

Planning and Environment Act 1987

Advisory Committee Report

**Victorian Transport Projects Integrated Development
Opportunities Standing Advisory Committee - Ormond
Station**

31 March 2017

Planning and Environment Act 1987

Advisory Committee Report under Section 151 of the Act

Victorian Transport Projects Standing Integrated Development Opportunities Advisory Committee
- Ormond Station

31 March 2017

A handwritten signature in blue ink, appearing to read 'Kathy Mitchell', with a large, sweeping initial 'K'.

Kathy Mitchell, Chair

A handwritten signature in blue ink, appearing to read 'Jenny Donovan', with a large, stylized initial 'J'.

Jenny Donovan, Member

A handwritten signature in blue ink, appearing to read 'Rodger Eade', with a large, stylized initial 'R'.

Rodger Eade, Member

A handwritten signature in blue ink, appearing to read 'Kate Partenio', with a large, stylized initial 'K' and a flourish at the end.

Kate Partenio, Member

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List of Abbreviations

Acronym	Term
ABS	Australian Bureau of Statistics
AHD	Australian Height Datum
CDP	Comprehensive Development Plan
CDZ1	Schedule 1 to the Comprehensive Development Zone
D	Document (and number)
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
LPPF	Local Planning Policy Framework
LXRA	Level Crossings Removal Authority
PO2	Schedule 2 to the Parking Overlay
PTV	Public Transport Victoria
S	Submission (and number)
SBO	Special Building Overlay
SPPF	State Planning Policy Framework
UDIA	Urban Development Institute of Australia
VCAT	Victorian Civil and Administrative Tribunal

Executive Summary

Melbourne is in a state of transition from a very low density car based city to an urban form that is more appropriate for a city of eight million plus, in a resource constrained environment. It is well into that transition where in some places it is already obvious, but in other places including many middle suburbs, less so. The challenge facing the community is to define an urban form that is equitable, sustainable, affordable and liveable for a population which is likely to grow rapidly over the next decades.

This transition which is underway, is already creating challenges and tensions as change impacts some areas more than others, to date. These include:

- appropriate residential zonings
- the provision of housing which is affordable to a broad range of demographics
- the size of dwellings, particularly apartments
- height, scale and form of new development.

One of the measures Government has introduced to improve urban form, enhance safety and improve transport options, is to undertake a program of level crossing removals throughout the metropolitan area of Melbourne. Some of the new crossings are below ground, others above ground. These projects include the Melbourne Metro Rail Project and VicTrack projects in addition to the Level Crossing Removal Project.

At some locations these projects will create newly available land. There is an opportunity to develop this newly available land and reinvest the proceeds generated back into further improvements to the public transport system, as well as create new development opportunities in areas of high public transport accessibility. This is often referred to as Transit Oriented Development. Taking up these significant opportunities will help relieve the pressure on other existing residential areas that may have a higher level of protection.

One such opportunity for new development is in Ormond, in the City of Glen Eira. The level crossing removal at this station was completed late 2016, and the available land as a result has created a 'value capture' opportunity for more intensive development. The proposal, which is in the form of a mixed use residential (from 13 storeys along North Road, transitioning to five to six storeys the rear of the site) and commercial development (up to 6,900 square metres of shop), was publicly exhibited between 25 October and 9 December 2016. On 4 September 2016, it was referred to the *Victorian Transport Projects Integrated Development Opportunity Standing Advisory Committee* (the Committee) for consideration, in accordance with its Terms of Reference, as amended, 18 December 2016 (Appendix 1).

In reviewing the proposal and in consideration of submissions and evidence, the challenge for the Ormond community and for this Committee in making recommendations is profound. As a typical, relatively infrastructure rich middle suburb, Ormond must find and define its place in this new urban morphology. Staying the same is not an option.

There are a number of markers along the way in this urban transition in Melbourne. It is argued that the current proposal is one of these. Brownfield sites of 1.308 hectares rarely become available in Melbourne's middle suburbs. The opportunity that exists can not be

ignored. The *Metropolitan Planning Strategy* (2017) recognises such sites and encourages mixed use development of the type proposed for this site.

This is one of the first major examples of a new and important type of development to realise the potential of land freed up by the removal of level crossings. It provides an opportunity to set a high standard for other similar developments, emphasise a commitment to public transport, and to result in a high quality public realm.

This proposal is an opportunity, indeed some would say a necessity, to contribute to an urban form relevant to the next 50 to 100 years, not just the next year or the next decade. This requires bold thinking and step change, not incremental change. However, the urban form that develops needs to be sensitive to the history and culture, not just of Ormond and Glen Eira, but also of Melbourne more broadly. The challenge is to embrace step change which in its implementation, balances current needs and constraints with the needs of the future.

It is proposed to realise the development potential of the site through rezoning the Ormond Station site from Public Use Zone and General Residential Zone to a new Schedule 1 to the Comprehensive Development Zone over the whole site. This is proposed to be accompanied by the introduction of a Comprehensive Development Plan to guide the preferred outcome through future planning permit applications, as well as other policy changes to the Glen Eira Planning Scheme.

The Committee conducted a nine day Public Hearing and has considered submissions and expert evidence (including in relation to traffic, access and car parking; urban design and built form and consistency with surrounding character). The Committee concludes that the Ormond Station proposal provides significant urban renewal opportunities that result in the emergence of a new built form character for the Ormond Activity Centre. The Committee supports the proposal, and supports the Minister for Planning being the responsible authority for the site until the development is substantially completed.

The Committee makes the following recommendations to the Minister for Planning:

1. **Prepare, adopt and approve the draft Amendment to the Glen Eira Planning Scheme, as exhibited, pursuant to section 20(4) of the *Planning and Environment Act 1987*, to facilitate the redevelopment of the Ormond Station for mixed use (residential, commercial and ancillary) purposes, subject to:**
 - a) **Modification of the Schedule 1 to the Comprehensive Development Zone, as set out in Appendix D.**
 - b) **Modification of the North Road, Ormond, Comprehensive Development Plan, as set out in Appendix E.**
2. **Remove Schedule 2 to the Parking Overlay from the site.**

1 Background

1.1 Introduction

The Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 10 September 2015 under the provisions of s151 of the *Planning and Environment Act 1987*, to provide advice on integrated development opportunities created by the removal of level crossings in Victoria.

The Committee comprises:

- Chair: Kathy Mitchell
- Deputy Chair: Trevor McCullough
- Members: Jenny Donovan, Rodger Eade, Elizabeth Hui, Rachael O'Neill, Kate Partenio, Tania Quick, Ray Tonkin, Geoff Underwood and David Whitney.

The Committee was assisted by Elissa Bell and Andrea Harwood, Senior Project Managers with Planning Panels Victoria.

Since these appointments and the original Terms of Reference being signed, the Minister for Planning issued revised Terms of Reference, renaming the Committee to the '*Victorian Transport Projects Integrated Development Opportunities Standing Advisory Committee*' (the Committee). The Terms of Reference revision included a broadened scope of work to cater for Integrated Development Opportunities with all Victorian Transport Projects (for example, Melbourne Metro and other VicTrack opportunities).

By letter dated 4 September 2016, the Minister for Planning referred the proposed development opportunity at Ormond Station to the Committee.

The proposal before the Committee seeks to rezone the area known as the Ormond Railway Station from Public Use Zone Schedule 4 (Transport) and General Residential Zone Schedule 1, to the Comprehensive Development Zone Schedule 1 (CDZ1). The site has an area of 1.308 hectares and comprises four landholdings, with two known as 1A and 1B Newham Grove and 483A North Road, the third as 51 Katandra Road and the fourth as 1 Newham Grove. All but 1 Newham Grove (which is 528 square metres and is held privately) are owned by the Victorian Commissioner of Railways.

Future land use and development outcomes on the site will be governed by the controls in the proposed CDZ1, and by the proposed North Road, Ormond, Comprehensive Development Plan (July 2016), (CDP) which would be incorporated into the Glen Eira Planning Scheme.

Clause 13 of the Terms of Reference provides that the Committee undertake its work in three stages:

- Stage 1: Exhibition
- Stage 2: Public Hearings, including Directions Hearing if required
- Stage 3: Outcomes.

Stage 1 resulted in a six week public exhibition process from 25 October to 9 December 2016. The draft Amendment was accompanied by the following draft documents:

- Explanatory report, map and proposed changes to Clauses 21.04, 21.06, 22.07 and 37.02
- Schedule 1 to the Comprehensive Development Zone
- Comprehensive Development Plan
- Proposed changes to Schedules to Clauses 61.01 and 81.01
- North Road, Ormond Comprehensive Development Zone Referral Report (LXRA)
- Urban Context Report (David Lock Associates)
- Transport Impact Assessment (GTA Consultants)
- Retail Need and Economic Impact Assessment (Deep End Services)
- Planning Scheme Amendment Assessment Report (SJB Planning).

The public exhibition resulted in 191 submissions being received. Stage 2 of the process (Clauses 19 and 20 of the Terms of Reference) provides that the Committee is to carry out a Public Hearing and provide all submitters with an opportunity to be heard. Of the submissions received, approximately 45 parties and individuals requested to be heard at the Public Hearing. Once the Hearing commenced, a number of individual submitters decided not to appear in person.

The Committee is required to consider *Plan Melbourne* and the State Planning Policy Framework, relevant provisions of the Glen Eira Planning Scheme, relevant documents prepared by the proponent, all submissions and *“Possible implementation methods including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to integrated development opportunities and whether there should be exemptions from notice and review provisions”*.

Stage 3 is that part of the process where the Committee writes its final report and submits it to the Minister for Planning following conclusion of the Public Hearing process.

In accordance with its Terms of Reference, the purpose of the Committee at Clause 5 is:

... to provide advice to the Minister for Planning on integrated development opportunities created by Victorian transport projects, where the integrated development opportunity has the consent of the relevant Victorian Government department or agency.

1.2 Public hearings

A Directions Hearing was held on 20 December 2016 with Kathy Mitchell (Chair) and Trevor McCullough (Deputy Chair) attending.

At the Directions Hearing, the Committee was advised that the proponent for the Project is VicTrack as owner of the land, and that the Level Crossings Removal Authority (LXRA) would provide logistical support to VicTrack. It was further advised that Deal Corporation (DealCorp) had an option on the site and provided assistance in preparing draft plans which informed the planning controls.

Following consideration of the key issues raised in submissions, the Chair constituted the members for Ormond Station matter as follows:

- Kathy Mitchell (Chair)
- Jenny Donovan
- Rodger Eade

- Kate Partenio.

Members of the Committee undertook various unaccompanied inspections of the site and its surrounds, including one on Thursday 9 February 2017, and a further inspection post hearing on Wednesday 1 March 2017.

The Public Hearing was held over nine days from 13 to 23 February 2017 at Planning Panels Victoria, with parties to the Hearing as shown in Table 1.

On the final hearing day, the Committee advised that should *Plan Melbourne Refresh* be released prior to the completion of its report, then opportunity may be provided for further submissions.

The Government's revised *Plan Melbourne, the Metropolitan Planning Strategy (2017)* was released on 11 March 2017. The Committee wrote to all submitters and invited further submissions in light of the new metropolitan planning strategy only. These submissions were due by Friday 24 March 2017. The Committee received five additional submissions in writing from VicTrack, HWL Ebsworth on behalf of Glen Eira City Council, Best Hooper Lawyers on behalf of DealCorp and from individual submitters (S41) and (S137). These submissions are discussed in Chapter 2.2.

Table 1: Parties to the Hearing

Parties to the Hearing	
Appearances	<p>Level Crossing Removal Authority (LXRA) represented by Chris Townshend QC and Barnaby Chessell of Counsel, instructed by Clayton Utz</p> <p>VicTrack represented by Chris Townshend QC and Barnaby Chessell of Counsel, instructed by Clayton Utz, and calling evidence from:</p> <ul style="list-style-type: none"> - Rob Milner of 10 Consulting in planning - Mark Sheppard of David Lock Associates in urban design - Catherine Heggen of Message Consultants in urban design - Justin Ganly of Deep End Services in economics - Stephen Hunt of Ratio in traffic <p>Glen Eira City Council, represented by David Vorchheimer and Mark Bartley of HWL Ebsworth, and calling evidence from:</p> <ul style="list-style-type: none"> - Craig Czarny of Hansen Partnership in urban design - Matthew Harridge of O'Brien Traffic in traffic - Blair Warman of Blair Warman Economics in economics <p>Environment Protection Authority (EPA), represented by Ernie Sanchez</p> <p>VicRoads, represented by Michael Freeman</p> <p>DealCorp, represented by John Cicero and Sarah Don of Best Hooper Lawyers, and calling evidence from:</p> <ul style="list-style-type: none"> - Dean Landy of Clarke Hopkins Clarke in architecture <p>Urban Development Institute of Australia, represented by John Casey</p> <p>No Ormond Sky Tower Community Action Group, represented by Vivian Shannon</p>

Parties to the Hearing

Miriam Baxt and Adrian Dent	Daryl Hunter
Greer Nadenbousch	Ian James
Julie Hector	Bruce McPhate
David Niven	Gerald Brodie
Raymond Muschialli	Guy Shannon
Richard Birkett	Vivian Shannon
Judy and John Stevens	Kenneth Olver, represented by
Barnaby Giudice	Maria Schwartz of Schwartz
Brian Healy	Barristers and Solicitors

1.3 Subject site and surrounds

The subject site is located at the Ormond Railway Station with a frontage of 45 metres to North Road and 180 metres to both Katandra Road and Newham Grove as shown in Figure 1. At its northern end, the site directly abuts a single storey Californian bungalow residential property, the first of a row of predominately single-storey residential houses. Both Newham Grove and Katandra Road are residential streets. Newham Grove is approximately 500 metres long from North Road to Foch Street where it ends opposite a 3.5 hectare parkland known as EE Gunn Reserve. Katandra Road runs adjacent to the rail reserve with retail, education, child care and single-storey residential dwellings on its eastern side, and a shared user path (pedestrians and bicycles) on its western side.

North Road is a six-lane declared main road with a median and on-street car-parking for existing retail uses which are typically one to two storey developments.

The site currently accommodates the existing Ormond Railway Station, commuter car parking, which includes some vegetated verges and trees, and a two storey building currently occupied by a gymnasium. It has a site area of approximately 1.3 hectares.

In addition to the train station, the site is serviced by the 630 bus route which runs along North Road from Elwood to Monash University at Clayton.



Figure 1: Ormond Station site location
Source: Urban Context Report, David Lock Associates, 2016

1.4 Approach to report and key issues

The Committee's Terms of Reference (see Appendix A) state at Clause 23:

The Standing Advisory Committee must produce brief written reports for the Minister for Planning providing:

- *A recommendation on the appropriateness of the proposed integrated development opportunities in light of the relevant provisions of the applicable planning scheme, the State Planning Policy Framework and Plan Melbourne, including whether the proposals should proceed and in what form*
- *A recommendation on the planning controls to best facilitate any appropriate integrated development opportunities including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to integrated development opportunities and whether there should be exemptions from notice and review provisions*
- *A recommendation on a process to implement any new planning controls*
- *Any other relevant matters raised in the course of the Standing Advisory Committee hearing/s*
- *A list of persons who made submissions*

- *A list of persons consulted and/or heard.*

The context of the proposal, and the issues raised by submitters which the Committee considers are relevant to its Terms of Reference, are summarised below.

The *Planning Assessment Report*, prepared by SJB Planning, stated “*the site falls within the Ormond Neighbourhood Activity Centre*” and in this context, described the opportunity of optimising a large, under-utilised site “*within the commercially zoned neighbourhood activity centre*”. The report identified opportunities for:

The establishment of a mixed use development at the nexus of the Ormond Neighbourhood Activity Centre and the Ormond railway station, a key transport node.

The urban renewal of railway station site and its surrounds which will ... support the economic viability of the activity centre ... allowing future residents to shop, recreate and work locally.

According to Council’s submission, “*Ormond is not identified within Plan Melbourne as an ‘activity centre’*”. Further, throughout the *Plan Melbourne Refresh* process, Council stated there “*has been no specific mention of Ormond becoming a designated ‘activity centre’ or an ‘emerging activity centre’*”. The hierarchy of activity centres provided in the Glen Eira Planning Scheme identifies Ormond as a “*Neighbourhood Centre*”. The Municipal Strategic Statement says:

These are distributed throughout the City, to serve as the focus for individual neighbourhoods and provide a mix of small-scale convenience retailing and service uses. Apartments and shop top housing is encouraged within the commercial areas of these centres. Single dwellings and multi-unit development are encouraged immediately adjoining the commercial areas of these centres.

In this context, Council identified the opportunity to “*provide commercial land uses that contribute to the economic performance of Ormond and Glen Eira’s network of activity centres*” and provided examples such as “*professional employment opportunities*” and “*fine grain shops*”.

VicTrack considered a mixed use development to be appropriate, incorporating residential and retail aspects. In considering the acceptability of the commercial use aspect of the development, the *Retail Need and Economic Impact Assessment* report concluded “*no activity centre would be undermined as a result of the development of the Project*” and that instead it would deliver a “*substantial positive net community benefit*”.

Council considered small scale commercial uses such as office space or fine grained shops may be appropriate for the site to complement the adjacent commercial precinct. In addition, Council saw an opportunity for new open spaces to be provided along the North Road aspect of the site.

Council considered that the existing small scale supermarket fulfils the grocery needs of Ormond and the proposed full-line supermarket was “*excessive*” and would have a negative impact upon both the existing Ormond shopping centre and nearby higher order Urban

Village centres. Council submitted there was a risk that development at the site *“may result in an ‘island’ style of development that has little interaction with the Ormond shopping strip”*.

Council submitted that there is an opportunity to create requirements for a percentage of affordable or social housing as part of the development.

Some submitters, including the Urban Development Institute of Australia (UDIA) expressed support for the draft Amendment, along with several government agencies, including LXRA, VicRoads and Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

There were some submissions that supported the inclusion of commercial uses in the proposed development. Several submitters noted that they did not have an issue with the provision of affordable housing and densification of the area. Conversely, two submissions stated that Ormond had sufficient apartments already.

Site characteristics which underpin development opportunities, included its large size, island nature with three street frontages, location adjacent to existing commercial development on North Road and location on top of existing public transport. The *Planning Assessment Report* considered development of the site represented an opportunity to create a *“key transport node”* and *“‘true’ transit orientated development”* that would *“encourage more sustainable lifestyles”*, improve *“activation of street frontages”*, increase housing diversity, increase passive surveillance and reinstate *“an appropriate residential character along the Newham Grove frontage”*.

Council considered a future project on the site may represent an opportunity to *“provide for an office and small scale retail element that contributes to the vitality and viability of Ormond and surrounding centres”*, *“strengthen pedestrian connectivity”* and provide for *“new open spaces and improved amenity along North Road”*.

The *Planning Assessment Report* recognised potential constraints relating to the previous and ongoing use of the site for transport related purposes. Previous transport use of the site was considered to have potentially caused existing site contamination. Whilst ongoing use of the railway infrastructure below the redevelopment site was considered to have the *“potential for associated noise and vibration impacts on the development, particularly residential uses, above”*.

In reviewing the submissions and evidence as summarised, the Committee considers the key issues to be addressed include:

- Planning framework
- Urban design and built form
- Traffic, access and parking
- Economic impacts
- Other matters (community services and open space; noise; contaminated land; third party review rights; responsible authority; consultation and notice).

In undertaking this review, and having regard to the Terms of Reference, because of the nature of the proposal, the Committee has found it difficult to keep this particular report ‘brief’, as noted by the Terms of Reference. Numerous issues were raised by the submitters, and then in further submission and evidence at the Hearing. To fairly consider these, the

Committee has found it necessary to address the issues in a reasonably comprehensive manner.

In reviewing the draft Amendment the Committee notes the willingness of VicTrack to engage and to take on board issues raised by Council and various parties and the Committee throughout the hearing process. In this regard, VicTrack's final preferred version of the CDZ1 (D67) and CDP (D68) were tabled at the conclusion of the Hearing, which for the purposes of the Committee's review, is the version used as the basis of its discussion in this report. All commentary, findings and recommendations are therefore based on the 'clean' Version 3 of the CDZ1 and CDP (D69), which was provided post hearing by VicTrack at the request of the Committee.

2 Planning framework

2.1 State policy

The State Planning Policy Framework (SPPF) identifies *Plan Melbourne*¹ as the key strategic document for metropolitan planning. While it is recognised that much of the policy has bipartisan support, *Plan Melbourne* is currently being reviewed by the *Plan Melbourne Refresh* project in order to incorporate new information and ideas. (*Plan Melbourne Refresh* was released as *Plan Melbourne 2017 – 2050* on 11 March 2017 and introduced into the Victoria Planning Provisions through updates to the State Planning Policy Framework on 31 March 2016 through Amendment VC134).

Plan Melbourne (2014) identifies that recent and projected population growth requiring additional dwellings will be partly accommodated through focusing on medium and high density development in defined areas. *Plan Melbourne* identifies the need to move away from further outward expansion, instead moving towards a “*more consolidated and contained metropolis, by establishing a permanent metropolitan urban boundary and facilitating more development in established areas*”. Housing affordability is to be addressed by encouraging greater diversity of housing types.

In terms of the additional housing required by 2051, *Plan Melbourne* considers over 60 per cent of this should be provided in established areas, and 66 per cent is to be provided for by medium to higher density stock (apartments, townhouses and units). *Plan Melbourne* includes the commitment to “*Deliver housing close to jobs and transport*” and identifies “*areas around railway stations*” as key places for providing housing.

While individual targets or strategies change under the *Metropolitan Planning Strategy*, the basic policy of meeting housing demand through additional housing in well-connected, established areas remains relevant.

Plan Melbourne emphasises the strategic significance of sites that present the potential to deliver transit oriented development outcomes. It advocates transit oriented development as a key way to achieve employment growth, as well as a range of economic, social and environmental benefits. Initiative 1.6.1 specifically promotes the identification of “*new urban-renewal precincts and sites around the existing rail network, based on transit oriented development principles*”. It goes on to recognise that:

Land around railway stations and train corridors can provide valuable development opportunities due to the access to public transport. Over the coming decades, we will be building a number of new railway stations as we develop the network and we will ensure these are integrated with land development. Existing stations and corridors will also be assessed for their development potential.

¹ Any reference to *Plan Melbourne* in this report is to *Plan Melbourne 2014*, unless specifically indicated to the contrary as the *Metropolitan Planning Strategy (2017)*, which was released on 11 March 2017 and introduced into the Victoria Planning Provisions through changes to the State Planning Policy Framework on 31 March 2017 through Amendment VC134.

Initiative 3.2.3 focusses specifically on the opportunities arising through the removal of level crossings and the desire to facilitate development and investment through their removal. It directs that the *“ongoing program of removals will be developed to maximise investment opportunities and contribute to urban development and employment growth in the suburbs”*. It supports the value capture opportunities related to a priority list of level-crossing removals.

Plan Melbourne defines value capture as utilising:

... part of the uplift in future economic and social value created by the construction of significant infrastructure, to enable government to accelerate investment earlier through innovative and tailored funding streams.

The *Plan Melbourne* definition emphasises capturing ‘part’ of the uplift in values. That ‘part’ could relate to both the site under consideration and resultant uplift in land values in the immediate surrounds. The Government currently has no policy to value capture in surrounding areas.

Plan Melbourne encourages local government to plan and support local urban-renewal and transit oriented development sites, and to better use existing and planned infrastructure for housing and employment opportunities.

2.2 Plan Melbourne 2017 - 2050

On 11 March 2017, the Victorian Government released its updated metropolitan planning strategy, *Plan Melbourne 2017-2050, (the Metropolitan Planning Strategy)*.

The *Metropolitan Planning Strategy* continues to place emphasis on the need to create opportunities for development at urban renewal precincts and sites across Melbourne to *“provide greater certainty for residents, investors, and the construction and development industry”*. It notes these opportunities will come from investment in major transport infrastructure, such as the Melbourne Metro Rail Tunnel and level crossing removals, and highlights that it will be *“important to maximise the benefits of this infrastructure”*.

The *Metropolitan Planning Strategy* is explicit about the need to increase the supply and density of housing in established areas to accommodate Melbourne’s anticipated growth. Specifically, it supports new housing in activity centres that offer good access to jobs, services and public transport, noting that many centres can support additional housing growth.

The *Metropolitan Planning Strategy* creates an aspirational housing target of a 70/30 split of net dwelling additions between established areas and greenfield areas in metropolitan Melbourne. It notes that there are opportunities for *“more medium and higher-density development in middle suburbs, close to jobs and services, including ... areas near existing and proposed railway stations that can support transit-oriented development”*. The *Metropolitan Planning Strategy* encourages mixed used developments and greater housing diversity and density near employment and transport to *“create opportunity and choice for medium and low-income households”*.

Transit Oriented Development is defined within the *Metropolitan Planning Strategy* as:

compact, walkable, mixed-use communities centred around high-quality train systems. Transit-oriented development assists in addressing the growing problems of climate change and global energy security by creating dense, walkable communities that greatly reduce the need for driving and energy consumption.

The *Metropolitan Planning Strategy* continues to emphasise the role that activity centres play, particularly in supporting additional housing growth within places that offer good access to jobs, services and public transport. The *Metropolitan Planning Strategy* directs that where activity centres with potential to support medium to higher-density housing are identified, *"appropriate policies, provisions and guidelines must be developed and put in place to encourage and support planned growth"*.

Activity centres are defined in the *Metropolitan Planning Strategy* as:

areas that provide a focus for services, employment, housing, transport and social interaction. They range in size and intensity of use from smaller neighbourhood centres to major suburban centres and larger metropolitan.

2.3 Local policy

Glen Eira Council's strategic objectives are sought to be implemented through a range of planning policies. The Local Planning Policy Framework (LPPF) provides a vision for its residential areas and activity centres.

Local policy seeks to facilitate residential development in designated locations including activity centres, near public transport and services, key redevelopment sites and other strategic locations (Clauses 21.03, 21.04 and 21.06).

The key provisions of the LPPF which provide for residential development and the relevant gazettal date include:

- Clause 21.04 - Housing Diversity and Density Policy (1999)
- Clause 22.05 - Urban Villages Policy (2004)
- Clause 22.06 - Phoenix Precinct Policy (2004)
- Clause 22.07 - Housing Diversity Area Policy (2004).

The Housing Diversity Area Policy sets a housing diversity and change framework, and specifically seeks to recognise:

Neighbourhood centres as locations which provide significant opportunities for housing diversity, but at a lesser scale and density than developments in urban villages and the Phoenix Precinct; and

That different development outcomes are sought in the commercial and residential areas of neighbourhood centres.

The Housing Diversity Area Policy seeks to provide for a range of housing diversity areas, including multi-unit development, and encourages housing diversity in preferred strategic locations which have good access to public transport, commercial, community, educational and recreational facilities.

Through this policy, the Ormond Activity Centre is identified within its housing diversity areas as a Neighbourhood Centre, and is one of:

10 smaller centres throughout the City which include the commercial areas and a residential area around them.

2.4 Zones and overlays

With the exclusion of the North Road retail strip which is zoned either Commercial 1 or Mixed Use, the site is surrounded by General Residential Zone 1 generally bounded by Grange Road, Booran Road, McKinnon Road and the Ormond Community Gardens.

The current and proposed zoning for the site is shown in Figure 2 and Figure 3, noting that there are no other zone changes to any abutting area.

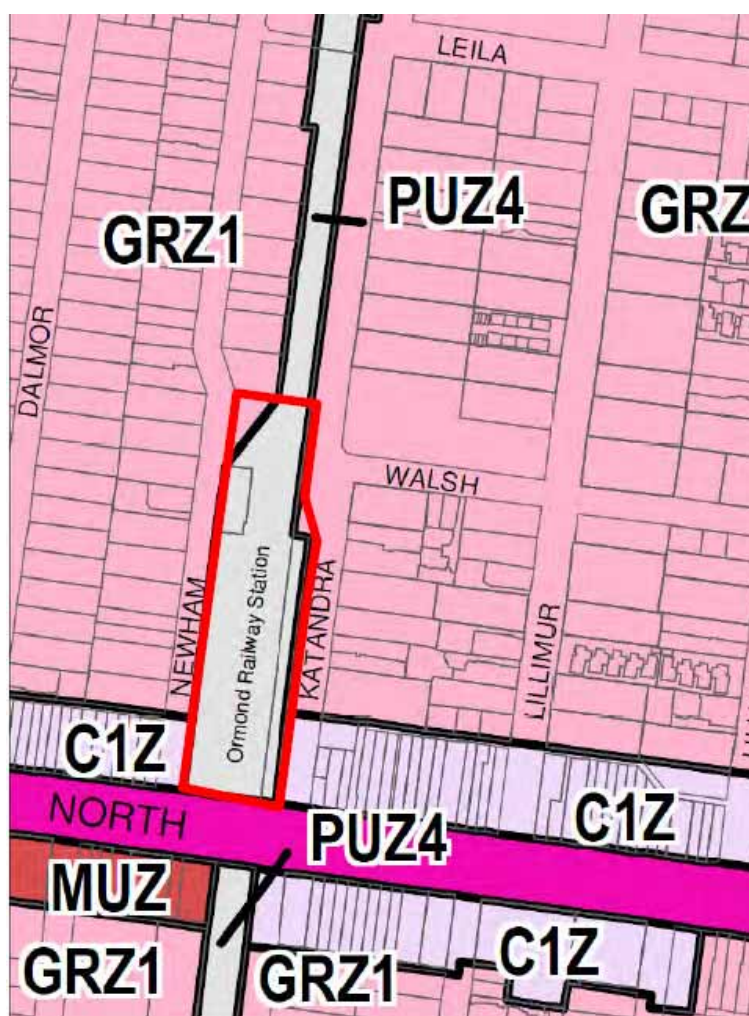


Figure 2: Current zoning
Source: Expert evidence for VicTrack,
prepared by Catherin Heggen, 2017



Figure 3: Proposed zoning
Source: Draft planning scheme amendment map.

The site is affected by Schedule 2 to the Parking Overlay (PO2) which is aimed at directing student housing to locations in close proximity to education institutions with good access to public transport. Further, it seeks to ensure student housing provides adequate car parking and generates minimal traffic impacts on the surrounding area.

Heritage Overlay 75 which covers some of the area immediately west of the site, recognises the 'Ormond Precinct environs'. This overlay recognises there are a number of properties on Newham Grove, including the single storey Californian Bungalow property which abuts the northern boundary of the site, which the *Glen Eira Heritage Management Plan 1996*, identifies as contributing to the local inter-war heritage character of the area.

The Special Building Overlay which exists to the west of the site identifies urban land which may be liable to inundation by overland flows from the urban drainage system. The Committee notes that some submitters highlighted recent flooding events in this area, but that these events did not impact on the subject land.



Figure 4: Current overlays - Parking
Source: Expert evidence for VicTrack, prepared by Catherin Heggen, 2017



Figure 5: Current overlays - Heritage
Source: Expert evidence for VicTrack, prepared by Catherine Heggen, 2017

2.5 Proposed policy changes

The draft Amendment included some changes to existing policy in Clauses 21.04 (Housing and Residential Development), 21.06 (Business) and Clause 22.07 (Housing Diversity Area Policy) in the Glen Eira Planning Scheme.

Clause 21.04-2 provides a number of objectives and strategies. Objective 2 is “to improve and protect the liveability, neighbourhood character and amenity of Glen Eira”. The draft Amendment proposed an additional strategy after the eighth dot point to read:

Recognise the opportunity for landmark built form, on strategic redevelopment sites made available through the removal of a level crossing, to establish a new character whilst maintaining neighbourhood amenity.

The draft Amendment proposes Clause 21.06 be amended to recognise a new zone under Implementation - Zones and overlays:

Apply a flexible and site specific planning control (eg Comprehensive Development Zone) to strategic redevelopment sites made available through the removal of a level crossing.

The draft Amendment proposes Clause 22.07 be amended to recognise the CDZ in the policy application, and include the following under 22.07-3.1 Housing diversity areas, a) Neighbourhood centres Commercial Area – Application:

Provision be made for the establishment of new landmark buildings on strategic redevelopment sites that are made available through the removal of a level crossing.

Council (D44) made submissions about the efficacy of the policy changes and expressed a view shared with S137 that the proposed policy inclusion at Clause 21.04 could be at odds with the overarching principle of objectives to protect existing neighbourhood character. In this regard, Council commented:

*Whilst it is acknowledged that the neighbourhood character of Ormond will no doubt change as a result of the redevelopment of the Subject Site, Council submits that such a change in character should be insular, and only relate to the Subject Site itself. The change in character **should not** represent the “new norm” for neighbourhood character in Ormond (or Glen Eira as a municipality) and instead, redevelopment of strategic sites such as this should be considered in isolation or as a “once off” [Council’s emphasis].*

Council then submitted the clause should be amended to read:

Recognise the opportunity for landmark built form on strategic redevelopment sites made available through the removal of a level crossing to establish a site specific response whilst maintaining neighbourhood amenity and respecting the scale and character of the surrounding neighbourhood.

Mr Milner gave planning evidence that the proposed policy changes are strategically justified and that:

In the case of the Ormond Station land, the fundamentally different shape and scale of the site; its “island” characteristics; comprehensive redevelopment opportunity and its single ownership unavoidably means it will introduce a new element of character to the ONAC.

The submissions in the main, did not pay much attention to the proposed policy changes advocated through the draft Amendment. The Committee does not have an issue with the changes per se, except that they clearly have the potential to relate to all sites that provide new redevelopment opportunities through the removal of level crossings in the City of Glen Eira.

2.6 Discussion

In forming its view about the strategic planning context of the Ormond site, the Committee has had regard to the SPPF and the relevant aspects of the Glen Eira Planning Scheme, *Plan Melbourne* (2014), the *Metropolitan Planning Strategy* and submissions and evidence of various parties.

The Ormond site clearly has local importance, but in the Committee’s view it is important to recognise it has broader metropolitan significance because of its location with a direct abuttal over and to a level crossing removal. Its characterisation in the strategic planning

context as a sizeable parcel of public land, adjacent to a major east-west arterial, above a metropolitan rail station and within an established activity centre, presents more than a local infill opportunity.

Glen Eira's local policy is broadly consistent with State policy in its overall objectives of land use intensification and built form change within designated housing diversity areas. However, a question to be addressed is the currency of local policy and the extent to which existing policy should moderate the built form and broader strategic opportunities that are presented by this site.

The *Metropolitan Planning Strategy* and the associated tools, such as the suite of residential zones note the necessity to embrace the opportunity of change. Glen Eira's local policy predates *Plan Melbourne*, the significant level crossing removal program and other State planning and infrastructure initiatives. State policy objectives recognise the imperatives to provide for housing choice and diversity, and encourage an integrated transport system connecting people to jobs and services.

The submissions on the *Metropolitan Planning Strategy* made to the Committee in the post hearing process did not convince the Committee that the development facilitated by the draft Amendment could not be supported.

VicTrack in its supplementary submission reiterated that the *Metropolitan Planning Strategy*, similarly to *Plan Melbourne*, placed clear strategic emphasis on realising integrated development opportunities at sites such as Ormond. This position was supported by DealCorp. Glen Eira City Council maintained its original submission of supporting the development of the site, but not to the scale proposed. S137 reaffirmed the position made in its original written submission and presentation to the Committee, that the proposed planning controls were inappropriate and inconsistent with the activity centre hierarchy within the *Metropolitan Planning Strategy*. S41 further reiterated its original view made through its written submission.

The Committee considers that local policy and, in particular, the Housing Diversity Areas Policy has not kept pace with State policy, particularly the key principles of the *Metropolitan Planning Strategy*. Therefore, the Committee queries the relevance of local policy, and is of the view that the Glen Eira local policy is outdated and need review.

The issue of underdevelopment or underutilisation of land in an urban planning context is now a critical planning question across Melbourne. Underdevelopment of land in this location in Ormond, and at level crossing removals sites where value capture opportunities can be realised, would be contrary to the intent of the *Metropolitan Planning Strategy*, as well as the strategic intent of development in activity centres. It is noted that the Victorian Civil and Administrative Tribunal (VCAT) has previously upheld the refusal of a permit in the Doncaster Hill Activity Centre on the basis that the proposal was an underdevelopment of the site, and more recently the City of Port Phillip held likewise for a site in Fisherman's Bend.

To accommodate Melbourne's anticipated growth, this and other Councils must seek to find opportunities and make way for greater diversity in housing and social and economic infrastructure. Activity centres should contain a mix of uses and an urban form to implement the strategic intent of the *Metropolitan Planning Strategy*, by incorporating

employment, commercial, housing and community facilities to create vibrant places that people wish to visit, meet and undertake their daily activities. More intense development in key locations must be identified, strategically planned for and facilitated. The Committee acknowledges that the Ormond Activity Centre is not specifically referred to in the *Metropolitan Planning Strategy* but is of the view that the draft Amendment is consistent with *Metropolitan Planning Strategy*.

It is understood that Council is currently reviewing its local policy framework, and the strategic basis that underpins the municipality's housing diversity and activity centres. The Committee considers that *Metropolitan Planning Strategy* and its emphasis on major infrastructure and transport projects such the level crossing removals provides the opportune time for local policy to be reviewed and aligned with this in mind. The Committee is of the view that it is appropriate to recommend changes to local policy as part of this process and notes that the exhibited draft Amendment proposes relevant changes to Clauses 21.04, 21.06, 22.07. The Committee supports the changes to local policy as exhibited.

The Committee considers the opportunity presented at the Ormond Station site is significant in the metropolitan context, and it provides a major strategic redevelopment opportunity given:

- its proximity to a metropolitan rail station, a common success factor to the vitality of activity centres
- its access to a major east-west arterial road, North Road
- public transport accessibility and abuttal to a regional shared bike and pedestrian path
- its size of 1.3 hectares, and the scarcity of such a brownfield site in a middle ring suburb
- its proximity to a wide range of community and education facilities, retail and other activity nodes
- its accessibility to a range of employment opportunities
- few sensitivities about the site, with the exception of residential area on the north west side of Newham Grove, covered by a Heritage Overlay.

Sites such as Ormond Station, which hold many strategic attributes and present the clear potential for integrated transport oriented development, should be recognised in policy terms for their strategic significance and should be embraced to implement State policy objectives. The Ormond site should therefore be set apart from the generic local policy considerations.

The Committee considers that the Ormond site is an excellent location for a prominent and landmark, mixed use urban form that will act not only has an anchor for the Ormond Activity Centre, but also as a catalyst for further land use intensification and built form over time.

The Committee finds that the CDZ1, modified as proposed through further review and as outlined in following Chapters, is the appropriate tool to provide the planning guidance and framework for future planning permit applications for development of the subject land. To support this, the exhibited North Road Ormond CDP, modified as proposed, is appropriate.

2.7 Findings and recommendations

The Committee makes the following findings:

- There is broad state policy and strategic support for the draft Amendment and the development that will be facilitated by the Amendment.
- The Ormond site is a strategic urban renewal site with significant redevelopment opportunity which should be reflected through updates to Glen Eira's Local Policy including the changes exhibited with the draft Amendment.
- The Ormond site consists of a range of strategic characteristics that warrant a significant redevelopment to maximise opportunities associated with the level crossing removal program.

In the light of the findings and recommendations of the subsequent chapters of this report, the Committee recommends that the draft Amendment should proceed, subject to further modifications to the form and content of the schedule to the CDZ and the CDP.

The Committee makes the following recommendation:

- 1. Prepare, adopt and approve the draft Amendment to the Glen Eira Planning Scheme, as exhibited, pursuant to section 20(4) of the *Planning and Environment Act 1987*, to facilitate the redevelopment of the Ormond Station for mixed use (residential, commercial and ancillary) purposes, subject to:**
 - a) Modification of the Schedule 1 to the Comprehensive Development Zone, as set out in Appendix D.**
 - b) Modification of the North Road, Ormond, Comprehensive Development Plan, as set out in Appendix E.**

3 Urban design and built form

The key issues in relation to urban design and built form to be resolved relate to:

- building height and form
- civic role of the site
- presentation to Newham Grove
- presentation to Katandra Road
- presentation to North Road
- permeability
- design controls.

3.1 Submissions and evidence

(i) Building height and form

The draft CDP proposed three precincts on the site with building heights ranging from 76 metres Australian Height Datum (AHD) or up to 13 storeys in Precinct A at the North Road frontage, scaling down to 57 metres AHD or 6 storeys for the majority of Precinct C at the rear (northern) end, lowering to 3 storeys adjacent to the existing property at 3 Newham Grove.

The *Planning Assessment Report* recognised the “*varied development interfaces and characters*” including the “*sensitive heritage interface*” and identified a potential constraint to be that:

The redevelopment must respect the character of existing development by ensuring there is an appropriate transition in building height, upper level setbacks, architectural detail and articulation.

VicTrack submitted that the proposed building envelope responds to the surrounding physical context and the sensitivities of surrounding uses by incorporating “*a transition in scale from 3-6-8-12(13) storeys. Precinct A, which coincides in dimensions with the depth of the Commercial 1 Zone fronting North Road, is clearly read within the context of that commercial precinct, fronts a very wide arterial, and sits above the railway station*”. VicTrack further asserted that “*a building here should include a landmark quality by virtue of its height to mark the station and the hub in longer views and to provide identity to the Ormond Activity Centre in the North Road context*”.

Council considered that this site represented an opportunity for “*a development that respects the adjoining residential and heritage context*”. Council further submitted it would be acceptable for “*A mandatory maximum building height of eight storeys above natural ground level at the southern-most end (Precinct A), transitioning down to three storeys at the northern portion of the site (Precinct C).*”

The key issue raised in submissions from residents related to the height and scale of the proposed development, particularly in contrast to the largely single storey and residential nature of the area of Ormond away from North Road.

Whilst acknowledging the benefits of the level crossing removal, and being supportive of redevelopment of the site, individual submitters called on the development to respond to

local character and expressed concerns about the proposed heights (S6, S13, S25). Concerns were raised that the height of the development had the potential for overshadowing and overlooking of private spaces, could set a 'precedent', and invite further high rise development to the area (S131, 134, 136). A number of submitters (S102 and S77) felt that a development of between 4 and 8 storeys would be more appropriate for the site.

In addition, submitters were concerned the bulk of the proposed development would dominate the existing landscape character and skyline (S129, S50, S104, S47).

Submitters described the existing surrounding built form character as being predominately single storey, residential, "*mainly a heritage area*" (S13) and a "*suburban garden suburb*" (S21). Submitter 11 stated:

We like Ormond because it has a good shopping centre, great schools as well as a "village" atmosphere, with no buildings higher than 4 storeys.

The Committee heard evidence from Mr Sheppard, Mr Landy, Mr Milner, Ms Heggen and Mr Czarny that the special nature of this site justified a departure from this character. Mr Townshend suggested that the Committee support the maximisation of the potential of the land for development. Mr Sheppard and Mr Milner advised the Committee that the site's 'island' setting, the robustness of the North Road frontage, the civic significance of the site and its size made such a tall building appropriate on the southern boundary. Mr Milner stated that the development could make a strong case for creating an "*appropriate sense of arrival*". Under cross examination, Mr Milner and Mr Sheppard agreed that this sense of arrival does not necessarily require a taller building and might instead be distinguished by design quality. However, in response to questions from the Committee, Mr Sheppard expressed the view that the design of the development should also consider its potential to create a "*longer range landmark*" that was distinguishable from further away. Mr Sheppard stated in his view this type of landmark would call for a greater height.

Conversely Mr Czarny, while recognising the site could and should accommodate a departure from the prevalent scale of development, suggested that this departure should be "*tempered*" to "*a maximum mandatory height of 8 storeys, tapering to the north to 5 and 4 storeys*" transitioning down to three storeys at the northern portion of the site (Precinct C).

In relation to overshadowing concerns, Mr Sheppard demonstrated modelling that showed the development would maintain solar access to the secluded open space of nearby residential properties in accordance with ResCode standard B21.

(ii) Civic role of the site

VicTrack (D60) submitted that the scale proposed for the development provides an appropriate response to the site's strategic significance and its civic function (as well as realising the site's investment opportunities).

Mr Milner noted in his evidence that:

The Ormond Neighbourhood Activity Centre lacks any form of:

- *focus or landmark;*
- *sense of arrival; and*
- *central space or public area that might mark a core or hub.*

Ms Heggen stated the centre “*lacks civic heart*”. Mr Czarny asserted that the “*benchmark for quality open space around a transit orientated development is greater given its role as a key public destination*” and that this indicated a need for ground floor setbacks on North Road.

In response to the lack of civic presence as befits an important use such as a railway station, David Lock and Associates in the *Urban Context Report* noted the objective to provide an attractive and safe publicly accessible space at the heart of the neighbourhood centre. Ms Heggen advised that the civic importance of the site suggested an open space at the south west corner of the site, adjacent to the station entrance. Mr Czarny recommended the creation of a plaza at the south east corner of the site. The Committee notes that this corner of the site is currently occupied by station infrastructure.

(iii) Presentation to Newham Grove

VicTrack asserted:

In assessing the presentation of the building to Katandra Road and Newham Grove it is important to recognise that these streets do not have (and have not historically had) a uniform presentation. Instead, the east side of Newham Grove and the west side of Katandra Road have historically been blighted by the presentation and operation of the rail reserve.

Council stressed the importance of improving pedestrian amenity on adjacent streets. It sought to retain and improve street tree planting. In response to questions from the Committee, Mr Milner, Mr Czarny, Ms Heggen and Mr Sheppard advised of the importance of activating street edges. The Committee notes the street and front garden landscaping was recognised by Mr Sheppard, Mr Czarny and Ms Heggen as contributing to the area’s character. However, the Committee notes Mr Sheppard’s advice that the contribution made by landscaping on the west side of Newham Grove has become “*patchy*”.

Mr Czarny proposed a 5 metre setback to reflect that of the dwellings on the other side of Newham Grove.

Mr Landy for DealCorp presented a concept that focussed on the internal workings of the building and the presentation to surrounding streets. He characterised it as “*one way, in my opinion that a development could respond to the design principles proposed to be introduced under the amendment*”.

(iv) Presentation to Katandra Road

VicTrack asked the Committee to consider that Katandra Road does not have a uniform presentation, and said:

This is not to suggest that existing character is irrelevant. It is instead to recognise that there is greater scope in the current instance for future development on the subject land to deviate from established built form conditions whilst still responding appropriately to important characteristics.

The *Urban Context Report* advised a zero setback “*or if there is to be a setback it can be up to 2 metres*”. It stated the development should avoid unarticulated blank walls and that the

façade incorporate vertical articulation at lower levels. The report further suggested a façade no higher than 4 storeys, with any additional height further setback.

(v) Presentation to North Road

VicTrack acknowledged the *“general agreement that the southwest corner of the site constitutes the most appropriate location for a public plaza”* and made provision for such a plaza in the Public Realm Improvement Plan. The Committee received diverse advice about the extent of any setback from the building line to accommodate this plaza. VicTrack contended that a setback of 8 metres as advised by Mr Czarny would be a poor urban design outcome, and that:

Mr Czarny’s rationale in this respect was that the space would be needed to accommodate pedestrian movements. This, however, was not supported by any analysis.

VicTrack argued that such a setback *“would be discordant with the built form character of North Road and run contrary to the explicit directive to maximise investment opportunities on the site”*.

The *Urban Context Report* supported a zero setback *“except to allow for widening of the public realm”*. The dimensions of such widening was not stated. Ms Heggen echoed Mr Sheppard’s advice in stating that a pedestrian plaza should be included, but was silent on any dimensions or other qualities that might be required.

In relation to the qualities and experience of that space, Mr Sheppard advised the Committee of the importance of providing weather protection and active ground floor frontages adjoining the North Road frontage. In response to a question about the apparent use of this plaza entirely for outdoor eating, as indicated in the concept prepared by Clarke Hopkins Clarke (perspective 01), Mr Sheppard stated he would not support the plaza for this use and that it should be an unencumbered and genuinely public space. Council submitted that the development should improve pedestrian amenity, maintain the existing station forecourt and explore tree planting on the North Road frontage.

(vi) Permeability

VicTrack contended:

There is general agreement concerning the benefits of providing a pedestrian connection at the north of the site and that the dimensions proposed by Ms Heggen (and incorporated within the revised control) are adequate (if not generous). The benefit of a pedestrian link of this type is significant given the extent to which the railway has historically divided the activity centre. The provision of a second pedestrian crossing through the site may be desirable but is unlikely to prove feasible given site constraints. It should not be a mandatory requirement but should instead be a matter to be explored, subject to feasibility.

Several witnesses drew the Committee’s attention to the opportunity to improve east-west permeability. Mr Sheppard indicated an east-west link somewhere at the northern edge of the site. Ms Heggen suggested a pedestrian plaza to the north of the site of 6 metres in

width that was open to the sky and which incorporated street furniture to assist its activation. Mr Landy's concept included a northern link of 5 metres in width.

Mr Czarny suggested a through route for pedestrian access that continued the alignment of the service lanes to the rear of the existing commercial premises on North Road and which would pass through the site approximately on the boundary between Precincts A and B. Under cross examination he advised the purpose of this link was not to facilitate through movement between the areas east and west of the site, but to access the station and the development.

The Committee notes that there has not been any link from east to west prior to the level crossing removal.

(vii) Design Controls

VicTrack contended that *"The proposed Building Envelope Plan, and the relevant objectives and design principles, will more than adequately manage future permit applications within the envelope"*. The proposed CDP outlines a number of Design Objectives, Design Principles and Application Requirements for conforming development. Objectives at Part 4.1 include:

- *To achieve design excellence and a new built form character with appropriate scale relationships in accordance with the Building Envelope Plan (which specifies the preferred maximum heights for each precinct).*
- *To increase density towards the commercial core of the Ormond Neighbourhood Centre and Ormond Station.*
- *To reinforce the legibility of the urban environment.*
- *To ensure development clearly defines and frames the public realm.*
- *To ensure development contributes to an attractive urban environment.*

Mr Czarny stated that the controls were not adequate to achieve the high standard of design the site demanded, noting that the two concept architectural responses prepared, arguably both conformed, but both would lead to very different outcomes.

Mr Milner expressed the view that the need to achieve design excellence should be given greater emphasis. He noted that the design principles and guidelines in the North Road CDP *"warrant strengthening since they provide insufficient direction, and guidance"*. He went on to add *"Considered in isolation and in the 'wrong hands' the Building Envelope Plan could give rise to a built form and 'landmark' that is a poor contribution to the centre"*. Mr Milner recommended that the CDP *"Advance a methodology and process to evaluate architectural excellence including incorporation of a review process by the Urban Design Advisory Panel (UDAP) as detailed in the UDF"*. Under cross examination he agreed the controls should be definitive and say *"achieve"* rather than *"promote"*.

3.2 Discussion

(i) Building height and form

The Committee notes that heights in the draft Amendment documentation were indicated in both storeys and in terms of AHD. The former provides an easy ready reckoner that allows broad understanding of the general impacts of building heights amongst the wider community and helps assess its economic impacts, while the later provides a consistent

'base line' against which impacts such as overshadowing can be measured on the varying topography of the area. Both measures have their limitations however, the Committee has chosen to rely on storey numbers in order to assist easy comparison and articulate the proposed differences between precincts.

The Committee notes Mr Czarny's evidence that the *Urban Context Report* was competent, but only considered the impact on the local vicinity, rather than its impact on the wider centre. The Committee agrees that the *Urban Context Report* represents a careful representation of the capacity of the site when considered in light of overshadowing and adjacent conditions and sensitivities. Although Mr Czarny's blunt presentation of the modelling of the building envelope was not particularly helpful, the Committee can see that the building envelope established by the Building Envelope Plan suggests a building might conform, but (potentially) result in a monolithic form that will have a significant presence on the skyline in an area of otherwise domestic scale and low level commercial architecture.

The Committee accepts Mr Townshend's assertion that change is necessary and should be welcomed, and recognises that the proposed uses and activities will bring benefits to the community. However, the Committee does not share Mr Townshend's contention that there is no nexus between building height and the level of an activity centre in the hierarchy. The Committee is of the view that the wider community interpret the role and function of a centre on a number of factors, one of which is the characteristic height of the buildings in that centre, albeit this is not enshrined in State policy. The higher the buildings, the more important the centre may read. This convention allows the role of centres across the metropolitan region to be read by the wider community. Individual buildings or clusters of buildings that depart dramatically and abruptly from the area's characteristic height (and expected height for that level of centre) are more likely to be perceived by some in the community as visually incompatible. Giving a building distinctiveness by its height can only be justified by an exceptional architectural response.

The building envelope suggested in the CDP facilitates the creation a significant feature on the skyline by virtue of its scale and height. This does depart significantly from the existing domestic and small scale commercial character of the area. In the short term this will result in a significant impact on the existing character and identity of the centre, particularly when viewed locally down North Road, over some roofs and from some other points within and around Ormond. It will be less visible further away.

Its location on an island site, the underlying topography and the opportunity to create a composition that will reveal part of its side and front when viewed from North Road, as well as its visibility above the existing roofline, suggest that with an appropriate architectural response, height alone is not required to create a landmark.

In relation to the key question of how high should the buildings be, the Committee considers that for Precinct A, the answer fits within a range of between 6 and 12-13 storeys. Below six storeys, its landmark presence would be lost as the surrounding area on North Road develops. Furthermore, such a development might arguably fail to fulfil the potential of the site. Over 12-13 storeys, serious objective problems would arise in relation to overshadowing. In establishing the optimum height, the Committee considers the Building Envelope Plan as exhibited is a blunt weapon to ensure the building is of an adequate standard of design to justify its departure from the surrounding area. This is because the

mass allowed by the Building Envelope Plan would amplify the negative impacts of the height, giving the street frontage a potentially monolithic presentation to surrounding streets and North Road that is at odds with the fine grained character of these areas. The Committee agrees with the contention that a departure from the existing character can only be justified to create a landmark and reinforce the site's civic function. The Committee further notes that balancing the need to maximise value capture with the sensitivities of the surrounding character is not simply a matter of picking a number of storeys somewhere in the middle of this 6 to 13 storey range.

In terms of purely visual impact (rather than overshadowing) when viewed from the surrounding nearby streets, there will not be a significant difference between two equivalent buildings on the site, one of 9 storeys and one of 13 storeys. Both will have a significant impact, but the lower built form will realise significantly less developable area. It is important to note that at either height, building design will play an important role in managing the impact on the existing skyline. Consequently, the Committee is of a view that the height should approach that of its objectively defined maximum, but only if its form incorporates significant modulation to ensure its potential as a distinctive landmark is realised.

In relation to the precedent development of the site might set, the Committee agrees with the evidence of Mr Milner and Mr Sheppard that the size of the site, its location and surrounding pattern of lot sizes and planning controls make this site unique, and consequently it sets no precedent in this activity centre.

(ii) Civic role of the site

The Committee agrees with the evidence of Mr Milner, Mr Czarny, Mr Sheppard and Ms Heggen that this development should reflect the site's civic function through the provision of a plaza directly adjoining the station entrance, and a distinctive design response to the adjoining building that provides a landmark. It further agrees with Mr Sheppard that the interface condition between the plaza and the building will be an important consideration. The Committee contends that if this space is to maximise its contribution to the community, and the character and identity of the Ormond Activity Centre, this interface will need to accommodate uses that activate this space. It will need to be finished to a high standard of design that considers its location against North Road, its southerly aspect and location against a building of significant height.

(iii) Presentation to Newham Grove

The Committee notes the indicative design response presented by Mr Landy that suggests articulation of the Newham Grove facade. The concept does this by use of vertical articulation that reflected the rhythm of the properties on the west side of Newham Grove and addressing the street with front doors and windows of habitable rooms. This approach is supported by the Committee. The Committee is concerned, however, that at ground floor level, these windows and doors directly adjoin the footpath or would be, at most 2 metres from the footpath. Furthermore, the Committee considers that the existing footpath, at around 1.4 to 1.5 metres in width concentrates pedestrian movement very close to these windows and doors. This may encourage the placement of permanent shutters and blinds to facilitate privacy that would have the incidental effect of reducing passive surveillance and

activation. The Committee observed that the existing street trees on Newham Grove, though not consistent as observed by Mr Cicero, had the effect of ensuring that the visual catchment while walking along Newham Grove is quite small and is comprised significantly of tree canopies. This means that if the existing trees are retained, they would largely obscure the higher buildings in Precinct A for a pedestrian walking along Newham Grove, thus diminishing their impact from the public realm.

The Committee however notes that the canopy of the existing street trees extends significantly into the site and is concerned about their viability given the Building Envelope Plan envisages development of the site up to the site boundary. Furthermore, the Committee notes that the west side of Newham Grove is constrained by power lines, which may limit the potential of the street to accommodate substantial landscaping or contribute greatly to the landscape character. Consequently, the loss of landscaping on the east side of street would have a disproportionate effect on the street's character that could not be mitigated by installation of planting on the west side.

(iv) Presentation to Katandra Drive

The Committee supports the articulation to Katandra Drive displayed in Mr Landy's concept, as illustrated in perspective 04. The rhythm of this articulation, comprising changes in profile and materials is effective in breaking up the mass of what would otherwise have been a blank wall.

(v) Presentation to North Road

In relation to the presentation to North Road, the civic importance of the site requires it be read as a plaza, a distinctive open space and point of incidence in the public realm rather than just a wider piece of footpath. To this end, a significant setback is required that is open to the sky, rather than a cavity at the base of the building. The Committee rejects the contention of VicTrack that such a setback would be 'discordant' with the rest of the North Road frontage. It would indeed differ from the prevalent frontage, but as per the rationale for a higher building, such a departure would only serve to emphasise its distinctiveness and its importance.

The Committee notes that the approximately 11 metres setback that exists between the existing station entry and the back of the existing building line provides an adequate distinction from the characteristic building line. The Committee observed this space to accommodate significant and sudden variations in the number of people passing through it as buses and trains arrived. As noted, the Committee considers that in order to fulfil its potential as a civic space and mitigate the intrusion of North Road, it will require careful design to facilitate activation and provide shade and shelter. The Committee recognises that activating the streetscape with outdoor eating is desirable, but in order to be a truly public space, it has to be largely unencumbered in character. The Committee has observed the movement of students and others from buses into the station concourse and the seamless transition of such. This opportunity should be enhanced and not compromised by intruding structures.

(vi) Permeability

In relation to site permeability, the Committee accepts Ms Heggen's evidence that a northern link is desirable as it would improve access to Katandra Special School and east-west linkages. However, the Committee observed that maintaining privacy and security for 3 Newham Grove might require raising the wall between the site and 3 Newham Grove. This will need careful treatment to avoid visually overwhelming this property. The Committee supports further pedestrian entrances into the development to provide access to the railway station and commercial facilities, where possible.

(vii) Design Controls

The Committee agrees with Mr Milner's contention that the existing controls provided inadequate assurance regarding design quality, and this is too important to leave to chance. In particular, further guidance is needed in relation to the profile of the building in Precinct A, the qualities and dimensions of the plaza on North Road, the articulation of the station entrance and the articulation of the roof form in Precincts C and B. This guidance will play an important part in ensuring the composition of buildings and spaces justifies their departure from the norm, respond sensitively to the area's character and fulfils their potential as a landmark and civic space.

3.3 Findings

The Committee make the following findings:

(i) Building height

- In Precinct A, the high profile of the building on the skyline and the imperative to ensure it creates a distinctive and memorable landmark is best achieved by modulating the profile of the building.
- The building heights within Precinct A should be varied to between 9 and 13 storeys maximum, and to ensure a significant degree of modulation of the roof form, no more than 50% of the building area to exceed 10 storeys.
- In Precincts B and C, the mass of the development and its impact on its surroundings require that the development incorporate variations in roof line through variations in setback to break up its impact on the skyline.
- Plant and services on the roof are to be designed in a co-ordinated manner to ensure the skyline created by the development can realise its beneficial landmark potential.

(ii) Civic role of the site

- The development should incorporate a high quality, unencumbered, genuine public space to articulate its civic significance.
- The visual impact created by a taller building demands distinctive and high quality architectural treatments to ensure a positive impact.
- The station entrance will need further articulation on the North Road façade to emphasise the civic function of the space and the implied importance of public transport.

(iii) Presentation to Newham Grove

- The development should incorporate setbacks to frontages on Newham Grove to facilitate widening of footpath to a minimum of 2 metres and to provide for integrated landscaping as identified by Mr Landy as a feature of the area.
- Skyline vegetation in Precincts B and C viewed at street and roof level will reduce the visual impact of the building and reinforce the green skyline characteristic of the area.
- Existing street trees in Newham Grove should be retained, if possible.

(iv) Presentation to Katandra Road

- The development should incorporate elements of vertical articulation that reflect the characteristic rhythm of lots and buildings on the eastern side of Katandra Road.
- Skyline vegetation in Precincts B and C at street and roof level will reduce the visual impact of the building and reinforce the green skyline characteristic of the area.

(v) Presentation to North Road

- The development must include a landscaped public plaza generally open to sky with a canopy required to provide a forecourt for station entry across the front of the development of average 11 metres and a minimum of 8 metres in depth behind the building line. This will allow it to be read as a distinctive and defined space that is capable of accommodating the peaks of pedestrian movements through it as buses and trains arrive or depart as well as facilitating a range of other functions that would be expected at a community hub. A canopy may intrude into this setback to no greater extent than the existing canopy.
- The public plaza should incorporate a co-ordinated suite of landscaping and street furniture that provides a minor landmark at eye level, provide shade and shelter, and facilitate activation.
- The building should clearly articulate the entrance to the station with an architectural treatment that emphasises a high level of community value placed on public transport.

(vi) Permeability

- The development should include a 6 metre wide pedestrian link between Katandra Road and Newham Grove at the north end of the site.
- It would be desirable if this link could be overlooked by windows from habitable rooms and incorporate a significant component of landscaping, to balance the potential for passive surveillance by creating an inviting environment to encourage usage of the link.
- The design of this link will need to consider privacy and light spillage into 3 Newham Grove.
- The design should consider the potential for additional points of pedestrian access into the centre.

(vii) Design Controls

- Further design controls are needed to provide confidence that the design excellence this site demands can be achieved. In particular, objectives for the development to respond sensitively to its context and to reflect the civic importance of the site, need to be made explicit.
- Under design principles in section 4.1 Height, Massing and Urban Design, additional guidance is required to make explicit the central importance of articulating the entrance to the station on the plaza to emphasise its role and civic importance. Explicit guidance is required to ensure the footpath on Newham Grove is of adequate width to accommodate increased pedestrian movement, ensure that pedestrian flows are not concentrated adjacent to sensitive residential edges and protect the viability of the street trees. The importance of creating a civic plaza on North Road of adequate size should be expressed through a requirement to setback development from North Road by an average of 11 metres and a minimum of 8 metres.
- The importance of ensuring design excellence and creating a landmark in Precinct A warrants explicit reference to a review process by the Urban Design Advisory Panel as detailed in the LXRA's Urban Design Framework.
- In relation to Newham Grove, a change to the design principles is warranted to ensure building setbacks provide an extension of the public realm or facilitate integrated landscaping on the interface between the public and private realms.
- In relation to the link between Newham Grove and Katandra Road, the importance of balancing visual appeal and safety warrant explicit mention in the design principles to ensure it delivers visual interest at a minimum. However, the Committee considers that treatment to include activation and passive surveillance from adjoining residential uses would be preferable but may cause practical difficulties.
- Under section 4.6 Landscaping, the Committee finds that this section requires the articulation of principles to guide the development. In particular these principles are needed to encourage integrated landscaping at the interface between the public and private realm and recognise the contribution made by the existing landscape to the areas' character on Newham Grove.
- Furthermore, in recognition of the surrounding areas generally green, vegetated skyline, the Committee finds that section 4.6 should require an exploration of the potential for roof gardens.

These findings are reflected in the Committee's recommendations through the modifications to the CDZ1 as set out in Appendix D and through modifications to the CDP as set out in Appendix E.

4 Traffic, access and parking

The key issues in relation to traffic, access and parking to be resolved relate to:

- traffic impacts on North Road and local streets
- impacts on pedestrians and cyclists
- provision of parking
- provision of loading facilities.

4.1 Submissions

(i) Traffic impacts on North Road and local streets

VicTrack submitted that the future traffic conditions have been comprehensively assessed and mitigation measures can be introduced to ensure that traffic conditions in Katandra Road and other roads within the network will be acceptable. Works include the signalisation of the Katandra Road/North Road intersection. In addition, secondary vehicle access to the development from Newham Grove was considered by VicTrack as appropriate.

Council expressed concern that the traffic generated by the site may result in an over saturation of traffic capacity of the abutting local streets and may *“reduce the development yield upon the existing General Residential Zone land within this local road network due to traffic saturation”*.

Council submitted that the traffic generated by the development would exceed the capacity of Katandra Road to the south of the site entry, and the overall retail floor area of retail uses should be reduced to reduce traffic volumes. However, it acknowledged that spare capacity was available in Newham Grove. Council supported, in principle, the signalisation of the North Road/Katandra Road intersection and sought threshold treatments to discourage traffic arriving and departing via the residential areas to the north.

VicRoads (S159) submitted that vehicular access to the development should be limited to be via Precincts B and C to minimise safety impacts on North Road and that, regardless of this, VicRoads should remain as a referral authority to protect its interests, particularly in relation to advertising signs. It acknowledged that traffic management works will be required on the North Road/Katandra Road intersection to facilitate safe and efficient movement onto and off the arterial road network and that this is envisaged to require signalisation of the intersection. VicRoads further sought an extension on the zone boundaries to the midlines of Newham Grove and Katandra Road. It argued that costs associated with the proposed Section 173 agreement be borne by the owner. This was agreed to by VicTrack and reflected in the revised Schedule to the CDZ.

Submitters raised concerns that the new pedestrian lights installed on North Road outside the station and/or the traffic generated by the development and the proposed traffic signals at the Katandra Road/North Road intersection will negate the traffic flow benefits of removing the level crossing.

The impact of further construction works was raised by some submitters, particularly as the area has already undergone significant disruption due to the level crossing removal works.

(ii) Impacts on pedestrians and cyclists

VicTrack submitted that the proposed Integrated Transport Plan, required in the CDP, will address impacts on pedestrian movements. It noted that, when asked by the Committee, the traffic experts did not consider it necessary to widen the footpath on the east side of Newham Grove.

Through its expert witnesses, VicTrack proposed a 6 metre wide pedestrian connection across the northern edge of the site to improve connectivity. The provision of a pedestrian link across the site was also recommended in the submission by DEDJTR (S123).

Council identified the existing shared user path on Katandra Road as the key north-south route for cyclists, for both commuting and recreational trips within the municipality. It emphasised existing high pedestrian activity attributed to three nearby schools and a child care centre. It submitted that the CDP include requirements to ensure safe operation of the shared path.

Council submitted that the Site Access Plan appeared not to encourage pedestrian movement and circulation through the site, other than the northern end. This may result in any development turning its back on Katandra Road resulting in poor integration with the surrounding area. The Council submitted that the Site Access Plan should be modified to show the location of the Katandra Road shared path.

Many submitters expressed concern that the shared path may be lost.

Submitter 36 raised concerns regarding the impact of increased traffic flow in the area on the safety of pedestrians, particularly pupils at the Katandra Special School on the northeast corner on Katandra Road and Walsh Street, opposite Precinct C. This was echoed by several submitters, noting the child care centre on Katandra Road opposite the site and Kilvington Grammar School to the north on Katandra Road.

(iii) Provision of parking

VicTrack submitted that the parking control in the CDZ, based on empirical analysis and policy provides an appropriate mechanism to determine parking provision. Accordingly, the inclusion of minimum and maximum parking rates would not be required.

VicTrack advised that the requirement for 120 commuter parking spaces is based on a Public Transport Victoria (PTV) policy of no net loss applied across the three train stations in the level crossing removal project group (Ormond, McKinnon and Bentleigh).

Council submitted that the parking rates recommended by its witness, Mr Harridge, of O'Brien Traffic, be adopted and referenced in the CDP.

VicRoads supported a reduction in parking provisions from the statutory rates, noting the site's location at a train station.

DEDJTR requested that the provision of bicycle parking for rail commuters be under a separate heading '*Public Transport Bicycle Parking Provision*' and the reference to 20 bicycle parking spaces be removed to enable variation in the future (such as increasing the provision) by the relevant public transport authority. A similar set of recommendations was made in relation to commuter car parking.

Multi use of commuter car parking is not permitted unless approved by DEDJTR – Transport. DEDJTR supported the reduction in parking requirements of a development on the site due to the availability of public transport, but did not support consideration being given to the provision of commuter parking when assessing a reduction of parking requirements.

Submitters considered that the availability of car parking in the area is already severely restricted and requested adequate car parking be provided on site for any residents and/or the retail precinct. Submitter 127 expressed concern regarding the potential loss of on street parking in Katandra Road near North Road, that has recently been reinstated following consultation with the road authorities. Submitter 114 was concerned about the lack of integration of the retail car park with the Ormond Activity Centre.

(iv) Provision of loading facilities

VicTrack submitted that appropriate controls are provided in the CDP to manage the provision of loading facilities.

Council submitted that the provision of loading facilities should meet VicRoads' guidelines for loading, and that delivery vehicles be limited to a maximum of 12.5 metres in length. VicRoads submitted that delivery vehicles should be no greater than this length due to safety concerns with the swept path of trucks entering Katandra Road from North Road.

4.2 Evidence

VicTrack included a *Transport Impact Assessment* prepared by GTA Consultants as part of the referral. That was supplemented by an additional memorandum on three options relating to the North Road/Katandra Road intersection treatment that reflected the recent changes to the intersection following the removal of the level crossing. VicTrack engaged Mr Hunt of Ratio Consultants to undertake a peer review of the GTA material, and to give evidence on traffic and parking matters. Council engaged and called Mr Harridge to give evidence on traffic and parking matters.

(i) Traffic impacts on North Road and local streets

Both expert witnesses provided independent estimates of the traffic generation for the proposed development, with Mr Hunt determining an alternate trip distribution to that in the GTA report. This provided some variation in the expected traffic volumes on Katandra Road, post development.

While Mr Hunt's trip rates and distribution varied from that in the GTA report, the combined generation led to similar turning movements at the North Road/Katandra Road intersection. It led Mr Hunt to accept GTA's impact assessment for North Road. Mr Harridge did not assess the traffic impact on North Road.

Both experts found that the overall level of traffic generated by the expected level of 'as of right' development, given the floor space limits proposed for the commercial component, could be accommodated by the road network.

Both experts provided in-principle support for the GTA Option 2 concept for the signalisation of the North Road/Katandra Road intersection, which incorporates a widening of the

western side of Katandra Road to accommodate an additional 20 metre long turn lane. They noted that there was sufficient room to maintain the shared path along Katandra Road.

Similarly, both experts agreed that the Site Access Plan was appropriate, directing primary access to Katandra Road and secondary access to Newham Grove.

In relation to Katandra Road, Mr Hunt estimated that post-development traffic volumes south of the site car park entry would be in the order of 7,500 vehicles per day. Mr Harridge estimated that the volume would be in the order of 8,000 vehicles per day. (The GTA estimate fell between the two). Mr Hunt argued that the higher traffic volume determined by Mr Harridge did not account for traffic that would head north along Katandra Road or east along Walsh Street, noting that Mr Harridge had adopted the GTA trip distribution, which was conservatively biased towards North Road.

Both experts agreed that Katandra Road would be classified as a connector street, at Clause 56.06 of the Glen Eira Planning Scheme, indicating that the maximum target volume for a connector street should be 7,000 vehicles per day. Both witnesses agreed that this is a volume based on amenity considerations (generally subjective considerations such as noise from passing traffic, safety and accessibility) and the North Road/Katandra Road intersection capacity provides the measure of practical capacity.

Mr Hunt gave evidence that a volume in the order of 7,000 to 8,000 vehicles per day was reasonable given the site's location within an activity centre and the distance from the access point to North Road. He said that a variation of around 500 vehicles per day above 7,000 vehicles per day would not be perceptible. Mr Harridge recommended that 7,000 vehicles per day be the maximum daily volume allowed on Katandra Road and that some of the site's traffic be directed to Newham Grove, which he advised could accommodate 3,000 vehicles per day. VicTrack argued that Clause 56.06 only applies to the provision of new residential streets. Mr Harridge gave evidence that traffic management treatments should be provided in Newham Grove and Katandra Road to mitigate impacts on local streets.

(ii) Provision of parking

Both Mr Hunt and Mr Harridge recommended minimum and maximum parking rates for the expected uses, following the format set out in the GTA report.

Mr Hunt specified maximum rates that are below the standard Column A rates specified in Clause 52.06 of the Planning Scheme and recommended a rate of zero for residential visitor parking. Mr Hunt did not make any recommendation in relation to parking provision for a medical centre.

Mr Harridge supported a reduction of parking rates below Column A rates, with the exception of a medical centre use and a supermarket use. Of particular concern to Mr Harridge was the need to provide adequate parking for the supermarket use and some parking for residential visitors.

Table 2 sets out the parking rates, by exception, recommended by the transport experts alongside the Column A and B rates in Clause 52.06.

Under questioning, Mr Hunt advised that the 'maximum' rate he proposed should be considered as a 'standard' rate, noting he had only adopted the terminology from the GTA report, and a minimum rate may be desirable based on other policy considerations.

Both experts agreed that the VicTrack proposal to provide parking rates in accordance with Column A of Clause 52.06, with provision to vary rates down to zero based on consideration of the specified decision guidelines, was an acceptable approach.

Table 2 Parking rates recommended by experts, by exception to the GTA recommendations

Use	CI 52.06		GTA Consultants Max - Min	Mr Hunt Max - Min	Mr Harridge Max - Min
	Col A	Col B			
Dwelling:					
one bedroom / dwelling	1	1	0.8 - 0.6		
two bedroom / dwelling	1	1	1.0 - 0.8		
three bedroom / dwelling	2	2	1.4 - 1.2		
Visitors / dwelling	0.2	0	0.04 - 0	Col B	0.15 - 0.1
Supermarket /100 square metres LFA	5	5	4.0 - 3.5		Col A - Col B
Shop/100 square metres LFA	4	3.5	2.5 - 2.5	Col B - GTA min	
Food and Drink & Take Away /100 square metres LFA	4	3.5	Col A - 2.5	Col B - GTA min	
Office/100 square metres NFA	3.5	3	2.5 - 2.5		Col B
Restricted Recreation Facility / 100 square metres NFA	n.s.	n.s.	5.0 - 2.5		
Medical Centre	5 + 3/additional practitioner	3.5/100 square metres NFA	n.s.	n.s.	Col A

n.s. Not specified

(iii) Provision of loading facilities

Mr Harridge gave evidence that a development on the site should include the number of loading bays as recommended in the VicRoads document *'Guidelines for providing loading zones and other short term drop off/pick up areas'* (October 2000), noting a supermarket can generate an average of around 20 deliveries per day. He argued that a loading management plan would not successfully address a shortfall in loading bays.

4.3 Discussion

(i) Traffic impacts on the North Road and local streets

The *Transport Impact Assessment* report provided transport modelling results for the North Road corridor comparing a base case, following the removal of the level crossing, and a base case with the development based on the as of right development in the schedule. This data

indicated that while the additional traffic will result in a reduction in performance levels, the level of service will remain at 'D'. The Committee was not provided with corresponding data without the removal of the level crossing, which would have assisted in determining whether the capacity benefits of the crossing removal would be negated by the proposed level of development.

Notwithstanding this, the Committee accepts that VicRoads, as the road manager, had no objection to the proposal and notes that it is not possible to provide any development without some impact on the road network. The Committee accepts the evidence that Katandra Road can be widened to accommodate a short second turn lane into North Road without the loss of the shared path.

The Committee was advised that the proposed as of right limits on commercial floor space were based on an assessment of the traffic capacity of the road network to accommodate the associated level of traffic generation. The Committee accepts the evidence that this volume of traffic can be adequately accommodated by the local street network. The Committee does not accept that this level of development will absorb all of the capacity in the road network and hence constrain further development in the area. The local road network is well connected, particularly to the east of the rail line, allowing for a distribution of trips to other higher order roads. The traffic generated by the development will include a proportion of the trip ends from any future residential developments in the area attracted to the site.

While the Committee acknowledges that there is one residential property to the south of the child care centre, it does not consider it necessary for a limit to be placed on the volume of traffic on the southern end of Katandra Road, with the North Road/Katandra Road intersection capacity providing an appropriate limit for an activity centre. This section of road is not just a residential street, it provides access to schools, a commercial area and rail station. Consequently, it has a different level of amenity expectation than would a street within a purely residential area.

As shown by the different assessments by the traffic experts, it is not possible to provide an exact estimate of future traffic distributions, which due to a range of factors would potentially vary over time. However, the Committee considers the estimate by Mr Harridge to show the upper end of the range expected and a lower volume could indeed eventuate. In this regard, it is noted that none of the experts considered traffic volume impacts of the greater level of parking provided with access off Newham Grove as shown in the January 2017 concept plans compared to the 2015 concept plans, which could see approximately 400 trips removed from the Katandra Road daily traffic estimates. The Committee agrees with VicTrack that a strict application of Table C1 of Clause 56.06 is not appropriate in this instance.

Due to the finished level of the deck over the rail line, it will not be feasible to provide a vehicle access to the site from Katandra Road north of Walsh Street. To limit intrusion into the residential area it is desirable to locate the vehicular entries no further to the north than the northern extent of 19 Katandra Road. The primary car park entry should be located north of the 95th percentile queue length estimated at the North Road intersection to enable cars to exit the site and join the back of the queue. Trucks should be discouraged from travelling unnecessarily into the residential areas.

It is noted that Cadby Avenue is to remain limited to left turn out movements onto North Road and hence the development is not expected to have a significant impact on this street.

(ii) Impacts on pedestrians and cyclists

In relation to the safety of pedestrian and cyclists, the development will create increased traffic, particularly across the shared path along the edge of the site on Katandra Road. The proposed pedestrian link along the northern end of the site will create a new route that will attract pedestrians, in particular those attending the schools to the east, including the Katandra Special School. A safe pedestrian crossing point should be provided across Katandra Road at this location. It will be important for any design to ensure that safe crossing points are provided for the Katandra Road shared path at each site access point. This and other safety issues are best addressed at the permit stage through the proposed Integrated Transport Plan. However, the Site Access Plan should be modified to ensure that vehicular access is not permitted via the new northern pedestrian connection.

The Newham Grove footpath along the western side of the development is constrained by the indented parking along the street and would be further constrained by any substantial fencing or walls along the edge of the subject site. This development will attract a greater volume of pedestrians both to the site and from the residential uses within the site to areas such as the open space and schools to the north. A widening of the footpath to 2 metres, by setback of development from the property boundary by approximately 0.5 metres, would provide a more appropriate level of service within an activity centre.

(iii) Provision of parking

The Committee considers the inclusion of a specific number of commuter car parking and bicycle spaces gives appropriate guidance and should remain. The words “*unless with the consent of the responsible authority*” provide suitable flexibility. The request by DEDJTR to remove the specification of the number of spaces is not supported.

Council’s recommendation to require three metre floor to floor heights in the car parks to allow for future adaptation if parking requirements change, is considered to be too inflexible and fails to give consideration that some of the parking areas will be unsuitable for adaptation (for example basement and sloping decks), and or will always be required for some parking.

The draft Amendment was exhibited with a transport impact appraisal report that included recommended minimum and maximum parking rates. This was reflected in the written evidence of both witnesses. In contrast, the proposed CDZ1 stated that car parking be provided in accordance with the Column A rates in Table 1 of Clause 52.06. Of particular note is that the schedule would allow for these rates to be varied to as low as zero with exemption from third party notice and review requirements.

Exhibiting the GTA report with the draft Amendment may have given rise to an expectation by some in the community that minimum parking rates would be applied, and that some discount to the Column A rates would be acceptable. In its closing submission, VicTrack noted that:

In broad terms, the maximum rates can be best understood as representing the likely empirical demand that will be generated by different uses on the

site, and the minimum rates as representing lower rates that may be justified having regard to other factors (including policy considerations).

This site is located within an activity centre, over a train station and with a bus stop at its front door, providing a high level of accessibility for a significant number of trips to be undertaken by walking or public transport, which would support the application of reduced parking rates.

Council has in place a parking management strategy to manage on-street parking in the activity centre to minimise impacts on residents from overspill parking, should it occur. While this may ultimately mean that parking restrictions encroach further along residential streets, this is not an unacceptable outcome within an activity centre environ where the aim is to encourage public transport use. It is noted that it is Council policy not to issue parking permits to residents of new developments.

The Committee considers that the use of maximum and minimum rates is appropriate where notice and review requirements are exempted. This will give some level of certainty to the community that may otherwise be missing.

The Committee supports the minimum and maximum rates for resident parking as set out in the GTA report and accepted by both experts.

In relation to residential visitor parking, Mr Harridge argued against a minimum rate of zero for residential visitors and for the highest maximum rate of the three parties. The Committee notes that the Column B rate, in Clause 52.06, for residential visitors is zero and that the Column B rates are typically considered standard rates within activity centres. This is due to the ability to share parking and other considerations such as walkability and public transport accessibility.

For other specified uses, with the exception of a medical centre use, the experts either recommended the GTA rate or the Column B rate.

The Committee supports the use of the Column B rates as the maximum rate and the minimum rates from the GTA report. Furthermore, the Committee considers that given the site's location at a train station within an activity centre, the Column B rate should be set as the maximum rate applicable to a medical centre or any other use. In relation to the medical centre use, the Committee notes that the Column B rate based on floor area rather than the number of practitioners is consistent with the retail rates, making it easier to consider parking provision impacts should a change of use for the spaces be sought at any time.

The Committee supports multi-use of commuter parking as this would lead to more efficient use of the site where peak demands of uses do not overlap with the peak commuter demands. However, the Committee notes that this would require the support of DEDJTR - Transport.

In relation to off-site impacts on parking supply, any development and associated road works should seek to minimise loss of on-street parking. Section 4.5 Transport Integration of the CDP should include as a design principle, the provision of pedestrian access into car parking areas off Katandra Road to assist in integrating the site as part of the precinct parking supply.

(iv) Provision of loading facilities

The number of loading bays and design of the loading area is a matter for consideration during the permit stage. The controls proposed within the CDP provide suitable guidance, noting that VicRoads and Council will have the opportunity to comment on any application.

(v) Other Matters - Parking Overlay

Clause 45 of the Glen Eira Panning Scheme applies a parking overlay (PO2) over the site. PO2 seeks to direct student housing to locations in close proximity to Monash University, Caulfield Campus, and Holmesglen Institute of TAFE, with good access to public transport, commercial, community, educational and recreational facilities. It sets a standard parking rate for student housing on this land at 0.4 spaces per bed.

Whilst this aspect was not dealt with at the Hearing, having a parking overlay with parking rates over the site would be at odds with the approach of providing parking controls in the schedule to the CDZ1. It is noted that the residential parking rates outlined earlier are reasonably consistent with the rates in the overlay and it would not be disadvantageous to remove the overlay.

4.4 Findings and recommendations

The Committee makes the following findings:

- The traffic generated by the level of development proposed 'as of right' under the CDZ1 floor area controls and the CDP building envelope can be supported.
- A significant car park (in the order of 100 parking spaces) should be provided off Newham Grove to limit the traffic impact on Katandra Road.
- The controls should be modified to include maximum and minimum parking provisions to provide some level of certainty when third party notice and review rights are not provided, and this would be best incorporated into the CDP.
- The multi-use of commuter car parking is supported but remains at the discretion of DEDJTR - Transport.
- The Site Access Plan should be modified to reduce the extent of the primary and secondary vehicle access. Further, the primary pedestrian access zone should extend around the eastern edge of Precinct B; but should not indicate the shared path on Katandra Road as this is an external consideration, which must be identified in an Integrated Transport Plan developed for the site.
- The provision of a pedestrian connection across the northern edge of the site will enhance connectivity. The pedestrian network should be further enhanced by linking of this new connection across to Katandra Road to the Katandra Special School via a safe crossing point.
- The footpath on Newham Grove outside the site should be widened to two metres, facilitated by a half metre setback of development from the property boundary.
- Section 4.5 Transport Integration of the CDP should include a design principle indicating that the provision of pedestrian access into car parking areas off Katandra Road to help integrate the car park as part of the precinct parking.

- Delivery and waste trucks should approach and depart the site from the North Road end of Katandra Road to minimise impacts on the residential areas to the north. This should be incorporated as a design principle in the CDP.
- The existing Parking Overlay should be removed from the site.

The Committee makes the following recommendation:

2. Remove Schedule 2 to the Parking Overlay from the site.

The other findings are reflected in the Committee's recommendations through the modifications to the CDZ1 as set out in Appendix D, and through modifications to the CDP as set out in Appendix E.

5 Economic impacts

The key issues in relation to economic impacts to be resolved relate to:

- net impact on the Ormond Activity Centre and other activity centres in the catchment area of the permitted retail component of the development
 - adequacy of supermarket provision in the Ormond Activity Centre catchment
 - net community benefit of the permitted retail component of the development.

5.1 Submissions and evidence

(i) Impact of development

An Economic Impact Assessment report was prepared for VicTrack and supported by expert evidence from Mr Ganly from Deep End Services. It underpinned VicTrack's case for the proposed retail development, and provided a retail impact analysis using an accepted methodology based around data on:

- available and forecast levels of retail expenditure in a defined primary and secondary catchment area
- current provision of retail floorspace, including food retailing
- the forecast level of sales from the permitted retail floorspace in the first full year of trading, assumed to be 2021/2022
- estimates of which centres within the catchment area these forecast sales levels would be redistributed from
- percentage impact on sales in the Ormond Activity Centre and competing centres.

This assessment identified that *"per capita retail spending levels in the catchment area are currently 8.0% above the Melbourne average"* but that in contrast retail and supermarket floor space provision rates *"are very low compared to Melbourne averages"*. The assessment identified the lack of a full-line supermarket in the Ormond Activity Centre.

Mr Ganly used the Australian Bureau of Statistics (ABS) definition of *"retail trade"* as the basis of his estimate of current levels of floorspace provision in each of the centres in the catchment area.

Council relied on evidence from Mr Warman of Blair Warman Economics in opposing the extent of the retail development permitted. Mr Warman's peer review and expert evidence was based around a very different assumption about the definition of retail trade to that used by Mr Ganly, and hence lead to some significantly different conclusions.

In his expert evidence, Mr Warman stated:

the inclusion by Deep End of non-retail floorspace occupied by 'food catering' activities (cafes, restaurants and take away food) in their assessment, noting that these are defined as 'non-retail' activities by the Australian Bureau of Statistics., and unlikely to experience any impact from the proposed development.

Mr Warman used the Australian and New Zealand Standard Industrial Classification definition which does not include food catering activities in the retail trade classification.

This difference resulted in significantly different outcomes from their respective economic impact analyses.

A further area of difference between the two retail economic experts was that Mr Warman was critical of Mr Ganly for drawing the boundaries of the trade catchment area down the centre of the streets which divide the Glen Huntly and Bentleigh activity centres. This has the effect of excluding two full-line supermarkets from the catchment area, as each are located just outside the defined boundary. In sales impact terms, this has the effect of reducing the amount of food retail floor space over which any impact on sales arising from the permitted as of right development would be calculated.

Further, Mr Warman took issue with the current trading levels of food retailers in the catchment area estimated by Deep End. In his peer review report, Mr Warman provided a detailed analysis based on his knowledge of, for example, turnover at a number of other centres including managed regional and sub-regional centres. In presenting his evidence before the Committee, Mr Ganly acknowledged that economic impact analysis is a mixture of fact and judgement.

As is usual in a retail economic analysis, each of the experts presented their estimates of the impact of the likely future sales attributed to the permitted retail development on the subject sites, in terms of the percentage of future sales that would be redistributed away from other centres in and beyond the catchment area. Mr Warman's sales impact estimates focussed on a limited number of centres.

Because of the different assumptions about the definition of 'food retail trade' made by the two experts, the floorspace allocated to it, and current and hence future levels of sales turnover, the two experts have arrived at very different percentage impacts on food sales in the various centres. The impacts on food retailing sales in selected centres are summarised in Table 3.

Table 3: Estimated percentage change in food retailing sales in 2021/22

	Ganly estimate	Warman estimate *
Ormond (including development)**	+131.7%	
Ormond (excluding development)	-6.0%	-14.6%
Bentleigh	-6.7%	-9.8%

* Mr Warman's estimates are not strictly comparable with Mr Ganly's as they are based on different sales turnover and existing floor space assumptions, the latter arising from a different definition of food retailing.

** Mr Warman did not provide an estimate of the impact on Ormond which included the sales in the permitted development.

Under cross examination, Mr Townshend questioned Mr Warman extensively on his conclusion of a negative impact on retail sales in the Ormond Activity Centre, putting to him that the overall increase in retail sales, including the permitted development will be significant. Mr Warman was reluctant to concede this. In his evidence, Mr Warman concluded that the negative impact on sales of the permitted development on the subject site will be near or above the often cited threshold level of 10%, in both the Ormond Activity Centre and Bentleigh Activity Centre.

Submissions from some of local resident submitters and business owners identified the likely economic impact on local businesses of the permitted retail components of development. Many observed that local traders were impacted by the disruption caused by the level crossing removal and are only just recovering. Submitters claimed that the development provides “unnecessary retail space” (S71) and were concerned that “the proposed supermarket is excessive and will put IGA ... out of business” (S67). There was concern that “the tower risks becoming a “hub”, isolating and excluding the traders on North Road” (S77) and that “the development as it is proposed is highly likely to create an “island precinct” (S110). Further, Submitter 97 indicated:

Whilst it is accepted that the proposed development will attract large numbers of shoppers to the supermarket and shops in the station complex, the Report (EIA) does not show how these shoppers will be drawn to the existing neighbourhood centre.

Gauge Espresso (S127), one of the few local businesses to make a submission and appear before the Committee, outlined the impact of the level crossing removal project on their business and expressed concern regarding further construction impacts on their business, particularly in relation to potential loss of car parking spaces.

(ii) Supermarket provision

The *Economic Impact Assessment* showed supermarket provision in Glen Eira at 0.11 square metres of floor space per capita compared with a Melbourne average of 0.32 square metres per capita. Glen Eira has the lowest level of provision per capita in metropolitan Melbourne.

The total provision of retail floor space in the catchment area for the Ormond Activity Centre is 0.84 square metres per capita, compared with the average Melbourne provision of 2.3 square metres per capita.

Mr Warman questioned this analysis as selective and presented similar calculations for a number of larger geographical areas which include more supermarket floor space and a greater population. He showed that by doing this, supermarket provision will increase to levels at or above the metropolitan average. He concluded that there is no evidence of the under provision of supermarket floor space for Ormond residents.

The issue of accessibility to full line supermarkets was contested by both experts. The *Economic Impact Assessment* included a graphic that showed relatively low levels of supermarket floor space within a five-minute drive for Ormond residents. Mr Warman countered this with a graphic that showed that many residents of the Ormond trade catchment have a supermarket within 1.5 kilometres.

(iii) Net community benefit

The *Economic Impact Assessment* concluded that there is a positive net community benefit which is summarised as follows:

- significant full and part time jobs created in both construction and on-going operation
- greatly improved local retail facilities and ability to combine shopping with train travel
- development of an underutilised site and subsequent broader revitalisation of the precinct

- improved amenity when combined with the level crossing removal.

In leading evidence from Mr Ganly, Mr Townshend emphasised the importance of using the measure of net community benefit rather than what he submitted was the “*highly artificial*” measure of the impact on sales in competing centres.

In addressing net community benefit, Mr Warman concentrated on employment creation but argued that jobs created in the Ormond Activity Centre will “*largely*” be redistributed from other centres following the redistribution of sales from those centres.

5.2 Discussion

At the outset the Committee makes three observations. Firstly, as observed by Mr Townshend, if this retail proposal was to be located elsewhere in the commercial component of the Ormond Activity Centre, the proposed floorspace would be ‘as of right’ in areas in the Commercial 1 Zone and any economic impact analysis would take on a different tone.

Secondly, the Committee accepts that whilst negative economic impacts on an activity centre of the order of 10 per cent have often been regarded as the threshold beyond which there should be some caution in approving development, that net community benefit is a broader criterion which should also be assessed. There is nothing sacrosanct about the 10 percent threshold and it is observed that it often represents two to three years of the sales growth that might be expected, particularly in an area which has higher than average levels of retail expenditure indicating that it has higher than average levels of income.

Thirdly, approximately 6,900 square metres of retail floor space proposed is essentially limited by the constraints of the traffic generation impacts on the local street network, rather than economic impact considerations.

(i) Impact of development

The Committee notes that definitional issues are at the heart of what are significantly different economic impacts presented to it by the two retail economics experts. The Committee accepts Mr Warman’s contention that the nature and functions of the ‘*cafes, restaurants and take away food services*’ component are very different to the supermarket sub sector of retail trade. It is considered that the impact on the various sub sectors of the retail sector of any proposed new development will vary significantly, which is why analysis in a planning context concentrates on macro impacts and is what economic impact analysis typically does. Without knowing the floorspace likely to be taken up by ‘*cafes restaurants and take away food*’ in the permitted development on the subject site, it is not possible to say what the impact on existing retailers in this subsector might be. Indeed, such impacts would generally be regarded as a normal competitive pressure which is not a planning consideration. It would appear unlikely that it would have a significant impact on this subsector in either Bentleigh or Glen Huntly. For this reason, the Committee does not comment on the impact on each retail sub-sectors.

The Committee accepts that the broad ABS definition of ‘*retail trade*’ includes the subsector disputed by Mr Warman, albeit acknowledging that the Australian and New Zealand Standard Industrial Classification places this subcategory in the ‘*Accommodation and Food*

Services classification'. The Committee accepts the ABS definition used by Mr Ganly, but notes that the disputed sub category of 'cafes, restaurants and food services' constitute a key part of many vibrant activity centres. The Committee understands that the economic impact on this subsector may well be different from other aspects of retail trade but the same observation could be made about other sub sectors within retail trade, where impacts will vary.

The broad function of this aspect of economic impact analysis must be kept in mind. In this planning context, it is to assess the net impact on centres including competing centres, not to examine the impact on particular retailers or specific retail subsectors. That said, the Committee is of the view that given the significance of the permissible supermarket floor space in the Ormond Activity Centre, it is the impacts on the broad category of food retailing which it is appropriate to examine.

The Committee understands the concern raised by local residents about possible impact on local retailers. Local loyalty is a factor which will help existing retailers survive and adapt. It is noted that a number of submitters have commented positively on the prospect of a full line supermarket locating in the Ormond Activity Centre.

The Committee observes that Mr Warman does not appear to have accepted the net positive impact on food sales in the Ormond Activity Centre that the permitted development is likely to generate. It is undeniable that there is likely to be some negative impact on the sales of existing food retailers. Because of the limited definition of food retailing Mr Warman has used, it appears to the Committee that the significant negative impact on food retailing he has estimated may impact the existing small IGA supermarket. However, to affirm, it is not the role of planning to protect individual retailers from competition. The Committee notes that it is some four years before the full impact will be felt and the adaptability and dynamism of retailing including supermarket retailing may well come into play.

The Committee further accepts that the impact on both the Bentleigh and Glen Huntly activity centres may well be felt more by traditional food retailers than by the café and restaurant and take away food subsector. It is not possible to say definitively what the impact on sales would be, but the Committee is sceptical that it will be as high as Mr Warman estimates. In the Committee's view, it is telling that neither of the major supermarket chains were submitters to this draft Amendment. Woolworths, who are interested in tenancy in the permitted development (attachment to D23), has a supermarket in both Bentleigh and Glen Huntly. No evidence was presented that convinces the Committee that there will be unacceptable impacts on food retailing or more broadly across the whole of the centre in the Ormond Activity Centre trade catchment.

The Committee understands the impact of the level crossing removal on the owners of the Gauge Espresso but, as indicated, does not comment on the impact of the permitted development on the subject site on individual businesses. The issue of access during construction and of construction management can be addressed through the Construction Management Plan required under Clause 6 of the CDZ1.

(ii) Supermarket provision

It is understood by the Committee that calculations such as those on supermarket provision per capita referred to by both Mr Ganly and Mr Warman can be sensitive to the boundaries of the area chosen for analysis. Mr Ganly's calculation excludes supermarkets on the opposite side of the road to his trade area boundary. Provision per capita would increase if these were included, but not to a level that would convince the Committee that the trade area is well provided with supermarket floor space. The Committee notes that it is often possible to keep redefining an area, and changing the data analysed until a result is realised for a particular point. Such an exercise is not helpful and the Committee accepts that the evidence suggests that supermarket floor space is underprovided both in the Ormond Activity Centre catchment and the municipality.

The Committee accepts the data provided by each of the experts on the accessibility of supermarkets to residents of the Ormond Activity Centre at face value and notes that they are not directly comparable in that they are different indicators of accessibility. The data provided does not change the Committee's view on the likely under provision of supermarket floor space on the catchment of the Ormond Activity Centre.

(iii) Net community benefit

The Committee finds Mr Ganly's summary of the net community benefit of the permitted retail development convincing. It accepts VicTrack's submission that, in making a recommendation on this aspect of the possible development, net community benefit is a more important factor than the rather more limited measure of the impact on the turnover in retail sales.

5.3 Findings

The Committee makes the following findings:

- The estimated impact of the permitted development on the total retail sales and on food retailers in the Ormond Activity Centre and other centres in the catchment are unlikely to be at levels which are considered unacceptable.
- The provision of a full line supermarket in the Ormond Activity Centre will increase the accessibility of full line supermarkets to residents and be of significant benefit to the residents of the Ormond catchment.
- There will be a positive net community benefit to the Ormond community arising from the provision of the permitted new commercial floor space in the Ormond Activity Centre.

6 Other matters

6.1 Community services and open space

The key issues in relation to community services and open space to be resolved relate to:

- whether any increase in demand for community facilities as a result of the development be able to be met
- whether appropriate provision has been made for open space
- whether existing water, sewerage and drainage infrastructure have the capacity to meet increased demand as a result of the proposed development.

(i) Submissions

Community services

The *Planning Assessment Report* prepared for VicTrack identifies that development on the site may result in increased demand for community facilities. While recognising some of these facilities are “*identified as suffering from financial and capacity pressures*”, the report considers that the existing resources allocated to upgrade community facilities will be enough to cater for demand associated with development of this site. Little detail of the pressures on facilities is given, other than Council commitments to upgrade some recreation and library facilities. Neither VicTrack nor Council addressed this issue as part of their submissions at the Hearing.

Access to adequate community services was raised as a concern, with submissions regarding the lack of childcare facilities and schools to accommodate the existing population, let alone a growing population. The degradation of infrastructure was of concern, with S88 noting that “*roads within the suburb are falling apart and local schools are bursting at the seams*”. The *Planning Assessment Report* provides no commentary on these community facilities and no relevant data is available to the Committee.

Open space

With respect to the provision of public open space, VicTrack submitted that the provisions of clause 52.01 of the Glen Eira Planning Scheme apply to the site, whereby the future development will be required to contribute to the provision of open space. The scheme identifies this provision at 5.7% of the land or of the site value.

Council tabled relevant sections of its open space strategy “*More and Better Open Space*”. This strategy identified Ormond as an area where there is an identified “*gap*” in open space provision. Council acknowledged that development on the subject site:

... provided an opportunity for new open spaces and improved amenity along North Road and that the key areas of public open space in Ormond (being the EE Gunn Reserve and Joyce Park) are located on the periphery of the area and are not sufficient to service the expected population growth.

The strategy identifies the provision of “*small local open space*” as a high priority and that both developers and Council have responsibility for this provision.

Many submitters raised issues with respect to the lack of provision of active and passive open space on the subject site or undersupply of open space in Ormond. Specifically, the lack of green spaces surrounding the site was raised in a number of submissions, including that *“the City of Glen Eira has the lowest amount of open space in the Melbourne Metropolitan area, and this development will do nothing to alleviate this problem”* (S69). Submitter 103 identified an *“... opportunity be taken for provision of some form of open space that provides a meeting point with an accessible ‘green area’ which also has some shelter.”* There is an apparent blurring between small open spaces and aspects of the public realm in this and other submissions.

Physical infrastructure

A small number of submissions questioned the capacity and suitability of existing water supply, sewerage and drainage infrastructure to service development of the scale permitted on the subject site. Submission 13 stated *“we have a very old drainage system here in Ormond ... prone to flooding every few years”*, and *“stormwater and sewerage systems will be overloaded”* (S116). Submitter 61 tabled a photograph from *The Australian* of flooding in the area in December 2016 and made reference to the Special Building Overlay which applies locally further to the west (but not on the subject site, or its immediate abuttal).

The *Planning Assessment Report* does not address this issue. In its *Tabulated Responses to Issues Raised by Submitters²* VicTrack responded to these claims by saying *“This is not correct.”*

(ii) Discussion

Community services

The Committee is not in a position to draw definitive conclusions on the impact of the development on a broad range of community facilities. There is no evidence that the addition over time of approximately 600 residents to the subject site including an unknown number of children will place an unacceptable burden on facilities. The cumulative impact of incremental development in the area over time is also unknown but is an issue to be managed by Council and other service providers. There is no formal mechanism in place for development to contribute to the provision of community facilities, as exists in growth areas.

Open space

The Committee acknowledges both the Council’s *More and Better Open Space Strategy* (2014) recommendation with respect to the provision of further *“Small Local”* open space within the Ormond Activity Centre, but with no clear indication of what this actually means on the ground. It is understood that development on the subject site will be required to make a significant contribution to this provision, most likely by way of a cash contribution. The Committee understands that there is no proposal that the open space provision would be on the subject site. The Council strategy acknowledges the difficulty of providing additional open space in built-up areas such as Ormond, but the extracts provided to the Committee give no guidance of how it hopes to provide the open space which it identifies as a priority.

² Document 60

The Committee notes that there are proposals for both a link between Newham Grove and Katandra Road at the northern end of the site, sufficient for street furniture and or landscaping and a significant pedestrian plaza at the North Road frontage of the subject site. Each of these are considered public realm provision and are discussed in Chapter 3. The Committee further notes that the concept plans prepared by Clarke Hopkins Clarke, provide for some outdoor space in the development, but this is private open space.

Physical infrastructure

No evidence was provided that there are unresolvable physical infrastructure capacity constraints in Ormond which would act as a constraint on development. Nor was there information forthcoming to clearly indicate that there are no capacity constraint issues. For this reason, the Committee draws no firm conclusion on this issue.

(iii) Findings

The Committee makes the following findings:

- An appropriate contribution towards the provision of open space will be made by the development under the provision of clause 52.01 of the Glen Eira Planning Scheme.
- No conclusive evidence was provided that there will be unmanageable pressure on community facilities, and that Council has plans for providing extra resources for some library and recreation facilities.
- No firm conclusions can be drawn on capacity constraints on the provision of water sewerage or drainage infrastructure.

6.2 Noise

The key issues in relation to noise to be resolved relate to the potential for noise impacts on existing stakeholders from:

- the construction of the development
- proposed residential and commercial uses.

(i) Submissions

VicTrack's Part B submission addressed concerns regarding the potential for noise impacts and the EPA's proposed modifications by stating that *"Like any project in Victoria, future development on the subject land will need to comply with all applicable environmental regulations and policies (including SEPP N1 and N2)"*. Further it stated that *"Nothing about the site or its abuttals suggests that non-compliance is likely to arise"*. As a result of this, there were no changes proposed in the Version 3 of the CDZ1 or CDP to address these issues.

Council's submission did not raise any specific concerns about potential noise impacts.

EPA's submission considered the provisions for noise in the draft Amendment to be of a general nature which could be enhanced by being more prescriptive. In relation to CDZ1, the EPA recommended:

- adding a condition to the Section 1 Table of Uses for a shop to be *"located within Precincts A or B"* only

- retaining the 'use of land' clause to ensure amenity considerations and requirements remain visible to VicTrack and the responsible authority
- amending Clause 12 to add reference to Clause 52.43 (Live Music and Entertainment Noise).

In relation to the CDP, the EPA recommended that Section 4.3 include a design principle and application requirement to meet the requirements of the *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1* (SEPP N1) and *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N2) as they relate to future uses on the site; and to specify measures to be implemented to meet these requirements and the requirements of Clause 52.43 of the Glen Eira Planning Scheme.

Individual submitters were concerned with noise impacts from construction activities, increased traffic, air-conditioners and balconies of the new apartments and garbage collection. Submitters were concerned the relocation of the main pedestrian entrance would increase noise impacts to existing residents. The Principal of Katandra Special School highlighted potential impacts that increased traffic and noise may have on the special and specific needs of some students and families of the school community.

(ii) Discussion

Whilst construction is an inevitable part of the proposal, impacts of construction activities should be minimised as much as possible. In relation to noise impacts, a range of measures may be appropriate to minimise potential impacts including restricted times of day for loading or unloading, restrictions on site access and temporary attenuation measures.

In accordance with the proposed schedule 1 to the CDZ, any planning permit must, where appropriate, include a condition for the preparation of a Construction Management Plan to detail how impacts of construction will be managed. The Construction Management Plan is to include detail of the "control of noise", "ongoing liaison with adjacent commercial premises and surrounding educational uses" and a complaints handling procedure. The requirement for ongoing liaison with these parties was included by VicTrack to address construction impacts (which may include noise, traffic etc.) on nearby land users.

The Committee considers the Construction Management Plan could be further strengthened by requiring a Stakeholder Engagement Plan to include early engagement with all affected stakeholders, including abutting residents, with the purpose of identifying and implementing measures which will assist the project in minimising amenity disruptions to the surrounding community. The Stakeholder Engagement Plan should detail how scheduled activities will be communicated to stakeholders and may include the establishment of a reference group to assist in identifying appropriate mitigation measures.

The Committee notes that regardless, Section 48A of the *Environment Protection Act 1970* which makes it an offence to cause unreasonable noise from any residential premises, including premises under construction, will apply to the site, as well as the *Noise control guidelines* which describe how to prevent unreasonable noise. These guidelines include specific requirements for community consultation and work scheduling which may assist in the development of a Stakeholder Engagement Plan.

The Committee agrees with VicTrack's submission that future development on the site will need to comply with applicable environmental regulations and policies, and considers it is unnecessary duplication to use the planning controls to prescribe compliance.

The Committee accepts the EPA's submission that Clause 52.43 (Live Music and Entertainment Noise) may not apply unless specified in Clause 12 and agrees it would be pertinent to do so. As Clause 52.43 has its own application requirements, the Committee does not consider it necessary to add an application requirement related to this clause in the CDP.

(iii) Findings

The Committee makes the following findings:

- Future development at and use of the site will need to comply with existing environmental regulations in relation to noise and amenity.
- Potential noise impacts from construction activities could be further minimised by the implementation of a Stakeholder Engagement Plan as part of the Construction Management Plan.
- To reduce potential noise impacts from future users of the site, Clause 52.43 (Live Music and Entertainment Noise) should apply to relevant applications generally consistent with the CDP.

These findings are reflected as Committee recommendations in Appendix D through modifications to the CDZ1.

6.3 Contaminated land

The key issue in contention regarding contaminated land was whether or not the site warrants the application of the Environmental Audit Overlay to ensure any sensitive uses are preceded by an environmental audit under section 53 of the *Environment Protection Act 1970*.

(i) Submissions

As outlined in a letter to the EPA (D34), VicTrack considered the likelihood the former contamination of the land was low. This assessment was based on historical aerial images of the site ranging from 1947 to 1969 and anecdotal information regarding its use pre-1940s. Considering this assessment, VicTrack considered a staged approach would be appropriate to manage any potential for contaminated land.

For on-soil development, this approach would require a Phase 1 Environmental Site Assessment to be undertaken by an EPA-accredited auditor which would progress to a Phase 2 Environmental Site Assessment if warranted by the Phase 1 results. Similarly, an environmental audit would only be undertaken if warranted by the Phase 2 results.

VicTrack proposed copies of all environmental assessments be provided to the EPA and the planning authority, Glen Eira City Council and that these parties be afforded the opportunity to peer review these assessments. The intent of this was captured in the decision guidelines (at clause 5) of the CDZ1 (D68).

In closing, VicTrack submitted the proposal was consistent with *Ministerial Direction No. 1 – Potentially Contaminated Land* which, in their view “*applies only in respect of land historically used for ‘industry, mining, or the storage of chemicals, gas, wastes, or liquid fuel’.* It does not apply to land used for railway or associated purposes.”

Whilst Council did not address the matter directly in submissions, Council’s final version of comments on the draft CDP included a minor change to ensure the design principles ‘must’ ensure that environmental conditions of the subject land are suitable for any proposed sensitive use.

The EPA was of the view that the subject land is potentially contaminated “*based on EPA’s knowledge that contaminated soil is present along many of Victoria’s rail corridors*”, and warrants the application of an Environmental Audit Overlay. In support of its submission, the EPA submitted the approach proposed by VicTrack is inconsistent with Ministerial Direction No. 1 (D36) and that an environmental audit is strongly recommended “*where a planning permit application would allow a sensitive use to be established on land with ‘high potential’ for contamination*” as per the *Potentially Contaminated Land – General Practice Note*.

The EPA was concerned an Environmental Site Assessment lacked the level of governance prescribed by the Ministerial Direction which included it being undertaken by an EPA appointed, independent environmental auditor, in accordance with EPA requirements. Further it was considered the proposed peer review process was inconsistent with the Ministerial Direction and would have resourcing implications for the EPA which would be an unfair burden to the taxpayer and carry potentially higher risks associated with undertaking a review outside the governance of the formal audit process.

(ii) Discussion

When asked by the Committee if Council supported the application of an Environmental Audit Overlay, Council responded in the negative.

The Committee accepts the general premise of the EPA that contaminated soil may be present along many of the State’s rail corridors. The Committee further accepts VicTrack are proposing to apply a risk-based approach to the site based on further site-specific investigations. The Committee notes Council’s reluctance to support the application of an Environmental Audit Overlay and that the approach proposed by VicTrack is consistent with Ministerial Direction No 1 which does not necessarily apply to railway land.

The Committee further notes the site is not identified by the General Practice Note as land with a ‘high potential’ for contamination as the Practice Note refers to ‘railway yards’ not ‘railway stations’. The Practice Note indicates for medium potential sites an Environmental Site Assessment is an appropriate first step. The Committee therefore considers the proposal to be consistent with the General Practice Note.

Having found the draft Amendment not to be inconsistent with the Ministerial Direction or the Practice Note, the Committee does not consider there to be any additional requirement to apply an Environmental Audit Overlay.

(iii) Findings

The Committee makes the following findings:

- The proposed risk-based approach for identifying and managing potential contaminated land is proportionate and acceptable.

6.4 Third party review rights

The key issues in relation to third party review rights to be resolved relate to:

- the involvement of third parties in a subsequent planning permit application process
- the inclusion of a display provision into the CDZ1.

(i) Submissions

The Committee received many submissions about the involvement of third parties at a subsequent planning permit application stage.

VicTrack in its Part A submission, sought to clarify the concerns of submitters by explaining that not all types of permit applications for the site would be exempt from third party notice and review:

it is important to recognise at the outset that the control would not wholly exempt permit applications from third party notice and review. Any application for use permission would be subject to third party notice and review under the control, as would any application for development permission that is not generally consistent with the Comprehensive Development Plan (and in turn the Building Envelope Plan) (D7)

VicTrack sought to alleviate some of the concerns raised by inserting a provision into the controls which enable an informal third party consultation process:

Consistent with the evidence of Mr Milner, VicTrack agrees that provision should be made within the control to facilitate community consultation in respect of development applications that are otherwise exempt from third party notice and review. That modification, coupled with amendments to the Comprehensive Development Plan to provide a greater degree of certainty in respect of outcomes (as recommended by Ms Heggen), justify the extent of the exemption proposed (D7).

Council opposed the limiting of third party notice and review in subsequent applications:

Council strongly objects to the removal of notification and appeal rights from any future permit process. It is Council's submission that given the significant scale of any development that would be permissible under the proposed controls and the likely impact on the Ormond Neighbourhood Activity Centre and the surrounding area, that third party notice and review rights ought to be retained. This is even more so given the lack of clarity in terms of what may be approved ultimately on the Subject Site, as noted by Mr Milner (D44).

DealCorp opposed the position put forward by Mr Milner, and submitted that the current Advisory Committee process provides for community participation:

DealCorp supports the removal of third party rights where a proposal is generally consistent with the CDP ... This process has provided to the community to participate (sic) in the structure of the Zone and Incorporated Plan Provisions. DealCorp does not support the consultation process recommended by Mr Milner (D23).

Many submissions were received from the general public who were concerned about the lack of third party notice and review through a subsequent planning permit process:

I ... strongly disagree with the exemptions from the notice requirements and review rights (S8).

Some submitters felt aggrieved due to the perceived lack of notice about the identification of value capture opportunities and submitted that third party notice and review should therefore be maintained:

Given the inadequate level of consultation and information provided at the beginning of the level crossing removal process, I oppose the proposals in regard to exemptions from the notice requirements and review rights of the Planning and Environment Act 1987 (S135).

Some submitters provided that more detailed built form plans should be prepared as part of the consideration of the planning controls:

Given that the proposed Comprehensive Development Zone excludes third party involvement once approved, more specific details should be provided in relation to the design of the individual buildings. This is particularly true in relation to how the car parking will work, in particular the provision of commuter parking to meet the needs of train commuters (S53).

Other submitters were of the view that any future planning permit assessment process should provide opportunity for assessment of the building design:

If the planning scheme change is approved (which we would urge should not occur) the approval processes for the specific design should allow for consultation, comment and a right of judicial review to those affected by the project (S150).

Council took issue with the removal of notification and appeal rights from any future permit process, particularly in relation to the ability to input into the design detail of the building and the quality of the apartments. Council submitted that the notification and appeal rights should be reinstated.

VicRoads noted some concern about the lack of third party rights in respect to site access, signage and car parking matters. These matters are discussed in Chapter 4 of the report.

(ii) Discussion

The CDZ is a zone designed for specific use and development proposals. Within the zone provisions, the use of land, buildings and works and the subdivision of land are required to accord with a Schedule to the zone and a CDP.

The Committee understands the intent of incorporating a CDP into the planning scheme is to provide a degree of certainty about the future use and development of land. A CDP can provide for a clear passage for subsequent planning permit applications, where those applications are for use and development proposals that are generally in accordance with the CDP. This clear passage is facilitated by exempting these applications from the notice and review rights that normally apply. Proposals that fail to meet the specified objectives, principles and design requirements of the CDP, or that are not generally consistent with the CDP and its Building Envelope Plan will only be permitted by a planning permit, which will be subject to third party rights of participation and review.

VicTrack sought to respond to the Council and community's concern about the lack of third party rights by including a display provision in the Schedule to the CDZ. This provision was prepared in accordance with the recommendation of Mr Milner. It was envisaged that this process would afford the community and Council a meaningful opportunity to express their views with respect to a land use development proposal for the subject site.

Specifically, the provision at Clause 4 of the version 3 of the Schedule to the CDP (D69) provided that any permit application to the subject site that is exempt from third party notice and review would be made available for public inspection and comment on a clearly identifiable project website for 15 business days. This provides the opportunity for written comments to be made and directed to the responsible authority. The provisions expressly note that the display of an application does not constitute notice for the purposes of section 52 (1)(a), (b), and (d) of the Act, and does not enliven decision requirements of Section 64 (1), (2) and (3), or the review rights of Section 82(1) of the Act.

In the spirit of further consultation, the Committee is of the view that a display or notice of a subsequent planning permit proposal would assist interested parties in providing an opportunity to express their views in respect of future land use and development outcomes on the site. The opportunity for consultation is further strengthened through the requirement in CDZ1 for a Stakeholder Engagement Plan, which includes early engagement, as outlined in Chapter 6.2.

(iii) Findings

The Committee makes the following finding:

- The Display provision at Clause 4 of the CDZ1 provides interested parties the opportunity to express their views at a subsequent permit application stage and should be retained.

6.5 Responsible authority

The key issue in relation to the status of responsible authority to be resolved relates to whether the Minister for Planning should become the responsible authority for the subject site.

(i) Submissions

VicTrack set out in the exhibition material that the Minister for Planning would become responsible authority for the subject site and supported this assertion based on the significance of the site:

... it is appropriate that the Minister for Planning be the responsible authority pursuant to the controls, given the strategic significance of the site and the need for future development to integrate successfully with the state-owned railway infrastructure (D7).

Council submitted that they did not support the proposal, stating (D44):

Council is also opposed to the Minister being the responsible authority for the Subject Site. As noted by Mr Milner in response to his criteria at page 50, Council submits that there is no basis for the Minister to be the responsible authority.

Submissions from the general public were mostly in favour of Glen Eira City Council maintaining the responsible authority status for the administration and enforcement of the Glen Eira Planning Scheme for the subject site.

Similarly, some submitters felt that they would be excluded from being involved in the final form and design of development through the permit process:

Finally, by exempting the site from the standard processes and making the minister the responsible authority it appears there would potentially be little to no further opportunity to shape the final design and no guarantees that the scope of the development will not be increased as the process progresses (S152).

Some submitters raised concerns that this Minister for Planning would be unfamiliar of the local Ormond area:

Making the Minister for Planning responsible for this site is also inappropriate. The Minister has no understanding of the local area, does not live in the area nor report to the residents of this area (S85).

(ii) Discussion

Clause 23, dot point two of the Terms of Reference require the Committee to consider and advise on whether the Minister for Planning should be the responsible authority for approving the matters referred to the Committee.

Planning policy in relation to responsible authority at clause 61.01 (administration and Enforcement of this scheme) of the Glen Eira Planning Scheme states that *'the person nominated under section 198) (a) of the Act or the responsible authority under section 198 (1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause'*. The Glen Eira City Council is currently the responsible authority for the administration and enforcement of the Glen Eira Planning Scheme in respect of the land for the Ormond Station site. The draft Amendment seeks to change the status of the responsible authority to provide that Minister for Planning is the responsible authority for the site.

Overwhelmingly, the Council and the community objected to the Minister for Planning being the responsible authority for this Amendment. At the same, the VicTrack strongly supported the Minister for Planning taking on this role.

The Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister for Planning, attended the Hearing in part. DELWP did not make comment on whether or not the Minister should become the responsible authority for the site.

There are a number of instances where the Minister for Planning is the responsible authority for strategically significant and publicly owned sites. In these instances, the Minister for Planning is the ultimate decision-maker in respect of the development approvals for the land and provides decision making on behalf of the state, considering issues broader than a municipality boundary.

Given the strategic significance of the site, providing for the Minister for Planning as the responsible authority for the administration and enforcement of the Glen Eira Planning Scheme for the subject site will assist in unlocking integrated development opportunities that have arisen from the removal of a level crossing.

(iii) Findings

The Committee makes the following findings:

- The responsible authority for the purpose of the administration and enforcement of the Glen Eira Planning Scheme for the subject site should be the Minister for Planning until such a time that a development has been constructed.

6.6 Consultation and notice

The key issues in relation to consultation and notice to be resolved relate to:

- consultation and notice provided prior to the matter being referred to the Committee
- exhibition and Public Hearings as part of the Committee process.

(i) Submissions

Several submitters expressed concern at the lack of notice and community consultation that was undertaken by the LXRA for the draft Amendment. Submitters expressed a feeling of being misled in relation to the proposed height and scale of any potential development.

Many compared the level of consultation prior to and during the removal of the level crossing to a subsequent lack of consultation with regard to the proposed development. Submitters *“feel we have been ambushed with the revelation of this development”* (S65) and that *“the government has not been transparent”* (S79).

Submitter 20 proposed that the state has failed to meet its obligations under Section 20 and 21 of the *Transport Integration Act 2010* by not sufficiently consulting the community or allowing transparency of decision making.

Some noted that they only discovered that the proposal was for a 13 storey development after reading it in a news article in the Age in July 2016. Several submitters noted that the removal of the level crossing was fully funded by the former government, and that therefore there should not be any reason to recover costs through value capture.

Document 8 provided a distinction in the roles and responsibilities of VicTrack and the LXRA associated with the removal of the level crossing and delivery of redevelopment opportunities.

The ultimate responsibility of LXRA to engineer and deliver the level crossing removal program;

The ultimate responsibility of VicTrack as landowner to deliver redevelopment opportunities.

(ii) Discussion

The Committee's Terms of Reference set out two key stages for notice and consultation.

Stage 1, 'Exhibition', required the Committee to give notice of the proposed integrated development opportunity and draft Planning Scheme Amendment documentation for four weeks, once the site had been referred to the Committee.

Public exhibition commenced on 25 October 2016 and completed on 9 December 2016. The exhibition period spanned 6 weeks, exceeding the required time as specified in the Terms of Reference.

As set out in clause 16 of the Committee's Terms of Reference, a range of notice was undertaken by DELWP to interested parties, coinciding with the commencement of exhibition. This included:

- A public notice published in the Caulfield Glen Eira Leader on 25 October 2016 and 1 November 2016,
- A public notice published in the Moorabbin Glen Eira Leader on 26 October 2016 and 2 November 2016,
- A letter (and information sheet) was sent to more than 2,500 owners and occupiers surrounding the subject site
- A letter (and information sheet) sent to Council, local Members of Parliament, service authorities, and key stakeholders such as the Victorian Planning Authority, VicTrack, Public Transport Victorian, Metro Trains Melbourne and the Ormond Traders Association Inc.
- Information including the draft planning controls and supporting backgrounds report were made available on the Planning Panels Victoria website and the information was also available for inspection at DELWP offices at 8 Nicholson Street, Melbourne and LXRA offices at 121 Exhibition Street, Melbourne.

Following the exhibition period, 191 submissions were received in response to the proposed draft Planning Scheme Amendment.

Stage 2, 'Public Hearings', required that the Committee carry out Public Hearings to provide all submitters with an opportunity to be heard. All parties who provided a submission were invited by letter to be heard in person by the Committee at the Public Hearing.

A Directions Hearing was held on 20 December 2016, at Planning Panels Victoria.

Public Hearings were held over nine days from 13 February to 23 February 2017, at Planning Panels Victoria. A total of 47 submitters were parties to the Public Hearing. Those in attendance at the Committee hearings are listed in Table 1 of this report. Submitters were provided with their preferred timeframes to be heard by the Committee at the Public Hearing and no time constraints were placed on the hearing timetable. Interestingly, since

the Directions Hearing, some 20 submitters withdrew their request to be heard and/or did not attend to present their submission to the Committee.

In responding to its Terms of Reference, the Committee is satisfied that the six week exhibition process was sufficient, and that draft planning controls and the Public Hearing process was not subject to any constraints.

The Committee acknowledges the concern of a number of submitters over the notice provided through the identification of the site for redevelopment and value capture purposes, including the construction of the concrete deck. The construction of the concrete deck drew particular criticism, with the perception that “*construction of the development deck was undertaken surreptitiously*” (S143), and “*the community was not advised of the potential development site and its scale*” (S20). Further it was considered that this demonstrated that the local community were the last to know what was being planned:

The apartments were obviously planned long ago, due to the foundations that would have need to be laid, and yet the announcement was sprung on residents with little warning or consultation (S105).

The Committee is of the view that communication of the identification of the value capture opportunity is primarily the role of the land owner, in this instance VicTrack. This is confirmed LXRA’s outline of submission (D8) whereby VicTrack are identified as the responsible authority in delivering redevelopment opportunities.

As noted in LXRA’s Referral Report, the LXRA undertook a ‘pre-referral’ assessment process prior to submitting the site to the Minister for Planning to refer to the Committee. The pre-referral process included the development of draft referral material by the VicTrack, and review by both the LXRA and Urban Design Advisory Panel.

As noted in the Referral Report, the pre-referral process will differ depending on the circumstances of each site. The Committee consider the pre-referral process essential in allaying concerns or misconceptions of interested third parties regarding future development opportunities. It recommends the LXRA consider a modified approach for future sites where value capture opportunities are identified, which provide for communication with interested parties. This would assist in maintaining the integrity of any future processes where development opportunities are considered.

(iii) Findings

The Committee makes the following findings:

- It is satisfied that both the exhibition and Public Hearing process was adequate and provided interested parties with appropriate procedural fairness.
- That for future level crossing removal sites where value capture opportunities are identified, this is communicated to interested parties in an open and transparent manner as part of the initial level crossing removal process.
- Where crossings have already been removed and value capture opportunities are intended, interested parties should be informed as soon as practicable.

Appendix A Terms of Reference

Victorian Transport Projects Integrated Development Opportunities Standing Advisory Committee

Terms of Reference

Version 3: December 2016

Standing Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to provide advice on integrated development opportunities (IDO) created by Victorian transport projects, where the IDO has the consent of the relevant Victorian Government department or agency.

Name

1. The Standing Advisory Committee is to be known as the 'Victorian Transport Projects Integrated Development Opportunities Standing Advisory Committee' or 'VTPSAC' (the Standing Advisory Committee).
2. The Standing Advisory Committee is to have members with the following skills:
 - Statutory and strategic planning
 - Land development and property economics
 - Civil engineering and transport planning
 - Design and built form.
3. The Standing Advisory Committee may also seek specialist advice as appropriate.
4. The Standing Advisory Committee will include an appointed Chair, Deputy Chair and other appropriately qualified members.

Purpose

5. The Standing Advisory Committee will provide advice to the Minister for Planning on IDO created by Victorian transport projects, where the IDO has the consent of the relevant Victorian Government department or agency.

Background

6. The Victorian Government is delivering a number of transport projects that will deliver significant improvements to the transport network and reduce congestion for communities across Victoria. These projects include the Level Crossing Removal Project, the Melbourne Metro Rail Project and VicTrack projects.
7. At some locations the projects will create newly available land. There is an opportunity to develop this newly available land and reinvest the proceeds generated back into further improvements to the public transport system.
8. The Standing Advisory Committee process has been established to provide a consistent and transparent process for considering IDO created by Victorian transport projects.



Department of Environment,
Land, Water & Planning

Method

General

9. The Minister for Planning, or delegate, will refer a location or several locations for proposed IDO to the Standing Advisory Committee for advice.
10. The Minister for Planning may also refer any other aspect of a transport project to the Standing Advisory Committee.
11. The Minister for Planning, or delegate may, for a specific referral, vary or exclude any stage of these Terms of Reference. Any such referral must include the details of any variations.
12. The Standing Advisory Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.
13. The Standing Advisory Committee will generally undertake its work in three stages:
 - Stage 1: Exhibition
 - Stage 2: Public Hearings, including Directions Hearing if required
 - Stage 3: Outcomes.
14. To ensure efficiency and the availability of adequate information, the proponent may brief the Standing Advisory Committee, prior to the referral of a project.

Stage 1: Exhibition

15. Once a referral has been received, the Standing Advisory Committee will pre-set the hearing dates. The hearing dates must include a Public Hearing, and may include a Directions Hearing.
16. The Department of Environment, Land, Water & Planning (DELWP) will give notice of the proposed IDO and draft planning scheme amendment documentation for four weeks. Notice will include:
 - A notice in a local newspaper generally circulating in the area
 - Direct notice to government agencies and servicing authorities
 - Direct notice to relevant councils
 - Direct notice to owners and occupiers who may be materially affected by the proposal.
17. All submissions are to be collected at the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. Hard copies will be made for each relevant council, the proponent and DELWP, and electronic copies may also be provided to other submitters upon request.
18. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the submission will receive correspondence in relation to the Standing Advisory Committee matters.

Stage 2: Public Hearings

19. The Standing Advisory Committee is expected to carry out public hearings and provide all submitters with an opportunity to be heard.
20. The Standing Advisory Committee may limit the time of parties who wish to appear before it at a public hearing and may prohibit or regulate cross-examination.
21. The Standing Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two of the Standing Advisory Committee members.
22. The Standing Advisory Committee may inform itself in any way it sees fit, but must consider:

- Any relevant provisions in *Plan Melbourne* and the State Planning Policy Framework
- Any relevant provisions of the applicable planning scheme
- Any relevant documentation prepared by or for the proponent, or otherwise provided to the Standing Advisory Committee
- All submissions made in relation to the proposed IDO and associated draft planning scheme amendment documentation
- Possible implementation methods including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to IDO and whether there should be exemptions from notice and review provisions.

Stage 3: Outcomes

23. The Standing Advisory Committee must produce brief written reports for the Minister for Planning providing:
 - A recommendation on the appropriateness of the proposed IDO in light of the relevant provisions of the applicable planning scheme, the State Planning Policy Framework and *Plan Melbourne*, including whether the proposals should proceed and in what form
 - A recommendation on the planning controls to best facilitate any appropriate IDO including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to IDO and whether there should be exemptions from notice and review provisions
 - A recommendation on a process to implement any new planning controls
 - Any other relevant matters raised in the course of the Standing Advisory Committee hearing/s
 - A list of persons who made submissions
 - A list of persons consulted and/or heard
24. The reports should be brief to reflect the key findings and recommendations of the Standing Advisory Committee.
25. The reports may be submitted in stages.

Submissions are public documents

26. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
27. Any written submissions or other supporting documentation provided to the Standing Advisory Committee must be available for public inspection until the submission of its report, unless the Standing Advisory Committee specifically directs that the material is to remain 'in camera'.

Timing

28. Once a referral has been received, DELWP should complete Stage 1 within 40 business days.
29. The Standing Advisory Committee is required to begin its hearings no later than 10 business days from the final date of submissions or as otherwise agreed.
30. The Standing Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its hearings.

Fee

31. The fee for the Standing Advisory Committee will be set at the current rate for a panel appointed under Part 8 of the *Planning and Environment Act 1987*.
32. The costs of the Standing Advisory Committee will be met by the proponent.



Hon Richard Wynne MP
Minister for Planning

Date: 18/12/16

Appendix B List of submitters

No.	Submitter	No.	Submitter
1	Simon Chitre	38	Shelley Harrison
2	Peter Kondos	39	Anastasios Moralis
3	Marta Evans	40	Amy Moralis
4	Idan Shuval	41	Peter Piritidis
5	Ian Hamman	42	Evangelia Moralis
6	Margaret L'Estelle Romain	43	Graham Brown
7	Walter Dodge	44	Giuseppe Rusin
8	Andrew Urban	45	Diana Wendy Posner
9	Simone Murray	46	Matthew Setton
10	Rostislava Kolchinsky	47	Andrew Masters
11	Stuart Oboler	48	Amanda Masters
12	Margret Linton	49	Margaret Mary Dwyer
13	Shannon Waters	50	Kathleen Skene
14	Christopher McSwiney	51	Peter Savakis
15	Jemma March	52	Nelson Yiannakou
16	Tracey Newton	53	Paul March
17	Young Lim	54	Colleen Uphill
18	Gerald Brodie	55	Alex Breckler
19	Rod Vun	56	Phong Duong
20	Michael Wild	57	Margaret Ann Clay
21	Suzy Cunningham	58	Joan Whelan
22	Camilla Fiorini	59	Lee Nahmias
23	Avril Skurnik	60	Well Wisher
24	xyz	61	Judy and John Stevens
25	Christopher George Meehan	62	Jason Orenbuch
26	Barry William Wonnacott	63	Brian Healy
27	Denis Palanci	64	Alexander Thomas Dubout
28	Michael Wild	65	Tania Callaghan
29	Veronica Katerina Petelin	66	Mr Anatoly Misterov
30	Maree & Roland Theiler	67	Jack Braun
31	David McVilly	68	Miranda Burford
32	Suzanne Bailey	69	Paul Caine
33	Simone Samuel	70	Craig Sampson
34	Paul Booth	71	John Brabyn Mills
35	Audrey Ford	72	John Brabyn Mills
36	Bruce McPhate	73	Corrinne Armour
37	Glynis Gilkes	74	Min Thein

No.	Submitter	No.	Submitter
75	Julie Hector	111	Lindy Zerman
76	Glen Eira City Council	112	Daryl Hunter
77	Vivian Shannon	113	Fiona and Stephen Davey
78	Hanna, Josh and Imogen Vine	114	No Ormond Sky Tower Community Action Group
79	Nicole Vine	115	Sue Young
80	Michael & Catherine Nolan	116	Sarah Philpott-Smith
81	Bruce Edwards	117	Kay Gregory
82	Holly Thorburn	118	Vicki Passmore
83	Elizabeth Selby	119	DealCorp
84	Noel Will	120	Lilach Lustig
85	Michael Enticott	121	Kenneth Ross Olver
86	Cammie Shannon	122	Christine Dawes
87	Guy Shannon	123	DEDJTR – Transport Group
88	Troy Vaughan	124	Robert Stanley
89	Melanie Enticott	125	Heather Steadman
90	Andrew Paul Vine	126	Stephanie Malcolmson
91	Volker Hoppe	127	Greer Nadenbousch
92	Wendi Fraser	128	EPA Victoria
93	Cathy Vining	129	Alan Bugeja
94	Paul Dewar	130	Leon Burshtein
95	Suzanne Maree Stillman	131	Julie Ann Trethowan
96	Susan Jane McKay	132	David Evans-Smith
97	Czyzyk Pty Ltd	133	Jonathan William Clarke
98	Glen Eira Residents' Association	134	Ewen McDonald
99	Karen Parsons	135	Kerry O'Hagan
100	Roy Armstrong	136	Stephanie Worsteling
101	Gehan Jayawardena	137	David Stewart Niven
102	Sarah Abramson	138	Rachel Barnard
103	Sharon Pretty	139	Alice Felman
104	Anna Barnes	140	Matthew Price
105	Lorraine Audrey Wright	141	Roseanne Dawn Boylan
106	Karen Brenner	142	Phillipa Edwards
107	Christopher David Lee	143	Siobhan Rehill
108	Gab Aghion	144	Harnam Thandi
109	Linda Donald	145	John Hoppe
110	Lee-ann Phillips	146	Jennifer Anne Hackworth
147	Samanda Scarce	168	Thomas Wilson
148	Barnaby Giudice	169	Annette Brennan

No.	Submitter	No.	Submitter
149	Donald Lobo	170	William Albert Rachinger
150	Richard and Pamela Birkett	171	Marie Calder
151	Ian James	172	Frank Fordyce
152	Taylor Ashton	173	David Canobie
153	Patricia Ann Huggins	174	Leanne Johnson
154	Raymond Thomas Muschialli	175	Margarita Pekar
155	Margaret McSwiney	176	Helen Fischer
156	Judy and John Stevens	177	Robert and Helen Smallwood
157	Rosanna Ferrucci	178	James Blair
158	Pat Gardner	179	Jarryd Mitchell Steadman
159	VicRoads	180	Lara Tinkler
160	Margaret Blight	181	Bhavika Patel
161	Level Crossing Removal Authority	182	Rachele Jowett
162	Yonatan Yossef	183	Jane Rossiter
163	Parshana Batha	184	Sam Burrows
164	Mandy O'Toole	188	Maggie Shannon
165	Adrian Dent	189	UDIA Victoria
166	Miriam Baxt	190	VicTrack
167	Georgia Denisenko	191	Elizabeth Treloar

Appendix C Document list

No.	Date	Description	Presented by
1	18/01/17	Concept Plans	Best Hooper Lawyers, on behalf of DealCorp
2	25/01/17	Hearing presentation	Best Hooper Lawyers, on behalf of DealCorp
3	31/01/17	Traffic Modelling Review – Network Performance Evaluation	Clayton Utz, on behalf of VicTrack
4	03/02/17	EPA Submission	EPA Victoria
5	03/02/17	VicTrack – further information letter	Clayton Utz, on behalf of VicTrack
6	08/02/17	Glen Eira – Revised Submission	HWL Ebsworth on behalf of Glen Eira City Council
7	13/2/2017	Submission from VicTrack	Mr Chris Townshend QC for VicTrack
8	13/2/2017	Submission from Level Crossing Removal Authority	Mr Chris Townshend for LXRA
9	13/2/2017	Hearing Book from VicTrack and LXRA	Mr Townshend
10	13/2/2017	Amended Precinct Map	Mr Townshend
11	13/2/2017	Letter from Minister Wynne to Mayor of Glen Eira	Mr Townshend
12	13/2/2017	Revised set of A3 plans of concept design	Mr John Cicero
13	13/2/2017	Rob Milner evidence PowerPoint presentation	Mr Townshend
14	14/2/2017	Map of Level Crossings for removal	Mr Townshend
15	14/2/2017	Urban Design Advisory Panel, Terms of Reference	Mr Townshend
16	14/2/2017	Further revised CDP (Milner revisions)	Mr Townshend
17	14/2/2017	Further revised Schedule 1 to CDZ (Milner revisions)	Mr Townshend
18	14/2/2017	PowerPoint for Mark Sheppard presentation	Mr Mark Sheppard
19	14/2/2017	Panel presentation of expert witness report	Ms Catherine Heggen
20	15/02/20 17	Retail trade data from ABS	Mr Townshend
21	16/02/2017	PowerPoint presentation of Stephen Hunt traffic evidence	Mr Stephen Hunt
22	16/02/2017	UDIA Submission	Mr John Casey
23	16/02/2017	Deal Corporation Submission	Mr John Cicero
24	16/02/2017	Aerial photo of existing conditions on site	Mr Dean Landy
25	16/02/2017	Plan showing loading dock concepts	Mr Dean Landy
26	17/02/017	Golden Ridge Investments v Whitehorse City Council VCAT P359/2004	Mr Townshend
27	17/02/2017	Richmond Icon v Yarra City Council VCAT P623/2011	Mr Townshend
28	17/02/2017	Abbotsford Joint Venture v Yarra City Council VCAT P1416/2011	Mr Townshend
29	17/02/2017	SPPF Clause 11, 15/10/2012 VC96	Mr Townshend
30	17/02/2017	Glenhill v Stonnington City Council VCAT P3643/2012	Mr Townshend
31	17/02/2017	Panel Report Stonnington Planning Scheme Amendment C173, 20 August 2013	Mr Townshend
32	17/02/2017	Schedule 1 to CDZ Working Draft Version 2	Mr Townshend

No.	Date	Description	Presented by
33	17/02/2017	Incorporated Document CDP Working Draft Version 2	Mr Townshend
34	17/02/2017	Internal Memorandum from VicTrack to Clayton Utz titled North Road, Ormond – Environmental Testing, dated 17 February 2017	Mr Townshend
35	17/02/2017	Excerpt of the Ormond Station Landscape Plan, June 2016	Mr Townshend
36	17/02/2017	EPA presentation, 17 February 2017	Mr Ernie Sanchez, EPA
37	17/02/2017	VicRoads revised Submission, 17 February 2017	Mr Michael Freeman, VicRoads
38	20/02/2017	PowerPoint for Craig Czarny expert witness report	Mr Craig Czarny
39	20/02/2017	Letter from LXRA to Council re the Urban Design Advisory Panel	Mr Vorchheimer
40	21/02/2017	Updated PowerPoint presentation form Mr Muschialli	Mr Raymond Muschialli
41	21/02/2017	Submission from Mr David Niven	Mr David Niven
42	21/02/2017	Submission for Mr Kenneth Olver	Ms Maria Schwartz
43	22/02/2017	Marked up comments from EPA on CDZ Schedule and CDP	EPA Victoria
44	22/02/2017	Submission from City of Glen Eira	Mr Vorchheimer
45	22/02/2017	Marked up copy of Clause 21.04	Mr Vorchheimer
46	22/02/2017	Population forecasts from Victoria in Future	Mr Vorchheimer
47	22/02/2017	Net dwelling increase in Glen Eira – Council data	Mr Vorchheimer
48	22/02/2017	Council Open Space Strategy	Mr Vorchheimer
49	22/02/2017	PowerPoint presentation of evidence	Mr Matthew Harridge
50	22/02/2017	Copy of clause 52.07 of the Planning Scheme	Mr Barnaby Chessell
51	22/02/2017	Copy of clause 56.06 of the Planning Scheme	Mr Chessell
52	22/02/2017	PowerPoint presentation of evidence	Mr Blair Warman
53	22/02/2017	Value of meal document	Mr Warman
54	22/02/2017	Council tracked change version of CDP	Mr Vorchheimer
55	22/02/2017	Council tracked change version of CDZ1	Mr Vorchheimer
56	22/02/2017	Schedule 1 to Special Use Zone	Mr Vorchheimer
57	22/02/2017	Extract from Convenience and Impulse Retailing	Mr Vorchheimer
58	22/02/2017	Extract from Inside Retail	Mr Vorchheimer
59	22/02/2017	Extract from Sydney Morning Herald	Mr Vorchheimer
60	23/02/2017	Submission in reply from VicTrack	Mr Townshend
61	23/02/2017	Written submission from Mr Bruce McPhate, Principal of the Katandra Special School	Mr Bruce McPhate
62	23/02/2017	Written submission from Mr Brian Healy	Mr Brian Healy
63	23/02/2017	Copy of article from the Australian	Ms Judy Stevens
64	23/02/2017	Submission from Mr and Ms Stevens	Ms Judy Stevens
65	23/02/2017	Submission in Reply from Deal Corp	Mr Cicero
66	23/02/2017	Response to submissions by VicTrack	Mr Townshend
67	23/02/2017	Version 3 of the CDZ1 (with mark ups)	Mr Townshend
68	23/02/2017	Version 3 of the CDP (with mark ups)	Mr Townshend

No.	Date	Description	Presented by
69	24/03/2017	Final Version 3 of Schedule 1 to CDZ and CDP (clean version)	Clayton Utz, on behalf of VicTrack
70	27/02/2017	Final Version of Schedule 1 to CDZ, CDP and Schedule 1 to Special Use Zone	HWL Ebsworth on behalf of Glen Eira City Council
71	15/03/2017	Supplementary Submission to Plan Melbourne	Peter Piritidis
72	22/03/2017	Supplementary Submission to Plan Melbourne	Clayton Utz, on behalf of VicTrack
73	23/03/2017	Supplementary Submission to Plan Melbourne	David Niven
74	24/03/2017	Supplementary Submission to Plan Melbourne	HWL Ebsworth, on behalf of Glen Eira City Council
75	24/03/2017	Supplementary Submission to Plan Melbourne	Best Hooper, on behalf of Deal Corp

Appendix D Comprehensive Development Zone Schedule 1

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ1**

NORTH ROAD ORMOND COMPREHENSIVE DEVELOPMENT PLAN

Land

This clause applies to the land shown in Figure 1, which comprises the Ormond Railway Station and associated land.



Note: The exact alignment of the boundary along Katandra Road will be finalised upon receipt of the as-built survey drawings for the core infrastructure works.

Purpose

- To maximise the substantial redevelopment opportunities and value capture made available through the removal of the level crossing at North Road, Ormond.
- To maximise investment opportunities and to contribute to urban development and employment growth.
- To give effect to the North Road Ormond Comprehensive Development Plan (August 2016).
- To ensure the successful integration of new development and the works permitted by the North Road Ormond Level Crossing Removal Project Incorporated Document (July 2015).

1.0 Table of uses

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Section 1 - Permit not required

Use	Condition
Accommodation (other than Corrective institution)	No dwellings at ground floor level in Precinct A as outlined in the North Road Ormond Comprehensive Development Plan.
Bus terminal	
Car park	
Display home	
Food and Drink Premises (other than Hotel and Tavern)	Must be located within Precincts A or B as outlined in the North Road Ormond Comprehensive Development Plan. The combined maximum leasable floor area for all Food and Drink Premises and Shop uses must not exceed 6,900 square metres
Home occupation	
Minor utility installation	
Office	Must be located within Precincts A or B as outlined in the North Road, Ormond Comprehensive Development Plan. The combined leasable floor area for all office use on the land must not exceed 500 square metres.
Railway	
Railway station	
Restricted Recreation Facility	Must be located within Precincts A or B as outlined in the North Road, Ormond Comprehensive Development Plan. The maximum leasable floor area must not exceed 500 square metres.
Shop (other than Adult sex bookshop)	The combined leasable floor area for all Shop uses and Food and Drink Premises must not exceed 6,900 square metres.
Telecommunications facility	
Tramway	
Any use in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Child care centre	
Education centre	
Industry	Must not be a purpose listed in the table to Clause 52.10

Leisure and recreation facility (other than Restricted recreation facility)

Place of assembly

Retail premises (other than Shop, Food and drink premises and Take away food premises)

Utility installation (other than Minor utility installation and Telecommunications facility)

Warehouse	Must not be a purpose listed in the table to Clause 52.10
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Any other use not in Section 1 or 3

Section 3 - Prohibited

Use

Adult sex bookshop

Brothel

Corrective institution

2.0

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Subdivision

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3.0

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Buildings and works

Permit requirement

A permit is not required to:

- Install an automatic teller machine.
- Alter an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Install an awning that projects over a road if it is authorised by the relevant public land manager.
- Undertake any buildings and works permitted by the North Road Ormond Level Crossing Removal Project Incorporated Document (July 2015).
- Undertake buildings and works for the purposes of railway operations, including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any works required under the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.

Application requirements

An application to construct a building or construct or carry out works must as appropriate be accompanied by the following information prepared in accordance with the application requirements specified in the North Road Ormond Comprehensive Development Plan ([insert date]) and to the satisfaction of the responsible authority:

- A report and drawings that detail how the proposal responds to the Objectives, Design Principles and Application Requirements set out in the North Road Ormond Comprehensive Development Plan ([insert date]).
- A **Staging Plan** outlining the proposed stages for delivery of the development.
- An **Urban Context Report and Design Response**.
- An **Integrated Transport Plan**.
- A **Traffic, Loading, Parking and Access Management Plan**.
- A **Waste Management Plan**.
- A **Sustainability Management Plan**.
- A **Landscape Plan**.
- A **Public Realm Improvement Plan**.
- An **Acoustic and Vibration Report**.
- An **Environmental Site Assessment**.
- A **Land Use Response Assessment**.

An application for a permit must also be accompanied by the written consent of the public land manager of the Ormond Railway Station and associated land, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

4.0 Display

An application to construct a building or construct or carry out works that is exempt from notice and review in accordance with clause 37.02-4 must be made available for public inspection and comment on a clearly identifiable project website for 15 business days following the permit application being submitted to the responsible authority.

The website must provide details concerning how written comments can be directed to the responsible authority during that time and specify the time and manner for the making of written comments.

Before, or on the same day as the permit application is submitted to the responsible authority, a notice must be published in a newspaper generally circulating in the area informing the community of the display of the permit application and the opportunity for inspection and comment.

The display of an application does not constitute notice of the application for the purposes of section 52(1)(a), (b), and (d) of the Act, and does not enliven the decision requirements of Section 64(1), (2) and (3), or the review rights of Section 82(1) of the Act.

5.0 Decision Guidelines

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Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider, as appropriate:

- The North Road Ormond Comprehensive Development Plan (July 2016).
- The North Road Ormond Level Crossing Removal Project Incorporated Document (July 2015).
- The views of the Office of the Victorian Government Architect, Glen Eira City Council, Environment Protection Authority, VicTrack, VicRoads, and Public Transport Victoria.
- How the application responds to any Emergency Evacuation Plan applying to the railway station including any views of VicTrack, VicRoads, Public Transport Victoria, Glen Eira City Council and the views of any relevant agencies.
- Any written comments received following the display of the application.

6.0 Conditions and requirements for permits

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Any planning permit issued must, where appropriate, include the following conditions:

- A **Construction Management Plan** must be prepared to the satisfaction of the responsible authority and in consultation with [Glen Eira City Council](#), Public Transport Victoria and VicRoads, detailing how impacts associated with construction of the development will be managed, to include, as appropriate:
 - Staging of construction.
 - Management of public access and linkages around the site during construction, and consideration of public safety.
 - Site access, parking and traffic management.
 - Any works within the road reserves of surrounding streets.
 - Any impacts on public transport operations.
 - Hours of construction.
 - Control of noise, dust and soiling of roadways, including sediment control and site drainage.
 - Storage of construction materials.
 - Location of site offices, and cranes.
 - Collection and disposal of building and construction waste.
 - [A Stakeholder Engagement Plan which is to include early and Ongoing liaison engagement with all affected stakeholders with the purpose of identifying and implementing measures which will assist the project in minimising disruptions to the amenity of the surrounding uses adjacent commercial premises and surrounding educational uses.](#)
 - Methodology for responding to complaints associated with the construction works and provide site manager contact details.

A Construction Management Plan may be prepared for each stage of the development to the satisfaction of the responsible authority.

- A condition detailing any identified public realm works and improvements (to be completed at the cost of the developer).

7.0 Bicycle Parking Provision

--/20--
C--

Unless with the consent of the responsible authority, 20 commuter bicycle parking spaces must be provided on the subject land.

Except with a permit, bicycle parking must be provided on the subject land in accordance with the rates set out in Table 1 to Clause 52.34-3.

If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

Shower and change room facilities will be required for employees where five or more employee bicycle parking spaces are required. One shower with access to a change room will be required for the first five employee bicycle parking spaces, plus one shower with access to a change room to each 10 employee bicycle parking spaces thereafter.

A permit may be granted to vary bicycle facilities requirements.

In determining whether to approve a variation (including a reduction to zero) of the requirements for bicycle facilities, the responsible authority must consider the decision guidelines at Clause 52.34-2 and whether it is proposed to provide commuter bicycle parking.

Exemption from notice and review

An application to vary the number of bicycle parking rates or facilities required for a use is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

8.0 Car Parking Provision

--/20--
C--

Unless with the consent of the responsible authority, 120 commuter car parking spaces must be provided on the subject land.

~~Except with a permit, car parking must be provided on the subject land in accordance with the rates set out in column A of Table 1 of Clause 52.06-5. Car parking must be provided on the subject land in accordance with the minimum and maximum rates set out in the North Road Ormond Comprehensive Development Plan.~~

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

A permit may be granted to vary the number of car spaces required for a particular use.

~~In determining whether to approve a variation (including a reduction to zero) of the number of car parking spaces required for a use, the responsible authority must consider as appropriate:~~

- ~~• Whether it is proposed to provide commuter car parking spaces.~~
- ~~• The availability of public transport in the locality of the land.~~
- ~~• Any effect on vehicle and pedestrian movements in the area.~~
- ~~• Any empirical analysis which supports a variation in the number of car parking spaces that should be provided.~~
- ~~• The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.~~
- ~~• The variation of car parking demand likely to be generated by the proposed use over time.~~
- ~~• The short-term and long-term car parking demand likely to be generated by the proposed use.~~
- ~~• The anticipated car ownership rates of occupants (residents or employees) of the land.~~
- ~~• Whether design or other constraints warrant reducing the car parking requirement.~~
- ~~• Any other relevant consideration.~~

The car parking requirement specified above is inclusive of disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with the Building Code of Australia.

~~Exemption from notice and review~~

~~An application to vary the number of car parking spaces required for a use is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.~~

9.0 Traffic mitigation works

~~120~~
C--

Prior to a permit being granted under this schedule, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority, the Glen Eira City Council, and VicRoads for:

- a) ~~the provision at the owner's cost of traffic management measures generally in accordance with the [identify plan] prepared by GTA Consultants or works otherwise to the satisfaction of VicRoads and the Glen Eira City Council;~~ the provision at the owner's cost of traffic management measures including:
 - the signalisation of the North Road/Katandra Road intersection, including the widening of Katandra Road to include a short second turn lane at North Road
 - a safe pedestrian crossing point on Katandra Road linking the new pedestrian connection across the northern edge of the site to the Katandra Special School, and
 - a widening of the Newham Grove footpath adjacent to the site to 2.0 metres, accommodated by setting back development from the property boundary, or
- b) alternative traffic mitigation works to the satisfaction of the responsible authority and VicRoads and Glen Eira City Council.

The owner must pay all of the reasonable legal costs and expenses of the responsible authority, the Glen Eira City Council, and VicRoads for this agreement including its preparation, execution and registration on title.

10.0 Advertising signs

~~120~~
C--

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.

An application under Clause 52.05 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

11.0 Licensed Premises

~~120~~
C--

Clause 52.27 does not apply to the use of land to sell or consume liquor associated with premises requiring only one or a combination of a BYO Permit Licence, a Packaged Liquor Licence, or an On-Premises Licence associated with either a restaurant or café.

12.0 Other provisions of this scheme

~~120~~
C--

Where any provision in this schedule is inconsistent with the North Road Ormond Level Crossing Removal Project Incorporated Document (July 2015), the North Road Ormond Level Crossing Removal Project Incorporated Document (July 2015) prevails to the extent of such inconsistency.

Subject to clause 10.0 and clause 11.0, other than clauses 52.01 (Public Open Space Contribution and Subdivision), 52.05 (Advertising Signs), 52.27 (Licensed Premises), Clause 52.43 (Live Music and Entertainment Noise) and 52.28 (Gaming), no Particular Provision in this scheme applies to

an application that is generally consistent with the North Road Ormond Comprehensive Development Plan ([insert date]).

Appendix E North Road, Ormond, Comprehensive Development Plan

GLEN EIRA PLANNING SCHEME

INCORPORATED DOCUMENT

**North Road, Ormond, Comprehensive Development Plan,
[Insert date]**

~~'DRAFT FOR PUBLIC EXHIBITION'~~

This document is an incorporated document in the schedule to clause 81 of the Glen Eira Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (Vic).

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³ Page numbering as per D68.

INTRODUCTION

This document is the North Road, Ormond, Comprehensive Development Plan (the “Plan”). It is incorporated into the Glen Eira Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (Vic). It is to be read in conjunction with the Comprehensive Development Zone, Schedule 1 (“CDZ1”).

The Plan applies to the land shown below (the “subject land”):



Note: The exact alignment of the boundary along Katandra Road will be finalised upon receipt of the as-built survey drawings for the core infrastructure works.

The Purpose and Vision of the Plan

The purpose of the Plan is to guide the substantial urban renewal and development of the subject land following the removal of the level crossing at North Road, Ormond, consistent with the purposes of the Comprehensive Development Zone, Schedule 1, and the vision statement set out below. The vision statement describes the preferred outcomes for the site recognising that there will be multiple ways that these outcomes could be delivered:

Vision Statement

The Integrated Development at North Road, Ormond, is a vibrant mixed-use precinct above and around the Ormond Station which is an exemplar for maximising development opportunities from investment in public transport infrastructure.

Buildings and associated open spaces demonstrate design excellence and are of a scale that expresses the importance of the site as an integrated transport and activity hub within the Ormond Neighbourhood Activity Centre. A landmark building expresses this significance with the highest components situated toward the North Road frontage. The built form transitions in height down towards those parts of the precinct that abut residential precincts to the north. At the North Road frontage, the development engages with the public realm, providing access to the station, an attractive public plaza, and a range of complementary commercial uses.

Katandra Road provides the primary vehicular access to the site, including heavy loading. The site includes commuter car parking for the station and private car parking commensurate with the attributes of the location and the mix of uses on the site.

Elevations along Katandra Road and Newham Grove are carefully designed to reflect the rhythm and character of the streetscapes.

The land use mix encourages retail including a supermarket and residential apartments fronting the surrounding streets and at upper levels. The higher component of the building is designed to be architecturally interesting when viewed in longer and short range views consistent with the primacy given to the site as a result of the heights envisaged in the Building Envelope Plan.

On the Newham Grove frontage there is a strong ground level presentation and experience of residential use, development and address, with passive surveillance of the street.

Development references the local context through articulation, the composition of uses, the architecture and landscape design and the choice of materials, colours, and finishes.

Considerable care is taken with the public realm. Hard and soft landscaping is used to protect and enhance the character of surrounding streets and integrate the development into the character and setting of the surrounding neighbourhood.

The Structure of the Plan

The Plan is comprised of four parts:

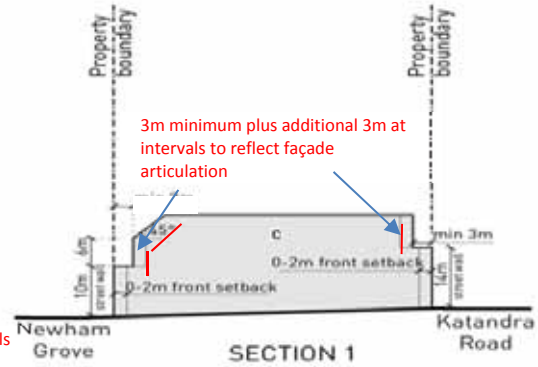
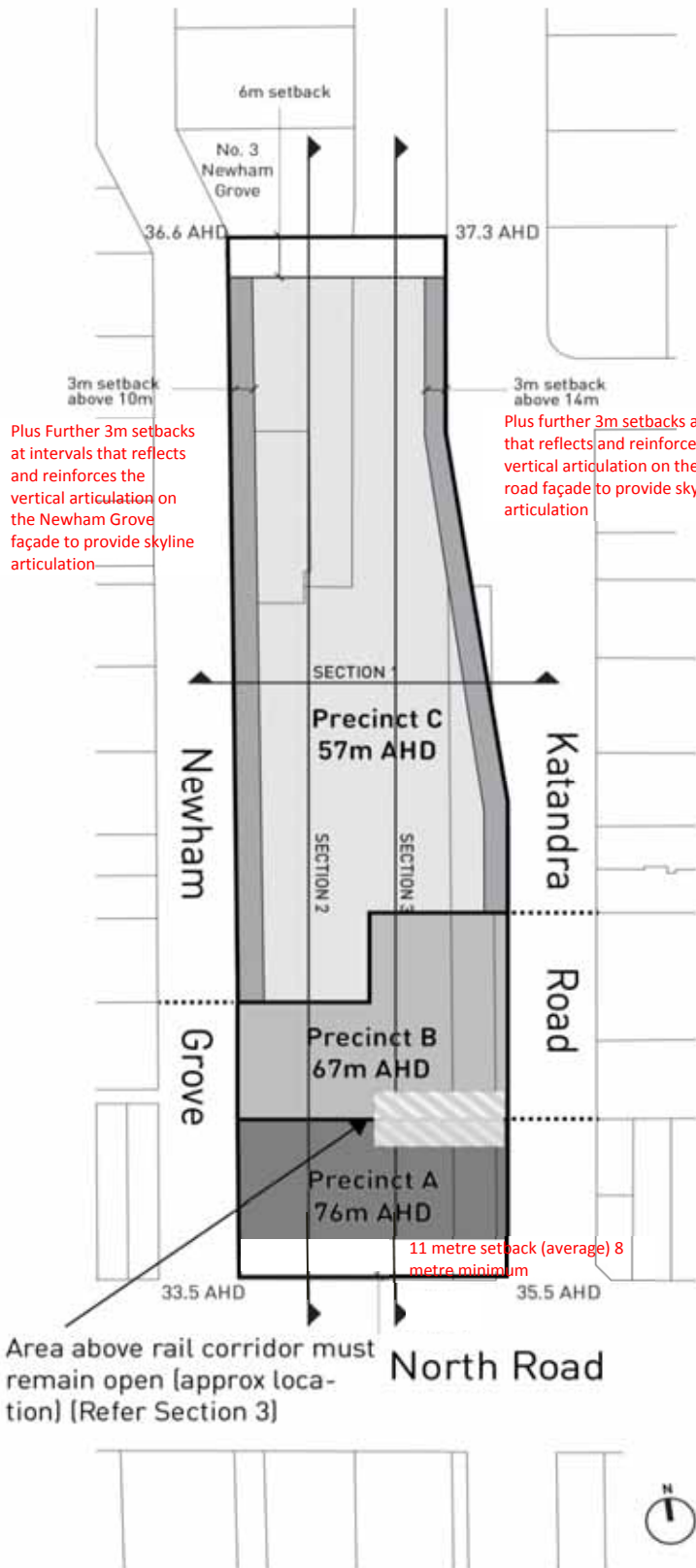
- Part 1 contains the Building Envelope Plan;
- Part 2 contains the Site Access Plan;
- Part 3 contains the Public Realm Improvement Plan; and
- Part 4 contains Objectives, Design Principles and Application Requirements in respect of the future use and development of the subject land.

For the purposes of clause 37.02-4 of the Scheme, an application is generally consistent with the Plan, provided that the proposed development is generally consistent with the Building Envelope Plan contained in Part 1 (with the exception of architectural features and buildings services).

An application for a planning permit in respect of the subject land must:

- be assessed in the context of the vision statement for the precinct set out above;
- provide vehicular and pedestrian access in accordance with the Site Access Plan set out in Part 2 of the Plan or as otherwise agreed by the responsible authority;
- provide public realm improvements in accordance with the Public Realm Improvement Plan set out at Part 3 of the Plan;
- be assessed having regard to the Objectives and Design Principles set out in Part 4 of the Plan; and
- address, as the case requires, the Application Requirements set out in Part 4 of the Plan.

PART 1: Building Envelope Plan



Note: Above street wall height, building should be setback at least 3m from the facade below.

With localised further setbacks to reflect and reinforce the vertical articulation of the street facade

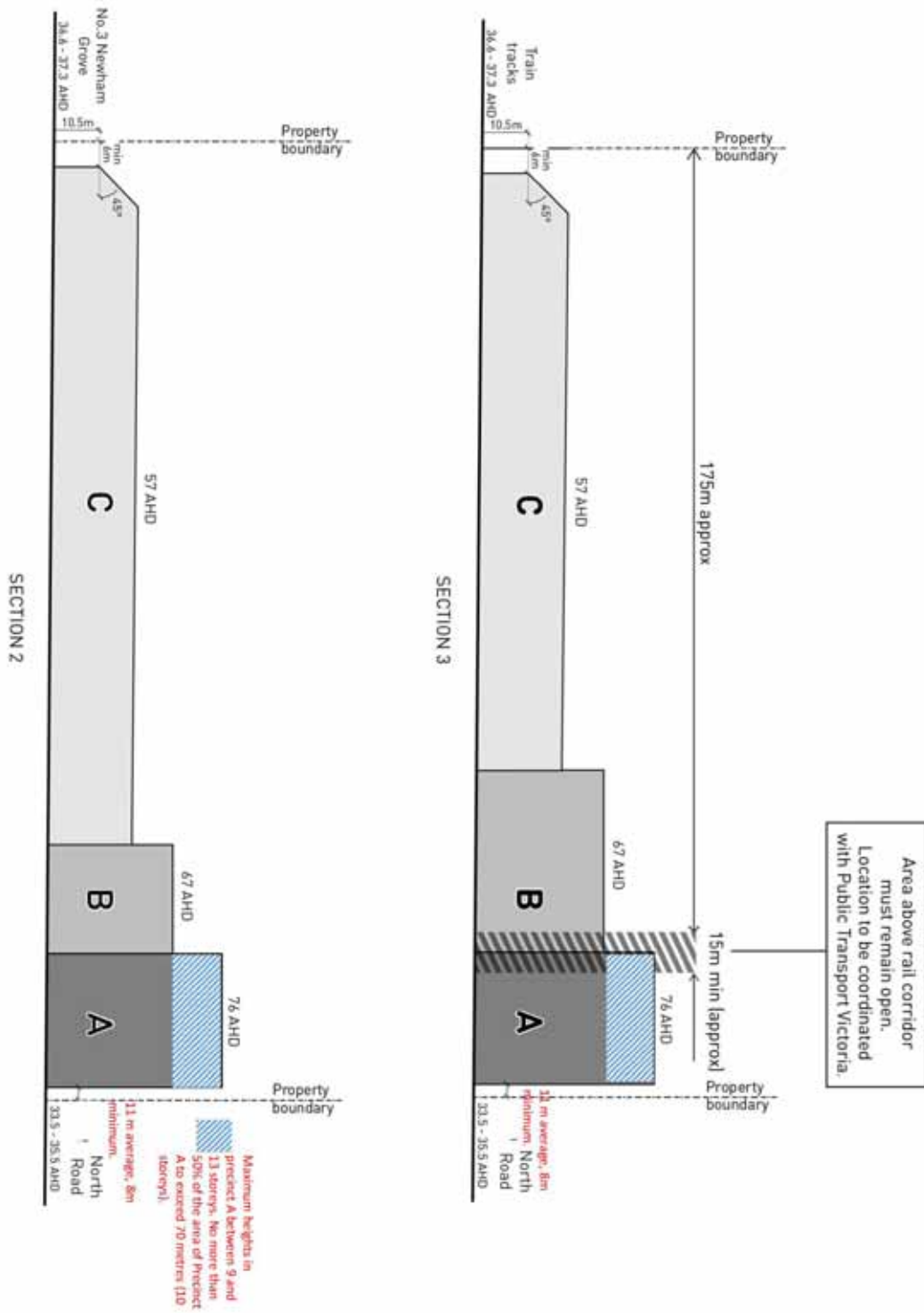
BUILDING HEIGHTS		
PRECINCT A	67-76m AHD 76m AHD	9-13 storeys* 12-13 storeys**
PRECINCT B	67m AHD	8-9 storeys*
PRECINCT C	57m AHD	5-6 storeys*

Rooftop plant, screens and lift overruns may exceed these heights provided they are set back from the edges of the roof, and designed in a co-ordinated manner to be an integral component of the developments landmark character

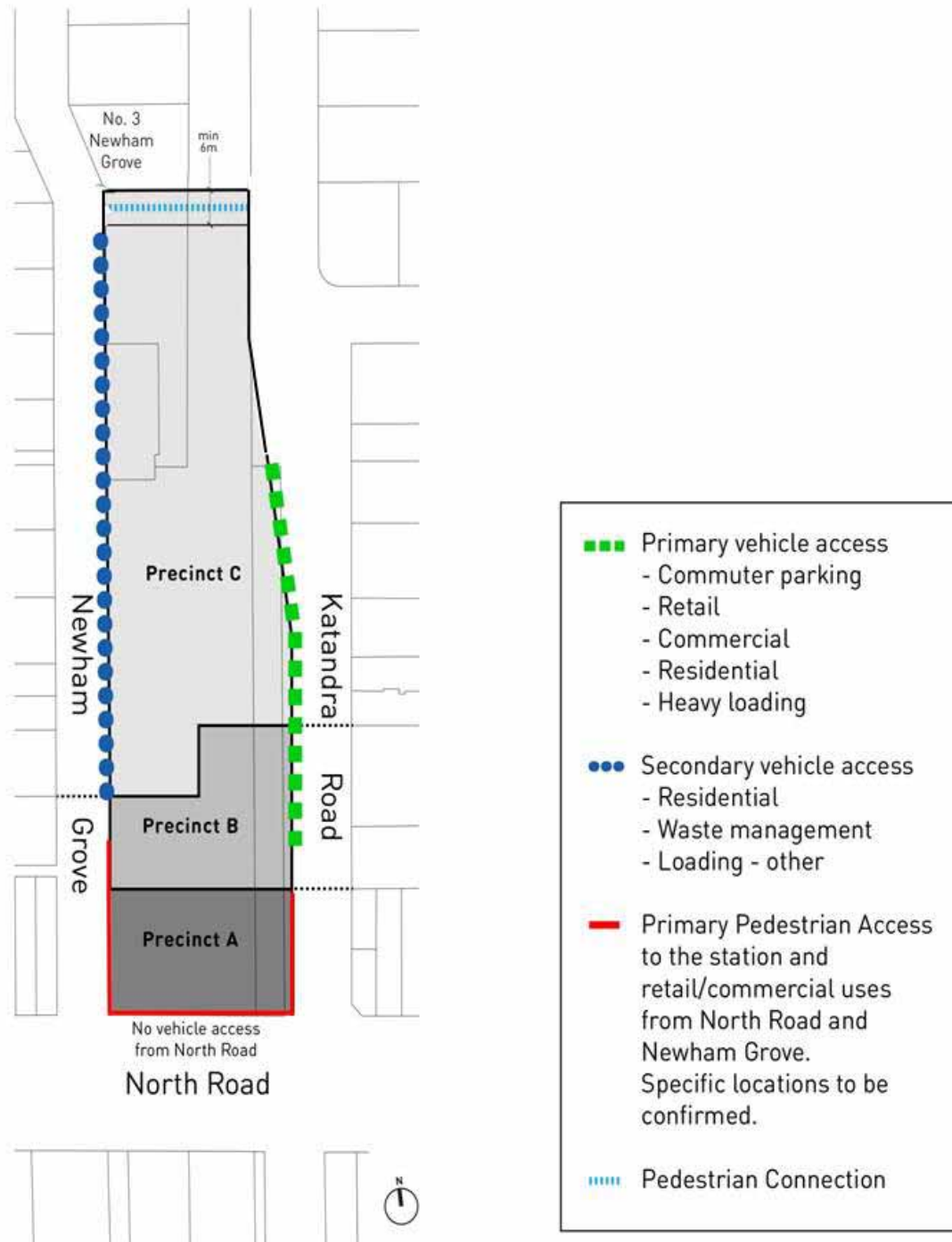
Balconies may encroach within the setbacks provided they are discontinuous and lightweight in appearance.

*Indicative equivalent height in storeys.
** No more than 50% of the area of Precinct A to exceed 71 metres (10 storeys).

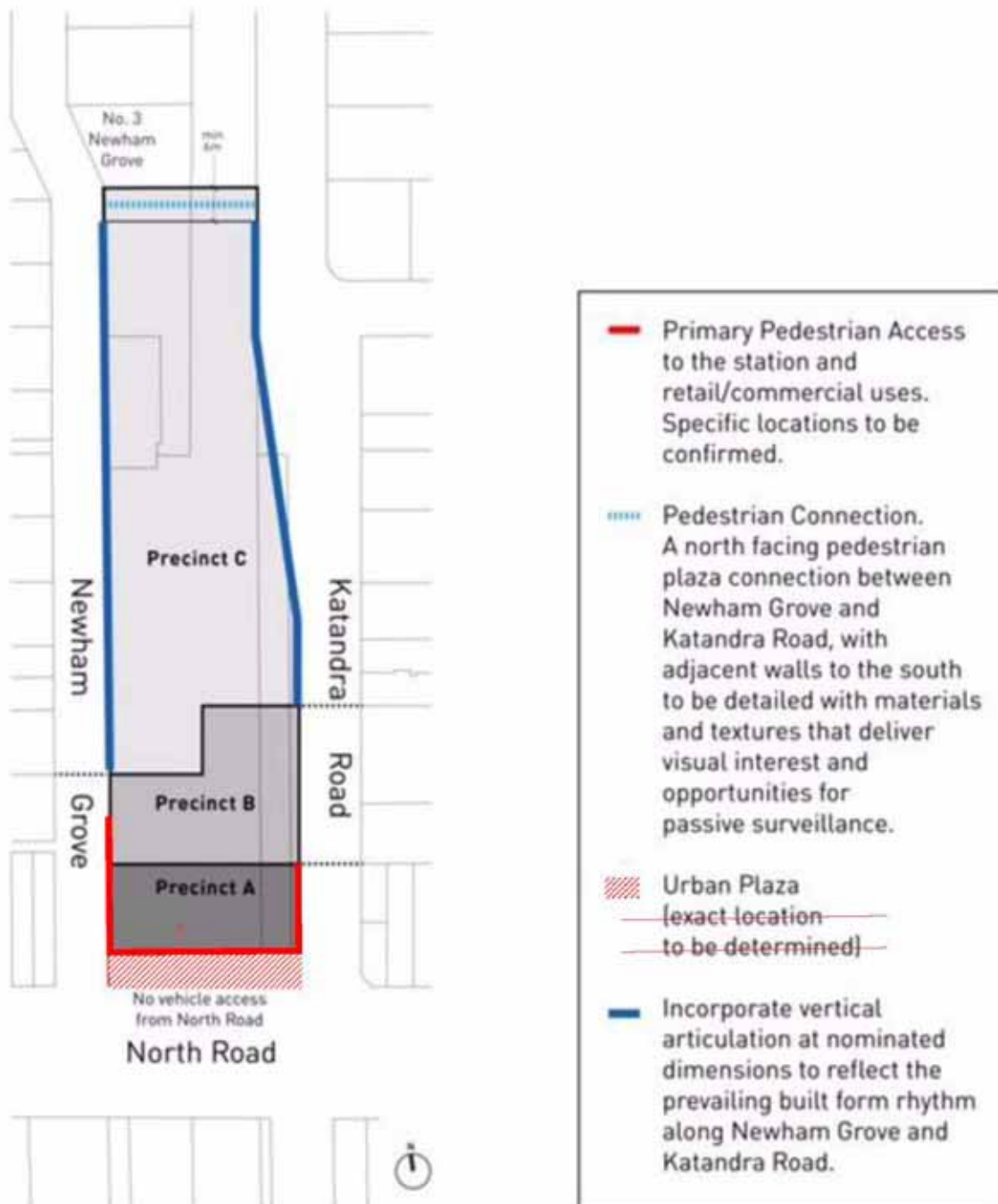
Note: Committee changes as proposed in red



PART 2: Site Access Plan



PART 3: Public Realm Improvement Plan



PART 4: Design Objectives, Design Principles and Application Requirements

4.1 Height, Massing and Urban Design

Objectives

- To achieve design excellence and a new built form character with appropriate scale relationships in accordance with the Building Envelope Plan (which specifies the preferred maximum heights for each precinct).
- To increase density towards the commercial core of the Ormond Neighbourhood Centre and Ormond Station.
- To reinforce the legibility of the urban environment.
- To ensure development clearly defines and frames the public realm.
- To ensure development contributes to an attractive urban environment.
- [To respond sensitively to its context.](#)
- [To reflect the civic importance of the site.](#)

Design Principles

New development on the subject land should:

- Maintain a coherent overall built form composition by minimising the number of elements with different setbacks.
- ~~Adopt an integrated design resolution to accommodate any void or ventilation structures required for the railway operations.~~ [Have a zero setback to the footpath on Newham Grove and Katandra Road provided the footpath is of minimum 2 metres in width, without further encroachment of the footpath under the canopy of the existing street trees.](#)
- Incorporate vertical articulation at nominated dimensions to reflect the prevailing built form rhythm along Newham Grove and Katandra Road, and incorporate a change in materials and articulation elements consistent with nominated dimensions.
- [Emphasise the station entrance from the public realm.](#)

Precinct A

- ~~Development should f~~Form a landmark at the station entrance that is clearly distinct from other development on the site and in the surrounding area. A landmark built form may be developed above Ormond Station, on North Road, provided it achieves excellence in architecture [as established through a review process by the Urban Design Advisory Panel as detailed in the Level Crossing Removal Authority's, Urban Design Framework.](#)
- ~~Development may h~~Have a zero setback to the street ~~w~~all from Newham Grove and Katandra Road. Setbacks may be provided where they are an extension of the public realm.
- [Be setback from North Road by an average of 11 metres and a minimum of 8 metres to create a civic plaza. This does not include appropriate awnings and shade structures.](#)

Precinct B

- ~~Development should p~~Provide a built form transition between Precinct A and Precinct C.
- ~~Development may h~~Have a zero setback to the ~~street wall from~~ [footpath on Newham Grove and Katandra Road provided the footpath is of minimum 2 metres in width without further encroachment of the footpath under the canopy of the existing street trees in Newham Grove.](#) Setbacks may be provided where they are an extension of the public realm.

Precinct C

- ~~Development~~ Have zero setback to the footpath on ~~addressing~~ Newham Grove or Katandra Road. Development addressing Newham Grove setback to ensure footpath is a minimum 2 metres in width without further encroachment of the footpath under the canopy of the existing street trees. Setbacks may be provided where they are an extension of the public realm or to facilitate integrated landscaping on the interface between the public and private realm ~~may have zero street setback, or if there is to be a street setback it can be up to 2m.~~
- Detail the ~~N~~ north wall facing the pedestrian link between Newham Grove and Katandra Road with materials and textures to deliver visual interest at a minimum ~~plaza to be detailed with materials and textures to deliver visual interest at a minimum.~~ A preferable treatment is to include activation and passive surveillance from adjoining residential uses. ~~Development on the east side of Newham Grove should have a street façade no higher than 3 storeys, with any additional height set back so that it is visually recessive when viewed from the footpath on the opposite side of the street. It should incorporate residential uses within the lower levels.~~
- Limit ~~D~~ development on the west side of Katandra Road should to have a street façade no higher than 4 storeys, with any additional height set back so that it is visually recessive when viewed from the footpath on the opposite side of the street.

Application Requirements

An Urban Context Report and Design Response prepared in accordance with clause 4.0 of CDZ1 must, in addition to the information required by Clause 52.35, provide the following information:

- A palette of materials, finishes and landscape textures and colours developed as part of the urban design concept for the site. Palettes are to be sensitive to local environments, including railway operations and assist in the broader wayfinding strategy for the site.
- An integrated transport infrastructure and land-use design solution that shows a clear analysis of and responsiveness to the existing context, and demonstrates alignment with relevant policy.
- An assessment of how relevant local considerations have been incorporated into the development and how the form of the development in Precinct A is an appropriate response to that context.
- An assessment of how the development relates to the preferred maximum heights specified in the Building Envelope Plan.

4.2 Public Realm

Objectives

- To enhance the amenity of the public realm.
- To ensure development contributes to the safety, visual and social experience of the public realm.
- To provide an inviting and safe publicly accessible space at the heart of the neighbourhood centre.
- To deliver public realm improvements in accordance with the Public Realm Improvement Plan.

Design Principles

New development on the subject land should:

- Maintain solar access to the southern footpath of North Road between 11am and 2pm at the September equinox.
- Incorporate weather protection for pedestrians along the northern side of North Road.
- Provide active ground floor frontages to all streets and any publicly accessible space, where feasible.
- Avoid unarticulated, blank walls visible from the public realm.
- Contribute to the appearance and activation of the public realm through measures such as articulation, artwork, landscaping and public realm initiatives where inactive frontages are unavoidable.
- Maintain clear sight lines to the station entrance from North Road and the southern ends of Newham Grove and Katandra Road.
- Provide a publicly accessible space that ~~adjoins a~~ ~~is on a relatively~~ direct route from North Road to a station entrance, is clearly visible from North Road and has good solar access. The public accessible space should incorporate high quality seating, lighting, landscaping and part weather protection.
- Provide a new pedestrian connection between Newham Grove and Katandra Road at the northern edge of the site.
- Ensure all car parking is located and designed to minimise its visibility from the public realm.

Application Requirements

A Public Realm Improvement Plan prepared in accordance with clause 4.0 of CDZ1 must, in addition to the information required by Clause 52.35, provide the following information:

- A written report and/or plans that demonstrate how the public realm design principles will be achieved including identification and clear differentiation of open space that is publicly accessible and any public open space provided in accordance with Clause 52.01.

4.3 Residential Interfaces

Objectives

- To maintain reasonable amenity in nearby residential properties.

Design Principles

New development on the subject land should:

Built Form Impacts

- Maintain solar access to the secluded private open space of nearby residential properties in accordance with ResCode Standard B21.
- Avoid unreasonable overlooking of 3 Newham Grove in accordance with ResCode Standard B22.

Noise, Vibration and Air quality

- Mitigate noise impacts associated with railway operations in accordance with the Victorian Government Passenger Rail Infrastructure Noise Policy (April 2013).
- Mitigate vibration impacts associated with railway operations in accordance with Australian Standard AS2670.2-1990.
- Meet the requirements of *State Environment Protection Policy (Ambient Air Quality)*, and *State Environment Protect Policy (Air Quality Management)* as they relate to future uses on the site, as well as railway operations.

Application Requirements

An Acoustic and Vibration Report prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- An assessment of noise impacts associated with railway operations on the proposed development and the surrounding area, and any noise impacts associated with the future use of the land on nearby sensitive land uses.
- The specification of noise attenuation measures that minimise the impact of on-site mechanical plant equipment, consistent with the requirements of the *State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1*.
- Internal noise levels of the sleeping areas of the proposed dwellings to comply with *Victorian Government Passenger Rail Infrastructure Noise Policy (April 2013)*.
- Measures to minimise train induced vibration impacts in accordance with *Australian Standard AS2670.2-1990*.

4.4 Land Use Mix and Layout

Objectives

- To introduce a diversity of uses that contribute positively to the economic, social and environmental viability of the Ormond Neighbourhood Centre.
- To introduce a mix of land uses that responds to the context of the surrounding area of North Road, Katandra Road, and Newham Grove.
- To offer a diversity in housing options, including a mix of dwelling types that vary in size and layout.

Design Principles

New development on the subject land should:

- On the east side of Newham Grove, in Precinct C, incorporate residential uses at the street level to reflect the prevailing character of the street.
- Ensure that the retail function of North Road and the active frontage of the centre is retained on the ground floor, where possible.
- Ensure that a recognisable and accessible pedestrian access point is established from the principal street frontage to the residential component of the building.
- [Consider additional mid-block pedestrian access points into the development from Newham Grove and Katandra Road.](#)

Application Requirements

A Land Use Response Assessment prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- An assessment of how the land use mix proposed responds to the objectives and design principles set out above.

4.5 Transport Integration

Objectives

- To integrate development with new and existing transport infrastructure so that it responds sensitively and contributes positively to social, cultural, functional and physical aspects of the site.
- To create well-connected and legible places that contribute significantly to strong economies and healthy, inclusive communities.
- To maintain, improve and enhance the existing pedestrian and cycling network.
- To ensure that shared paths and pedestrian spaces are designed as safe, attractive, shaded and pedestrian-friendly spaces, with balance of sun and shade.

Design Principles

New development on the subject land should:

- Encourage multi-purpose use of car parking areas wherever possible.
- Ensure that commuter car parking is provided for as required.
- Enable, where appropriate, the car park to be adapted at a later date for an alternative use.
- Make adequate provision on the subject land for loading and unloading to the satisfaction of the responsible authority.
- Ensure that areas set aside for loading and unloading vehicles are appropriately designed and are located so as to not obstruct access to the car park areas, and to minimise impacts on adjacent uses.
- ~~Ensure that vehicle access to development should not be from North Road and access to commercial uses should be from Katandra Road, where feasible.~~
- [Ensure that the shared path along Katandra Road is maintained and crossings along the path appropriately designed.](#)
- [Make provision for the new east-west pedestrian connection along the northern edge of the development to be connected to a safe crossing point on Katandra Road linking the new path to the Katandra Special School.](#)
- [Allow development to be setback from the western property boundary to provide for a widening of the Newham Grove footpath to 2.0 metres.](#)
- [Make provision for pedestrian access from Katandra Road to the car parking areas above the rail deck.](#)
- [Include a substantial car park \(approximately 100 spaces\) with access from Newham Grove for residential and or staff parking to reduce the traffic impact on Katandra Road.](#)
- [Ensure that trucks \(waste and delivery vehicles\) approach and depart the site via North Road to limit intrusion into the residential areas to the north.](#)

Application Requirements

An Integrated Transport Plan prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- Existing and proposed walking, cycling, public transport and vehicle networks in and around the subject site.
- A detailed assessment of traffic impacts including any potential impacts and measures to avoid impacts on public transport operations or access [and on-street parking](#).

- Any road infrastructure improvements to the surrounding road network or other traffic mitigation measures required as a result of the development.
- Proposed actions to enhance sustainable transport including enhanced wayfinding and assessing the opportunity for a car share scheme.
- Proposals to optimise land use and transport integration.
- Transport demand generation and management.
- [A detailed assessment of the adequacy of proposed parking provisions using the rates at Table 1 and giving consideration to the following decision guidelines.](#)

Table 1: Car parking rates (spaces)

<u>Use</u>	<u>Maximum Rate</u>	<u>Minimum Rate</u>	<u>Measure</u>
<u>Dwelling</u>	<u>0.8</u>	<u>0.6</u>	<u>To each one bedroom dwelling</u>
	<u>1</u>	<u>0.8</u>	<u>To each two bedroom dwelling</u>
	<u>1.4</u>	<u>1.2</u>	<u>To each three bedroom dwelling</u>
	<u>0.04</u>	<u>0</u>	<u>For visitors to each dwelling for developments of 5 or more dwellings</u>
<u>Supermarket</u>	<u>5</u>	<u>3.5</u>	<u>To each 100 sq m of leasable floor area</u>
<u>Shop</u>	<u>3.5</u>	<u>2.5</u>	<u>To each 100 sq m of leasable floor area</u>
<u>Food and Drink & Take Away</u>	<u>3.5</u>	<u>2.5</u>	<u>To each 100 sq m of leasable floor area</u>
<u>Office</u>	<u>3</u>	<u>2.5</u>	<u>To each 100 sq m of leasable floor area</u>
<u>Restricted Recreation Facility</u>	<u>5</u>	<u>2.5</u>	<u>To each 100 sq m of net floor area</u>
<u>Other uses</u>	<u>Column B of the table to Clause 52.06-6</u>	<u>0</u>	<u>As relevant</u>

Where a rate is not specified, parking is to be provided to the satisfaction of the responsible authority taking account of:

- Whether the Department of Economic Development, Jobs, Transport and Resources - Transport has agreed to the multi-use of public transport commuter car parking spaces.
- The availability of public transport in the locality of the land.
- Any effect on vehicle and pedestrian movements in the area.
- Any empirical analysis which supports a variation in the number of car parking spaces that should be provided.
- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The short-term and long-term car parking demand likely to be generated by the proposed use.
- The anticipated car ownership rates of occupants (residents or employees) of the land.
- Whether design or other constraints warrant reducing the car parking requirement.
- Any other relevant consideration.

A Traffic, Loading, Parking and Access Management Plan prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- A functional layout plan showing road, accessway and footpath layouts, widths and reserves, intersection treatments and site access, proposed changes to existing infrastructure, all signage and line marking where appropriate, the design, location and number of car and motorcycle parking spaces and access areas, and the design, location and number of bicycle parking spaces and access areas.
- A network of safe and convenient pedestrian and bicycle accessways to and through the site and connecting with public transport stops and the surrounding area.
- A detailed traffic control plan and internal design for the car park and loading docks.
- The allocation of car parking to uses and the manner in which any multiple use of car parking is to be managed.
- Wayfinding signage to and through the site to assist drivers and pedestrians in locating appropriate entry and egress points to car parking and other entrance areas of the development and transport facilities.
- Provision for loading and unloading of vehicles, including waste collection and delivery vehicles, and means of access to and from them, and the location and function of all loading and unloading areas.

4.6 Landscaping

Objectives

- To create landscaped spaces that are attractive, sustainable and contribute to the amenity of the area.

Design Principles

- [Encourage integrated landscaping at the interface between the public and private realm.](#)
- [Retain and enhance the contribution made by the existing landscape to the areas character on Newham Grove, in particular its contribution to the areas characteristic partially wooded skyline.](#)
- [Explore the potential for roof gardens to contribute to a green skyline.](#)

Application Requirements

A Landscape Plan prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- A description of the landscape theme and proposed layout.
- An investigation as to whether there is sufficient space to enable growing of deep-planted canopy trees.
- A planting schedule of all trees, shrubs, ground covers and climbers, with the quantity of plants to be provided, the expected established height and width and size at planting, botanical and common names, hard and soft landscaping treatments and specifications and maintenance details.
- The location of the public accessible space.
- Any proposed improvements to the publicly accessible space.

4.7 Environmentally Sustainable Design

Objectives

- To reduce energy use and greenhouse gas emissions as a result of the construction and ongoing management of the development.

- To ensure that resources are managed efficiently through embedding energy, water and material saving initiatives into the design and construction of the assets.

Design Principles

New development on the subject land should:

- Ensure water resources are managed in a sustainable way.
- Be consistent with general principles of stormwater management as detailed in the *Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water)*.
- Provide for all waste to be stored and handled within the site.
- Prevent bins being placed outside of the property boundary for collection.
- Ensure that no garbage bin or surplus materials generated by the permitted uses and development are deposited or stored outside of the site and that bins must be returned to the garbage storage areas as soon as practicable after garbage collection.
- Implement options to reduce the amount of waste generated and encourage increased value recovery and/or recycling of waste materials.
- Achieve best practice in addressing the principles of environmentally sustainable development utilising a relevant assessment tool.

Application Requirements

A Waste Management Plan prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- Waste and recycling storage and collection arrangements for all uses on the site, to be integrated wherever possible.

A Sustainability Management Plan prepared in accordance with clause 4.0 of CDZ1 must include the following information:

- The incorporation of recognised energy conservation technologies and best practice where practicable.
- Water conservation and water sensitive urban design methods.

4.8 Potentially Contaminated Land

Objectives

- To ensure that the land is suitable for its intended future use and development, and that development is designed to deliver a safe outcome and prevent impacts from contaminated soil.

Design Principles

New development on the subject land should:

- in the case of any proposed sensitive uses (defined as residential, child-care centre, pre-school centre or primary school, agriculture or publicly accessible space), ensure that the environmental conditions of the subject land are suitable for that use.

Application Requirements

An Environmental Site Assessment prepared in accordance with clause 4.0 of CDZ1 must:

- Be conducted by an EPA-accredited environmental auditor, to the satisfaction of the responsible authority, in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, as amended. The assessment may refer to previous environmental reports undertaken in respect of the land and should detail as appropriate:
 - The nature of the previous land use or activities on the subject site.
 - How long the land use or activity took place on the subject site and where the site is contaminated.
 - A description of the contamination on, under or from the subject site and its extent.
 - How any contamination is being managed or may be managed to prevent any detrimental effect on the use and development of the subject site or adjoining land or on buildings and works.
- The assessment should also advise whether:
 - An Environmental Audit is required, or
 - The level of contamination will prevent the proposed use or development of the land or whether the level of contamination cannot be managed or remediated to a level that would enable the proposed use or development, or
 - Subject to appropriate management or remediation, the land would be suitable for the proposed use or development.