8.00pm and are not illuminated during daylight saving or on Saturday or Sunday;</i>	
4. <i>Restrict the number of days of training to 2 days per week (not 4 days);</i>	Officers propose that a compromise position of 3 nights per week for organised sport and additional week nights for passive exercise be adopted.
5. <i>Restricts the height of the floodlight poles to 15 metres and plants mature trees which will eventually provide a screen to diminish the light spillage from the floodlights;</i>	The design of 2 light towers at 25m high is required to achieve the tilt needed in order to eliminate light spill onto the Freeway
6. <i>Prioritises the re-surfacing of the road in Talbot Crescent;</i>	This request is beyond the scope of this project and will be considered by Council as a separate request.
7. <i>Consults with residents who are currently experiencing problems with the floodlights on Righetti Oval and adjust the baffling if required;</i>	Officers advise that contact has already been made with these residents via email and we are currently awaiting a response

Resident request	Council officer response
<i>We request that Council:</i>	
<p>8. <i>Introduces further parking restrictions (and associated parking permits) in Elizabeth Street on both sides of the street between 1 March and 30 September; and</i></p>	<p>Officers will take this feedback into consideration as part of a parking restriction review in Elizabeth Street and Talbot Crescent.</p>
<p>9. <i>Introduces parking restrictions (and associated parking permits) in Talbot Crescent between 1 March and 30 September.</i></p>	