



## **GLEN EIRA CITY COUNCIL**

# **CAULFIELD RACECOURSE PRECINCT SPECIAL COMMITTEE MEETING**

**MONDAY 13 DECEMBER 2010**

**Agenda for Meeting  
to be held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
At 7.00pm**

### **Council's Statement of Purpose:**

*Council works with and for the Community :*

- *To provide quality facilities, services, safeguards and supports*
- *Beyond the capacity of individuals, but achievable when working together*
- *According to overall community values, needs and priorities*
- *In a caring accountable and professional manner*
- *That provides value for money*
- *For present and future generations.*

**Councillors:** Councillor Michael Lipshutz (Chair)  
Councillor Margaret Esakoff  
Councillor Jamie Hyams  
Councillor Neil Pilling

**Chief Executive Officer:** Andrew Newton



**AGENDA for the CAULFIELD RACECOURSE PRECINCT SPECIAL COMMITTEE  
to be held on MONDAY, 13 DECEMBER 2010**

**1. ACKNOWLEDGEMENT**

In the spirit of respect Council acknowledges the people and elders of the Kulin Nation who have traditional connections and responsibilities for the land on which Council meets.

**2. APOLOGIES**

**3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS**

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

**4. MINUTES OF THE MEETING OF 17 MARCH 2010**

**5. PRESENTATION OF OFFICERS REPORTS**

- 5.1 Glen Eira Planning Scheme Amendment C60, Melbourne Racing Club
- 5.2 31 Station Street, East Caulfield

Item 5.1

**GLEN EIRA PLANNING SCHEME  
AMENDMENT C60  
MELBOURNE RACING CLUB (“MRC”)**

**File No: 71/066/00060E  
Enquiries: Susan Ross  
Strategic Planner**



**AMENDMENT SUMMARY**

<b>AMENDMENT PROPOSAL</b>	Amendment C60 proposes to rezone land north of the Caulfield Racecourse (between the Racecourse and the railway line) to a Priority Development Zone (PDZ) to facilitate the development of a mixed use “Caulfield Village”.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Appropriateness of PDZ</li> <li>• Compliance with local policy</li> <li>• Parking/traffic impacts</li> <li>• Displacement of car parking</li> <li>• Land use</li> <li>• Built form – heights and setbacks</li> <li>• Amenity impacts on adjoining residential properties</li> <li>• Use of and impact on Crown land</li> </ul>
<b>LOCAL PLANNING POLICY</b>	Phoenix Precinct Policy
<b>APPLICANT</b>	Melbourne Racing Club
<b>EXISTING PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Residential 1 Zone</li> <li>• Mixed Use Zone</li> </ul>
<b>EXISTING LAND USE</b>	<ul style="list-style-type: none"> <li>• Carparking associated with Racecourse</li> <li>• Residential</li> <li>• Ancillary racing activities</li> </ul>

**Item 5.1 (cont'd)**

<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"><li>• over 500 notices sent</li><li>• 11 signs erected on site</li><li>• 67 submissions received</li><li>• notice in local newspapers</li><li>• notice in the Government Gazette</li><li>• notices to prescribed Ministers and referral authorities</li></ul>
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**1. Proposal**

To consider the report (and recommendations) of the Panel appointed to consider Amendment C60.

To decide whether Council:

- adopts Amendment C60 as exhibited; or
- adopts Amendment C60 with changes (either suggested by the Panel, through submissions or by Council), or
- abandons Amendment C60.

**2. Community Plan**

Development and Planning: to develop Glen Eira (within the framework of State legislation) with a choice of areas ranging from low density detached houses through to apartments – as sympathetic as possible to existing neighbourhood character objectives.

**3. Recommendation**

That Council:-

1. Notes that the MRC has agreed to enter into a Section 173 agreement for the provision of infrastructure beyond the Amendment C60 land.
2. Enters into the Section 173 agreement with the MRC for the provision of infrastructure beyond the Amendment C60 land. **(Refer Appendix 1).**
3. Enters into discussion with the MRC about the management of car parking and public open space use by the community in accordance with undertakings given by the MRC in their letter dated 9 September 2010. **(Refer Appendix 2).**
4. Notes the recommendations of the Panel but adopts Amendment C60 in a changed form in accordance with the “Council position” detailed in **Appendix 3.**
5. Forward the adopted Amendment, as detailed in **Appendix 4**, to the Minister for Planning for approval.

**4. Background**

The land being the subject of Amendment C60 has involved the greatest policy focus and community consultation of any comparable land in the municipality of Glen Eira.

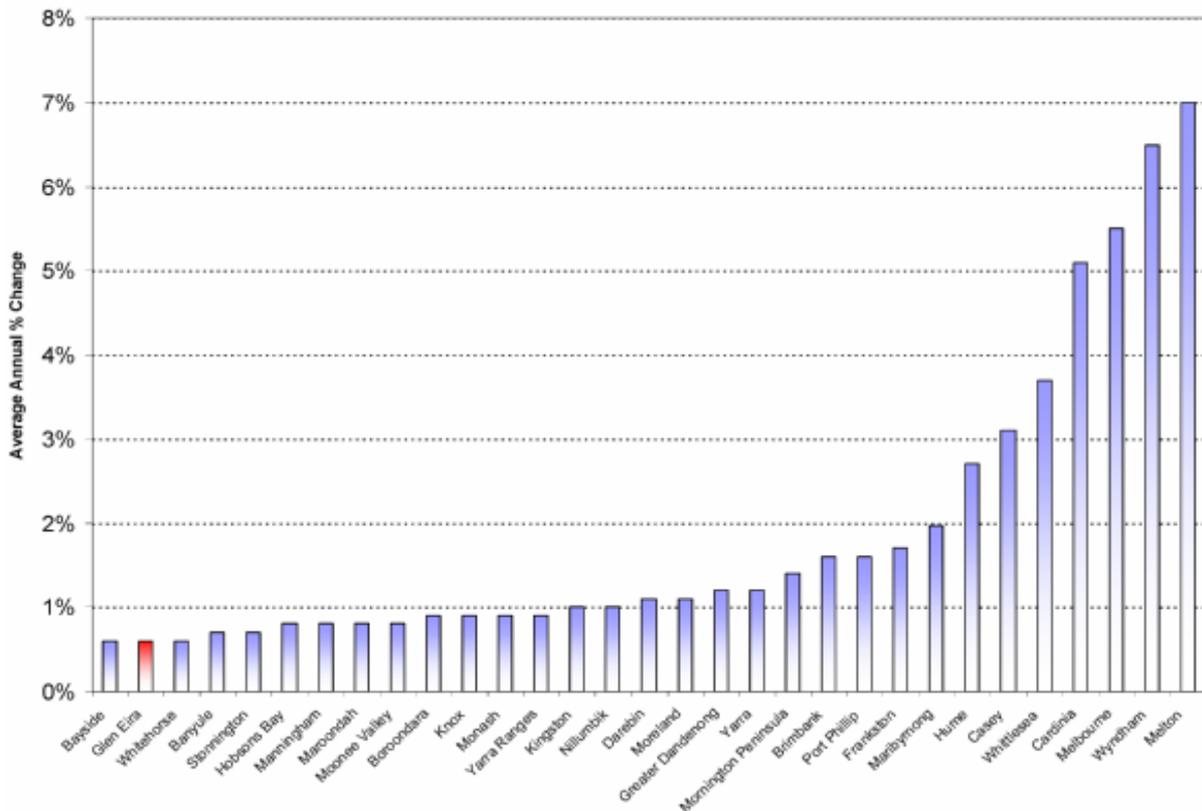
**Item 5.1 (cont'd)**

In October 2002, the State Government released its metropolitan strategy, Melbourne 2030. It aimed to encourage increased housing densities in established urban areas, particularly in activity centres based around public transport.

The subject land is close to Caulfield railway station which is the junction of the Dandenong and Frankston lines. It is close to Dandenong Road. The area is designated as a Major Activity Centre by the State government. That designation is binding on local Planning Authorities.

In 2003 Council adopted Planning Scheme Amendments relating to the major activity centres in Glen Eira. The subject land was covered by Amendment C14. Other major activity centres were covered by C11. Increased development in specific centres under C11 and C14 was complemented by Amendment C25 which classified the large majority of the municipality as Minimal Change Areas where multi-unit development was not encouraged. The resultant differential strategy has led to outcomes under which Glen Eira has had one of the lowest increases in aggregate dwellings of any Melbourne municipality.

**Average Annual Percentage Growth in the Dwelling Stock by LGA, 2004 to 2008**



Glen Eira is the second bar from the left.

Source: "Housing Development Data: 2004 to 2008 Statistical Summary Report". The report was by Spatial Economics for the Department of Planning and Community Development and was released in June 2010.

**Item 5.1 (cont'd)**

Amendment C14 was developed through extensive community consultation including workshops, public meetings, submissions and a panel hearing.

While Amendments C11 and C25 were adopted by majority vote, Amendment C14 was adopted by Council unanimously.

Part (c) of Council's resolution required the owner of the subject land (currently the Melbourne Racing Club) to develop a master plan.

In November 2003 VCAT directed the issue of a planning permit for an extension of non-racing car park activity on freehold land north of Caulfield Racecourse. A condition of the permit required that a master plan be approved prior to this use being extended. No master plan had been prepared or submitted by the date specified in the permit, 17 November 2005. In an updated letter received on 21 September 2005, the MRC sought an extension to condition 1 of the permit to the 17 November 2006 – i.e. an extension of one year.

In August 2006 MRC began informal consultation with the community and Council on a draft Masterplan. Council made a submission to MRC on issues that the Masterplan should address, including proposed land uses, traffic and parking.

In November 2006 the Masterplan was lodged with Council.

In February 2007 Council officers met with the MRC to discuss issues and make a request for further information.

Further exchanges continued during 2007 without agreement being reached.

At the Ordinary Council Meeting of 4 September 2007, Council resolved unanimously to:

- “1. *Not seek authorisation from the Minister for Planning to prepare the amendment as proposed by the Melbourne Racing Club in its current form.*
2. *Write to the MRC stating that Council is prepared to initiate meaningful community consultation by exhibiting either;*
  - (a) *an amendment which deals satisfactorily with all the matters listed in Attachment 3 to this report or*
  - (b) *an amendment to rezone part of the subject land (Smith Street precinct) to a Mixed Use/Business Zone and include the Incorporated Plan as a Reference Document only in the Planning Scheme.*
3. *Write to the Minister detailing Council's position and reasons and proposing meaningful community consultation by requesting Ministerial authorisation for exhibition of 2 (b) above.”*

**Item 5.1 (cont'd)**

Council informed the community on the front page of the *Glen Eira News* of October 2007.

The MRC then approached the Minister for Planning to advance their masterplan amendment.

In October 2007 the Minister referred the amendment to the Priority Development Panel (PDP) to address the following matters of process:

- Whether the detail currently available for the project is adequate?
- Whether additional information is required to be provided?
- The appropriateness of using the Priority Development Zone.

In December 2007 the PDP met to consider the Amendment. This included meeting with the owner and Council. It is fair to say that the PDP supported Council's objections to the proposal at that time and required the applicant to revise its proposal, which the applicant did.

The main change, sought by Council and required by the PDP, related to the process for approval of specific development. Council would need to approve a development plan and Council would consult the community before making a decision on any development plan. (It is likely a series of development plans would be submitted to Council for approval over several years.)

In August 2009 the Minister released the PDP report. The Minister explained that "the public release of the PDP's report was deferred while the issue surrounding the use and development of the triangular parcel of Crown Land (Tabaret Car Park) was considered" (see section 7 on Jurisdiction of Crown Land).

The PDP recommendations in relation to how to progress the Amendment were as follows:

- *"Schedule 2 to the Priority Development Zone, as revised during the PDP process, is of an appropriate form and content to allow the amendment to progress, subject to finalization of the precinct plan.*
- *MRC should finalise the Incorporated Document to include additional visual and explanatory material, as agreed during the PDP process.*
- *Council should resolve to seek authorization to prepare an Amendment (C60) as soon as the finalized Incorporated Document is available.*
- *The Minister should authorize the preparation of proposed Amendment (C60) without delay and request Council to progress the amendment to exhibition as soon as practicable.*
- *Prior to exhibition, Council should request Planning Panel's Victoria to pre-set a hearing date for the amendment, in accordance with the DSE Advisory Note 'Reducing amendment timeframes by pre-setting panel hearing dates' dated July 2007.*

**Item 5.1 (cont'd)**

- *The amendment should progress through the planning scheme process and panel hearing process, as set out under Parts 3 and 8, respectively, of the Planning and Environment Act 1987.*

From Council's perspective Amendment C60 overcame a fundamental and inherent problem with previous versions of the MRC's master plan. The problem centred on a lack of detail about the form and extent of future development. Amendment C60 introduced a further approval step to address this deficiency. The further step is now a need for Council to consider the approval of a development plan.

In September 2009 updated amendment documentation was lodged with Council. On 20 October 2009 Council (Special Committee) unanimously resolved to seek authorisation from the Minister to exhibit Amendment C60. Amendment C60 was exhibited from 19 November – 21 December 2009.

On 17 March 2010 Council (Special Committee) unanimously resolved to refer Amendment C60 to an Independent Panel. Sixty-seven submissions were received.

The Panel conducted hearings on 18, 19, 20, 21, 25 and 28 May 2010.

The Panel forwarded its Report to Council on 27 July 2010. Council released the report publicly on 30 July 2010.

In summary:

- The subject land is located in a designated Major Activity Centre well served by major public and private transport;
- The process to date has been the subject of four unanimous Council Resolutions;
- The process has required progressive approvals of future specific development.

**5. The Role of the Minister for Planning**

The process if Council "adopts" the amendment in any form, ie either as exhibited, as recommended by the panel or as changed by Council, it then goes to the Minister for approval.

If Council abandons the amendment it may not be the end of Amendment C60. The Minister has powers to approve amendments even though they have been abandoned by Council. The Minister could consider using his powers following a request to intervene as suggested in the MRC's letter dated 9 September 2010 (refer to Appendix 2).

Whether or not the Minister would intervene typically depends on the nature and extent of the development under consideration, the views of the parties including submitters and the findings of the Panel. In this context, it may be significant that one of the PDP's recommendations was "The Minister should authorise the preparation of proposed Amendment C60 without delay and request Council to progress the amendment to exhibition as soon as practicable."

**Item 5.1 (cont'd)**

**6. Council as Planning Authority**

It is important to note that consideration of this report has two distinct aspects namely,

- Council's role as a Planning Authority to consider the merits of Amendment C60; and
- Council's role as a Local Government in advocating on community issues such as the use of the centre of the Racecourse as public open space.

Council is the Planning Authority for the predominately freehold MRC land which is the subject of Amendment C60. Council has a clear and legitimate role in ensuring appropriate zoning and future land uses for the Amendment C60 site.

MRC envisaged development on the Amendment C60 site is extensive. So extensive, that the proposed development will have off-site consequences on needed infrastructure treatments. These needed infrastructure requirements can legitimately be managed by use of a Section 173 agreement. Such an agreement is the correct way of ensuring the MRC properly fund future necessary infrastructure off the Amendment C60 site and not the ratepayers of Glen Eira.

The Racecourse has been linked by some parties through the amendment process to Amendment C60 itself. The Racecourse offers off-street car parking for possible "displaced" car parking from the Amendment C60 site. Similarly (when not being used for car parking) the Racecourse offers opportunities for public open space.

From a town planning perspective the issue of "displaced" car parking does have relevance. It is apparent that the centre of the Racecourse can lawfully cater for displaced car parking. It is not a town planning issue whether or not the centre of the Racecourse is Crown land and whether or not this will adversely impact the community's use of the land for open space purposes. These may be issues for Council from a point of view of Council promoting community interests but not for Council in its role as the Planning Authority.

**7. Jurisdiction of Crown Land**

Much of the debate surrounding Amendment C60 has centred on the relationship between the subject freehold land (which constitutes C60) and the Racecourse; implications of the Amendment on the use of the Racecourse and the status of the triangular piece of land (Tabaret Car Park). In relation to these land holdings, the following jurisdictions apply:

- The triangle of Crown Land (Tabaret Car Park) was the subject of legislation by the Parliament in 2009 to transfer ownership to the applicant in exchange for other land and a balancing cash component. Council had no involvement in that decision.
- The Amendment C60 land does not include the Crown Land which is part of the Caulfield Racecourse. That Crown Land is controlled by the Melbourne Racing Club, the Caulfield Racecourse Reserve Trustees, the Department of Sustainability and Environment and the Minister for Crown Lands. Council has no more control over the Racecourse than it does over the average residential property.

**Item 5.1 (cont'd)**

- Town planning relates to the use of land, not the ownership of land. Council cannot take the activities of an owner on other sites into account in making decisions about this site, the subject of Amendment C60.

**8. The Amendment**

The exhibited Amendment proposes to:

- Rezone the land from a part Residential 1 Zone and part Mixed Use Zone to a Priority Development Zone.
- Introduce Schedule 2 to the Priority Development Zone – Caulfield Mixed Use Area, into the Glen Eira Planning Scheme.
- Introduce an Incorporated Plan which defines the key development parameters – as a component of the PDZ schedule.
- Apply the Road Closure Overlay (RXO) to close part of Smith Street, Bond Street, a laneway west of Bond Street and a laneway south of Heywood Street.
- Amend Clause 22.06 Phoenix Precinct Policy to reflect the development vision of the Incorporated Plan.
- Amend the Schedule to Clause 81.01 of the Glen Eira Planning Scheme to include the *Caulfield Mixed Use Area Incorporated Plan, July 2008* as an Incorporated Document.

The Amendment, if adopted by Council and approved by the Minister, would facilitate a development that includes a Residential Precinct, a Mixed Use Precinct and the 'Smith Street' Precinct (see Precinct Plan on Page 9 of this Report)

The development will include:

- Retail premises consisting of a convenience-oriented neighbourhood shopping centre anchored by a supermarket with additional specialty shops and mini-major stores as well as cafes, restaurants and a food court;
- Commercial office space
- Up to 1200 residential units
- Short term accommodation up to 100 beds (Quest style)

It is probable that the land will be developed in stages over several years. The three precincts created by the Amendment are described below:

1. Residential Precinct. Predominant use will be residential, with a range of housing options. Heights proposed are two - three storeys at the residential edges of the precinct, stepping up to four- five storeys behind. Setbacks are generally between 3m -5m from Kambrook Road, the rear of Kambrook Road properties and Heywood Street.
2. Mixed Use Precinct. Predominant uses will be mixed in the form of leisure, retail, residential and commercial uses. Heights proposed are three- four storeys at western edges stepping up to five and six storeys.

**Item 5.1 (cont'd)**

3. Smith Street Precinct: Predominant land use will be a mix of leisure/retail, residential and commercial uses with a service retail component. Proposed heights will be three storeys stepping up to 10 storeys west of Smith Street and; three storeys stepping up to 12-15 storeys east of Smith Street.

The Precinct Plan also shows the creation of a new road “The Boulevard”, linking Station Street with Normanby Road.

Item 5.1 (cont'd)

CAULFIELD MIXED USE AREA PRECINCT PLAN



Precinct Plan

**Item 5.1 (cont'd)**

**9. How Amendment C60 Works**

It is important to note, that the 'approval mechanisms' proposed via this amendment are unusual and complex but necessary to "control" at this stage unknown development. With this amendment the detail comes later when it is known. It comes in the form of a Development Plan which requires Council's approval.

Consequently the Amendment does the following things:

- Rezones the land with an "MRC" specific schedule in the Glen Eira Planning Scheme specifying as-of-right and permit required land uses and exemptions relating to buildings and works. The proposed uses envisaged by the MRC are all as-of-right (i.e. they do not need a planning permit).
- Approves an Incorporated Plan – providing precinct based "conceptual" key information on future development, such as the proposed road network and heights and setbacks.
- Requires Council approval of a Development Plan (i.e. the "detail") to be submitted down the track when the specific design of a particular building/s is known. The Development Plan must be in accordance with the Incorporated Plan, however, no third party appeal rights apply at this stage.
- Requires a planning permit for buildings and works if it is proposed to exceed the heights and setbacks in the Incorporated Plan. Such an application is not exempt from notice requirements and third party appeals and must follow the 'normal' planning permit process.

**10. Exhibition of Amendment (Public Notice)**

As stated previously, the Amendment was exhibited from 19th November – 21st December 2009. The exhibition involved:

- Displaying eleven notices on the subject sites;
- Posting notices to over 500 neighbouring property owners and occupiers (including owners and occupiers in Stonnington);
- A notice in the local newspapers;
- Notices sent to prescribed Ministers and referral authorities;
- A notice in the Government Gazette; and
- Amendment information on Council's web site

As a result, sixty seven (67) submissions were received regarding the Amendment from the owners and occupiers of nearby properties, statutory bodies, Monash University, Chadstone Shopping Centre and Malvern Central Shopping Centre. One of the opposing submissions was a petition with 74 signatures.

One of the submissions (from MRC) offered unqualified support for the Amendment.

**Item 5.1 (cont'd)**

**11. The Panel Process and Report**

The Panel was held over six days, including 2 evening sessions in May this year. At the hearing the MRC, Council and Monash University retained legal representation. In addition expert evidence was called on traffic and parking, urban design, economics and planning.

At the hearing, submissions were also made by 18 residents, with many more residents in attendance. The issues raised by **submitters** can be summarised as follows:

1. Can the development proposed be strategically justified? Most resident submitters were concerned the development was too intense especially in relation to the potential traffic, parking and resulting built form. One submitter, however, indicated the Amendment was too narrow and did not capitalise on the strategic importance of the Caulfield activity centre.

A number of specific questions were then identified:

- Can the increase in development and therefore population of the site be supported by social and physical infrastructure around the site, including open space, transport and drainage infrastructure near, in and around the site? This includes:
  - Can the form and scope of anticipated development accommodate expected traffic and car parking?
  - Is the proposed traffic management plan logical and appropriate? Notably is the proposed layout of Station Street and the Boulevard appropriate?
  - Does the proposal provide an adequate and safe pedestrian network?
  - Is it appropriate to close roads as proposed by the Amendment?
  - Can the anticipated development be serviced by existing open space?
  - Can the existing physical infrastructure support the anticipated development?
  - Can the commercial development be justified – and is there a need to cap the amount of retail floor space permissible without a planning permit?
  - Will the loss of car parking on site result in a need to accommodate car parking in other areas already under stress or inappropriate for the use of car parking?
  - Will the development impact on the heritage significance of the nearby station?
  - Will the development have any other environmental impacts that could be better addressed, including protection of existing trees on site and incorporation of Environmental Sustainability Design principles?

**Item 5.1 (cont'd)**

2. Should the MRC land be considered for development without addressing the broader Racecourse area and perceived deficiencies with the broader Racecourse land management? Relevant issues that were put to the Panel included:
- The loss of car parking from the Amendment C60 land would place further pressure to use Crown land, forming part of the Racecourse reserve for car parking.
  - The increase in residents and people using the Amendment C60 land from development would place further pressure on the need for use of the Crown land forming the Racecourse for open space.
  - The MRC should not be able to profit from development of its assets north of Station Street when it had failed in its responsibilities as manager of Crown land forming the Racecourse south of Station Street.

These issues raised by the submitters and others were considered by the Panel.

The Panel report was received by Council on 27 July 2010.

In relation to the exhibited amendment, the Panel recommends that Amendment C60 be adopted subject to a number of recommendations.

In summary, the Panel's broad findings on the Amendment are discussed as follows:

(a) Strategic Justification

The Panel was satisfied that considerable strategic work has been undertaken for the site and the broader Phoenix Precinct over the past 14 years to direct that the Amendment C60 land should be developed.

The Amendment can successfully implement existing State and local policy and should not be delayed.

The Panel finds in principle, and subject to a number of issues of detail being addressed, the use of the PDZ with limited third party review rights, to be appropriate.

Comment:

The Planning Office agrees. The Planning Office accepts that the Panel's views accord with current planning policy and practice.

(b) Crown land issues

The Panel concluded that its role is to address the merits of Amendment C60 only under the provisions of the Planning and Environment Act, 1987.

**Item 5.1 (cont'd)**

The Panel made it clear that its role is not to make recommendations about the lease or licence arrangements between the MRC and the Crown. More specifically, it stated that these are matters for the State government in the ongoing lease of the Crown land to the MRC under the Crown Land Reservation Act. These lease and licence arrangements do not directly impede the development or affect the Amendment C60 land.

Comment:

Whilst this position may be legally correct, the displacement of parking onto Crown Land and the impacts of this on the use and accessibility to Public Open Space (in the centre of the Racecourse) are issues of significance to Council and the community. This was clearly evident at the Panel hearing. It is likely to be disappointing to some submitters that the Panel chose not to make recommendations on these issues although it is understandable. The town planning focus of Amendment C60 must be on the land the subject of the Amendment not the Racecourse.

(c) *Economic Impacts and Retail floor limit*

The Panel is satisfied that the scale of the retail development proposed will not adversely impact on the operations of Chadstone Shopping Centre and Malvern Central Shopping Centre. The Panel also finds that any potential trading impacts on Caulfield Plaza will be within the bounds of a normal competitive retail environment.

Comment:

The Planning Office agrees.

(d) *Traffic Circulation and Infrastructure*

The Panel acknowledges that vehicle traffic congestion currently exists in the area, however, is satisfied that the level of information provided to date coupled with the need to undertake more extensive traffic modeling at the Development Plan stage, provides sufficient confidence for the Amendment to proceed.

Comment:

The Integrated Transport Plan, which is a component of the Development Plan, requires traffic analysis and modeling to be undertaken which has regard to the likely pattern and intensity of development in all three precincts. In addition, the legal agreement (Section 173 Infrastructure Agreement – refer to Appendix 1) requires substantial infrastructure improvement works to be undertaken to support the proposed development in terms of traffic movement and management. It is considered, therefore, that traffic management issues will be able to be adequately addressed throughout the development process.

**Item 5.1 (cont'd)**

At this point, it is worth elaborating on the Section 173 Infrastructure Agreement and its importance in underpinning Amendment C60. It is considered to be a crucial element of the Amendment as it deals with the 'big ticket' infrastructure items that are required in direct response to the proposed development but in most cases are not contained within the Amendment C60 land. Examples of these infrastructure works are:

- the reconfiguration of The Boulevard, Normanby Road, Underpass signalised intersection in accordance with the integrated transport plan;
- the construction of The Boulevard;
- the reconfiguration of the laneway in the south western part of the MRC site prior to closure of the existing laneway;
- all works required to close any roads which are subsequently closed by Council to facilitate the development of the land;
- the construction of the intersection of The Boulevard with Station Street with any need to signalise this intersection in accordance with the integrated transport plan;
- the reconfiguration of the "Y" intersection between Normanby and Station Street to provide safe pedestrian crossing between the Incorporated Plan area and the railway station;
- the improvement of the intersection between Kambrook Road and Station Street to:
  - increase the capacity of the intersection and specifically, the right turn movement through the intersection; and at the same time;
  - ensure that pedestrians have a safe crossing point across Kambrook Road.

The way in which this agreement is to be executed is perhaps the biggest departure from the Panel's recommendations. The Panel recommended requiring an initial agreement to then enter into a second agreement which would pick up on the infrastructure items. Council's legal advice, however, states that this is unsatisfactory as it raises the possibility of Council having to deal with multiple land owners if the Amendment C60 land is sold in the future. This would make it difficult for Council to obtain the improvements required. Additionally it is considered preferable to have major consequential infrastructure improvements known and funded in an "up front" agreement. It is therefore recommended that Council enter into a Section 173 Agreement with MRC prior to adoption of the Amendment. The MRC can then determine how it will allocate those obligations with its purchasers should it sell the land. The agreement will also ensure that any 'site specific' infrastructure that arises in the course of any particular development plan, must be carried out or provided by the relevant land owner.

These major infrastructure projects, whilst outside the Amendment C60 site, are needed as a direct consequence of the development proposed by the MRC. The agreement is critical in ensuring that the MRC pays for the needed infrastructure – not the community.

**Item 5.1 (cont'd)**

(e) Car Parking

Whilst the Panel acknowledges that the loss of the Members Car Parks on Amendment C60 land will put additional pressure on the use of Crown Land that forms part of the Racecourse, it finds that this issue is beyond the scope of the Panel. It finds that the decision on the appropriate use of the Crown Land is a matter for the relevant Minister to address, not a matter to be addressed by the Planning Scheme.

Having said this, the Panel concludes that the MRC is able to sufficiently accommodate the general demand for carparking associated with the Racecourse uses despite the loss of the Members Car Parks No 1 and 2 and the Tabaret Car Park through the use of other land forming part of the Racecourse.

The Panel also states that Council should continue to pursue improved on and off street parking and traffic arrangements with the MRC for events at the Caulfield Racecourse to reduce the impact of parking and access issues. This should include a review of on street parking restrictions and traffic circulation.

The Panel also concludes that the revised parking rates for the development (that correlate with those used at Monash University PDZ) are appropriate.

Comment:

Displacement of parking from the Members Car Parks No. 1 and 2 and the Tabaret Car Park onto the Racecourse including Crown Land and into the surrounding residential streets has from the outset been identified as an issue of great consequence to Council. So much so that at the Panel Hearing,

Council emphasised that this issue of the balance between Racecourse use, the satisfactory provision for displaced carparking and the open space use is “*at a tipping point.*”

Council’s position has consistently been that arguments which seek to deal with the MRC site (i.e. the Amendment C60 site) totally separately from the MRC Racecourse facility should be resisted. For many years, the two sites have functioned as one and no doubt, the intensification of the commercial event type use of the Racecourse in recent years has been dependant in part (or at least mitigated in its impact) because of the access to the car parking on the Amendment C60 site.

With the inevitable separation of ownership of the two sites and the breaking of the relationship between the two sites (that is the car parking will no longer be available to serve the Racecourse), what is clear is that there will be significant pressure and demand for car parking in other places because of this displacement.

**Item 5.1 (cont'd)**

The Council submission to the Panel stated:

*“Failing to require such a plan for the MRC Racecourse would be a bit like separating conjoined twins and then giving only one of them the support they both require.”*

Whilst the intensive development of the site north of Station Street is encouraged under policy, the ultimate adoption and approval of Amendment C60 should be subject to the MRC committing to a plan to manage displaced parking on the Racecourse.

It is certainly not acceptable to consider surrounding residential streets as an opportunity to relocate displaced cars. To avoid this, should the Amendment proceed, there will be a need to restrict parking associated with MRC activities in residential streets surrounding the Racecourse.

The other side of having an agreed understanding of Racecourse car parking, in terms of location and frequency, is that it then defines when Crown land within the Racecourse centre can be used by the community for open space purposes. In this respect car parking / open space are different sides of the same coin.

To this end, Council prepared a draft legal agreement ( a ‘deed’ as opposed to a Section173 Agreement), to be jointly signed by the MRC and Council prior to adoption of Amendment C60. The draft agreement required the MRC to comply with a Car Parking Management Plan which would set out:

- the number of events (racing and non racing) at the Racecourse;
- where the parking for these events would be;
- the number of days in a year that the centre of the Racecourse will be used for parking; and
- MRC’s commitment to paying for the implementation of a parking restriction scheme in the residential streets surrounding the Racecourse.

The MRC has responded to the draft agreement and proposed Car Parking Management Plan by letter dated 9 September 2010 (refer to Appendix 2) It is apparent from the MRC’s letter that they are not prepared to enter into the agreement put forward by Council. The MRC state:-

*“Under the terms of the Crown Grant and the Crown Land (Reserves) Act Regulations, the Melbourne Racing Club has no restriction on the number of race meetings or events able to be held.”*

**Item 5.1 (cont'd)**

The MRC's letter does set out, however, commitments it has already given and those they are prepared to make as follows:-

*"It is important to acknowledge that while a member of the community has recreational opportunities in a number of public open space locations within the immediate area surrounding the Caulfield Race Course as recognised by the Panel, the MRC can operate race meetings or events at only one location being the Caulfield Racecourse.*

*In the spirit of this recognition, the MRC has already agreed formally to:*

- 1. Upgrade the centre of the Race Course for public amenity to a high degree of quality at an estimated cost in the region of \$1.5 - \$2.0m*
- 2. Pedestrian access is provided via a number of entry points around the Race Course and public vehicular access has been provided at the request of Council via the Booran Road tunnel with reserved parking.*
- 3. As part of the agreed land exchange MRC will pay costs associated with the establishment of public park at Booran Road.*
- 4. MRC has agreed to help meet Council's cost via an "ex gratia" contribution for the implementation of "residential restricted parking" in residential streets despite currently being the largest rate payer in the precinct.*
- 5. MRC has agreed to cap major events that utilise car parking in the centre of the Race Course at 6 per annum unless otherwise approved by both Trustees and DSE.*

***Proposed Draft Agreement between Glen Eira City Council and the MRC***

*In addition to the 5 items agreed above, the MRC proposes:*

- 1. MRC agree that the cap of major events be limited to a maximum duration of 30 days and that any variation to be required to be approved by both Trustees and DSE.*
- 2. MRC agree that subject to the exclusion times, outside of the 6 major events and Race Days the whole of the centre of the Race Course be available to the public for use as open space in accordance with the Crown Grant and Regulations.*
- 3. For all medium and major events MRC will provide Traffic and Car Parking Management Plans in liaison with the appropriate Traffic Management Authority and Emergency Services.*
- 4. With the creation of the Boardwalk, public play areas and BBQ, an area will be reserved around the Western portion of the lake to allow for secure and safe public access and amenity during all major events held by the MRC. Given the practical issues related to pay for use car parking, security and traffic management on these days all vehicles accessing the centre will be required to comply with these arrangements. The Club reserves the right to review these accommodations based on practical considerations of safety and event management.*

**Item 5.1 (cont'd)**

5. *MRC agree to enter into an Memorandum of Understanding with GECC with regard to long term improvements to the exterior appearance and “permeability” of the public’s view corridors to the Caulfield Race Course. Considerations will be with regard to public and horse safety, cost sharing arrangements and staging. A key part of this will be a review of exterior fence design principles to maximise visibility and architectural appeal.*
6. *MRC agree to work with GECC with a view to increasing Glen Eira public amenity within the Caulfield Race Course by facilitating up to 4 community events by mutual agreement subject to safety, timing and cost issues to be agreed.*
7. *In accord with this general agreement Council Officers report and recommendation is put to Council by the end of September 2010.”*

Comment

The undertaking given by the MRC in their letter, whilst falling short of the certainty of the draft agreement, goes some way towards addressing the issues of displaced cars onto the Racecourse/residential streets and future community use of open space.

(f) Open Space provision

The Panel finds:

- the size and location of existing reserves are adequate, however the centre of the Racecourse has limitations with respect to access and is under-utilised;
- the plans by the Council and the MRC to make additional land available as public open space will improve this situation over time. The Panel supports the proposal by Council to pursue the acquisition of the water reserve on Glenhuntly Road and develop as public open space;
- additional money will be required by Council to make this land ready for use as public open space. Therefore the requirement for a financial public open space contribution is related to cost of improving existing reserves.
- that the public open space contribution raised by Council and MRC is consistent with practice in other middle-ring municipalities. The wording of Section 18 of the Subdivision Act, Clause 52.01, and the Schedule to 52.01, suggests that where an open space contribution is made it should be for improvements to open space, rather than for maintenance. The Panel therefore supports the proposed wording for the open space clause proposed by Council at the Panel Hearing.

**Item 5.1 (cont'd)**

Specifically, the Panel supports the following open space contribution:

- 5% of the site value of the land which is contained within the Mixed Use Precinct and the Smith Street Precinct; and
- 4% of the site value of the land which is contained within the Residential Precinct

Comment:

The Planning Office agrees.

(g) Urban Design requirements

The Panel supports the overall design concept proposed by the Amendment, particularly in relation to the heights proposed and the proposed transition in heights from the west to the east of the site and is generally satisfied that the zone, policy and Incorporated Plan provisions provide sufficient direction to enable this.

The MRC and Council submissions proposed numerous changes to the Incorporated Plan at the hearing. The Panel finds that in most instances, the exact wording can be worked out between the MRC and Council. There are also some instances where the Panel disagrees with wording proposed by Council and deems it to be unnecessary.

More specifically, the Panel supported the changes to heights proposed by the MRC at the Panel Hearing namely, up to 8 storeys in the Mixed Use Precinct and in the Smith Street Precinct: 12 storeys west of Smith Street and no height limit east of Smith Street. Importantly, the Panel agreed with the principle put forward by Council of providing podiums to all street frontages including Station Street and Normanby Road.

The areas where the Panel primarily disagreed with Council, however, relate to 'how' these podium heights and setbacks should be shown in the Incorporated Plan.

Comment:

Heights are consistent with a Major Activity Centre. Important podium levels are contained in the Incorporated Plan.

(h) Other issues

The Panel finds:

- that Student Accommodation should be 'as of right' in the Mixed Use and Smith Street precinct but not the Residential Precinct.
- The local Phoenix Precinct Policy requires updating to ensure that existing residential areas in Heywood and Bond Street that form part of the local policy area have appropriate decision guidelines.

**Item 5.1 (cont'd)**

- The Amendment should reinforce the commitments to affordable housing made prior to and as a result of exhibition of the Amendment.

Comment:

The Planning Office agrees.

Following its broad findings, the Panel went on to make specific recommendations for changes to the exhibited Amendment documentation. The recommendations can be broken down into the following categories:

- Changes to the exhibited Priority Development Zone Schedule No. 2
- Changes to the exhibited Incorporated Plan
- Changes to the exhibited Road Closure Overlay Plan
- Amendments to the exhibited Local Policy 22.06 Phoenix Precinct Policy and 22.09 Student Housing Policy
- Pursue improved on and off street parking and traffic arrangements with the MRC for events at the Caulfield Racecourse to reduce the impact of parking and access issues. This should include a review of on street parking restrictions and traffic circulation

The table at Appendix 3 details these recommendations and whether they should be supported.

For the most part the detailed Panel recommendations are agreed with. Departures are as follows:

- The Section 173 Agreement outlining the infrastructure required to be paid for by MRC – the timing of this agreement. Council requires the issue resolved “up front”.
- How the ‘podium’ structure in the Mixed Use and Smith Street Precincts are to be shown on the Incorporated Plan.
- Landscaped setbacks in Residential Precinct are to be shown on the Incorporated Plan.
- Percentage of glazing to shop fronts.
- Carparking guideline – to be provided in basement in Mixed Use and Smith Street Precincts. Carparking provision should not rely on on-street parking.
- Balconies to be contained wholly within the property boundary.
- Design of intersection between The Boulevard and Station Street. Station Street to be the dominant and continuous road with the new road ‘The Boulevard’ forming a ‘T’ intersection. To be shown on the Incorporated Plan.
- Contamination assessment to apply to the entire site.

**Item 5.1 (cont'd)**

**12. Rates**

In relation to the levying of rates in relation to the MRC land, the Cultural and Recreational Lands Act states the following:

*“Section 4 (5)*

*Where any lands which-*

- (i) are rateable under the Local Government Act 1989; and*
- (ii) are recreational lands -*

*cease to be recreational lands there shall be payable as rates to the municipal council an amount equal to the difference between the total of the amounts which were payable in respect of such lands for each of the ten years immediately preceding the land so ceasing to be recreational land and the total of the amounts of the rates that would have been payable in respect of such land in each of those years if this Act had not applied to such lands and such lands had been valued in each of those years on the basis that the value of such lands was its value immediately after such lands so ceased to be recreational lands.”*

In effect, if the subject land is no longer rated under the Cultural and Recreational Lands Act, the owner would be liable for “back paying” rates at a higher level for ten years. This is what happened when, for example, VFL Park Waverley was decommissioned and rezoned for housing.

**13. Conclusion**

For the reasons outlined in this report it is recommended that a number of the Panel’s recommendations, but not all, be supported and that the Amendment be adopted with changes. The Amendment recommended by Officers to be adopted by Council forms Appendix 4 to this report and includes:-

- Priority Development Zone (PDZ) Schedule 2
- Incorporated Plan
- Priority Development Zone (PDZ) map
- Road Closure Overlay (RXO) map
- Local policy – Phoenix Precinct Policy
- Local policy – Student Housing Policy

# APPENDIX 1

Date / /2010

Lawyers  
140 William Street  
Melbourne Victoria 3000 Australia  
Telephone 61 3 9288 0555  
Facsimile 61 3 9288 0666  
info@maddocks.com.au  
www.maddocks.com.au  
DX 259 Melbourne

## Infrastructure Agreement made under Section 173 of the Planning and Environment Act 1987

Subject Land: Land affected by Amendment C60

Glen Eira City Council

and

Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) ABN 96 267  
203 634

12 November 2010

[5716439: 7320099\_1]

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# Agreement under Section 173 of the Planning and Environment Act 1987

Dated        /        /

---

## Parties

Name	<b>GLEN EIRA CITY COUNCIL</b>
Address	Municipal Offices, Corner Glen Eira and Hawthorn Roads, Caulfield VIC 3162
Facsimile	03 9523 0339
Email	mail@gleneira.vic.gov.au
Contact	Phil de Losa
Short name	<b>Council</b>

Name	<b>VICTORIA AMATEUR TURF CLUB (INCORPORATING THE MELBOURNE RACING CLUB)</b>
Address	Gate 22, Station Street, Caulfield East, 3145
Facsimile	03 9257 7211
Email	contact@melbourneracingclub.net.au
Contact	Brian Discombe
Short name	<b>Owner</b>

---

## Background

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme. Council is also the Planning Authority for Amendment C60 to the Planning Scheme.
- B. The Owner is a body corporate established pursuant to the Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) Act 1963 and is or is entitled to be the registered proprietor of the Subject Land.
- C. Amendment C60 facilitates the development of the Subject Land for a range of mixed use activities and to that end, rezones the land to a Priority Development Zone Schedule 2. The development of the land within the parameters of the Incorporated Plan will generate a need for certain infrastructure to be provided. Some of that infrastructure is identifiable as at the date of this Agreement while the need for other infrastructure may only become apparent upon the approval of development plans under the Schedule to the Priority Development Zone.

- D. Council and the Owner have agreed to enter into this Agreement to ensure that all necessary infrastructure will be provided when it is required.
- E. The parties enter into this Agreement to assist in achieving and advancing the objectives of planning in Victoria and the objectives of the Planning Scheme.

## THE PARTIES AGREE

---

### 1. Definitions

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

**Act** means the Planning and Environment Act 1987.

**Additional Infrastructure Projects** means infrastructure works for which a contribution might otherwise be sought pursuant to Part 3B of the Act.

**Agreement** means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.

**Amendment** means Amendment C60 to the Planning Scheme comprising;

- (i) Schedule 2 to the Priority Development Zone; and
- (ii) Incorporated Plan entitled Caulfield Mixed Use Area – Incorporated Plan dated September 2010; and
- (iii) Clause 22.06 "Phoenix Precinct Policy"; and
- (iv) Map depicting Schedule 2 to the Priority Development Zone 'Glen Eira Planning Scheme Local Provision – Part of Planning Scheme Maps 1 & 2 Amendment C60'; and
- (v) Map depicting Road Closure Overlay 'Glen Eira Planning Scheme Local Provision – Part of Planning Scheme Maps 1 RXO Amendment C60'.

viewed and initialed by Brian Discombe on behalf of MRC on 15 October 2010.

**Incorporated Plan** means the incorporated plan at Schedule 2 of the Priority Development Zone forming part of the Amendment.

**Infrastructure Projects** means the works listed in Schedule 2 of this Agreement.

**Integrated Transport Plan** means the Integrated Transport Plan referred to in Schedule 2 to the Priority Development Zone forming part of the Amendment.

**Mortgagee** means a person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**MRC** means the Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club Limited) ABN 96 267 203 634.

**Owner** means MRC and any person registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

**party or parties** means the MRC, the Owner and Council under this Agreement..

**Planning Scheme** means the Glen Eira Planning Scheme and any other planning scheme that applies to the Subject Land.

**Required Infrastructure Projects** means infrastructure works not included in Schedule 2 that are fairly and reasonably required as a result of the development of the Subject Land under the Planning Scheme and which are included as a condition in the approval of a development plan or a planning permit pursuant to Schedule 2 of the Priority Development Zone.

**Schedule** means a schedule to this Agreement.

**Schedule 2 to the Priority Development Zone** means the schedule 2 of the Priority Development Zone introduced into the Planning Scheme by the Amendment.

**Subject Land** means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

---

## 2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1.1 The singular includes the plural and vice versa.
- 2.1.2 A reference to a gender includes a reference to each other gender.
- 2.1.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.1.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.1.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.1.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.1.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.1.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that the MRC and each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot providing always that subject to clause 3, the MRC is liable in the first instance to

deliver the Infrastructure Projects and the Required Infrastructure Projects and to contribute to the Additional Infrastructure Projects.

---

### 3. Specific Obligations of MRC

- 3.1 Save as where otherwise released pursuant to clause 3.2, MRC acknowledges and agrees that:
- 3.1.1 it will remain liable to deliver or be responsible for the delivery of each of the Infrastructure Projects and Required Infrastructure Projects notwithstanding the sale of any part of the Subject Land; and
  - 3.1.2 Council may in addition to proceeding against the Owner proceed against the MRC in respect of a failure of any Owner to provide any Infrastructure Project or Required Infrastructure Project, under this Agreement.
- 3.2 Upon the sale of any part of the Subject Land, Council may release MRC from its obligations pursuant to clause 3.1 in respect of Infrastructure Projects and Required Infrastructure Projects, where the purchaser enters into an agreement with Council pursuant to section 173 of the Act which requires the purchaser and each subsequent owner of the purchaser's land to be liable for the delivery of the Infrastructure Projects and Required Infrastructure Projects. Such a release must not be unreasonably withheld.

---

### 4. Specific Obligations of the Owner

- 4.1 The Owner acknowledges and agrees that:
- 4.1.1 the Owner must at no cost to Council carry out and construct or cause to be carried out and constructed each of the Infrastructure Projects and any Required Infrastructure Projects in accordance with this Agreement;
  - 4.1.2 it will construct each of the Infrastructure Projects and Required Infrastructure Projects in accordance with plans and specifications agreed upon by the parties;
  - 4.1.3 each of the Infrastructure Projects must be delivered in accordance with a Schedule of Delivery (**Schedule of Delivery**) to be agreed between MRC and Council prior to the commencement of any works on the Subject Land involving the construction of a building (except for a temporary shed or temporary structure for construction purposes, or a temporary portable land sales office). The Schedule of Delivery once agreed must be signed by or on behalf of MRC and by and on behalf of Council.
  - 4.1.4 the Schedule of Delivery must specify;
    - (a) when or by which milestone each Infrastructure Project must commence to be delivered; and
    - (b) by when or by which milestone each Infrastructure Project must be completed;

- 4.1.5 if any Infrastructure Project is not substantially constructed in accordance with the Schedule of Delivery, Council may, in addition to taking any enforcement action authorised by the Act, complete the Infrastructure Project and recover the full cost of constructing or completing the Infrastructure Project from the Owner as a debt.
- 4.1.6 it will contribute towards any Additional Infrastructure Projects in an amount agreed by the parties.

---

## **5. Specific Obligations of Council**

### **5.1 Council acknowledges and agrees that:**

- 5.1.1 it will not take any action referred to by clause 4.1.5 of this Agreement unless it has first given the Owner and MRC 60 days written notice of its intention to undertake the Infrastructure Project;
- 5.1.2 the written notice referred to in clause 5.1.1 of this Agreement must:
- (a) specify the Infrastructure Project to which it relates; and
  - (b) specify that unless the Infrastructure Project is provided within the timeframe agreed upon by the Parties in the Schedule of Delivery under clause 4.1.3 Council will carry out and complete the said Infrastructure Project and recover the full costs of doing so from the Owner.
- 5.1.3 the Additional Infrastructure Projects may benefit other land owners in the vicinity of the Subject Land and that it may be fair, just and equitable for contributions for the provision of this infrastructure to be provided by other persons in addition to the Owner.
- 5.1.4 if, at any time, Council introduces a development contributions plan, pursuant to Part 3B of the Act or otherwise, then any payment made by way of contribution for an Additional Infrastructure Project may be credited towards any payments required for works, services or facilities pursuant to the development contributions plan.
- 5.1.5 the acknowledgement and agreement of the Owner pursuant to clause 4.1.1 does not preclude a condition being imposed in any permit, pursuant to section 62(5)(c)(iii) of the Act, requiring any Minister or public authority (other than Council), to contribute towards the provision of the Infrastructure Projects or Required Infrastructure Projects.

---

## **6. Further Obligations of the Owner**

### **6.1 Notice and Registration**

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, Mortgagees, chargees, transferees and assigns.

## **6.2 Further actions**

The Owner further covenants and agrees that:

- 6.2.1 the Owner will do all things necessary to give effect to this Agreement;
- 6.2.2 the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any Mortgagee or caveator to enable the recording to be made in the Register under that section.
- 6.2.3 upon becoming the registered proprietor of that part of Certificate of Title Vol 7275 Fol 814 described in Schedule 6 to the Land (Revocation of Reservations and Other Matters) Act 2009 it will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of that land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any Mortgagee or caveator to enable the recording to be made in the Register under that section.

## **6.3 Council's Costs to be paid**

The Owner further covenants and agrees that the Owner will immediately pay to Council, all of Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution and recording of this Agreement which are and until paid will remain a debt due to Council by the Owner.

---

## **7. Obligations of the Parties**

The Parties acknowledge and agree that:

- 7.1.1 the plans and specifications required for the Required Infrastructure Projects are intended to facilitate works to a standard required only by the development of the Subject Land within the parameters of the Incorporated Plan and not to a standard required to compensate for any inadequacy in the infrastructure that currently services existing developments or as a result of development on any other land.
- 7.1.2 in the event of a dispute as to any part of this Agreement, including agreement on:
  - (a) the plans and specifications for the Infrastructure Projects and Required Infrastructure Projects;
  - (b) the contribution required for the Additional Infrastructure Projects;
  - (c) the Schedule of Delivery required by clause 4.1.3;
  - (d) the release of MRC pursuant to clause 3;

- (e) the ending of the Agreement pursuant to clause 15

they will refer the dispute to an arbiter agreed to by the parties. In the event that agreement on the appointment of the arbiter cannot be reached the parties agree to the dispute being referred to an arbiter appointed by the President of the Law Institute of Victoria. The parties agree to be bound by the decision of the arbiter.

7.1.3 the amount of contribution required for the Additional Infrastructure Projects will be determined as far as practicable having regard to the principles developed through relevant Victorian law which would apply to the assessment of a contribution pursuant to an approved development contributions plan under the Act.

7.1.4

- (a) they will work co-operatively and in good faith to resolve the details surrounding the nature, extent and delivery of the infrastructure; and
- (b) such resolution may require negotiating with third parties, including public authorities and that separate agreements and applications may be required from those third parties to enable the provision of the contemplated infrastructure and they will negotiate with those third parties and the terms of any separate agreements in good faith; and
- (c) with the approval and commencement of development it may be necessary for further agreements to be entered into to address the provision of infrastructure, works in lieu and contributions for works performed and they will negotiate the terms of such further agreements in good faith.

---

## **8. Agreement under Section 173 of the Act**

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed for specified purposes.

---

## **9. Commercial Agreement**

The parties acknowledge and agree that in addition to being an Agreement under Section 173 of the Act, this is also a commercial agreement.

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## **10. Owner's Warranties**

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

---

## **11. Successors in Title**

11.1 Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

11.1.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

11.1.2 execute a deed agreeing to be bound by the terms of this Agreement.

---

## **12. General Matters**

### **12.1 Notices**

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

12.1.1 by delivering it personally to that party;

12.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

12.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

### **12.2 Service of Notice**

A notice or other communication is deemed served:

12.2.1 if delivered, on the next following business day;

12.2.2 if posted, on the expiration of 7 business days after the date of posting; or

12.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

### **12.3 No Waiver**

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

### **12.4 Severability**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

## **12.5 No Fettering of Council's Powers**

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land relating to any use or development of the Subject Land.

---

## **13. GST**

- 13.1 In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in that Act.
- 13.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.
- 13.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 13.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.
- 13.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 13.3.

---

## **14. Commencement of Agreement**

This Agreement commences upon the gazettal of Amendment C60 in a form which is substantially in the same form as the Amendment.

---

## **15. Ending of Agreement**

- 15.1 This Agreement ends in relation to all of the Subject Land when
- the Infrastructure Projects and any Required Infrastructure Projects have been completed to the satisfaction of the Responsible Authority.
- 15.2 This Agreement ends in relation to part of the Subject Land when a purchaser of that part of the Subject Land has entered into an agreement with Council pursuant to section 173 of the Act, in accordance with clause 3.2 and that purchaser becomes the Owner and the new Agreement is registered in the title to that part of the Subject Land.
- 15.3 Upon the completion of any Infrastructure Project or Required Infrastructure Project Council may release any lot created by the subdivision of the Subject Land or part of it, from any further obligations under the Agreement.

15.4 As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner execute an application to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the register.

**SIGNED, SEALED AND DELIVERED** as a Deed by the parties on the date set out at the commencement of this Agreement.

**THE COMMON SEAL OF GLEN EIRA CITY COUNCIL** was hereunto affixed in the presence of: )  
)  
)

..... Chief Executive Officer

..... Councillor

**THE COMMON SEAL of THE VICTORIA AMATEUR TURF CLUB (INCORPORATING THE MELBOURNE RACING CLUB) ABN 96 267 203634** was affixed in the presence of authorised persons: )  
)  
)



.....  
Chief Executive

ARASDAIR ROBERTSON  
Full name

STATION STREET, CAULFIELD  
Usual address

.....  
Business Affairs Manager

SIMON McARTHUR  
Full name

STATION STREET, CAULFIELD  
Usual address

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# Schedule 1

## The Subject Land:

Address:

Certificate of Title Details:

Volume 5589 Folio 726  
Volume 4852 Folio 396  
Volume 6922 Folio 252  
Volume 6468 Folio 402  
Volume 5589 Folio 726  
Volume 5326 Folio 054  
Volume 2323 Folio 558  
Volume 2619 Folio 767  
Volume 6462 Folio 276  
Volume 5589 Folio 726  
Volume 6126 Folio 137  
Volume 7841 Folio 106  
Volume 2873 Folio 492  
Volume 4153 Folio 549  
Volume 2856 Folio 142  
Volume 3308 Folio 571  
Volume 3202 Folio 294  
Volume 6649 Folio 792  
Volume 6513 Folio 534  
Volume 8062 Folio 526  
Volume 6990 Folio 983  
Volume 3259 Folio 642  
Volume 5917 Folio 265  
Volume 5917 Folio 266  
Volume 4180 Folio 988  
Volume 3166 Folio 125  
Volume 3787 Folio 382  
Volume 7394 Folio 601  
Volume 9114 Folio 675  
Volume 4375 Folio 820  
Volume 2984 Folio 740  
Volume 5589 Folio 728

That part of Volume 7275 Folio 814 described in Schedule 6 of the Land  
(Revocation of reservations and Other Matters) Act 2009

---

## Schedule 2

### The Infrastructure Projects:

1. Signalisation of the reconfigured intersection of The Boulevard/ Normanby Road/ Underpass in accordance with the Integrated Transport Plan;
2. the construction of The Boulevard as identified in the Integrated Transport Plan;
3. the reconfiguration of the laneway in the south western part of the Subject Land to ensure continuity of access for users of the laneway prior to closure of the existing laneway;
4. the works required to close or partially close Smith Street at Normanby Road and Bond Street at the intersection of Heywood Street which are to be subsequently closed by Council to facilitate the development of the land.
5. the construction of the intersection of The Boulevard with Station Street including any need to signalize this intersection in accordance with the Integrated Transport Plan;
6. the works required to provide a safe at-grade pedestrian crossing point between the Incorporated Plan area and the railway station.
7. the improvement of the intersection at Kambrook Road and Station Street to increase the capacity of the intersection and specifically, the right turn movement through the intersection, and at the same time ensure that pedestrians are provided with a safe at-grade crossing point across Kambrook Road.

## APPENDIX 2

# MELBOURNE RACING CLUB

Ref: R:\Chief Executive\2010-11\CEO Correspondence\Letter 09.09.10 - Mr A Newton.doc

Thursday, 9 September 2010

Mr A Newton  
Chief Executive  
Glen Eira City Council  
P O Box 42  
**CAULFIELD SOUTH VIC 3162**



Dear Andrew,

### Re: Proposed Car Parking & Traffic Management Plan

Further to Jeff Akehurst's letter of 3 September 2010, I provide the following response.

#### Background

##### Glen Eira City Council:

Following receipt of the Caulfield Village C60 Planning Scheme Amendment Panel Report by Council on 27 July 2010, Council have prepared various documents to respond to matters arising. Key amongst these documents is a draft Car Parking and Traffic Management Plan that Council wish to submit for Council consideration as part of a possible package agreement between the MRC and the GECC.

Council wish this agreement to address two key issues arising in Council's opinion from the proposed C60 Amendment.

1. Car parking capacity and potential local community disruption
  - a. Development of the Members car parks and Tabaret car park will require the relocation of approximately 1,400 car parks on race days and major event days to extended and reconfigured existing MRC carparks. This will include the ongoing use the Centre of the Caulfield Racecourse Reserve (Centre)
  - b. Council wish to provide for the management of car parking during various classes of events and require the preparation of traffic management plans to minimise impacts on residential amenity and to provide for safety of road users when events are held at the Caulfield Racecourse.
2. Public access to the infield
  - a. Council wish to provide certainty to the community about the availability of public open space located in the centre of the Caulfield Racecourse



VICTORIA AMATEUR TURF CLUB

(Incorporating the Melbourne Racing Club) Trading as the Melbourne Racing Club  
ABN 96 267 203 634

CAULFIELD AND BETFAIR PARK RACECOURSES

PO BOX 231, CAULFIELD EAST VICTORIA 3145

PHONE: (+61 3) 9257 7200 FAX: (+61 3) 9257 7210

EMAIL: [contact@melbournracingclub.net.au](mailto:contact@melbournracingclub.net.au) WEBSITE: [www.melbournracingclub.net.au](http://www.melbournracingclub.net.au)

To address these issues Council have sought to explore an agreement specifying the number of days the centre of the Racecourse will be used for car parking and the MRC guaranteeing access to a minimum area of public open space defined as "MR2" during the specified major event days. Before the C60 Amendment is submitted to Council, Officers have asked the MRC to accept a draft Deed concerning Car parking and Traffic Management including a draft Car Parking Management Plan

Council Officers are of the view that unless accommodation can be reached between Council and the MRC, the Planning Office may not recommend or the Council may not approve the C60 Amendment. The MRC may then require Ministerial intervention.

#### **Panel Report:**

Along with a number of positive planning and urban design observations and recommendations, the Panel Report released 27 July 2010 highlighted three key positions salient to the Council's concerns over parking, traffic management and the use of the centre of the Racecourse

With regard to parking capacity the Panel found;

"...the MRC is able to sufficiently accommodate the general demand for car parking associated with the Racecourse uses despite the loss of the members Car Parks No1 and No2 and the Tabaret Car Park through use of other land forming part of the racecourse."

With regard to potential disruption associated with on and off street car parking the Panel recommended;

"Council continue to pursue improved on and off street parking and traffic arrangements with the MRC for events at the Caulfield Racecourse to reduce the impact of parking and access issues. This should include a review of on street parking restrictions and traffic circulation."

With regard to public amenity and access to the centre of the Racecourse the Panel found;

"Most of the land that is the subject of the Amendment C60 is freehold title and it is the Panel's understanding has no legal link to the function of the racecourse or its ancillary uses"

Panel clarified that it was not relevant to its consideration who currently owns the land as it is freehold title and has no legal burden linking it to the racecourse. Panel observed that there is no legal or planning control linking the activities of the Caulfield Racecourse and the C60 Planning Scheme Amendment, and that the MRC could at any point in time sell the freehold land.

In summary Panel found that;

"The Panel is satisfied that considerable strategic work has been undertaken for this site and the broader Phoenix precinct over the past 14 years to direct that the subject land should be developed as outlined.... The Panel finds that to delay the Amendment so that further study can be undertaken would be counter-productive to implementing the Melbourne 2030 vision and not in the interests of the local or broader community."

#### **Melbourne Racing Club:**

Under the terms of the Crown Grant and the Crown Land (Reserves) Act Regulations, the Melbourne Racing Club has no restriction on the number of race meetings or events able to be held.

Notwithstanding that, the MRC wishes to work with Council and the Community in a constructive manner to enable the Club and Community to co-exist in a "growth and quality" environment not a reactive or adversarial environment.

The MRC wishes to develop and maintain a strong and productive relationship with the Council. In saying this, the MRC recognises that the Council has responsibilities and obligations that they wish to discharge and the Community has a number of rights but also aspirations to enhance the quality of life in the area. Equally importantly the Club also has rights but of particular significance a number of practical constraints.

It is important to acknowledge that while a member of the community has recreational opportunities in a number of public open space locations within the immediate area surrounding the Caulfield Race Course as recognised by Panel, the MRC can operate race meetings or events at only one location being the Caulfield Racecourse.

In the spirit of this recognition, the MRC has already agreed formally to;

1. Upgrade the centre of the Race Course for public amenity to a high degree of quality at an estimated cost in the region of \$1.5 - \$2.0m
2. Pedestrian access is provided via a number of entry points around the circumference of the Race Course and public vehicular access has been provided at the request of Council via the Booran Road tunnel with reserved parking.
3. As part of the agreed land exchange MRC will pay costs associated with the establishment of public open space park at Booran Road
4. MRC has agreed to help meet Council's cost via an "ex gratia" contribution for the implementation of "residential restricted parking" in residential streets despite currently being the largest rate payer in the precinct.
5. MRC has agreed to cap major events that utilise car parking in the centre of the Race Course at 6 per annum unless otherwise approved by both Trustees and DSE.

#### **Proposed Draft Agreement between Glen Eira City Council and the MRC**

In addition to the 5 items agreed above, the MRC proposes;

1. MRC agree that the cap of 6 major events be limited to a maximum duration of 30 days and that any variation to be required to be approved by both Trustees and DSE
2. MRC agree that subject to the exclusion times, outside of the 6 major events and Race Days the whole of the centre of the Race Course be available to the public for use as open space in accordance with the Crown Grant and Regulations
3. For all medium and major events MRC will provide Traffic and Car Parking Management Plans in liaison with the appropriate Traffic Management Authority and Emergency Services
4. With the creation of the Boardwalk, public play areas and BBQ an area will be reserved around the Western portion of the lake to allow for secure and safe public access and amenity during all major events held by the MRC. Given the practical issues related to pay

for use car parking, security and traffic management on these days all vehicles accessing the centre will be required to comply with these arrangements. The Club reserves the right to review these accommodations based on practical considerations of safety and event management

5. MRC agree to enter into an MOU with GECC with regard to long term improvements to the exterior appearance and "permeability" of the public's view corridors to the Caulfield Race Course. Considerations will be with regard to public and horse safety, cost sharing arrangements and staging. A key part of this will be a review of exterior fence design principles to maximise visibility and architectural appeal.
6. MRC agree to work with GECC with a view to increasing Glen Eira public amenity within the Caulfield Race Course by facilitating up to 4 community events by mutual agreement subject to safety, timing and cost issues to be agreed
7. In accord with this general agreement Council Officers report and recommendation is put to Council by the end of September 2010.

Yours Sincerely,



**Alasdair Robertson**  
Chief Executive

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>OFFICER RECOMMENDATIONS TO COUNCIL</b>
1. Priority Development Zone Schedule	Amend schedule land use table to enable student accommodation to be as-of-right in Mixed Use and Smith Street Precincts but a permit required use in the Residential Precinct.	Agree
	Include a condition to the section 1 use of "Shop" to state: <i>"The combined leasable floor space of all shops on the land shown on the planning scheme map as PDZ2 must not exceed 15,000 square metres".</i>	Agree
	In Sub Clause 4.0 remove the words <i>"construct The Boulevard and associated infrastructure as shown in the incorporated Plan"</i> as works that can proceed before a development plan is approved.	Agree
	Alter Sub Clause 4.0 of the schedule to clarify when a permit for buildings and works is required to state: <i>"A permit is not required to construct a building or construct or carry out works if the buildings or works are in accordance with a development plan for the land approved under this Schedule and do not exceed the preferred maximum heights or encroach in to the preferred setbacks set out in the Incorporated Plan."</i>	Agree
	Add the following additional dot points to the requirements of the Integrated Transport Plan in Sub Clause 6.0: <ul style="list-style-type: none"> <li>• Works necessary to existing and proposed intersections to accommodate traffic increases and safe pedestrian movement.</li> <li>• Public transport arrangements that respond to the Public Transport Guidelines for land use and Development and pedestrian access routes.</li> <li>• Location of taxi ranks as may be appropriate</li> <li>• The need to signalise the intersection of the Boulevard and Station Street on the basis that: <ul style="list-style-type: none"> <li>- Both through routes along Station Street, from Normanby Road to Kambrook Road and the route from Dandenong Road (currently via Smith Street, but proposed via The Boulevard) and will create turning movements at this intersection regardless of alignment.</li> <li>- There is a need to prioritise safe pedestrian movement through the intersection to the activity centre core and the railway station.</li> </ul> </li> </ul>	Agree with the exception of the last dot point.  It is recommended that council should make it clear in the PDZ schedule that it wants the intersection between Station Street and The Boulevard to be configured so that Station Street is continuous, with The Boulevard intersecting into Station Street to form a modified "t type" intersection.

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>OFFICER RECOMMENDATIONS TO COUNCIL</b>
<p>1. Priority Development Zone Schedule (cont.)</p>	<p>Alter Sub Clause 8.0 to provide parking rates as noted in Council notated PDZ Schedule 2 tabled on 18 May 2010, but with addition that parking for residential uses should be based on the provisions of Clause 55.03-11 and parking for student accommodation should accord with 22.09.</p> <p>In sub clause 9.0:</p> <p>Delete the first dot point to require the owners to enter an agreement for works.</p> <p>In its place the Panel recommends the Planning Authority (City of Glen Eira) establish a voluntary agreement prior to approval of the amendment to the effect of:</p> <p><i>It (the owner) shall not make any application for a planning permit for the subdivision of the subject land or sell any land forming part of the Priority Development Zone (schedule 2) unless and until either:</i></p> <p><i>A Development Contribution Plan applying to the subject land is incorporated into the Planning Scheme; or</i></p> <p><i>The Owner enters into a further Section 173 Agreement, under which it agrees to either provide all works, services and facilities constituting the infrastructure and development as outlined in the development plan to be approved by the responsible authority by an agreed date, to the satisfaction of the responsible authority. The agreement may provide:</i></p> <ul style="list-style-type: none"> <li>• <i>That works can be carried out on a stage basis where works directly relate to the stage to the satisfaction of the Council.</i></li> <li>• <i>That monetary contribution be paid to Council in lieu of works to an amount to the satisfaction of the responsible authority.</i></li> </ul>	<p>Agree</p> <p>The Panel acknowledges that a legal agreement is required between the MRC and Council to ensure that infrastructure associated with the development is provided and paid for by the MRC. The Panel recommends that the best way to achieve this is for the MRC and Council to enter a general voluntary agreement prior to approval of the amendment that requires a further agreement specifying works to be undertaken prior to sale or subdivision of the land.</p> <p>This recommendation, however, requires an agreement to enter into an agreement that would pick up on the matters set out in the development plan. The problem with this recommendation, however, is that it does not avoid having to deal with multiple land owners if and when the land is either subdivided and/or sold. This is the issue that Council was attempting to avoid in the first place i.e. fragmentation of ownership and a subsequent difficulty in allocating/distributing costs of infrastructure works.</p> <p>It is recommended that Council and the MRC enter into a voluntary section 173 agreement with MRC prior to approval of the amendment. The agreement will include the principal infrastructure obligations of the MRC. MRC can then determine how it will allocate those obligations with its purchasers assuming it sells the land. The agreement will also ensure more "site specific" infrastructure that arise in the course of any particular development plan must be carried out or provided by the relevant land owner.</p>

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>OFFICER RECOMMENDATION TO COUNCIL</b>
<p>1. Priority Development Zone Schedule (cont.)</p>	<p>In sub clause 9.0: Delete the second dot point and replace it with words to the effect of:</p> <p><i>The owner must make a monetary public open space contribution to Council as follows: Prior to the occupation of buildings on land, or at some other time as is agreed with Council,</i></p> <ul style="list-style-type: none"> <li>• <i>5% of the site value of the land which is contained within the Mixed Use Precinct and the Smith Street Precinct; and</i></li> <li>• <i>4% of the site value of the land which is contained within the Residential Precinct</i></li> </ul>	<p>Agree</p>
	<p>In Sub Clause 11.0 add an additional dot point to state:</p> <ul style="list-style-type: none"> <li>• <i>The provision of affordable housing in the form of social housing as defined by the Melbourne 2030 metropolitan planning strategy</i></li> </ul>	<p>Agree</p>
	<p>Adopt other corrections and alterations as detailed in the amended schedule tabled by Council to the Panel on 18 May, 2010, including requirements for contaminated land, ESD principles, a construction management plan and staging plan.</p>	<p>Agree, however, it is recommended that Council broaden the requirement for a site assessment in relation to potentially contaminated land, to apply to the entire site, not just land abutting 2-4 Station Street.</p>
<p>2. The Incorporated Plan</p>	<p>Delete the dot point within “03 – Plan Objectives - Smith Street” <i>To provide main vehicular site access from Station Street and Normanby Streets”</i></p>	<p>Agree</p>
	<p>Add wording to the introduction of Section 4.0 – Networks to the effect of:</p> <p><i>The intersection of the Boulevard and Station Street requires detailed design assessment based on an integrated transport plan to determine its final configuration.</i></p>	<p>The Panel concluded that either configuration (proposed by Council and the MRC) for the intersection of Station Street and the Boulevard may work from a traffic management point of view. It therefore recommended that the final configuration be determined at the Integrated Transport Plan Stage. It is recommended, however, that Council’s preferred configuration for this intersection i.e. for Station Street to take precedence over The Boulevard should be adopted and that this should be reflected in the PDZ schedule.</p>

### APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION

AMENDMENT DOCUMENTATION	CHANGES RECOMMENDED BY PANEL	COUNCIL RECOMMENDATION TO COUNCIL
<p>2. The Incorporated Plan (cont.)</p>	<p>In section “04 – Networks” maintain wording similar to that exhibited but with alteration to the design guideline dot point starting “<i>Station Street will be redeveloped...</i>” to replace this dot point with words to the effect of:</p> <ul style="list-style-type: none"> <li>• <i>Maintain Station Street as a main through route for both vehicles and pedestrians through the area.</i></li> </ul>	<p>Agree</p>
	<p>Make a notation on all relevant ‘Network’ plans at the intersection of Boulevard and Station Street that the final design of this intersection will be the subject of the Integrated Transport Plan with consideration to alignment and signalisation the intersection to provide safe east / west and north / south pedestrian movement</p>	<p>It is recommended that all the plans in the Network Section be removed as they will require substantial alteration to show the reconfigured ‘T’ intersection ‘and will be difficult to reproduce in black and white.</p>
	<p>Modify the Pedestrian Movement Plan forming part of Section 4.0 - Networks as follows:</p> <ul style="list-style-type: none"> <li>• <i>Add pedestrian crossing points on all sides of the intersection of The Boulevard and Station Street.</i></li> <li>• <i>Add a pedestrian crossing point across Station Street at the intersection of Normanby Road with a note that this intersection should be reconfigured to give greater priority to pedestrian access to the station.</i></li> <li>• <i>On the pedestrian links between Heywood Street and the Boulevard and Bond Street and Kambrook Road, include a notation that both may include some minor residential or service access for vehicles but not through vehicle movements.</i></li> </ul>	<p>This plan should be removed but the pedestrian link guidelines should be included in the Network text in the Incorporated Plan. This increases the importance and prominence of pedestrian crossing points.</p>
	<p>Modify the Road and Parking Plan forming part of Section 4.0 – Networks as follows:</p> <ul style="list-style-type: none"> <li>• <i>Remove all ‘site access’ arrows and the corresponding notation from the legend.</i></li> <li>• <i>Remove the on street parking from the centre of the Boulevard.</i></li> </ul>	<p>Delete this plan</p>

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>COUNCIL OFFICER RECOMMENDATION TO COUNCIL</b>
2. The Incorporated Plan (cont.)	<p>Remove the Public Transport Movement Diagram and add a new written design guideline to the effect of:</p> <ul style="list-style-type: none"> <li>• <i>Public transport routes, stops and taxi ranks are to be provided throughout the area. The location of routes and stops will be determined in consultation with the Department of Transport and should consider:</i> <ol style="list-style-type: none"> <li>1. <i>The need to relocate the existing tram stop in Normanby Road, directly west of the intersection with the Boulevard to further west along Normanby Road, or consolidating this stop into a new single stop to replace this Normanby Road stop and that at the corner of Balaclava and Normanby Road.</i></li> <li>2. <i>The location for existing and future bus routes through the area.</i></li> <li>3. <i>The best location for taxi ranks that can service the development area, Caulfield racecourse and the Caulfield station precinct.</i></li> </ol> </li> </ul>	Agree
	<p>Add a general notation within the guidelines to the effect of:</p> <p><i>“These guidelines should be read in conjunction with the relevant provisions of Guidelines for Higher Density Residential Development – 2004, or the Objectives of ResCode as relevant to the development proposed”</i></p>	Agree
	<p>In Section 03 – Objectives add an additional overall objective dot point:</p> <ul style="list-style-type: none"> <li>• <i>To provide affordable housing in the form of a social housing program</i></li> </ul>	Agree
	<p>The Panel recommends that the proposed pedestrian accessways – shown on the Height and Setback Plans, should be shared between pedestrians and limited service vehicles.</p>	<p>Council’s position at the Panel was that safer pedestrian access could be provided without vehicles as it removed any potential conflict points. At the hearing council’s traffic witness did acknowledge, however, that the link between Heywood and The Boulevard may require a crossing point for vehicles to enable service access to the mixed-use area between the north and south sections of this part of the development.</p>

### APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION

AMENDMENT DOCUMENTATION	CHANGES RECOMMENDED BY PANEL	COUNCIL OFFICER RECOMMENDATION
<p>2. The Incorporated Plan (cont.)</p>	<p>The Panel recommends that the proposed pedestrian accessways – shown on the Height and Setback Plans, should be shared between pedestrians and limited service vehicles.</p> <p>The Panel suggests that in order to restrict vehicle traffic to residential only, that certain design treatments such as bollards to prevent through access from The Boulevard to Heywood Street and similarly for the Bond/Kambrook Road link could be implemented. Traffic in Heywood and Bond Street should be limited to residential traffic only, not commercial service traffic.</p> <p>In addition, the Panel notes that these laneways should not be seen as the location for ‘back of house’ functions such as loading bays for the supermarket, if they are to achieve their objective of being safe and pleasant pedestrian environments.</p> <p>The Panel’s position on use of these laneways and the measures required to limit their use are considered reasonable.</p>	<p>It is recommended that a guideline be included in the Incorporated Plan to state that limited service vehicle access in the laneway in the Mixed Use Precinct may be considered subject to suitable design and traffic management measures being implemented.</p>
	<p>In section 06 – Residential Precinct guidelines</p> <p>Add a new guideline to the effect of:</p> <p><i>“Development at the south east corner of Heywood Street and Normanby Road should provide a gateway and transition from residential development to the north west to Caulfield Village and address both street frontages.”</i></p>	<p>Agree with the new guideline.</p> <p>It is recommended, however, that the Height and Setback plan should also be modified in so far as it should show a 3m landscaped setback west of Bond Street, south of Heywood Street and along Normanby Road, east of Heywood Street.</p>
	<p>In section 07 – Mixed Use Precinct Guidelines:</p> <p>The reference to ground floor retail development to include at least 50% glazed facades, be amended to refer to <i>“50% of shopfront facade should be fully transparent, glazing”</i>.</p>	<p>Disagree with 50% glazing and recommend that the 80% requirement as per the Business 1 Zone be adopted.</p>
	<p>In section 07 – Mixed Use Precinct Guidelines:</p> <p>Guideline text referring to podium levels should include a need to provide reduced building height, or podium form where development interfaces with Normanby Road, Bond Street and the Boulevard. The guideline text should also refer to the need to consider pedestrian interface to Station Street through use of podium or other design treatment, but not prescribe such a form in the height and setback diagram.</p>	<p>It is recommended that the Height and Setback Plan be altered to show the podium height at the street frontage on the plans, but not prescribe the depth of the podium with the exception of Normanby Road. A complementary guideline should be included in the text that requires a podium effect to be achieved without prescribing the depth of the podium.</p>

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>COUNCIL OFFICER RECOMMENDATION</b>
2. The Incorporated Plan (cont.)	<p>In section 07 – Mixed Use Precinct Guidelines:</p> <p>Guideline text to state “<i>Balconies overlooking the Boulevard, Station Street, Normanby Road and Bond Street at upper level are strongly encouraged</i>” should conclude with words “... and should be preferably contained within the property boundary”.</p>	Balconies should be wholly contained within the property boundary.
	<p>In section 07 – Mixed Use Precinct Guidelines</p> <p>Retain the exhibited guideline “<i>Carparking is to be provided by integrated on site provision with supplementary on street car parking provided on the Boulevard and Station Street</i>”; and do not include specific additional guideline proposed by Council to require parking to be in basements or buildings.</p>	Disagree. It should be a guideline that carparking should be provided wholly on site. In addition, the guideline that requires parking in the Mixed Use Precinct and the Smith Street Precinct to be placed in basements and should not detract from street frontages is considered to be a well founded urban design principle and should be retained.
	<p>In section 07 – Mixed Use Precinct Guidelines:</p> <p>The “<i>Lot A Guidelines</i>” to clarify these are guidelines, not permit triggers to be utilised if Lot A is not in contiguous ownership with adjoining land and should refer to Clause 55 of the planning scheme, not clause 56.</p>	Agree
	<p>In section 08 – Smith Street Precinct Guidelines:</p> <p>The reference to ground floor retail development to include at least 50% glazed facades, be amended to refer to “<i>50% of shopfront facade should be fully transparent, glazing</i>”.</p>	Disagree with 50% glazing and recommend that the 80% requirement as per the Business 1 Zone be adopted.
	<p>In section 08 – Smith Street Precinct Guidelines:</p> <p>Include a guideline for carparking, to state “<i>Carparking is to be provided by integrated on site provision with supplementary on street car parking provided on the Boulevard, Normanby Road and Station Street</i>”.</p>	Disagree. The guideline should state that carparking should be provided wholly on site.
	<p>In section 08 – Smith Street Precinct Guidelines:</p> <p>Include clearer direction to podium requirements or “<i>preferred location for podiums</i>” diagram, separate to the height and setback diagram that defines permit triggers. Direction for podiums should be based on priority to provision pedestrian interface, with particular attention to retail frontage areas.</p>	It is recommended that the Height and Setback Plan be altered to show the podium height at the street frontage on the plans, but not prescribe the depth of the podium. A complementary guideline should be included in the text that requires a podium effect to be achieved without prescribing the depth of the podium.

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>COUNCIL OFFICER RECOMMENDATION</b>
2. The Incorporated Plan (cont.)	<p>In section 08 – Smith Street Precinct Guidelines:</p> <p>Guideline text to state “<i>Balconies overlooking the Boulevard are strongly encouraged</i>” should also include reference to other street interfaces. The guideline should conclude with words “... <i>and should be preferably contained within the property boundary</i>”.</p>	Balconies should be wholly contained within the property boundary.
	The illustrations or “ <i>artist impressions</i> ” of the Incorporated Plan should be removed.	Agree
	Correct references to “ <i>stories</i> ” with “ <i>storeys</i> ” on all relevant plans.	Agree
	Correct the title and house alignment of Lot A to accord with its actual position.	Agree
	The Panel also recommends Council and the MRC review the format of the Incorporated Plan prior to approval to create an A4 format document that is more easy to use on a regular basis for statutory interpretation. This should include consideration to adding a scale and north point on the plans as an interpretation aid.	Agree
	<p>Other objectives and unnecessary descriptive text proposed by Council after exhibition not be included in changes made to the Incorporated Plan as follows:</p> <ul style="list-style-type: none"> <li>• Do not include superfluous design guidelines that are already addressed by policy and design reference documents.</li> <li>• Do not include the additional objective in “03 Plan Objectives – Mixed Use Precinct” proposed by Council to state:</li> </ul> <p><i>“To encourage mixed use development above with accommodation providing the interface between the mixed use precinct and the residential precinct within the mixed use precinct.”</i></p>	Agree
	In section 06 – Residential Precinct Guidelines, do not include the additional dot point “ <i>buildings will not turn their side to any street</i> ”.	Agree
	In section 06 – Residential Precinct Guidelines, do not include the additional dot point titled ‘carparking’ as proposed by Council after exhibition.	Agree
Change the exhibited Road Closure Overlay Plan to delete all Road Closure Overlay (RXO) areas from the plan except for the road closure east of Heywood Street forming a defunct laneway on part of Members Car Park No 1.	Agree	

**APPENDIX 3: PANEL RECOMMENDATIONS AND COUNCIL OFFICER RECOMMENDATION**

<b>AMENDMENT DOCUMENTATION</b>	<b>CHANGES RECOMMENDED BY PANEL</b>	<b>COUNCIL OFFICER RECOMMENDATION</b>
2. The Incorporated Plan (cont.)	Amend the exhibited Local Policy 22.06 Phoenix Precinct policy to incorporate changes proposed by Council in its revised local policy circulated prior to the Panel hearing (Panel version) dated 1 May 2010, but updated to include decision guidelines relevant for existing residential areas in Precinct 1 that are not part of the Incorporated Plan, similar to decision guidelines in precinct 1 (residential precinct) of the existing local policy forming part of the Glen Eira Planning Scheme.	Agree. It is recommended that the decision guidelines in the existing policy should apply to the remaining residential area of the Phoenix Precinct to the north of the subject land, until the policy is reviewed in its entirety.
	Amend the preamble to Local Policy 22.09 Student Housing Policy to refer either specifically to development approvals in the Phoenix precinct, or " <i>development plans</i> ".	Agree
	Council continue to pursue improved on and off street parking and traffic arrangements with the MRC for events at the Caulfield Racecourse to reduce the impact of parking and access issues. This should include a review of on street parking restrictions and traffic circulation.	Agree.

## **APPENDIX 4 – AMENDMENT C60 DOCUMENTS FOR ADOPTION**

- **Priority Development Zone - Schedule 2**
- **Incorporated Plan**
- **Priority Development Zone map**
- **Road Closure Overlay map**
- **Local Policy – Phoenix Precinct policy**
- **Local Policy – Student Housing policy**

**SCHEDULE 2 TO THE PRIORITY DEVELOPMENT ZONE**

Shown on the planning scheme map as **PDZ 2**.

**CAULFIELD MIXED USE AREA INCORPORATED PLAN, SEPTEMBER 2010**

**Land**

This schedule applies to the land generally bounded by Caulfield Racecourse, Kambrook Rd, Balaclava Rd, and Normanby Rd being the area more particularly described in the *Caulfield Mixed Use Area Incorporated Plan, September 2010*.

**Objective**

To facilitate the redevelopment of the Caulfield Mixed Use Area for leisure, commerce, living and shopping to form an integrated transit orientated urban village.

To ensure that the redevelopment of the Caulfield Mixed Use Area is integrated with and complements the redevelopment of the Monash University Caulfield Campus – Western Precinct Development.

To ensure that the redevelopment of the Caulfield Mixed Use Area provides for links to the racecourse to the south.

To give effect to the objectives and design principles of the Caulfield Mixed Use Area Incorporated Plan, September 2010.

**1.0**

**Table of uses**

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**Section 1 - Permit not required**

USE	CONDITION
<b>Accommodation (other than Camping and caravan park, Corrective Institution, Host farm, Bed and breakfast and caretaker's house)</b>	If used for Student Accommodation, must not be in the Residential Precinct as shown in the Incorporated Plan.  Any frontage at ground floor level within the Mixed Use Precinct or the Smith Street Precinct must not exceed 2 metres.
<b>Art Gallery</b>	
<b>Bank</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan
<b>Betting Agency</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan
<b>Bus terminal</b>	
<b>Carnival</b>	Must meet the requirements of 'A Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Car park</b>	Must not be in the Residential Precinct unless used in conjunction with another use in Section 1 or Section 2.

	If the use is located in accordance with the approved Development Plan applying to the land.
<b>Child care centre</b>	
<b>Cinema</b> <b>Cinema based entertainment facility</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan.
<b>Circus</b>	Must meet the requirements of 'A Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Convenience restaurant</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan  The use must form part of an integrated development that incorporates at least one other use being accommodation, office or shop.
<b>Convenience shop</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan  The use must form part of an integrated development that incorporates at least one other use being accommodation, office or shop.
<b>Electoral office</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Exhibition Centre</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Food and drink premises (other than convenience restaurant, hotel and tavern)</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan.
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Library</b>	
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Office (other than Medical centre)</b>	Must not be located in the Residential Precinct as shown in the Incorporated Plan.  The combined leasable floor space for all offices on the land shown on the planning scheme map as PDZ2 must not exceed 20,000 square metres.  Any frontage a ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a

	caretaker's house), unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.
<b>Search for Stone</b>	Must not be costeaning or bulk sampling.
<b>Postal agency</b>	
<b>Railway</b>	
<b>Road</b>	
<b>Shop (other than Adult sex bookshop, Restricted retail premises and Department store)</b>	<p>Must not be located in the Residential Precinct as shown in the Incorporated Plan.</p> <p>The combined leasable floor space of all shops on the land shown on the planning scheme map as PDZ2 must not exceed 15,000 square metres.</p>
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Tramway</b>	
<b>Section 2 - Permit required</b>	
<b>USE</b>	<b>CONDITION</b>
<b>Bed and breakfast</b>	
<b>Department Store</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Education Centre</b>	
<b>Gambling Premises (other than Betting Agency)</b>	
<b>Hotel</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Landscape gardening supplies (other than Garden supplies)</b>	
<b>Leisure and recreation (other than Motor racing track)</b>	
<b>Medical centre</b>	Any frontage a ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house), unless the use is where the floor space adjoining the frontage is a customer service area accessible to the public.
<b>Place of Assembly (other than Art Gallery, Carnival, Cinema, Circus and Library)</b>	

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<b>Restricted retail premises</b>	<p>Must not be in the Residential Precinct as shown in the Incorporated Plan.</p> <p>The use must form part of an integrated development that incorporates at least one other use, being accommodation, office or shop.</p> <p>The Leaseable Floor Space of each Restricted retail premises must not exceed 500 square metres.</p>
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**Tavern**

<b>Trade supplies</b>	<p>Must not be in the Residential Precinct as shown in the Incorporated Plan.</p> <p>The use must form part of an integrated development that incorporates at least one other use, being accommodation, office or shop.</p> <p>The Leaseable Floor Area for each Trade Supplies premises must not exceed 500 square metres.</p>
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**Any other use not in Sections 1 or 3**

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**Section 3 - Prohibited**

<b>USE</b>
<b>Adult Sex Bookshop</b>
<b>Agriculture</b>
<b>Brothel</b>
<b>Camping and caravan park</b>
<b>Cemetery</b>
<b>Corrective Institution</b>
<b>Crematorium</b>
<b>Extractive Industry</b>
<b>Funeral Parlour</b>
<b>Garden supplies</b>
<b>Host farm</b>
<b>Industry (other than Dry Cleaner and Laundromat)</b>
<b>Manufacturing sales</b>
<b>Mining</b>
<b>Motor racing track</b>
<b>Motor vehicle, boat or caravan sales</b>
<b>Primary produce sales</b>
<b>Saleyard</b>

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## **Warehouse (other than a Mail Centre)**

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### **2.0 Use of land - General**

A use must not detrimentally affect the amenity of the surrounding area, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

A permit must not be granted to use land until a development plan for the land has been approved by the responsible authority under this Schedule.

An application for a permit, for use of land, which is generally in accordance with an approved development plan 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 Subdivision**

Other than to create or close roads, consolidate titles, re-align boundaries or alter easements a permit must not be granted until a development plan for the land has been approved by the responsible authority under this Schedule.

### **4.0 Buildings and works**

A permit must not be granted to construct a building or construct or carry out works other than to construct:

- minor drainage works;
- minor earth works;
- or carry out works necessary to provide infrastructure services to the site;

before a development plan for the land is approved by the responsible authority under this Schedule.

A permit is not required to construct a building or construct or carry out works if the buildings or works are in accordance with a development plan for the land which has been approved by the responsible authority under this Schedule and do not exceed the preferred maximum heights or encroach into the preferred setbacks set out in the Incorporated Plan.

An application for a permit is not 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.

### **5.0 Other provisions of the Scheme**

Other than clauses 52.04, 52.05, 52.27, 52.28 and 52.29 no particular provisions in this Scheme apply to a development which is in accordance with a development plan approved by the responsible authority under this Schedule.

## 6.0 Development Plan

A development plan submitted to the responsible authority for approval under this Schedule must:

- Be to the satisfaction of the responsible authority;
- Relate to the whole of the relevant Staged Development Area as identified in the Precinct Plan forming part of this Schedule;
- Be generally in accordance with the Incorporated Plan; and
- Include as appropriate:
  - A site analysis and design response, including the boundaries and dimensions of the site, adjoining buildings and roads, generally in accordance with the provisions of Clause 52.35.
  - A detailed assessment against the vision, objectives, design guidelines and height and setback envelopes contained within the Incorporated Plan.
  - The location and height of all buildings and works, including the relevant ground levels and building heights to Australian Height Datum (AHD).
  - Detailed elevations and sections drawn to scale including heights to Australian Height Datum (AHD).
  - A coloured set of elevations and or perspectives including a samples board detailing the colours and materials to be used.
  - Shadow diagrams detailing existing and proposed shadows at 9am, 12noon and 3pm at the equinox.
  - The proposed uses for each building.
  - The number and layout of all car parking spaces and access lanes.
  - The number and location of all bicycle parking and associated facilities.
  - The location of all loading areas and access to and from.
  - Construction details of all roads, accessways, drainage works, vehicle parking and loading areas.
  - Transport management measures in accordance with the Integrated Transport Plan approved under this schedule.
  - A pedestrian access and movement plan, including details of access for people with disabilities.
  - The location of all vehicle, bicycle and pedestrian accessways, including links to the east side of the railway line.
  - The location and details of all open space, including areas available to the public.
  - A landscape plan in accordance with the Landscape Plan approved under this schedule.
  - Details of waste and recycling collection, storage and removal facilities and areas.
  - Details of external lighting treatment.
  - The indicative location, type and design of proposed signs.
  - A site assessment of the land by a suitably qualified environmental professional including:
    - Detail of the nature of the previous and existing land use/activities on the land;
    - An assessment of the potential level and nature of contamination on the land; and
    - Advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.

The development plan must include the following documents:

- Car Parking Management Plan;
- Waste and Recycling Management Plan;
- Drainage Management Plan;
- Integrated Transport Plan;
- Landscape Plan; and
- Environmental Management Plan.

The **Car Parking Management Plan** must show or include as appropriate:

- Proposed traffic management and control works on site and on adjoining roads.
- Preferred access points and locations for goods loading and unloading areas.
- The overall operation of car parks including any proposed parking restrictions, hours of operation and security arrangements where relevant.
- An analysis of the impact of the displacement of members' car parking on the amenity of the area.

The **Waste and Recycling Management Plan** must show or include as appropriate:

- Preferred general location of waste storage facilities for the major uses proposed for the site.
- Potential methods of waste collection (either private contractor or Council) for larger commercial and residential developments.
- Details of waste and recycling collection, storage and removal facilities and areas.
- A statement of the waste and recycling objectives for the development.
- An outline of the proposed management systems to ensure the development can be set up and managed effectively to achieve the waste and recycling objectives.

The **Drainage Management Plan** must show or include as appropriate:

- A drainage system of a design that ensures that the quantity of stormwater discharged from the site is appropriately managed.
- The incorporation of water sensitive urban design principles that address the quality of stormwater leaving the site and entering the local drainage system.
- An outline of ongoing management arrangements for internal drainage and water sensitive urban design elements.

The **Integrated Transport Plan** must show or include as appropriate:

- The expected number of trips generated by persons working within the precinct, shoppers, residents and visitors to the site.
- Estimate of each transport mode's share of travel.
- Public transport arrangements and pedestrian access routes.
- Any works considered necessary for public transport vehicles or passenger facilities within the area covered, including any modal interchanges.
- Document proposed sustainable travel initiatives including estimated mode share targets and actions to encourage increased usage of public transport and non motorised trips to and from the site.

- Public transport arrangements that respond to the Public Transport Guidelines for Land Use and Development and pedestrian access routes.
- Any road with a public transport service should be designed as an Undivided Connector Road – B Public Transport Guidelines for Land Use and Development with a 4.2 m wide shared bike/bus lane and 2.3 m wide parking lane.
- Any works, or facilities proposed to improve access to public transport services to the site, encourage bicycles and pedestrians within the area and how such works will be funded.
- How the plan responds to state government transport objectives.
- A traffic analysis which has regard to the likely pattern and intensity of development in all three precincts.
- Works necessary to existing and proposed intersections to accommodate traffic increases and safe pedestrian movement.
- Public transport arrangements that respond to the Public Transport Guidelines for land use and development and pedestrian access routes.
- Location of taxi ranks as may be appropriate.
- The signalisation of the intersection of The Boulevard and Station Street on the basis that:
  - The design of the roads is to be such that Station Street is continuous with The Boulevard intersecting into Station Street to form a modified "T type" intersection; and
  - There is provision for safe pedestrian movement through the intersection to the activity centre core and the railway station.

The **Landscape Plan** must show or include as appropriate:

- All existing vegetation to be retained and/or removed.
- A landscaping theme for the open spaces within the area and identify proposed dominant plant species.
- Protection and management requirements for any significant vegetation to be retained during the construction phase.
- Street furniture, public lighting and embellishments to public spaces or proposed buildings within the site consistent with an urban design concept prepared as part of the Landscape Plan.

The **Environmental Management Plan** must show or include as appropriate:

- An explanation of the ecologically sustainable development (ESD) principles adopted for the proposed development.
- A statement of the ESD targets proposed for the development of the site covered by this schedule and what key design initiatives will be incorporated to achieve these targets.
- An outline of the proposed management systems to ensure that the development can be set up and managed effectively to achieve and maintain the ESD performance targets identified for the site.

The **Staging Plan** must identify the staging of development of the precincts.

If the development plan is the first development plan submitted to Council for approval under this Schedule, the development plan must also include a **Staging Plan** and additionally, the **Drainage Management Plan** and **Integrated Transport Plan** must relate to the whole of the land subject to this Schedule.

A development plan may be approved with or without conditions relating to the use and/or development of the land.

Approval of the development plan must require the following condition/s:

1. Before any buildings or works are commenced, a Construction Management Plan for the buildings and works must be prepared to the satisfaction of the Responsible Authority. The Construction Management Plan must show or include as appropriate:
  - Hours for construction activity (including demolition);
  - Measures to control noise, dust, water and sediment laden runoff;
  - The location of vehicle wash-down bay/s for construction vehicles in the precinct;
  - Measures to minimise the disruption to traffic flow and the impact on available car parking in and around the precinct;
  - Measures to minimise inconvenience to surrounding residents from construction noise and altered or temporary traffic conditions;
  - Identification of the location of parking areas for construction and sub-contractors' vehicles;
  - Measures to minimise the disruption to traffic flow and impact on car parking in and around the precinct specifically during MRC events and during the refurbishment of Caulfield Railway Station;
  - Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - Contact details of key construction site staff; and
  - The location of any site sheds and the like.

If a development plan was accompanied by a site assessment recommending an environmental audit of all or part of the land, then the development plan is subject to and must require for that part of the land either:

1. Either:
  - A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the *Environmental Protection Act 1970*, or
  - A statement by an environmental auditor appointed under the *Environment Protection Act 1970*, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site);

must be provided to the Responsible Authority before any buildings and works are commenced;

2. If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* before any building works are carried out to provide for:
  - Ongoing compliance with all conditions in the Statement by the Environmental Auditor; and
  - The responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement on title to be borne by the owner of the relevant land.

Once approved, a development plan may be amended to the satisfaction of the responsible authority.

## 7.0 Display of development plan

Before deciding to approve or amend a development plan, the responsible authority must:

- Display the development plan for public comment for at least 14 days, but no longer than 28 days;
- Give notice to Monash University, Department of Transport, Director of Public Transport, Melbourne Water, VicRoads and the owners and occupiers of adjacent residential land of the request to approve a development plan or an amendment to a development plan; and
- Consider any comments received in response to the display of the development plan.

A development plan must be displayed or further information requested about the development plan within 28 days of the plan being received by the responsible authority.

If further information is requested about a development plan, the development plan must be displayed within 14 days of the request for further information being satisfied.

The responsible authority must decide whether to approve a development plan or amendment to a development plan within 60 days after the display of the development plan is completed.

The responsible authority may approve a minor amendment to a development plan without displaying the amended development plan for comment.

## 8.0

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## Car parking and Loading

Car parking must be provided on the land in accordance with the following table:

USE	NO. OF SPACES
Retail Premises (not including supermarket)	2.18 spaces per 100 square metres of leasable floor area
Office	2.0 to each 100 square metres of net floor area
Supermarket	5.5 to each 100 square metres of leaseable floor area
Student Accommodation	In accordance with clause 22.09 of the Scheme.
Dwelling	In accordance with clause 55.03-11

A permit may be granted to vary the number of car spaces required for a particular use if the responsible authority is satisfied that the number of space/s required:

- Is unnecessary in the circumstances; or
- Can be provided on nearby land.

Before deciding on an application, the Responsible Authority must consider:

- The supply of on street car parking spaces.
- The likely demand for car parking spaces.

- The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times.
- The possible multi-use of car spaces.
- The demand for car spaces generated by the uses established in previous stages of the development.
- The accessibility of the site to vehicle traffic.
- The proposed layout of parking areas.
- Any relevant approved development plan.

Loading and Unloading of Vehicles must be provided to the satisfaction of the responsible authority.

## **9.0 Open Space Requirement**

Prior to the occupation of buildings on the land, or at such other time as is agreed with Council, the owner must make a monetary public open space contribution to Council as follows:

- 5% of the site value of the land which is contained within the Mixed Use Precinct and the Smith Street Precinct; and
- 4% of the site value of the land which is contained within the Residential Precinct.

## **10.0 Advertising signs**

Advertising sign requirements are at Clause 52.05. The land identified in the Mixed Use Precinct and Smith Street Precinct covered by this schedule is in Category 1. The land identified in the Residential Precinct covered by this schedule is in Category 3.

## **11.0 Decision Guidelines**

Before deciding on an application for a permit or the approval of a development plan, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

- The objectives of the zone and this schedule.
- The Incorporated Plan.
- Any relevant approved development plan.
- The impact of traffic generated by a proposal in respect of one precinct in the context of the likely traffic generated by the development of other precincts identified in the Incorporated Plan and the Monash University Western Precinct Development Area and whether it is likely to require special traffic management or control works in the neighbourhood.
- The interim treatment, use and management of those parts of the land not required for the proposed use.
- The staging of development.
- The provision of affordable housing in the form of social housing as defined by the Melbourne 2030 metropolitan planning strategy.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services, and public transport.
- The provision of car parking and in particular consolidation of parking for retail use in conjunction with the development of any supermarket.

- The relationship to adjoining zones, including the relationship with residential areas, and in particular No. 3 Normanby Road while it remains in individual residential use.
- The drainage of the land.
- The availability of and connection to services.
- The provision made for the storage of rubbish and materials for recycling.
- The proposed management arrangements for the maintenance of buildings, landscaping and paved areas.
- The design of buildings in response to Environmentally Sustainable Design principles.
- The design of buildings and public spaces in response to Crime Prevention Through Environmental Design (CPTED) principles.
- The design of the proposed buildings, their relationship to the streetscape and surrounding development and uses. This includes the design of weather protection, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road, surrounding development and uses.
- The provision and location of public space and community facilities.
- The integration between existing and proposed uses.
- Clause 22.09 Student Housing Policy.

### CAULFIELD MIXED USE AREA PRECINCT PLAN



#### Precinct Plan

Note: The above Precinct Plan should be read in conjunction with the Incorporated Plan.

# Caulfield Mixed Use Area

I N C O R P O R A T E D P L A N

September 2010

MELBOURNE  
RACING CLUB



*VIEW OF REGIONAL CONTEXT*

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# 00 Introduction

**Melbourne Racing Club has prepared this Incorporated Plan for the Caulfield Mixed Use Area. This document details the vision and provides guidelines for the future development of the land within the Priority Development Zone Schedule 2 (PDZ2)**

Caulfield Village is a large-scale urban renewal project in the Melbourne metropolitan context, consolidating other redevelopment work already underway in a designated Major Activity Centre

The development of substantial vacant land holdings will create a safer, more accessible and activated mixed use centre immediately adjacent to Caulfield Railway Station

It will integrate leisure, commercial, retail and residential development immediately adjacent to a major transport hub and with ready access to existing train, tram and bus services

The development will include a significant resident population that will consolidate and enhance an existing residential neighbourhood east of Kambrook Road

The design objectives and guidelines describe an integrated approach to mixed use development and a network of public open spaces that will consolidate the greater Caulfield Major Activity Centre split either side of the railway line

The development strategies and outcomes proposed for the Incorporated Plan area are consistent with the aspirations of various State and local planning initiatives which seek to achieve sensitively developed, higher density mixed use areas in and around existing transport hubs in Metropolitan Melbourne



*PROPOSED PDZ AREA OF CAULFIELD VILLAGE*

# 01 A Vision of the Future

**Caulfield Village will create a thriving, integrated, transit- oriented mixed use centre designed to complement the character and facilities of the activity centre and surrounding neighbourhoods**

**Residents and visitors alike will be able to live, work, shop and relax within a sustainable, green and connected village environment**

Significant residential and employment opportunities will be created adjacent to a major public transport node. Caulfield Station is the central focus of pedestrian movement between the Caulfield and Monash Villages

Caulfield Village will complete the expansion and redevelopment of the Caulfield Major Activity Centre, which incorporates land to the north and west of the Caulfield Railway Station, designed to take full advantage of the amenity and existing infrastructure of the location. The envisaged mix of uses in Caulfield Village will complement the uses north of the railway line

The development of complementary leisure, retail and employment uses south of the railway line, integrated with a network of pedestrian links and open spaces, will achieve the overall vision held for the Caulfield Major Activity Centre

The accessibility of public transport will be improved, traffic will be calmed, through traffic rationalized and the area will be safer, more accessible and pedestrian friendly

A new green boulevard will form the heart of the mixed use centre which complements the existing retail and educational hub north of the railway line

The green boulevard is a significant urban and infrastructure initiative which will rationalise through traffic movement within the Major Activity Centre, adjacent to a significant events venue

The infill development strategy will also preserve and maintain established landscape and avenue planting. Activated streets and laneways will improve the amenity and accessibility of the precinct generally and provide a more pedestrian friendly and integrated urban environment

All new development within the precinct will be energy and water efficient

Passive surveillance of all public spaces will contribute to the creation of a safe urban environment

The plan provides the potential for a range of new residential accommodation, from individual dwellings to apartments and short-stay accommodation

A tested development scenario that conforms to the incorporated plan building envelopes yields approximately 1000-1200 dwellings

Caulfield Village will contain retail and leisure uses positioned to activate street frontages and to take advantage of solar access to footpath areas

It will include a supermarket with associated specialty retail, food and leisure uses highly accessible to existing and new residents, employees and visitors alike

A tested development scenario that conforms to the incorporated plan building envelopes yields approximately 15,000 square metres of retail premises

The plan facilitates a range of commercial uses, from lower podium-level office space to higher 'tower' floor plates

A tested development scenario that conformed to the incorporated plan building envelopes yields approximately 20,000 square metres of commercial office space

# 02 Precinct Plan

The purpose of the precinct plan is to identify land use and functional areas, and the potential stages in which they may be developed

The Incorporated Plan area has been divided into three precincts:

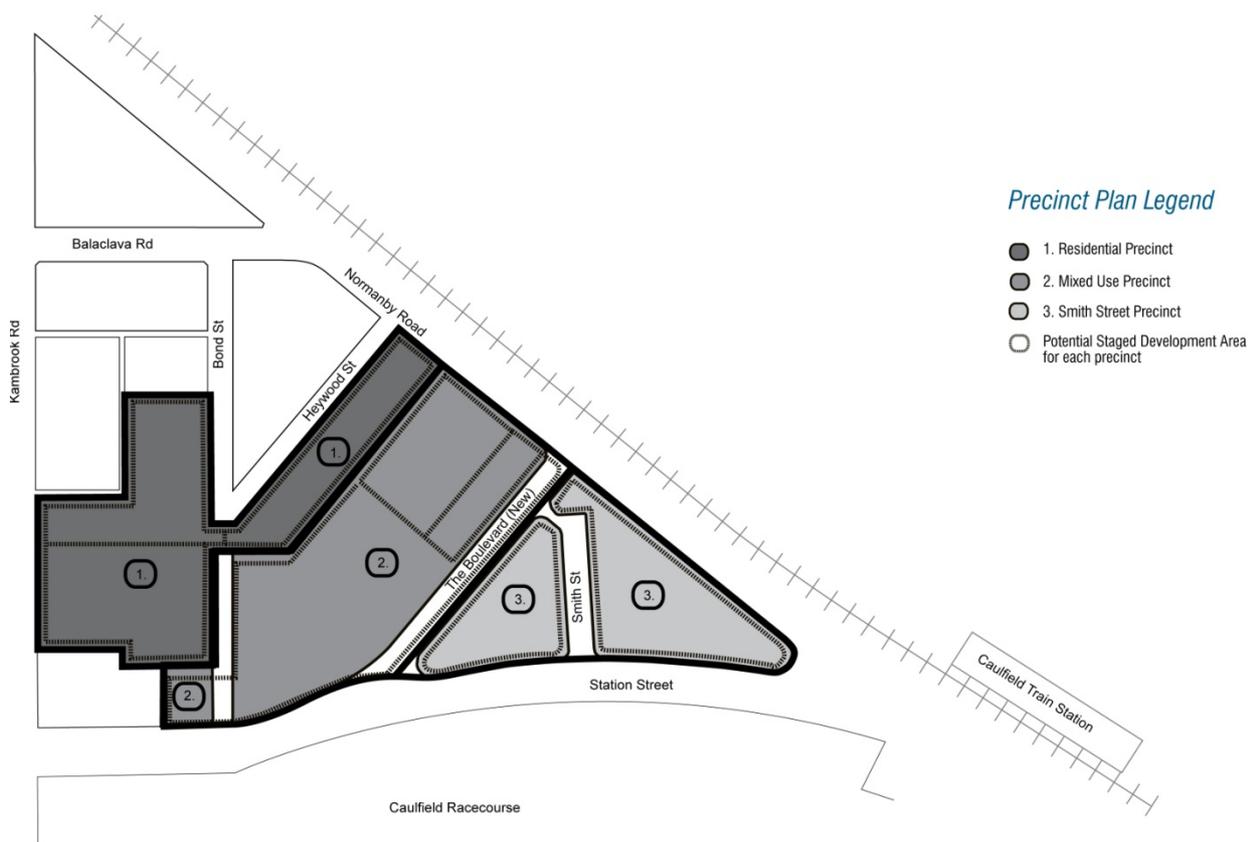
- The Residential Precinct, predominantly permanent residential accommodation
- The Mixed Use Precinct, a mix of neighbourhood retail, leisure, commercial and residential accommodation
- The Smith Street Precinct, a mix of leisure, commercial, service retail and residential accommodation

The Residential Precinct is broadly defined by existing residential character and use

The Mixed Use Precinct is the area generally east of the Residential Precinct and is connected to the Smith Street Precinct by the new road, 'The Boulevard'

The Smith Street Precinct is essentially an island site either side of Smith Street

Precinct Objectives are contained in Section 03, and Design Guidelines in Section 05



## Precinct Plan Legend

- 1. Residential Precinct
- 2. Mixed Use Precinct
- 3. Smith Street Precinct
- Potential Staged Development Area for each precinct

# 03 Plan Objectives

## The following objectives underpin the plan for the Caulfield Village

- To improve access to, and encourage greater use of, public transport
- To create a leisure, retail and business focus that complements, and is connected to, other areas of the activity centre
- To achieve a significant new residential population within walking distance of facilities and public transport
- To rationalise the road system and create an activated network of streets
- To promote safe pedestrian connections throughout the incorporated plan area and beyond
- To provide a clear distinction between public and private spaces
- To promote more efficient and pedestrian-friendly vehicle movement
- To ensure that all public areas have good access to pedestrian linkages, sunlight, and protection from prevailing winds and rain
- To provide a generous, high amenity public realm (wide pavements, shaded pedestrian circulation paths and passive security of public areas)
- To create a public space and circulation strategy which promotes comfortable pedestrian movement, engagement with the surrounding residential community and wider patronage as a regional destination
- To create and reinforce existing green streetscapes and public spaces, with avenue planting and shrubbery to provide spatial definition, visual continuity, mediate the scale of buildings, light and shade, colour and beauty.
- To promote contemporary, sustainable architecture
- To implement integrated and sustainable water management and re-use strategies
- To create fine grain active frontages and provide ample fenestration above ground floor level throughout the area
- To integrate utility services and garbage services with buildings and hide them from view as much as possible so that they do not detract from the public domain
- To ensure that ground levels of buildings facing streets match as closely as possible adjoining public footpath and laneway levels
- To provide affordable housing in the form of a social housing program

### **The Residential Precinct**

- To generate a significant permanent residential population
- To consolidate existing residential areas by complementary and sympathetic infill development
- To achieve quality urban design and architecture which delivers high amenity living environments
- To implement urban design that achieves a safe, permeable and walkable neighbourhood
- To maintain existing street avenue planting and incorporate it into the landscape

### **The Mixed Use Precinct**

- To accommodate the widest mix of uses within the incorporated plan area
- To create a new street, 'The Boulevard', that supports retail based mixed use, with calmed traffic, wide footpaths
- To create a new street, 'The Boulevard', that supports contiguous fine grain retail shop-fronts at ground floor level in mixed-use buildings built to the street edge with splays at intersections on both sides of the Boulevard and with deep continuous verandahs to provide weather protection and visual continuity and mediate the scale of buildings, and avenue planting with a central median and wide footpaths
- To concentrate convenience retailing on the west side of the new boulevard
- To concentrate access to retail loading and off street parking via Bond Street south
- To create appropriately scaled and active edges that address and overlook The Boulevard
- To provide a mid rise height transition between The Residential and Smith Street precincts
- To create and encourage the greening of streetscapes by avenue tree planting along broad pavements and landscaped median strips

### **The Smith Street Precinct**

- To accommodate the highest buildings within the incorporated plan area
- To provide a land use emphasis on employment and accommodation
- To create appropriate scale and use of street frontages to ensure active frontages
- To create a strong physical and visual relationship with the racecourse utilising Smith Street
- To encourage the revitalization and greening of Smith Street by means of additional avenue tree planting along broad pavements and landscaped nature strips

# 04 Networks

**The precinct structure is underpinned by interconnected movement networks including public transport, pedestrian circulation, open space, roads and related car parking infrastructure**

**The movement networks will be integrated with a major infrastructure initiative, the new boulevard**

## Objectives

- To achieve a movement network characterised by connectivity and permeability, implementing the principles of walkability and linking the complementary uses either side of the railway line
- To implement the concept of the street as the dominant public space within the precincts, in the context of the many public parks in the area
- To connect all parts of the area to the Caulfield Railway Station and public transport services by safe pedestrian routes
- To integrate pedestrian and bicycle movement with safe road design
- To redirect through traffic to enhance pedestrian environments and connections with the Caulfield Racecourse and Monash University /Derby Road precincts
- To provide adequate parking for both the public and employee needs of precincts, including retention of existing on street capacity
- To give careful consideration to where any car parking displacement from the existing at-grade car parking is provided
- To minimise vehicular access points and their width and locate them to avoid disruption to pedestrian movement and building facades

## Design Guidelines

- Strong east west pedestrian connections are to be provided between the Residential Precinct, the Boulevard based Mixed Use Precinct and the Caulfield Railway Station
- The new Boulevard and Smith Street and Station Street will be green boulevards (canopy tree lined avenues) which support high amenity pedestrian activity
- The Boulevard will provide for traffic and pedestrian movement. It will be designed so as much as possible both sides of the road are level (laterally)
- Maintain Station Street as a main through route for both vehicles and pedestrians through the area
- Smith Street has the potential to be redesigned as a multi-purpose shared pedestrian/vehicle space and processional route
- Provide pedestrian crossing points on all sides of the intersection of the Boulevard and Station Street
- Provide a pedestrian crossing point across Station Street at the intersection of Normanby Road to enable pedestrians to cross safely and conveniently from the Caulfield Railway Station to the Precinct

- Bond Street will be blocked adjacent to Heywood Street to separate residential vehicular traffic north of this point from the mixed use vehicular traffic south of this point. Bond Street will remain as a street providing pedestrian and cycling access from Normanby Road to Station Street
- Provision for bicycle movement will be made on all major streets within the area
- The capacity and priority of the new intersection of The Boulevard, Normanby Road and the railway underpass will be enhanced
- The major public off street car park for retail customers will be provided adjacent to the southern end of Bond Street within the Mixed Use Precinct with vehicular access from the southern end of Bond Street
- Loading for the supermarket and large retail premises will take place on site.
- All uses will provide their own on site parking
- Public transport routes, stops and taxi ranks are to be provided throughout the area. The location of routes and stops will be determined in consultation with the Department of Transport and should consider:
  - a) The need to relocate the existing tram stop in Normanby Road, directly west of the intersection with the Boulevard to further west along Normanby Road, or consolidating this stop into a new single stop to replace this Normanby Road stop and that at the corner of Balaclava and Normanby Road.
  - b) The location for existing and future bus routes through the area.
  - c) The best location for taxi ranks that can service the development area, Caulfield Racecourse and the Caulfield Station precinct.

# 05 Design Guidelines

**Caulfield Village is fundamentally important to the future development of the Caulfield Major Activity Centre. These guidelines provide the designer with factors that development proposals must address in order to embody the vision articulated for the three precincts. They also provide insight into required outcomes for potential developers**

Meeting these Guidelines will enable the comprehensive redevelopment of each precinct in a way that realizes the vision for the project. The outcomes envisaged for the site will harness the full potential of the location, optimising the value of the existing public transport, recreational assets, parkland, retail, commercial and educational activities in the wider area

The Design Guidelines provide direction of the matter of land use, built form, the pedestrian environment, access and movement, landscape and public space. Guidelines are provided for each of the three precincts and should be read in conjunction with the design guidelines for the Networks in Section 04

# 06 Residential Precinct Guidelines

## Outcomes

Design of the Residential precinct will achieve

- A residential village that contributes to urban consolidation within the Caulfield Major Activity Centre while complementing the scale of existing housing stock in the area.
- Protection of existing amenity and environmental quality
- Passive surveillance of streets and pedestrian links through strategically located windows, balconies and terraces in adjacent housing development
- A safe neighbourhood that pedestrians enjoy using

## Land Use

- The predominant use in the Residential Precinct will be medium - higher density residential, with a range of housing options

## Built Form and Design

### 1. Architectural character, materials and articulation

- These guidelines should be read in conjunction with the relevant provisions of guidelines for Higher Density Residential development – 2004, or the Objectives of ResCode as relevant to the development proposed
- The style, colour and material palette of new buildings should complement that of existing buildings in the precinct. Reproduction of historical styles is discouraged
- The architecture should employ expressive, sheltering roofs and eaves that assist with the environmental performance of the dwellings, protecting exterior walls from heat gain in warmer months
- Building façades should incorporate sunshades, verandahs, porches, and upper level balconies and recesses, articulated to provide visual interest and to bring life to the streets
- Windows will provide the possibility of outlook onto public and semi-public spaces, promoting a feeling of security for residents and visitors

### 2. Building height, setbacks & scale

- The existing residential-character of streets provides the guiding design rationale for this precinct. Higher built form can be achieved where it will not unreasonably impact adjacent dwellings, and at robust interfaces with the adjoining precinct
- Two (2) and 3 storey dwellings will characterise the residential edges of this precinct
- At the interface with existing dwellings building envelopes, setbacks and height should respect existing neighbourhood character by requiring appropriately scaled residential development while providing for more intensive use of land
- Setbacks will create a lower apparent height within streetscapes, and buildings should be massed to avoid unreasonable overshadowing
- Dwellings will address streets and pedestrian laneways with windows and front doors providing passive surveillance to create safety and vibrancy
- Where fences on front boundaries are proposed they should be visually transparent
- Development facing laneways should be setback for levels above 2 storeys to allow for daylight penetration and a consistent pedestrian scale

- Development at the south east corner of Heywood Street and Normanby Road should provide a gateway and transition from residential development to the north west to Caulfield Village and address both street frontages

### *3. Sustainable design*

- A sustainable design response will be required in all buildings, where orientation, sun-shading, ventilation, sustainable material specification and/or environmental systems are employed to meet sustainability objectives
- New dwellings should demonstrate passive design strategies that take advantage of unassisted cross-flow ventilation and building orientation to manage thermal comfort
- New buildings should include:
  - a) Minimum star rating requirements for all new commercial and retail buildings
  - b) The use of low maintenance, self finished, low embodied energy materials and finishes
  - c) The provision of bicycle parking, in all new retail, commercial and residential development

### **The Pedestrian Environment**

- A pedestrian link between Kambrook Road and Bond Street is to be provided to facilitate a safe, permeable and accessible neighbourhood for residents of the precinct and the wider neighbourhood
- A permeable, walkable environment is to create safer streets, encourage passive recreational activity, and promote better community health levels

### **Access and Loading**

- Vehicle access to the precinct is to be provided from the existing street and road network, via Heywood Street, Station Street (west), Bond Street and Kambrook Road

### **Landscape and Public Space**

- The landscape in the Residential Precinct will include consolidated tree planting and soft landscaping in streetscapes, and green landscape treatment of private open space where it is in view of public spaces
- The pedestrian link should be landscaped to create an attractive and shady environment while avoiding places of concealment



# 07 Mixed Use Precinct Guidelines

## Outcomes

Design of the Mixed Use Precinct will achieve

- A precinct that dynamically mixes leisure, retail, residential and commercial uses
- Appropriately scaled and active street frontages
- An integrated retail area anchored by a supermarket, associated specialty retail and on-site car parking
- A new high street, “The Boulevard”, in the tradition of celebrated Melbourne urban environments

## Land Use

- Mixed-uses, in the form of leisure, retail, residential and commercial uses

## Built Form and Design

### 1. Architectural character, materials and articulation

- Buildings in the Mixed Use Precinct should be of a contemporary and urban in style. Reproduction of historical styles is discouraged
- Integrated finishes and high durability materials are encouraged, and will be preferred over applied finishes such as paint and render
- Ground level street frontages to all development in the mixed use area (excluding sites that have residential at ground floor level set back from the street edge) should include:
  - a) at least 80% of the building façade as fully transparent, glazed facades, and;
  - b) must have deep cantilevered verandahs that are continuous across their frontages to mediate the scale of buildings, provide weather protection and to provide visual continuity. These verandahs should be of a consistent height and depth and consistent fascia height
- Roofs may be flat or pitched, and main street façades should incorporate sunshades, verandahs, porches, and upper level balconies and recesses, articulated to provide visual interest and to bring life to the street frontages
- Balconies overlooking The Boulevard, Station Street, Normanby Road and Bond Street at upper levels are strongly encouraged and must be within the property boundary
- Windows and balconies will provide the possibility of outlook onto streets, promoting a feeling of security in the public realm

### 2. Building height, setbacks & scale

- This Precinct is capable in urban design terms of a higher level of development than the Residential Precinct to the west
- The scale of buildings in the Mixed Use Precinct can be described as ‘urban’ in character, emphasizing the vertical aspect of the buildings
- Retail, residential and commercial uses and off street parking will be accommodated whilst maintaining an appropriate scale and activation of street frontages

- Building envelopes, setbacks and height must be used to create good urban form. Urban form across the precinct will be transitional in height and massing, with lesser height concentrated in the north western part of the precinct, and with taller buildings (with human-scale podiums) fronting the new Boulevard, Station Street, Bond Street and Normanby Road. This will minimise impacts on existing residential properties to the northwest and create a comfortable pedestrian environment
- Higher buildings will incorporate setbacks to avoid unreasonable overshadowing of public spaces and adjacent residential properties to the west
- All development in the Mixed Use Area (excluding sites that have residential at ground floor level facing the street) should be built to the front and side property boundaries adjoining streets up the preferred podium level identified in the building envelope plan
- Buildings in the Mixed Use Area must have splays at street intersections at ground floor level and consideration should be given the provision of splays at upper levels
- Where no setback distance is specified between the frontage and any upper level which is setback, the extent of the setback distance should:
  - a) provide for clear differentiation between the podium and the upper levels which are intended to be setback from the frontage; and
  - b) give emphasis to the intended podium form from the street view
- In The Boulevard and Station Street, buildings at ground floor, first second and third floor level (i.e. the podium) should be constructed to the street frontage and not incorporate any setback

### 3. Sustainable design

- A sustainable design response will be required in all buildings, where orientation, sun-shading, ventilation, sustainable material specification and/or environmental systems are employed to meet sustainability objectives
- Passive design strategies that take advantage of unassisted cross-flow ventilation and building orientation to manage thermal comfort are encouraged, particularly in residential buildings

### The Pedestrian Environment

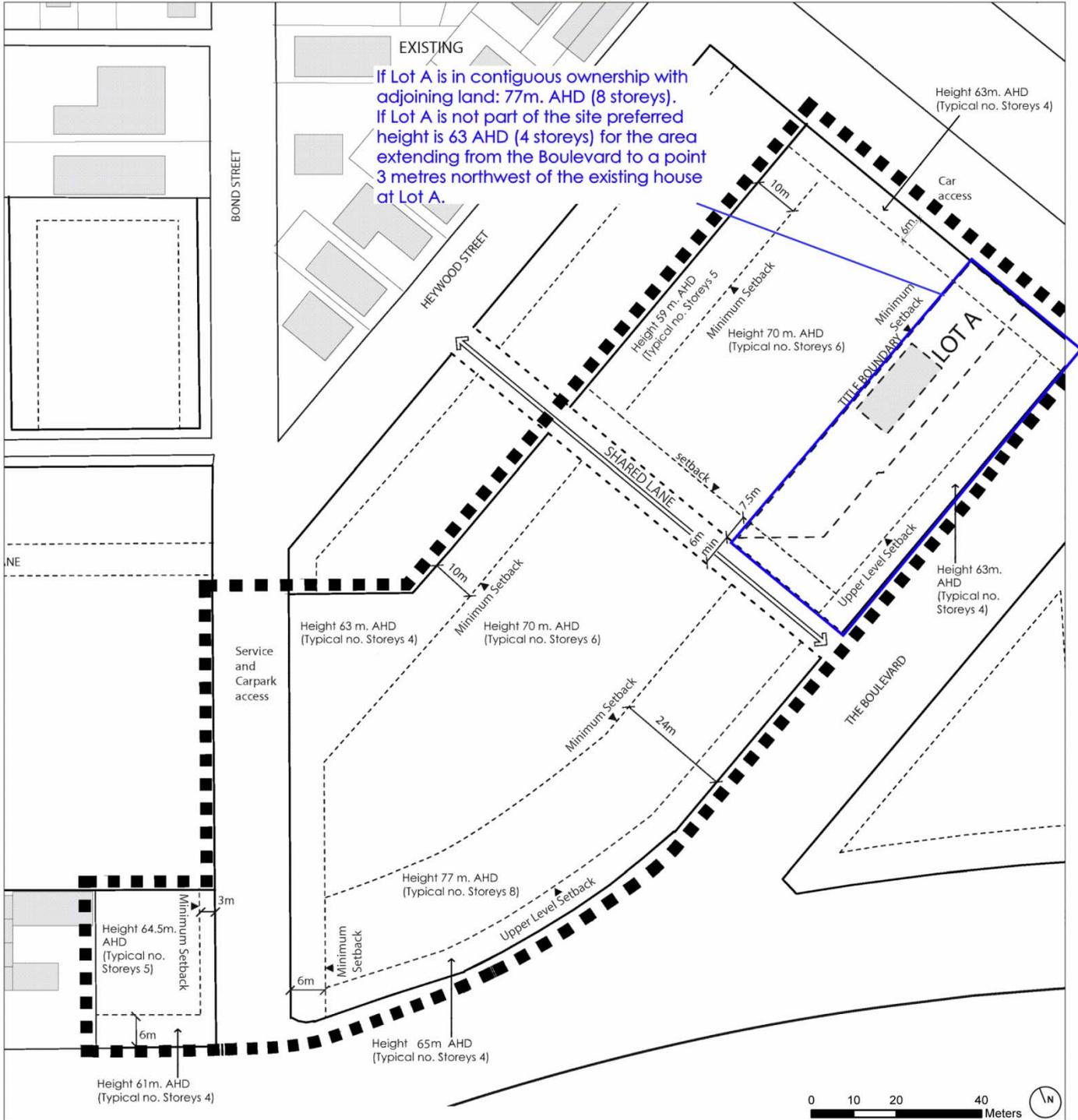
- Retail and commercial uses fronting The Boulevard, Bond Street and Normanby Road will have active street frontages that directly address the street
- Outdoor dining on both sides of the Boulevard will be encouraged
- The street network will be the focus of the pedestrian environment and will be connected to the broader urban landscape
- A new laneway connecting The Boulevard to Heywood Street is to be designed as a pedestrian route with limited service vehicle access and for cyclists, incorporating activated edges with windows, and front doors to promote passive surveillance and enhance the safety of pedestrians
- Pedestrian permeability will ensure that the neighbourhood is walkable promoting better community health levels

### **Access and Loading**

- Loading access to the major commercial tenancies is to be provided via Bond Street south
- Access to on-site car parking for the retail uses will be provided from Bond Street south
- Loading to the supermarket and any large retail business should occur at the rear of the premises away from public view
- On site car parking should be placed in basements so that they do not detract from street frontages. Basement car parking spaces should not extend into landscaped front and rear setback areas. If car parking is unavoidably provided above-ground then it should be contained within a building within an active habitable frontage facing all streets, lanes and habitable space on adjacent properties

### **Landscape and Public Space**

- The landscape of The Boulevard will be integrated with street-edge on-street parking, complemented by the avenue-style planting of street trees
- The configuration and structure of the new street will be based on proven Melbourne “boulevard” models where the street is also a successful public space
- The laneway should be landscaped to facilitate shared pedestrian and cycle movement in a low-speed and safe environment



**MIXED USE PRECINCT – HEIGHT AND SETBACK DIAGRAM**

# 08 Smith Street Precinct Guidelines

## Outcomes

Design of the Smith Street Precinct will achieve:

- A precinct that draws together leisure, residential, short stay accommodation and commercial uses, with a leisure and service retail component at ground level
- Appropriate scale and activation of street frontages to ensure vibrant, active streetscapes
- Buildings which provide a clear expression of their base and upper levels
- The creation of a “processional” avenue leading to the Racecourse along Smith Street
- Transitional built form between lower height of the Mixed Use Precinct and taller development towards the station
- Articulated built form to avoid the creation of ‘walls of building’

## Land Use

- A mix of uses with leisure/retail, residential and commercial uses (including short-term accommodation) with a service retail component

## Built Form and Design

### 1. Architectural character, materials and articulation

- Buildings in the Smith Street Precinct should have a contemporary and urban style including zero lot setbacks to the street. Reproduction of historical styles is discouraged
- Integrated finishes and high durability materials are encouraged, and will be preferred over applied finishes such as paint and render. Façade construction of tower volumes should be of high quality, and articulated to provide visual interest with a distinctive ‘texture’
- Reflective glass finishes are discouraged
- Ground level street frontages to all retail development should include at least 80% fully transparent, glazed facades
- Roofs may be flat or expressed, and building façades should incorporate sunshades, verandahs, porches, and upper level balconies and recesses, articulated to provide visual interest and to bring life to the street frontages
- At ground floor level all premises must have deep cantilevered verandahs that are continuous across their frontages to mediate the scale of buildings, provide weather protection and to provide visual continuity. These verandahs should be of a consistent height and depth and consistent fascia height. These verandahs must run along every frontage
- All development in the Smith Street Precinct should be built to the front and side property boundaries adjoining streets up to the preferred podium level identified in the building envelope plan
- Where no setback distance is specified between the frontage and any upper level which is setback, the extent of the setback distance should:

- a) provide for clear differentiation between the podium and the upper levels which are intended to be setback from the frontage; and
  - b) give emphasis to the intended podium form from the street view
- In The Boulevard, Station Street, Smith Street and Normanby Road, buildings at ground floor, first, second and third floor level (i.e. the podium) should be constructed to the street frontage and not incorporate any setback
- Buildings should have splay corners where they are built to the front boundary or side boundary adjoining a street
- Views of Melbourne CBD and the Bay may be possible from upper levels of higher buildings, and design responses that exploit this positive aspect of the location will be encouraged
- Balconies overlooking The Boulevard are strongly encouraged. These must be wholly contained with the property boundary
- Windows and balconies will provide the possibility of outlook onto streets, promoting a feeling of security in the public realm

## *2. Building height, setbacks & scale*

- The Smith Street Precinct is capable in urban design terms of the highest level of development. The Smith Street Precinct will be a 'bookend' to the higher buildings located to the north of the railway line
- Taller structures have been positioned in the urban environment where they are supported by their relationship to Caulfield Station the existing Monash side of the Activity Centre, and avoid unreasonable overshadowing of residential and pedestrian precincts
- The scale of buildings in the Smith Street Precinct can be described as 'urban' in character and scale. As such the building envelopes, setbacks and height must encourage the creation of good urban form
- The Height and Setback Plan indicates a preferred podium style outcome for larger scaled buildings with setbacks to the taller building elements in the primary activated pedestrian spaces
- No preferred maximum height above podium level, is proposed east of Smith Street, where taller buildings will have less impact on the amenity and character of surrounding areas and most to contribute to urban consolidation, given proximity to the station. This approach ensures the flexibility for a creative design response to this landmark location rather than one constrained by prescriptive controls
- Setbacks are required to upper levels facing all streets above podium level, to create a consistent and comfortable street edge, balance along street edges, and a human scale

## *3. Sustainable design*

- A sustainable design response will be required in all buildings, where orientation, sun-shading, ventilation, sustainable material specification and/or environmental systems are employed to meet sustainability objectives
- Passive design strategies that take advantage of unassisted cross-flow ventilation and building orientation to manage thermal comfort are encouraged, particularly in residential buildings

## **The Pedestrian Environment**

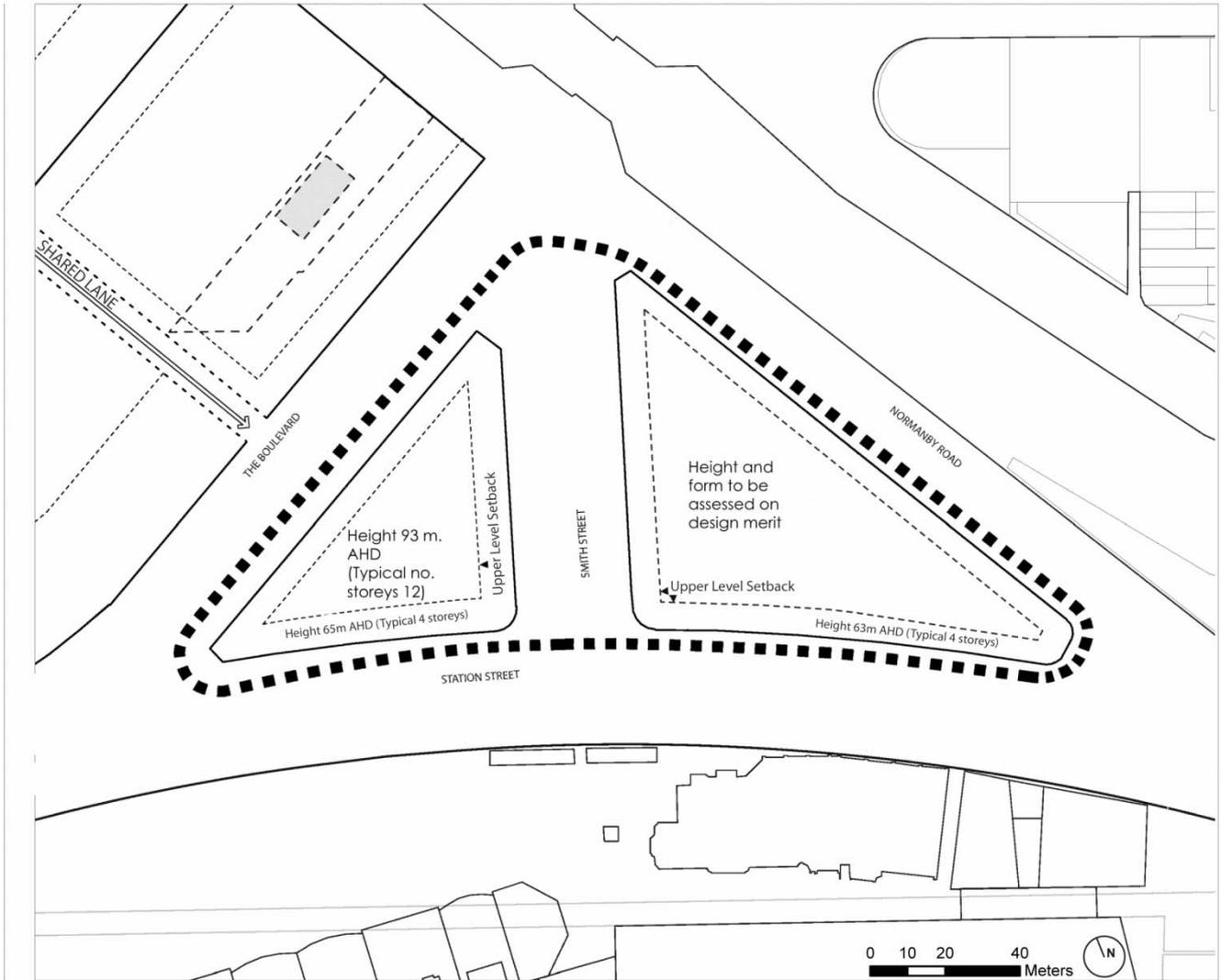
- The Smith Street precinct is a critical component of the wider urban renewal of the Caulfield Major Activity Centre and, in particular, the strengthening of pedestrian linkages between each side of the railway line
- Development will create improved pedestrian amenity including a more comfortable pedestrian environment, a pedestrian-friendly and activated street on the existing alignment of Smith Street (including the retention of existing avenue trees) and opportunities for complementary development and land use adjacent to the railway station and racecourse
- The new Boulevard and the reconfigured Smith Street are each conceived as activated, tree lined boulevards with generous, shaded pavement zones to support pedestrian activity and open-air dining
- Retail and commercial uses fronting The Boulevard will have active street frontages that directly address the street
- Other street frontages should provide transparent facades at street level
- The street edges on Smith Street and the eastern side of The Boulevard will have transitional periods of sunshine during the afternoon in winter, and street activation such as outdoor dining is encouraged
- The pedestrian environment of the Smith Street Precinct will be connected to the broader urban landscape
- Pedestrian movement in the Precinct will be generally focused on the street network and the public realm constituted by the road reserves. A permeable, walkable environment will create safer streets and encourage passive recreational activity promoting better community health levels

## **Access and Loading**

- The Station Street frontage will be designed to be pedestrian-friendly, and also provide service and vehicle access for the precinct
- On site car parking should be placed in basements so that they do not detract from street frontages. Basement car parking spaces should not extend into landscaped front and rear setback areas. If car parking is unavoidably provided above-ground then it should be contained within a building within an active habitable frontage facing all streets, lanes and habitable space on adjacent properties

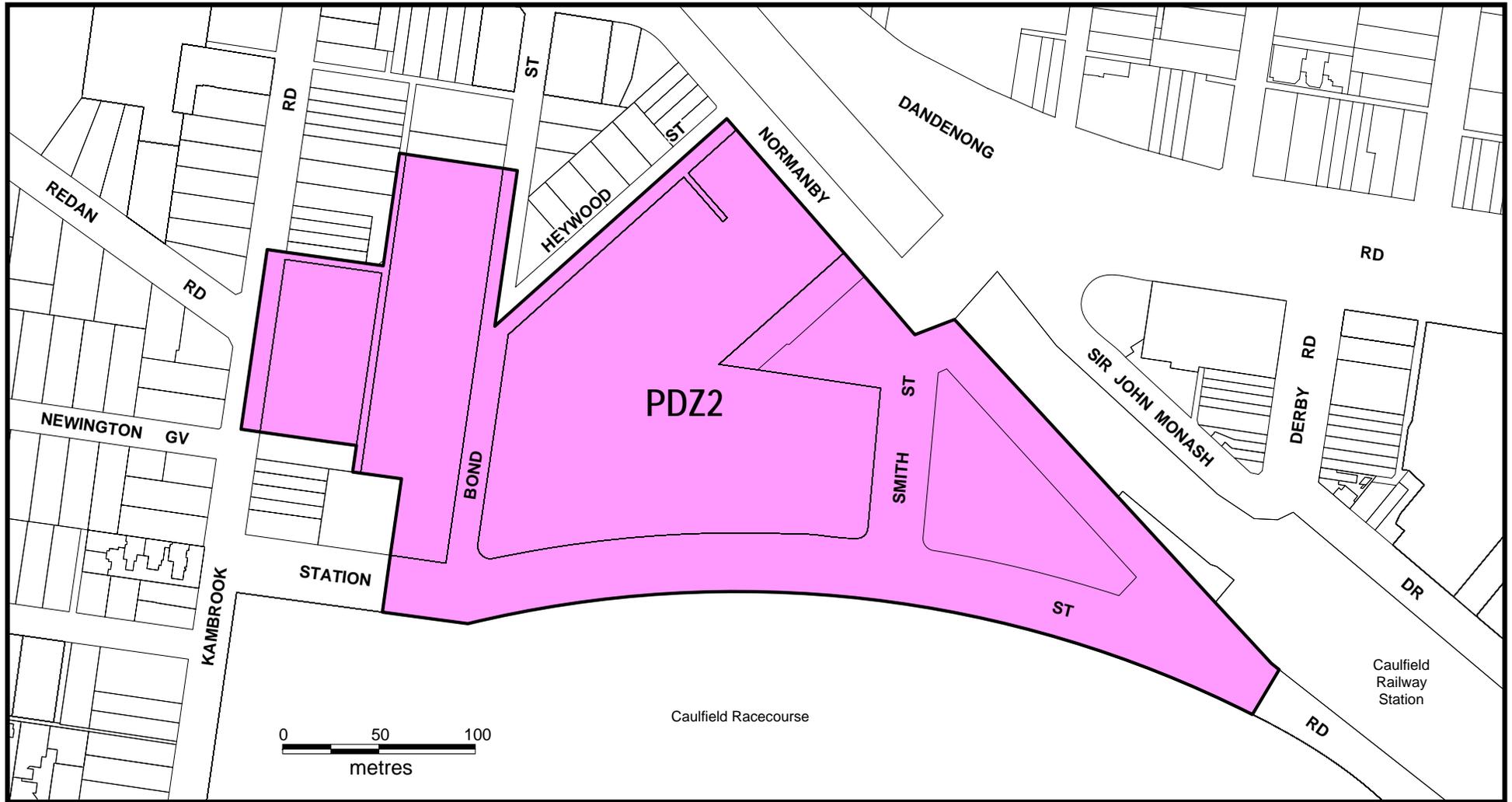
## **Landscape and Public Space**

- A revitalised landscape area will be created in a corridor along Smith Street, creating a shared pedestrian/vehicular space
- Landscape in other parts of the Smith Street Precinct will include the provision of trees and soft landscaping in streetscapes
- Hard surface treatments with tree and shrub planting will generally predominate, reinforcing the urban character of the Precinct
- Non-trafficable spaces created by road closures should be landscaped to facilitate passive recreation and social activity. High quality paving, furniture, planting and lighting should be provided



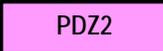
**SMITH STREET PRECINCT – HEIGHT AND SETBACK DIAGRAM**

# GLEN EIRA PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Maps 1 & 2

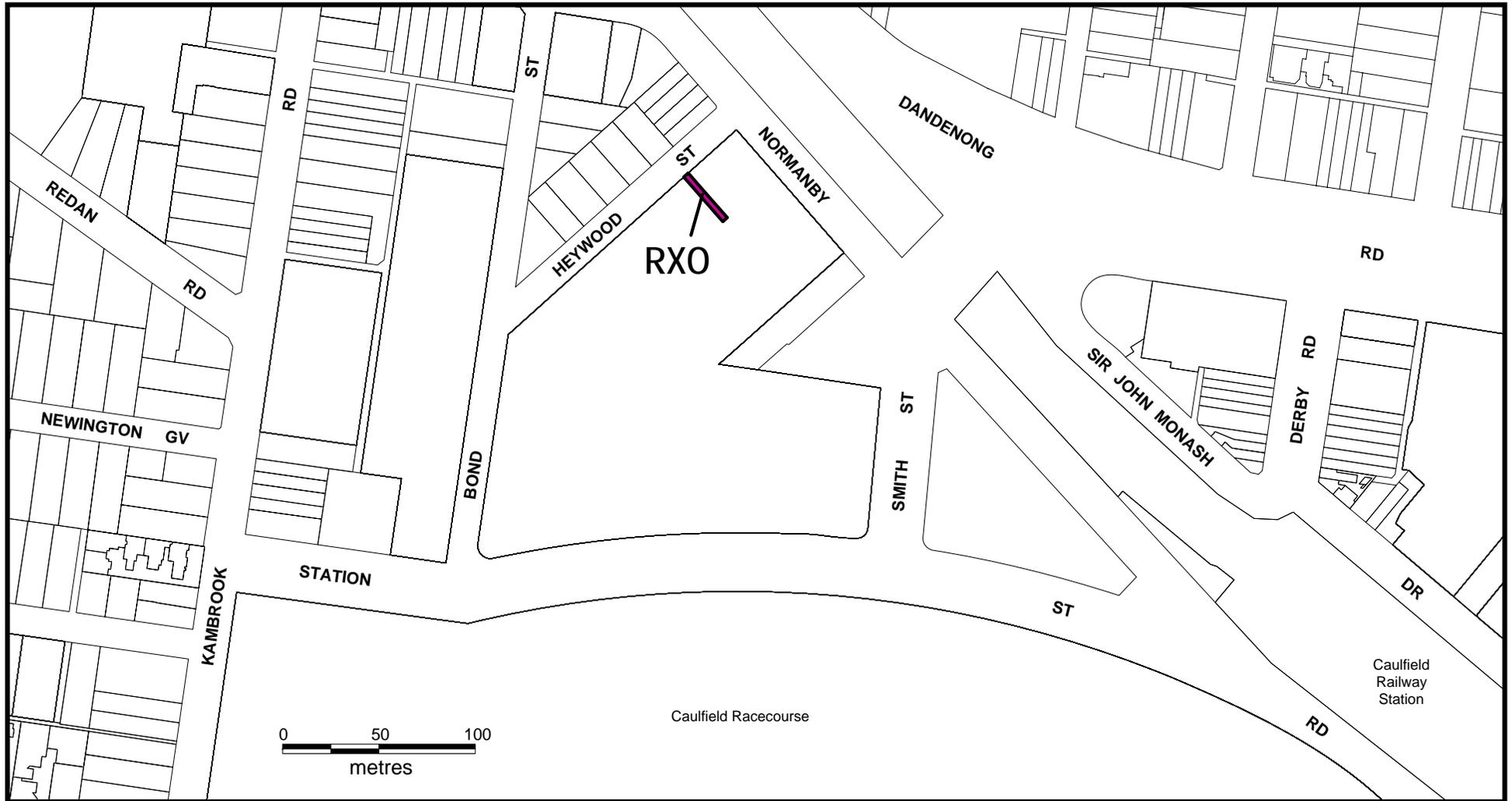
## LEGEND

	PRIORITY DEVELOPMENT ZONE - SCHEDULE 2
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## AMENDMENT C60

PREPARED BY: INFORMATION SERVICES  
Statutory Systems  
Office of Planning, Heritage and Urban Design

# GLEN EIRA PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 1RXO

## AMENDMENT C60

### LEGEND

 RXO ROAD CLOSURE OVERLAY

PREPARED BY: INFORMATION SERVICES  
Statutory Systems  
Office of Planning, Heritage and Urban Design

**22.06**

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C60

**PHOENIX PRECINCT POLICY**

This policy applies to the area known as the Phoenix Precinct. It includes the Caulfield Railway Station, Derby Road/Caulfield Plaza shopping centre, Monash University, East Caulfield Reserve, Caulfield Racecourse and associated land and nearby residential areas as shown in Figure 1.

**Policy basis**

The Municipal Strategic Statement (MSS) has recognised the Phoenix Precinct as:

- A major activity centre within the City containing a mix of regionally significant commercial, educational, recreational and transport services.
- A preferred location to develop land more intensively for a variety of mutually compatible and supportive land-uses.

Over a number of years Council, in consultation with the community, has developed an Urban Design Framework that provides a vision for the Precinct. This policy has been developed to implement this vision.

This policy is divided into two parts. Clause 22.06 covers the whole of the Precinct. Clauses 22.06-1 to 7 cover seven policy areas that require different urban design responses.

The location of the seven policy areas is outlined in Figure 1. They are:

<b>Area 1:</b>	Mixed Use Precinct
<b>Area 2A:</b>	Residential Precinct
<b>Area 2B:</b>	Residential Precinct
<b>Area 3:</b>	Smith Street Precinct
<b>Area 4:</b>	Caulfield Racecourse
<b>Area 5:</b>	Derby Road and Caulfield Plaza
<b>Area 6:</b>	Monash University

**Objectives**

- To promote the Phoenix Precinct as a regionally significant (major) activity centre.
- To convey and implement the preferred vision for land use, development and infrastructure within the Precinct based on the Phoenix Precinct Urban Design Framework.
- To create a high quality, vibrant urban environment with a strong sense of place and community, high standards in architecture and urban design, safety and permeability and a strong pedestrian and public transport focus.
- To ensure that all use and development of land and infrastructure provision is coordinated and undertaken to achieve a balanced planning outcome for the community.

**Policy**

**Exercise discretion**

Where a permit is required for use or development, it is policy to:

**Land use, built form and the public realm**

- Promote development that contributes to the creation of an integrated activity centre in terms of built form, land use, people movement and the public realm.
- Ensure the highest possible standards of built form and architecture, through contextually appropriate design that adheres to the policy statements contained in this policy and principles of economic, cultural and environmental sustainability and universal design.
- Ensure the highest possible standards of civic amenity by creating environments that promote vitality, safety, social interaction and belonging.
- Encourage active building frontages to all buildings. An active frontage is a building frontage that encourages visual interest, safety and activity on adjoining streets or pedestrian areas by providing uses and entrances, windows and other details that maximise movement, outlook and surveillance between occupants and the building and its surrounds.
- Provide space to allow an avenue of street trees with large canopies in Bond, Heywood and Station Streets, Balaclava, Kambrook and Normanby Roads, and the southern side of Dandenong Road.
- Discourage inappropriate uses with undesirable off site amenity impacts (eg sexually explicit adult entertainment venues) from locating in precincts where residential uses and community facilities are encouraged.

### **Transportation and parking**

- Recognise that the road network within the Phoenix Precinct has a limited capacity to absorb traffic and car parking generated by new development.
- Encourage development only where the impacts on the road network in the Phoenix Precinct can be managed by appropriate traffic management treatments.
- Encourage greater use of public transport to and from the Precinct.
- Encourage pedestrian and cyclist activity and movement to and within the Phoenix Precinct.
- Encourage development only where the car parking demand created by that development is adequately catered for preferably by on-site car parking or where this is not feasible, by an adequate and safe arrangement for off-site car parking.
- Optimise the provision of and access to both on and off-site car parking, improve traffic and directional signs and encourage the provision of shared parking facilities where appropriate.
- Ensure that traffic and car parking assessments are prepared for all developments within the Phoenix Precinct which are cognisant of the need to ensure and contribute to:
  - A coordinated approach to the traffic and car parking implications of the development of the Phoenix Precinct.
  - Any Council strategy for traffic and car parking implications of the development of the Phoenix Precinct.
  - Any Council strategy for traffic and car parking management for the Phoenix Precinct.
- Minimise any adverse impact on the amenity of adjoining residential areas by noise, traffic generation and car parking.

### **Infrastructure**

- Where additional infrastructure or modifications to existing infrastructure are required by any development, ensure that the developer contributes to the cost of that provision or modification.

- Retain storm water on site to alleviate peak flows.

### **Masterplanning**

- Encourage Monash University to prepare and implement a masterplan for the future development of all land held or occupied by it within the Precinct.
- Encourage the MRC to prepare and implement a masterplan for the development of all MRC land, including the Caulfield Racecourse.

### **Determination of planning permit applications**

- Assess all use and development applications within Areas 1-7 against the policy objectives, statements and design techniques for each area and the objectives and policies for the whole of the Precinct.
- Ensure that a site analysis and descriptive context statement explaining how the proposed development responds to the site, its context and these policies is prepared for all applications for all non-residential development.

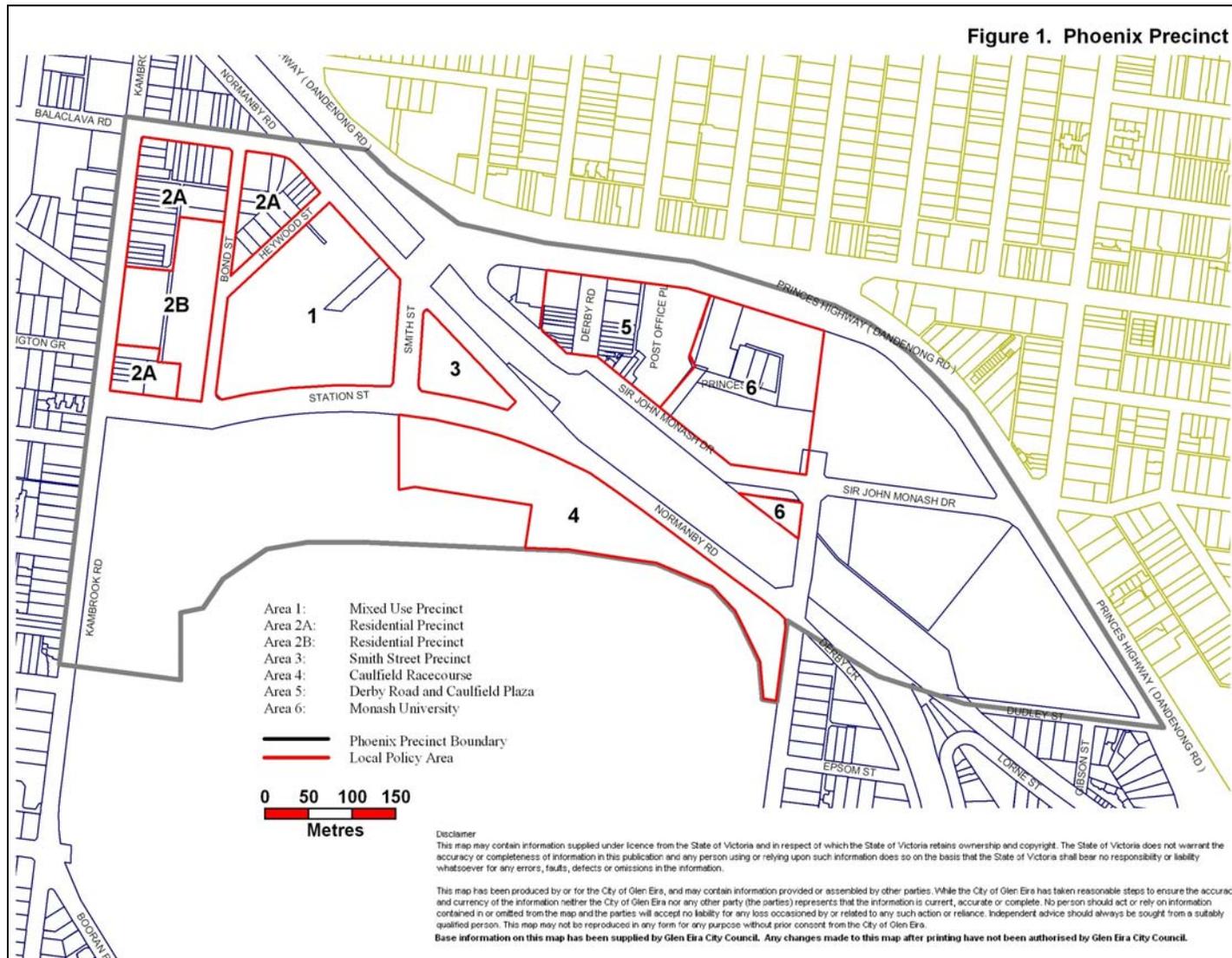
### **Policy references**

Phoenix Precinct Urban Design Framework - 1998

Glen Eira Heritage Management Plan – 1996

Glen Eira Urban Character Study – 1996

Phoenix Precinct Traffic Study – 2001



**22.06-1**

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**Phoenix Precinct Area 1 – Mixed Use Precinct**

This policy applies to that land identified in Figure 1 and noted as Area 1.

**Policy basis**

This is a significant area within the Phoenix Precinct due to its size, location and underdeveloped state. It has interfaces to the railway line, residential area and racecourse land.

To give effect to the vision and objectives of the Caulfield Mixed Use Area Incorporated Plan, September 2010. Council recognises the need to provide for a range of land uses that contribute to the vitality and amenity of the Precinct which supports the area's status as part of a major activity centre.

**Objective**

- To provide for a number of mutually compatible mixed land uses, with buildings of a scale greater than Area 2A and 2B, which create synergies with adjacent areas, maintain and enhance landscape values and permeability, and provide publicly accessible open space.

**Policy**

**Exercise discretion**

Where a permit is required for use or development, it is policy to:

- Promote the use and development of the land for a variety of uses including leisure and entertainment, shops, a supermarket, commercial/offices and high density residential, which are respectful of the amenity of neighbouring properties.
- Encourage the higher and more intensive development in the southern and eastern parts of the precinct facing Station Street and the new road.
- Ensure that new development addresses Bond Street, Normanby Road, the new road and Station Street.
- Ensure the development of a publicly accessible link with clear sightline through the site from Heywood Street to the new road.
- Encourage the preferred land uses identified in the *Caulfield Mixed Use Area Incorporated Plan September 2010*.

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**Phoenix Precinct Area 2A – Residential Precinct**

This policy applies to that land identified in Figure 1 and noted as Area 2A.

**Policy basis**

This area is principally residential in nature and forms the westerly interface with surrounding residential areas.

To implement the Phoenix Precinct Urban Design Framework, Council recognises the need to consolidate the existing residential area as a land use within the Precinct, maximise residential and commercial harmony and maintain significant landscape elements and streetscape values.

**Objective**

- To provide for a predominantly residential area with a transition in scale and density between existing houses on Kambrook Road and new development within Area 2B and the possible mix of uses in the neighbouring Phoenix Precinct Area 1.

**Policy**

**Exercise discretion**

Where a permit is required for use or development, it is policy to:

- Recognise that there are residential development opportunities within the area and promote medium density residential uses that respect landscape values.
- Ensure that new development addresses all streets and maintains their general design rhythm.
- Ensure a high quality coordinated streetscape with appropriate interfaces to existing development.
- Ensure the development of visual and publicly accessible physical links through the site from Kambrook Road to Bond Street by making use of the existing landscaped accessway through this area.
- Encourage new development to meet the design techniques as identified in the table to this clause.
- Respect the scale of development on the eastern side of Heywood Street in any new development on the western side of this street.
- Encourage preferred land uses as identified in the table to this clause.

**Table to Clause 22.06-2 Design Techniques**

Preferred distance from front boundary (setback)	Preferred maximum building height	Preferred land use
To match existing residential setbacks or where there are no adjoining residences a setback of at least:  3 metres from Bond Street, Station Street, Balaclava Road and Normanby Road.  6 metres from Kambrook Road.	Any level above two storeys recessed from all frontages except from Station Street and the southern part of Bond Street.	Dwellings.  Residential village.  Retirement village.  Nursing home.

Proposals that do not meet these design techniques should demonstrate that they meet the objective and policy statements contained in this policy.

**22.06 - 3 Phoenix Precinct Area 2B – Residential Precinct**

C60

This policy applies to that land identified in Figure 1 and noted as Area 2B.

**Policy basis**

This area is principally residential in nature and generally forms the westerly interface with surrounding residential areas.

To give effect to the vision and objectives of the Caulfield Mixed Use Area Incorporated Plan, September 2010. Council recognises the need to consolidate the existing residential

area, manage the transition between residential and commercial uses, and maintain significant landscape elements and streetscape values.

### **Objective**

- To provide for a predominantly residential area with a transition in scale and density between existing houses on Kambrook Road and new development within Area 2A and the possible mix of uses in the neighbouring Phoenix Precinct Area 1.

### **Policy**

#### **Exercise discretion**

Where a permit is required for use or development, it is policy to:

- Recognise that there are residential development opportunities within the area and promote medium density residential uses that respect landscape values.
- Ensure that new development addresses all streets and maintains the general design rhythm.
- Ensure a high quality coordinated streetscape with appropriate interfaces to existing development.
- Ensure the development of a publicly accessible link through the site from Kambrook Road to Bond Street.
- Encourage preferred land uses as identified in the *Caulfield Mixed Use Area Incorporated Plan, September 2010*.

#### **22.06-4**

---/---  
C60

#### **Phoenix Precinct Area 3 – Smith St Precinct**

This policy applies to that land identified in Figure 1 and noted as Area 3.

#### **Policy basis**

To give effect to the vision and objectives of the Caulfield Mixed Use Area Incorporated Plan, September 2010.

This is a key area as it is located within the core of the Phoenix Precinct. This area provides the link between the railway station and the racecourse to the south, proposed retail and residential areas to the west. It is a key area for more intensive commercial development in a pedestrian friendly environment east of a realigned through road.

#### **Objective**

- To provide for a number of mutually compatible land uses, with buildings of a scale greater than Area 2A and 2B, which create synergies with adjacent areas, maintain and enhance landscape values and permeability, and encourage activities that promote high levels of pedestrian activity and safety.

#### **Policy**

#### **Exercise discretion**

Where a permit is required for use or development, it is policy to:

- Encourage the development of a contemporary building design.
- Ensure active building frontages with weather protection for pedestrians.

- Provide a safe and attractive pedestrian link from the west to Caulfield Station underpass.
- Car parking should preferably be placed underground, or off site if appropriate. If above ground parking is provided, the external elevations of the building require an exemplary architectural treatment. Encourage preferred land uses as identified in the *Caulfield Mixed Use Area Incorporated Plan, September 2010*.

**22.06-5**  
C60

### **Phoenix Precinct Area 4 - Caulfield Racecourse**

This policy applies to that land identified in Figure 1 and noted as Area 4.

#### ***Policy basis***

The Caulfield Racecourse is a locally and regionally significant recreation and entertainment facility.

In response to changing social trends, the role of this facility is diversifying into entertainment beyond purely horse racing. All further use and development of this area, particularly for entertainment and commercial facilities, needs to consider the likely impact on sensitive uses that are located within close proximity.

#### **Objective**

- To promote the Caulfield Racecourse as a regionally significant mixed use entertainment, employment and recreation resource.

#### **Policy**

#### **Exercise discretion**

Where a permit is required for use or development, it is policy to:

- Ensure the maintenance and enhancement of the canopy trees and landscape setting on the northern side of the Grandstand, extending westwards as far as Kambrook Road.
- Ensure that any new building:
  - Has active frontages.
  - Is of a scale and form that maintains the dominance of the grandstand, and respects the landscape setting on the northern side of the grandstand.
  - Creates an interesting and coherent streetscape.
  - Provides a comfortable pedestrian environment in Station Street.
  - Provides an appropriate landscape setting that integrates the buildings with the remainder of the racecourse to achieve visual consonance.
  - Promotes the retention of views of the racecourse from the eastern part of Station Street.
  - Respects the Queens Avenue streetscape and residential interface.
- Recognise the potential for additional hotel and conference facilities to be developed south of the existing tabaret.
- Minimise adverse traffic, noise and loss of amenity impacts from the facility on nearby residential areas resulting from increased development within the area.

- Promote the continued provision of a car parking facility on the site and provide additional safe convenient car parking for event users, casual use and rail transport commuters.
- Ensure that public access to public open space in the centre of the racecourse is improved and maintained.
- Encourage new development to meet the design techniques as identified in the table to this clause.
- Encourage preferred land uses as identified in the table to this clause.

**Table to Clause 22.06-5 Design Techniques**

Preferred distance from front boundary (setback)	Preferred maximum building height	Preferred land use
None specified (a setback may or may not be warranted depending on the nature of the development proposal) – having regard to the policies contained in this clause.	12-16 metres.	Entertainment and recreational type uses that have synergies with adjacent land uses.  Accommodation.  Convenience shop.

Proposals that do not meet these design techniques should demonstrate that they meet the objective and policy statements contained in this policy.

**22.06-6**

26/10/2006  
C53

**Phoenix Precinct Area 5 – Derby Road and Caulfield Plaza**

This policy applies to that land identified in Figure 1, Area 5 Derby Road Area and Caulfield Plaza

**Policy Basis**

The Derby Road strip shopping centre and Caulfield Plaza are vital to the social, cultural and economic life of the precinct and need to be better connected and to complement each other.

Derby Road has a unique character derived from its low scale, wide carriageway, tramline, concentration of retail and commercial heritage places, and interface with Dandenong Road, Caulfield Plaza and the railway station embankment.

Buildings to the west of Derby Road are of modern and Edwardian style.

Caulfield Plaza is a more recent freestanding development containing a supermarket, and specialty shops, with basement and decked car parking.

**Objective**

- To retain and enhance valued built form, enhance the vitality of the precinct, enhance safety and amenity and improve permeability and links to the Monash University and transport interchange.

**Policy**

**Exercise Discretion**

It is policy to:

- Facilitate the implementation of the Derby Road Action Plan 1998 which is contained in the Phoenix Precinct Urban Design Framework 1998;

## Land Use

Where a planning permit is required for use or development it is policy to:

- Encourage the use of land for the range of preferred land uses as identified in the table to this clause;
- Encourage the development of shop-top housing in Derby Road and active shopfront edges at ground level;
- Promote the primary purpose of the Caulfield Plaza site for intensive development of retail, commercial, entertainment and residential uses that complement the University, Derby Road and commercial area to the west;
- Promote the use of the Caulfield Plaza site for student accommodation, ensuring that such use complements the retail, entertainment and commercial use of the site.

## Building Design

Where a planning permit is required for use or development it is policy to:

- Encourage new development to meet the design techniques as identified in the table to this clause;
- Encourage contemporary and diverse architectural expression in built form;
- Encourage an appropriate transition in scale and bulk between buildings in Derby Road and proposed buildings on the Caulfield Plaza site;
- Ensure that buildings address perimeter streets with active frontages together with internal spaces within the campus;
- Encourage buildings to align to the street pattern and to respect the continuity of street facades.
- Retain views into and out of the Phoenix Precinct and vistas to important civic landmarks.
- Maintain the traditional and characteristic vertical rhythm of key streetscapes within the activity centre where appropriate.
- Encourage buildings with wide street frontages to be broken into smaller vertical sections at street level.
- Encourage buildings on street junctions to reinforce the street corner.
- When adjoining heritage buildings are located in a Heritage Overlay, encourage the design of new buildings in a contemporary style that respects the height, scale, rhythm of and proportions of the heritage buildings.
- Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with this vital 24 hour precinct.

## Facades

Where a planning permit is required for use or development it is policy to:

- Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.
- Discourage replication of adjoining buildings.
- Encourage detail that engages the eye of the pedestrian.
- Encourage the use of high quality building material and details.

It is policy that the design of facades is assessed against the following design standards, as appropriate:

- All visible sides of a building should be fully designed.

- Blank building walls that are visible from streets and public spaces should be avoided.
- Buildings should address both street frontages on corner sites.
- Visible service areas (and other utility requirements) should be treated as an integral part of the overall design and fully screened from public areas.
- Signs should be integrated with the architecture of the building.
- Facades should make provision for location of external lighting for public safety purposes and to give interest to streetscapes at night.
- Areas that might attract graffiti should be treated with graffiti proofing measures.
- Solid roller shutters should not be used on shopfronts. Open mesh security or transparent grills may be used and should be mounted internal to the shopfront.

### **Skyline and Roof Profiles**

Where a planning permit is required for use or development it is policy to:

- Encourage roof profiles to contribute to the architectural quality of the city skyline.
- Encourage roof profiles to be part of the overall building form.

It is policy that the design of roof profiles are assessed against the following design standards, as appropriate:

- Plant, exhaust and intake vents and other technical equipment should be integrated into the building design.
- In addition to views from the street, the views from higher surrounding buildings should be taken into account.
- Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.
- Where they cannot be screened, attachments should be designed to complement the building.

### **Wind and Weather Protection**

Where a planning permit is required for use or development it is policy that wind and weather protection measures are assessed against the following design standards as appropriate:

- Landscaping within the public realm should not be relied on to mitigate wind effects.
- Towers should be set back from all streets at the podium level to deflect wind downdrafts, wind tunnel effects and turbulence from penetrating to ground level in streets and public spaces and/or alternative wind amelioration measures implemented.
- Within the tower setback, some variation in treatment may provide a transition between the podium and tower. Such treatment should be carefully checked for wind effects at street level.
- Generally, the footpaths of Derby Road and Sir John Monash Drive should be protected from rain.
- The design, height, scale and detail of canopies, verandahs and awnings should be compatible to nearby buildings, streetscape and precinct character.
- Canopies, verandahs and awnings may be partly or fully transparent to allow light penetration to the footpath and views back up the building facade.
- Weather protection should be setback to accommodate existing street trees.
- Verandahs should be cantilevered.
- Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.

## Public Spaces

The provision of high quality, readily accessible internal and external spaces form an integral part of the public domain. Public spaces include public and privately owned land for public use and may be covered or open to the sky.

Where a planning permit is required for use or development it is policy to:

- Facilitate the creation of a civic space between the Caulfield Plaza Shopping Centre, Monash University and the railway station with a strong gateway entrance to Sir John Monash Drive.
- Encourage the provision of high quality new public spaces.
- Encourage new public spaces to cater for the needs of the City's diverse communities.
- Discourage public space at street intersections to reinforce the form of the grid.
- Discourage small narrow spaces fronting streets.
- Encourage atria where they link different elements of building complexes, link new additions to historic buildings or improve the energy efficiency of the building.

It is policy that the design of public spaces is assessed against the following design standards, as appropriate:

- Facades adjoining public spaces should be designed to maintain the continuity of the streetscape.
- Atria and arcades should be publicly accessible during normal business hours. However longer hours are encouraged. Other public space should be publicly accessible 24 hours a day.
- Clear views should be provided through to the other end of a covered public space to encourage pedestrian use.
- Natural lighting should be maximised in covered public spaces.
- Public open space should have a northerly aspect and/or appropriate solar penetration.
- The design and finishes in arcades and atria should provide a high level of noise absorption to prevent reverberation and achieve an acceptable level of amenity for occupants/users.
- Shopfronts fronting public spaces should be attractive and secure when that shop is closed. Solid roller shutters, and roller shutters on the outside of the building should not be used.
- Development of new or upgrading of existing open space should be consistent with Council's vision for the Precinct as a whole.
- Provision should be made for facilities such as seating, litter bins, tables, drinking fountains and public telephones where appropriate.

## Access and Safety

Where a planning permit is required for use or development it is policy that access and safety issues in public space design are assessed against the following standards as appropriate:

- Access to car parking and service areas should minimise impact on street frontages.
- The storage of refuse and recyclable material should be provided off-street and be fully screened from public areas.
- Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.
- On major streets and other areas of pedestrian activity, windows at ground floor and upper floor levels should be maximised to provide surveillance.
- Lighting should be provided to improve safety.

- Alcoves and spaces that cannot be observed by pedestrians are discouraged.

### **Movement**

Where a planning permit is required for use or development it is policy to:

- Increase pedestrian amenity, safety, accessibility and shelter throughout the area.
- Maintain a safe and visually attractive pedestrian path along the Princes Highway frontage.
- Encourage the provision of sufficient traffic and car parking measures to minimise the impact on traders and residents whilst recognising mode shift to public transport.
- Improve accessibility to short term car parking for the Derby Road shopping centre and Caulfield Plaza patrons.
- Encourage the provision of sufficient traffic measures and car parking to minimise the impact on traders and residents;
- Encourage vehicular access to Dandenong Road and reduce reliance on Sir John Monash Drive
- Improve the amenity of the interface between the University and the Caulfield Plaza Shopping Centre, Derby Road and Caulfield station Areas;
- Encourage new buildings to be organized to promote high quality links to street interfaces and the internal village green

### **Policy Implementation**

A comprehensive site analysis and urban context report is the starting point of the design process for any development proposal. The urban context report should document the key influences on the proposed development, how it responds to the strategies, policies and requirements of the planning scheme, and how it relates to the social, built and historic character of the City and the surrounding area. The report will form the basis for the consideration of height, scale, massing and detail.

**Design Techniques**

Location	Distance from front boundary (setback) and preferred maximum building height	Preferred Land Use
<p>Premises facing Derby Road and Sir John Monash Drive between Derby Road and the Caulfield Plaza Site</p>	<ul style="list-style-type: none"> <li>▪ Zero metres from Derby Road to reinforce the street alignment.</li> <li>▪ Zero metres from the Princes Highway provided that there is sufficient space in the road reserve to establish large canopy trees on the southern side of the carriageway to provide an avenue effect.</li> <li>▪ Zero metres from Sir John Monash Drive if the frontage comprises active shop frontages, entry points and no blank walls to reinforce the street alignment.</li> <li>▪ No higher than the predominant existing building height in Derby Road to retain the scale and form of places in the Derby Road Heritage Overlay Area.</li> <li>▪ A building on the south east corner of Dandenong Road and Derby Road should have a height of no more than four storeys (ie no more than two storeys greater in height than the adjoining building to the south). It may incorporate an architectural element to create a gateway feature in dialogue with the hotel on the opposite corner. This building on the south east corner of Dandenong Road and Derby Road should respect both the streetscape environment of Dandenong Road and the recognised heritage character of the Derby Road Area in terms of architectural form and use of materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shops</li> <li>▪ Shop top residences &amp; offices.</li> <li>▪ Food and drink premises.</li> </ul> <p>Use in accordance with the Derby Road Action Plan, 1998.</p>
<p>Caulfield Plaza Site</p>	<ul style="list-style-type: none"> <li>▪ Zero metres setback from the Princes Highway to reinforce the street alignment and provided that there is sufficient space in the road reserve to establish large canopy trees on the southern side of the carriageway to provide an avenue effect and provided that there is a comfortable pedestrian environment.</li> <li>▪ Zero metres from Sir John Monash Drive and Princes Avenue to reinforce the street alignment.</li> <li>▪ Buildings facing Sir John Monash Drive should have a height generally not exceeding that of the Technology Tower (excluding architectural roof projections and plant) to create an appropriate skyling, and respect the Derby Road Heritage Overlay and Caulfield Railway Station and limit the extent of overshadowing into Sir John Monash Drive.</li> <li>▪ Buildings above podium height should be well spaced to provide for an outlook</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shop / retail centre.</li> <li>▪ Education.</li> <li>▪ Pedestrian spaces / Public open space.</li> <li>▪ Accommodation</li> <li>▪ Entertainment Uses</li> <li>▪ Medical centre</li> <li>▪ Offices</li> <li>▪ Home offices</li> <li>▪ Childcare Centre</li> <li>▪ Gym</li> </ul>

	<p>and sunlight between buildings and ensure adequate sun penetration at street level.</p> <ul style="list-style-type: none"> <li>▪ Buildings facing Sir John Monash Drive on the eastern portion of the site should have podium height generally not exceeding the podium of the Technology Building. Building form above the podium height should be setback at least 3.5 metres from the street frontage, to reduce the perceived scale and bulk of buildings and achieve a human scale and respect their context, and to mitigate the effects of downdrafts.</li> <li>▪ Buildings facing Sir John Monash Drive on the western portion of the site should have a podium height generally consistent with the parapet heights of the heritage buildings to the west. Buildings above the podium height should be setback a minimum of 3.5 metres on the eastern portion of the building and a minimum of 5.0 metres on the western portion, adjacent to the lower scale buildings to the west which are within the Derby Road Heritage Overlay.</li> <li>▪ Any building visible from the western side of Derby Road must be respectful of the scale and heritage significance of the Derby Road Heritage Overlay Area.</li> <li>▪ All buildings should be designed to provide a high quality amenity for pedestrians at both street level and podium level.</li> <li>▪ All buildings must be well articulated and modulated and fenestrated to reduce the perception of building scale and bulk and should have active frontages where possible.</li> </ul>	
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Proposals that do not meet these design techniques should demonstrate that they meet the objective and policy statements contained in this policy.

**22.06-7**19/01/2006  
VC37**Phoenix Precinct Area 6 – Monash University**

This policy applies to that land identified in Figure 1 and noted as Area 6.

**Policy basis**

Monash University is the largest landholder and employer in this area. It occupies the most intensively developed area within the Phoenix Precinct. The area represents Glen Eira's core education and business/research facility and is a key landmark within the municipality. The ongoing development of the University has significantly changed the urban fabric, streetscape, traffic and amenity of the area within the past 20 years. The MSS recognises the significance of the University as a key economic influence for the City and the need to balance this with the protection of local amenity and trader and residential harmony.

**Objectives**

- To improve the interface between Monash University and the Railway Station, Caulfield Plaza, Derby Road and Dandenong Road.
- To encourage the development and use of the Monash University Campus so that it has a strong sense of campus, architectural identity, high quality urban design, mixed land uses, a greater utilisation of land holdings, responsible traffic management, a public transport focus and a pedestrian focus.

**Policy****Exercise discretion**

Where a permit is required for use or development, it is policy to:

- Maintain flexibility in the implementation of the long-term Monash University building program.
- Promote on-going cooperation between Council and the University to ensure sensitive design and development outcomes on the site.
- Ensure the primary use and development of the area is for education purposes.
- Encourage uses that complement the primary purpose of education and complement the land uses within the Derby Road shopping strip and Caulfield Plaza.
- Promote student housing opportunities in the area.
- Encourage the provision of sufficient traffic measures and car parking to minimise the impact on traders and residents.
- Encourage vehicular access to Dandenong Road and reduce reliance on Sir John Monash Drive.
- Encourage contemporary architectural expression in built form.
- Ensure that University buildings address perimeter streets with active frontages together with internal spaces within the campus.
- Improve and define the interface between the University and the Caulfield Plaza Shopping Centre, Derby Road and Caulfield Station areas.
- Improve entries to buildings, particularly along Sir John Monash Drive, and improve signs and University facilities.
- Encourage new buildings to be organised to promote high quality links to street interfaces and the internal village green.

## 22.09 STUDENT HOUSING POLICY

19/01/2006  
VC37

This policy applies:

- Where a planning permit is required for the use or development of “student housing”; and
- To all development approvals and development plans within the Phoenix Precinct.

“Student housing” is the use or development of land for:

- Accommodation, whether it be dormitory, hostel or apartment, that is purpose built to accommodate students while studying at tertiary institutions; or
- Accommodation that is modified or converted to accommodate students while studying at tertiary institutions. This would include accommodation that was used in the past as a dwelling.

The purpose of this policy is to establish reasonable location, design, amenity, car parking and management standards that apply to student housing use and developments within Glen Eira.

- This policy must be read in conjunction with the following local policies:
- The Urban Villages Policy at Clause 22.05 of the planning scheme.
- The Phoenix Precinct Policy at Clause 22.06 of the planning scheme.
- The Housing Diversity Areas Policy at Clause 22.07 of the planning scheme.

### 22.09-1 Policy basis

19/01/2006  
VC37

A key objective of Council’s Municipal Strategic Statement (MSS) is to recognise that the Glen Eira population needs certain forms of housing. More specifically, the MSS aims to direct the provision of new housing types, particularly student housing to locations where the land is close to Monash University, Caulfield Campus.

Council’s MSS identifies the Phoenix Precinct, which is centred around Monash University in Sir John Monash Drive and the Melbourne Racing Club landholdings, as a major opportunity for the provision of student housing within the municipality.

In addition, the Housing Diversity Areas Policy at Clause 22.07 identifies specifically, through the Suburb Framework Plans, the areas where housing diversity will be directed in Glen Eira.

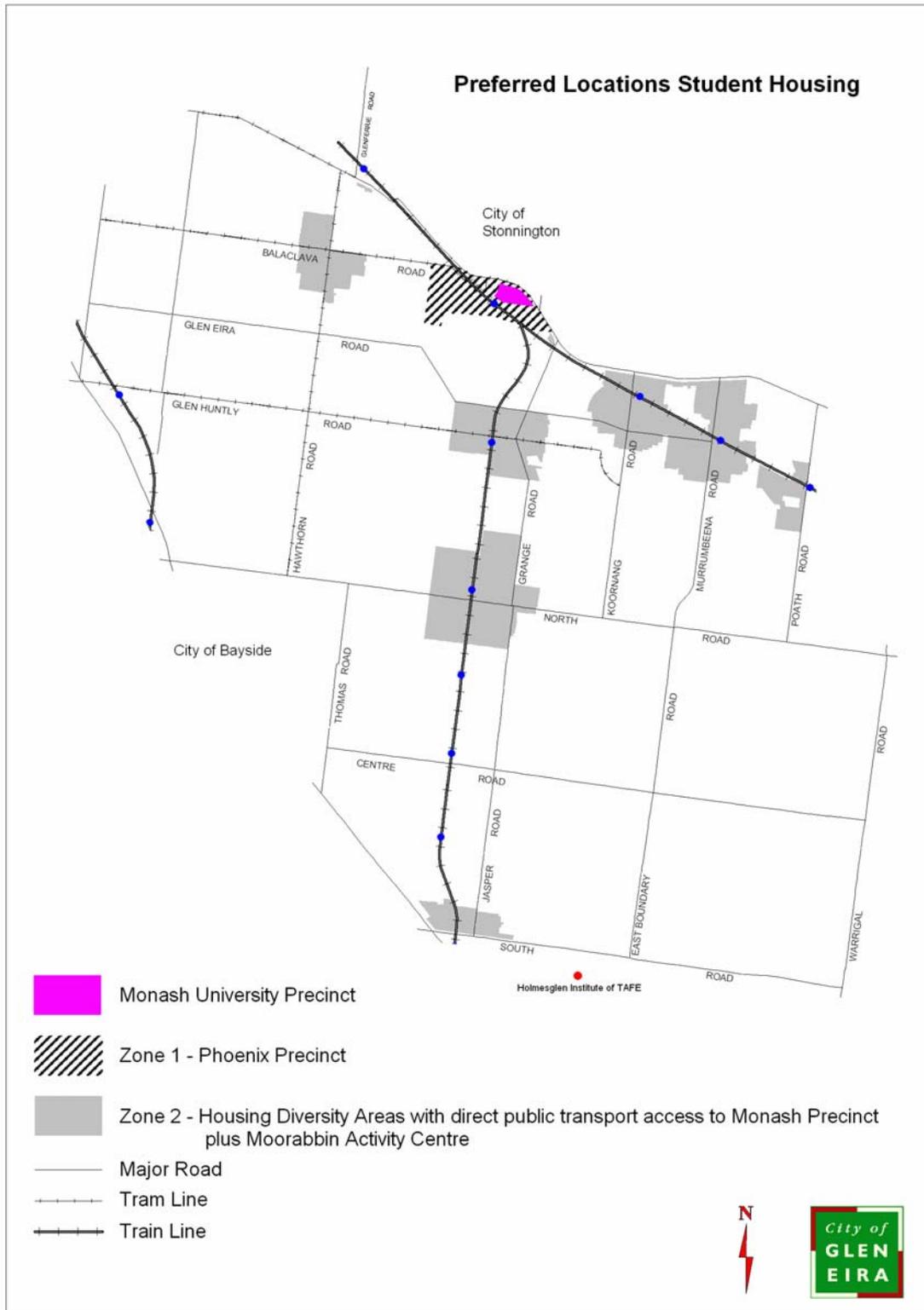
This policy seeks to prioritise some of the Housing Diversity Areas into two zones, within which student housing will be channelled based on proximity to Monash University, Holmesglen Institute of TAFE and public transport. The zones are as follows (Refer Figure 1):

- Zone 1. Within the Phoenix Precinct.
- Zone 2. Within Housing Diversity Areas with direct public transport access to Monash University, Caulfield campus and;
- Moorabbin Neighbourhood Centre in Close proximity to Holmesglen Institute of TAFE on South Road.

Student housing in the remaining Housing Diversity Areas is less appropriate due to distance from Monash University, Caulfield campus and the need for multiple modes of public transport to access the campus.

Student housing is discouraged within the remainder of the municipality, namely within the Minimal Change Areas identified in the Minimal Change Areas Policy at Clause 22.08 of the planning scheme.

Figure 1



Monash University, Caulfield campus is a major educational asset located in Glen Eira. In 2003, 9,440 full time and part time students were enrolled. Of these 9,440 students, 3,900 (41%) were international students, with the Monash University, Caulfield campus having the highest number of international students of all the Monash campuses. It is expected that there will be 4,487 international students attending the Caulfield campus by 2006, representing a 14% increase from 2003 numbers.

Monash University has also advised that the number of enrolled students that live within the City of Glen Eira was 2,994 in 2002, increasing to 3,277 in 2003. This means that in 2003, 35% of all enrolled students at Monash Caulfield, campus resided within the Glen Eira municipal area.

The most significant concentrations of tertiary students are in the area bounded by Neerim Road to the south, Bambra Road to the west, Grange Road to the east and Dandenong Road to the north. There are also pockets of higher numbers of students generally within a 2km radius of the Caulfield campus, with specific concentrations around Glen Huntly, McKinnon and Caulfield North Activity Centres.

Around 60 per cent of all students attending the Caulfield campus require rental housing – particularly the international and country students. As no on-campus housing is offered by the university, the need for off campus housing is increasing as the number of international students rises each year. In 1997, a Report of the Advisory Committee on Student Housing in Melbourne identified a shortage of suitable and affordable housing for students. As the private rental market continues to contract, and student numbers continue to grow, the demand for student housing within Glen Eira is increasing.

This policy will also have relevance for student housing demands generated by other tertiary institutions in the vicinity of Glen Eira, such as Holmesglen Institute of TAFE on South Road, Moorabbin. This campus has approximately 8,200 students enrolled, however, the proportion of international students (8.5%) is significantly lower than the proportion of international students attending Monash University, Caulfield campus (41%). Figures also show that when again compared to Monash University, Caulfield campus, that a much smaller proportion of total students enrolled at Holmesglen TAFE actually reside within the Glen Eira municipal area. Despite these differences, it is expected that there will still be some demand for student accommodation in the vicinity of the Moorabbin campus.

## **22.09-2 Objectives**

19/01/2006  
VC37

- To channel 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.
- To meet the housing needs of the future student population within the City of Glen Eira.
- To require student housing development to deliver a good living experience for, and foster a sense of community among, the residents.
- To ensure that the density, mass, scale and character of student housing developments is appropriate to the location.
- To ensure that the design of new student housing development is sensitive to and respectful of the scale of existing residential development on adjoining sites.
- To ensure that student housing developments are appropriately managed and used for the purpose for which they were constructed and that off site amenity impacts are minimised.
- To ensure the renovation or reuse of buildings for the accommodation of students provides a suitable living environment for students and is not detrimental to the amenity of the locality.

## **22.09-3 Policy**

19/01/2006  
VC37

### **Location**

It is policy to:

- Channel student housing uses and developments in the following locations:
  - Zone 1. Within The Phoenix Precinct identified in Clause 22.06 of the planning scheme.
  - Zone 2. Within selected Housing Diversity Areas (identified in Clause 22.07 of the planning scheme) generally with direct public transport to Monash University, Caulfield campus. These include:
    - Carnegie Urban Village.
    - Murrumbeena Neighbourhood Centre.
    - Hughesdale Neighbourhood Centre.
    - Caulfield North Neighbourhood Centre.
    - Glen Huntly Neighbourhood Centre.
    - Ormond Neighbourhood Centre.

Moorabbin Neighbourhood Centre on South Road is also included in Zone 2 due to its proximity to Holmesglen Institute of TAFE.

- Give preference to locating student housing, in order of priority, in Zone 1 and then Zone 2.
- Not give preference to locating student housing in all remaining Housing Diversity Areas (identified in Clause 22.07 of the planning scheme).
- Discourage the location of student housing in Minimal Change Areas identified in Clause 22.08 of the planning scheme.

### **Amenity**

It is policy to:

- Ensure that the internal design and layout of student housing (in particular the design of bathroom and toilet facilities) takes into account any social, cultural and religious requirements that student residents may have.
- Ensure each student resident enjoys a private personal space in a habitable room to sleep and study.
- Ensure that lighting of communal internal and external access areas is adequate.
- Ensure each student resident has access to either a centrally located communal open space area and/or a private open space area that are well designed, safe, available, accessible and useful and can be efficiently maintained. The provision of a reduced requirement of private open space per bedroom will be considered.

One way to comply with this policy would be by providing an area, preferably at ground level, of communal open space:

- at a ratio of 2.5m<sup>2</sup> per bed; and
- in a maximum of two parcels, each parcel with a minimum dimension of 3 metres.
- Allow solar access into the communal open space area of student housing use and developments.

One way to comply with this policy would be by ensuring that:

- the communal open space is located on the north side of the building, if practicable; and
- the southern boundary of the communal open space is set back from any wall on the north of the space at least (2+0.9h) metres, where 'h' is the height of the wall.
- Design each habitable room in a student housing use or development so that it is not excessively over looked by another room in the same building or by adjoining properties.
- Require the student housing to address potential offsite impacts including noise attenuation; waste disposal; parking requirements and neighbourhood character.

- Ensure that the internal design of the student housing enables every habitable room to have direct access to light and fresh air.
- Ensure that each habitable room in student housing is large enough for a desk, computer, bed, book shelves, wardrobe, and other storage space and pin board.
- Ensure the provision of laundry and drying facilities in student housing.
- Encourage the provision of facilities in student housing (e.g. shared kitchen, dining area, sitting room, common/recreation room, exercise room) that promote student interaction and provide for community extension.
- Encourage larger developments to provide a range of facilities including student services such as pastoral care, recreational, communal activities and where possible, integration of commercial and publicly accessible facilities.

**Design and siting**

It is policy to:

- Apply the design and siting parameters in the following local policies to student housing developments in the following locations:
  - The Urban Villages Policy (Clause 22.05) within Bentleigh, Carnegie and Elsternwick Urban Villages;
  - The Phoenix Precinct Policy (Clause 22.06) within the Phoenix Precinct;
  - The Housing Diversity Areas Policy (Clause 22.07) within the Housing Diversity Areas.

**Car parking**

It is policy to:

- Require a safe and accessible area to be specifically set aside for bicycle parking in every development.

Ways of complying with this policy would be by:

- Providing bicycle storage facilities at the rate of one bicycle storage for every three beds.
- Locating bicycle storage facilities to avoid access via steps and to be accessible to pedestrian entrances.
- Locating bicycle storage away from areas of high pedestrian use and vehicle traffic for maximum safety.
- Require any permit application for student housing to be accompanied by a Traffic and Parking Impact Report by a qualified traffic engineer (unless deemed unnecessary by the responsible authority).
- Require a number of car parking spaces that is commensurate with the reduced car ownership pattern of students and the strategic location of the proposed student housing (i.e. close to the tertiary institution or public transport).

Provided it is justified by the Traffic and Parking Impact Report to the satisfaction of the responsible authority, this policy may be met by providing the following carparking in the particular student housing zones:

LOCATION	STUDENT HOUSINGS
Zone 1 – Phoenix Precinct	Less than 0.3 car spaces per bed.
Zone 2 Carnegie; Caulfield North; Glen Huntly; Hughesdale; Murrumbeena; Ormond and Moorabbin activity centres	0.3 – 0.5 car spaces per bed. Proposals in the commercial areas of these centres will be considered at the lower end of this range, proposals in residential areas of these centres will be considered at the higher

	end of this range.
All other remaining Housing Diversity Areas (identified in Clause 22.07 in the planning scheme)	More than 0.5 car spaces per bed.

- Not issue resident’s parking permits to residents of student housing.

**Management**

It is policy to:

- Ensure ongoing management arrangements are in place to enable the proper and appropriate use of a student housing facility.
- Require the landowner to enter into an Agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that includes the following:
  - That no person may reside in the student housing unless that person is a student, whether part time, full time or short term, or resides at the student housing in a supervisory, management or caretaker capacity.
  - That the car spaces must be associated with the use of the student housing and not subdivided or sold separate from the student housing.
  - That the number of students residing on site who own cars, shall not exceed the number of on site car spaces provided by the development.
  - A Management Plan approved by the responsible authority. Such plan must make provision for, amongst other matters, a suitably qualified full time manager to be available to the site, 24 hours per day, 7 days per week (manager’s contact details to be displayed in a manner that is visible to any person entering the site).
  - Should the land cease to be used for student housing that a new planning permit may be required for an alternative use. It is noted that any dispensations for on site car parking given to the student housing development are not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with planning scheme car parking requirements.
  - The owner of the property to be developed and/or used as student housing must pay all of the responsible authority’s reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.
- Require a Management Plan be submitted and to form part of the Section 173 Agreement, before the use of the student housing commences.

The Management Plan should include any requirements of the responsible authority including but not limited to:

- A standard lease for the student dwellings.
- The nature of the management of the complex and contact details and experience of the caretaker/live in manager.
- The means by which car spaces are to be allocated and a register that documents allocation of these spaces.
- Rules regarding occupancy and behaviour of residents and visitors and grievance procedures.
- Inter resident disputes resolution process.
- Social activity/community engagement protocols.
- Cultural awareness procedures.
- Room allocation process (if more than one student is sharing room/apartment).
- Critical Incident Management Protocols.
- Emergency and evacuation procedures.
- Maintenance and cleaning schedules.

- Details of management procedures over holiday periods.
- Details of rubbish bin storage and collection.

The inclusion of these or other additional requirements in the Management Plan will depend on the individual circumstances of the use/development and in particular whether the use/development is located within an existing residential or commercial area.

- Require the approved Management Plan to be permanently displayed in a common area of the student housing building.
- Require that in developments exceeding 20 beds, a caretaker or live-in manager be employed, whose role will include ensuring that the student housing does not cause or contribute to detrimental amenity impacts on the surrounding area.
- Require the permit applicant to submit details of any previous experience in constructing or managing student accommodation.

#### **22.09-4 Decision Guidelines**

19/01/2006  
VC37

In assessing applications the responsible authority will consider:

- The extent to which use and developments meet the objectives of this policy.
- Whether the development is appropriately located in relation to the prioritised list of preferred locations in the policy.
- The adequacy of the management plan to ensure a safe, pleasant environment for residents and minimise negative off site impacts.
- Whether there is adequate car parking provision.
- Whether the development includes the provision of indoor and outdoor social interaction areas such as common rooms and open spaces.
- The provision, safety and security of bicycle parking facilities.
- Any traffic impacts.
- Whether the development provides adequate support services to assist students.

#### **22.09 -5 Reference documents**

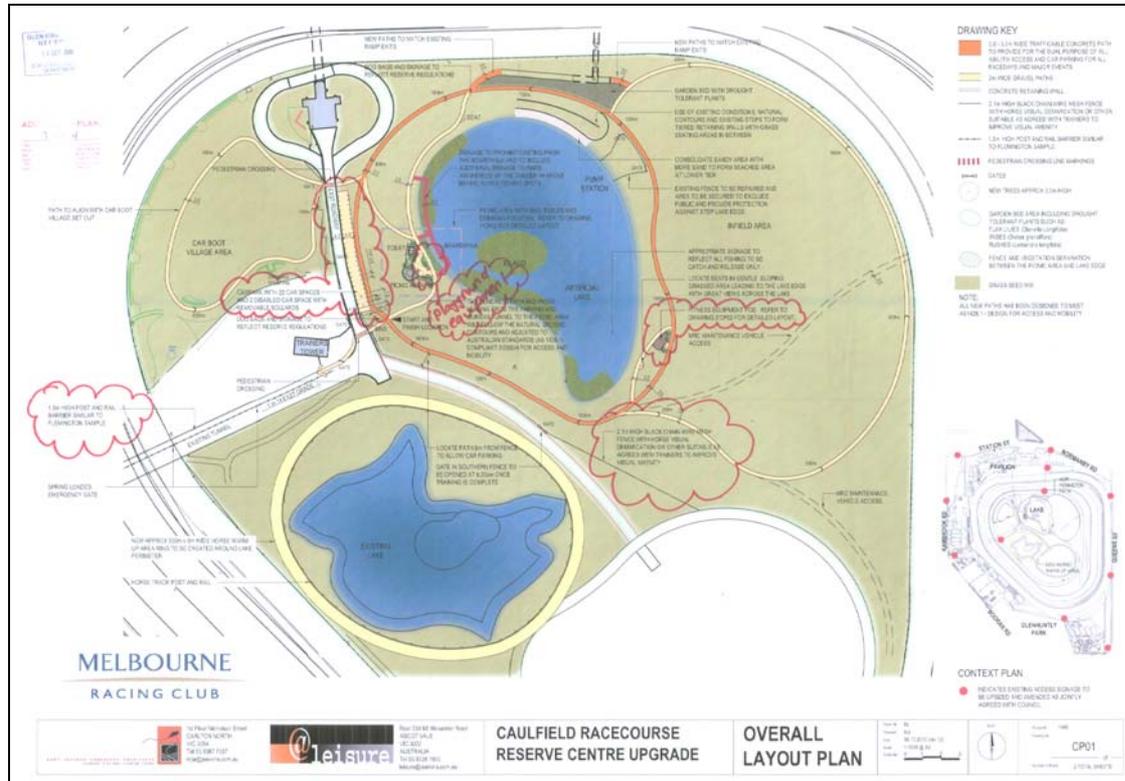
19/01/2006  
VC37

Housing and Residential Development Strategy, Glen Eira City Council, 2002

Item 5.2

31 Station Street, East Caulfield  
APPLICATION NO. GE/PP-23061/2010

File No:TP01/164/043300G  
Enquiries: Effie Tangelakis  
Team Leader Statutory Planning



**APPLICATION SUMMARY**

<b>PROPOSAL</b>	Buildings and works in the centre of the racecourse/reserve for the construction of a carparking area, amenities, playground equipment and sporting/fitness equipment and fencing.
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Planning Permit
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Form/location of the building and works</li> <li>Use of the building/site</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Phoenix Precinct
<b>APPLICANT</b>	Melbourne Racing Club
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>Public Park and Recreation Zone</li> </ul>
<b>EXISTING LAND USE</b>	Racecourse/public recreation reserve/park
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>432 notices sent (owners and occupiers)</li> <li>28 signs erected on site</li> <li>1 Notice of the application placed in the Caulfield Leader</li> <li>7 objections received</li> </ul>

**Item 5.2 (cont'd)**

**1. Community Plan**

- **Development and Planning**
- **Open Space, Recreation and Leisure:** to enhance the recreation, leisure and sporting facilities in Glen Eira so as to improve community well being.

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for buildings and works in the centre of the Reserve for the construction of a carparking area, amenities, playground and sporting/fitness equipment and fencing for Application No. GE/PP-23061/2010 in accordance with the conditions contained in the Appendix.

**3. Applicable Policies and Codes**

State Government

- Melbourne 2030 – Major Activity Centre

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999.

**4. Reasons For Recommendation**

In recommending that Council determines to approve the proposal, consideration has been given to:

- All written objections and matters raised at the planning conference
- Council's MSS

The key issues influencing the recommendation are as follows:

**Council permission sought for buildings and works**

The application is for the construction of buildings/works associated with recreation (i.e playground, fitness and sporting equipment etc) only. It is not for the use of the land for recreation purposes as the use is as of right. As such Council cannot control the use of the land in any manner by conditions of permit. Independent legal advice sought by Council's Planning Department during the process confirms this opinion.

Accordingly, Council's assessment of the proposal is limited to the appearance, location and scale of the works. On each of these tests, it is considered that the proposed works are reasonable, site responsive, and an in an appropriate location central to the Reserve.

**Item 5.2 (cont'd)**

It is intended that the playground, sporting and fitness equipment, amenities and the carpark be available for public use. Recreation opportunities for the community will be enhanced as result. Parking will be provided alongside the new facilities in order to maximize use and convenience of access for the public. The provision of on-site car parking (24) is not a relevant consideration, as this is a use component. However Council's Traffic Engineering Department recommends some conditions to improve the proposed car parking area. These form conditions in the Appendix.

**The Crown Grant**

The Crown Grant affecting the land permanently reserves the land for "*Race Course Public Recreation Ground and Public Park*". This is a restriction on the use of the land, and does not affect the assessment of the current application for buildings and works since its use will be available to the public for park and recreation purposes.

**MRC Master-plan (Amendment C60)**

The MRC is undertaking an amendment which involves rezoning of its land holdings and crown land north of Station Street. No part of the racecourse or public reserve is affected. The current planning permit application before Council is a separate process to the Masterplan/amendment process, and is on separate land central to the racecourse/public reserve.

Item 5.2 (cont'd)

## APPENDIX

**ADDRESS: 31 Station Street, East Caulfield**  
**APPLICATION NO: GE/PP-23061/2010**

### 1. Proposal

(Refer to attached plans)

Features of the proposal include:

- Construction of the carpark to be located towards the west of the Reserve.
- The construction of amenities.
- Construction of the playground equipment towards the west of the northern most lake.
- Construction of the fitness equipment towards the east of the Reserve.
- Buildings and works associated with the proposed fencing around the Reserve.

### 2. Public Notice

- 432 notices sent (owners and occupiers)
- 28 signs erected on site
- 1 Notice of the application placed in the Caulfield Leader
- 7 objections received

The objectors' concerns are summarised as follows:

- The proposed works do not contribute to the area as they will restrict access to the site due to the new fencing and paved areas;
- The works contribute to the visual clutter of the land;
- The proposed carparking area will be for users of other events on the land;
- The application is not for genuine recreational purposes;
- There is no need to provide a "fun and fitness" area because it will be seldom used and Caulfield Park already has one;
- The land is Crown land and is meant to be used also as a public park not just for horse racing.

### 3. Referrals

The application has been referred to various departments and individuals within Council for advice on particular issues. The following is a summary of relevant advice:

#### *Traffic Engineering*

- The car spaces need to be dimensioned and surfaced with either asphalt or gravel, including the crossover/s.

**Item 5.2 (cont'd)**

*Recreation*

- Shade structures and more equipment should be provided.

*Department of Sustainability and Environment*

- The application was referred to the Public Land Manager (Department of Sustainability and Environment) who did not object.
- Written consent for the proposed buildings and works was provided.

**4. Planning Conference**

The Conference, chaired by Cr Magee, provided a forum where all interested parties could elaborate on their respective views. The objectors mainly emphasised their original reasons for objection. It is considered that the main issues arising from the discussions were:

- A carpark in the middle of the a park is inappropriate – it should be underground;
- There shouldn't be any fencing proposed as it will restrict access to the park;
- Land is being taken from the public by the applicants;
- Concrete paths are inappropriate as cars will park there;
- The "Queens Caveat" is being breached;
- The application does not reflect community needs.
- The purpose of the land is as a public park not a racetrack.
- The tunnel is not suitable for pedestrians;

**5. Conditions**

1. Before the commencement of the buildings/works, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application identified as Project ID 1465, sheets CP01 and CP02, dated 8/10/2010 and Mary Jeavons Landscape Architects but modified to show:
  - (a) The carspaces dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme (including the disabled carspaces).
  - (b) The parking lot surfaced with either asphalt/gravel or otherwise, to the satisfaction of the Responsible Authority.
  - (c) Reference to "car boot village area" removed from the plans.

When approved, the plans will be endorsed and will then form part of this Permit.

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Note: This does not obviate the need for a permit where one is required.

**Item 5.2 (cont'd)**

3. This Permit will expire if:

- \* The buildings/works do not start within two (2) years from the date of this Permit; or
- \* The buildings/works are not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

**NOTES:**

A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.

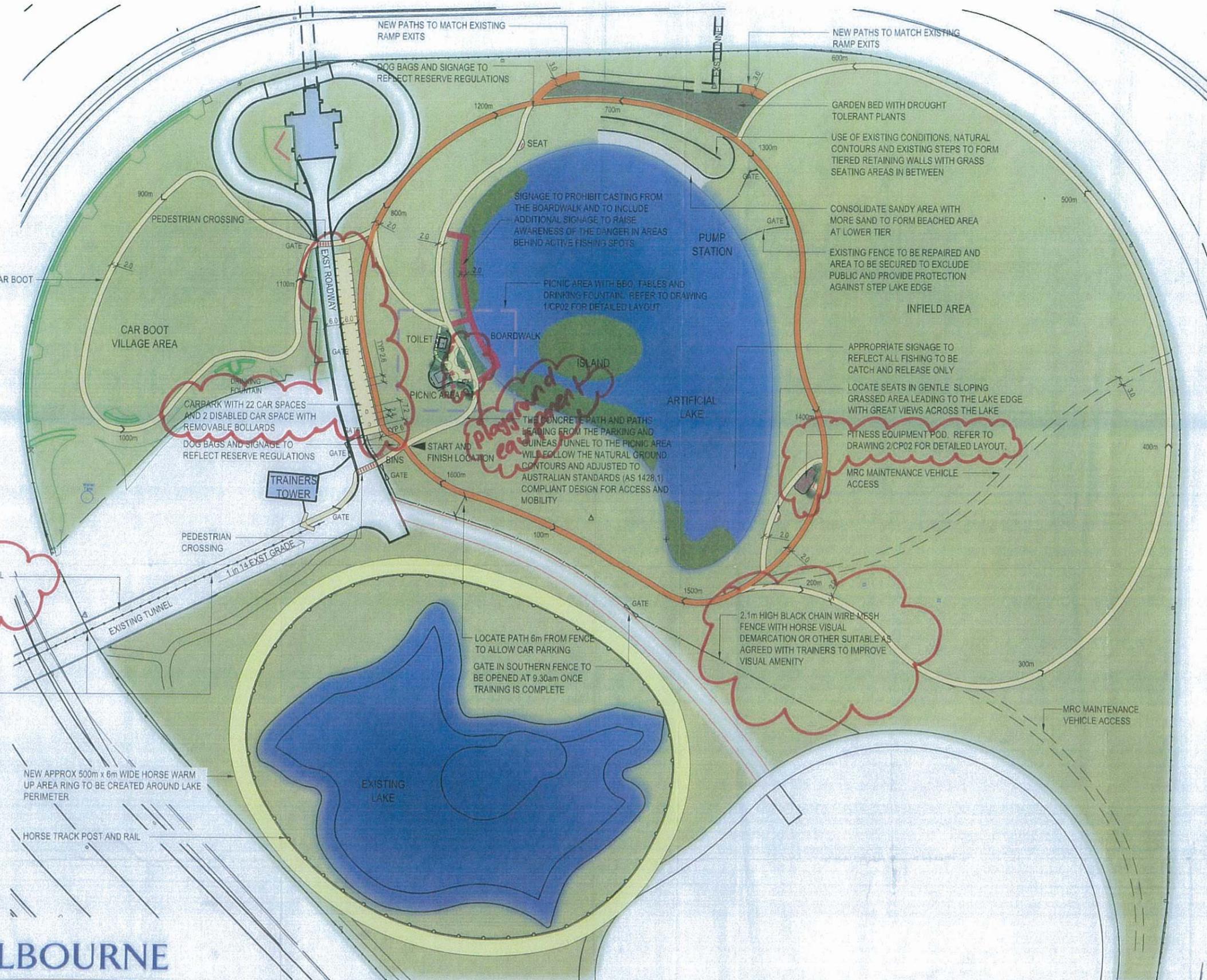
B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

C. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

E. The Crown Grant affecting the land permanently reserves the land for “*Race Course Public Recreation Ground and Public Park*”.

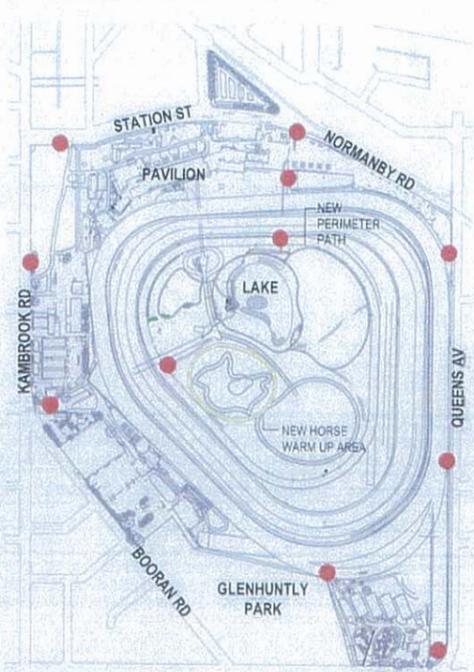
This plan is a design for the site, subject to the approval of the Council and the relevant authorities. It is not to be used for any purpose other than that for which it is intended.



- DRAWING KEY**
- 2.0 - 3.0m WIDE TRAFFICABLE CONCRETE PATH TO PROVIDE FOR THE DUAL PURPOSE OF ALL ABILITY ACCESS AND CAR PARKING FOR ALL RACEDAYS AND MAJOR EVENTS
  - 2m WIDE GRAVEL PATHS
  - CONCRETE RETAINING WALL
  - 2.1m HIGH BLACK CHAIN WIRE MESH FENCE WITH HORSE VISUAL DEMARCATION OR OTHER SUITABLE AS AGREED WITH TRAINERS TO IMPROVE VISUAL AMENITY
  - 1.5m HIGH POST AND RAIL BARRIER SIMILAR TO FLEMINGTON SAMPLE
  - PEDESTRIAN CROSSING LINE MARKINGS
  - GATES
  - NEW TREES APPROX 3.0m HIGH
  - GARDEN BED AREA INCLUDING DROUGHT TOLERANT PLANTS SUCH AS:  
FLAX LILIES (Dianella longifolia)  
IRISES (Dietles grandiflora)  
RUSHES (Lomandra longifolia)
  - FENCE AND VEGETATION SEPARATION BETWEEN THE PICNIC AREA AND LAKE EDGE
  - GRASS SEED MIX
- NOTE:**  
ALL NEW PATHS HAS BEEN DESIGNED TO MEET AS1428.1 - DESIGN FOR ACCESS AND MOBILITY

1.5m HIGH POST AND RAIL BARRIER SIMILAR TO FLEMINGTON SAMPLE

Play and eat area



**CONTEXT PLAN**

● INDICATES EXISTING ACCESS SIGNAGE TO BE UPSIZED AND AMENDED AS JOINTLY AGREED WITH COUNCIL

**MELBOURNE RACING CLUB**

1st Floor Nicholson Street  
CARLTON NORTH  
VIC 3054  
Tel 03 9387 7337  
mja@jeavons.com.au

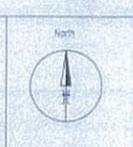


Rear 534 Mt Alexander Road  
ASCOT VALE  
VIC 3032  
AUSTRALIA  
Tel 03 9326 1662  
leisure@jeavons.com.au

**CAULFIELD RACECOURSE RESERVE CENTRE UPGRADE**

**OVERALL LAYOUT PLAN**

Drawn By: KL  
Checked: MJ  
Date: 08.10.2010 (rev 12)  
Scale: 1:1000 @ A2  
Scale Bar: 0 1 2 3



Project ID: 1465  
Drawing No: CP01  
Number of Sheets: 2 TOTAL SHEETS

**NOTES:**

1. SHADOWS ARE SHOWN INDICATIVELY TO ILLUSTRATE TIME AT APPROX 3PM.

ACCESSIBLE PATH TO BOARDWALK

LOW SEATING RETAINING WALL (MAX 500mm HIGH)

2 x UNISEX TOILETS / BABY CHANGE / DISABLED TOILETS WITH FLAT ROOF SHADE STRUCTURE

LOW SEATING RETAINING WALL (MAX 500mm HIGH)

PLAY EQUIPMENT WITH FLAT ROOF SHADE STRUCTURE. REFER TO IMAGE A.

SHADED PICNIC AREA WITH BBQ, TABLES AND DRINKING FOUNTAIN WITHIN GRAVEL SURFACED AREA. NEW MATURE TREES (MAX 3m HIGH) AND TUSSOCK PLANTING WILL PROVIDE SOME WIND SCREENING AND SHADE WITHOUT OBSCURING VIEWS FROM THE TRAINERS TOWER

NEW BOARDWALK WITH SIGNAGE TO PROHIBIT CASTING FROM THE BOARDWALK AND TO INCLUDE ADDITIONAL SIGNAGE TO RAISE AWARENESS OF THE DANGER IN AREAS BEHIND ACTIVE FISHING SPOTS

FENCE AND VEGETATION SEPARATION BETWEEN THE PICNIC AREA AND THE LAKE EDGE

OUTLINE OF FORMER BOARDWALK

SEAT

BOARDWALK TO FINISH FLUSH WITH ADJACENT PATH SURFACE

ACCESSIBLE PATH FROM NEW CARPARK TO BOARDWALK

**1 PICNIC AREA DETAILED LAYOUT PLAN**

CP02 SCALE 1:200 @ A2

NEW BOARDWALK WITH SIGNAGE TO PROHIBIT CASTING FROM THE BOARDWALK AND TO INCLUDE ADDITIONAL SIGNAGE TO RAISE AWARENESS OF THE DANGER IN AREAS BEHIND ACTIVE FISHING SPOTS

FENCE AND VEGETATION SEPARATION BETWEEN THE PICNIC AREA AND THE LAKE EDGE

**ILLUSTRATION A:**

ILLUSTRATION OF REFURBISHED BOARDWALK WITH ADJACENT PICNIC AREA LOOKING SOUTH

PICNIC AREA WITH BBQ, TABLES AND DRINKING FOUNTAIN WITHIN GRAVEL SURFACED AREA. NEW MATURE TREES (MAX 3m HIGH) AND TUSSOCK PLANTING WILL PROVIDE SOME WIND SCREENING AND SHADE WITHOUT OBSCURING VIEWS FROM THE TRAINERS TOWER

**ADVERTISED PLAN**

The council document is made available for the purpose of enabling its contents to be reviewed as part of a strategic process under the Planning and Environment Act 1987. The document must not be used for any other purpose without the council's permission.

2 x UNISEX TOILETS / BABY CHANGE / DISABLED TOILETS WITH FLAT ROOF SHADE STRUCTURE

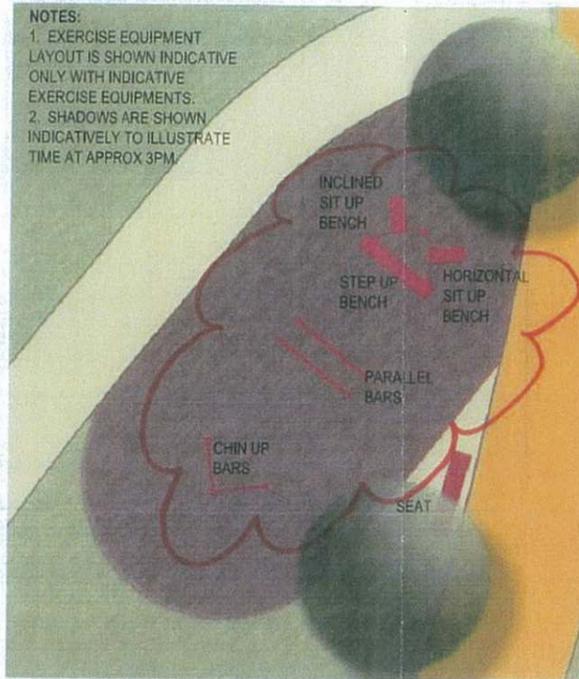
CAULFIELD RACECOURSE RESERVE  
01 OCT 2010  
STATISTICAL PLANNING DEPARTMENT

**ILLUSTRATION B:**  
MILE MARKERS ALONG TRAIL WITH HORSE SHOES OR BRUSHED METAL PLATES ON SIDE OF THE PATHS



EXAMPLE OF PLAY EQUIPMENT OR SIMILAR APPROVED

**NOTES:**  
1. EXERCISE EQUIPMENT LAYOUT IS SHOWN INDICATIVE ONLY WITH INDICATIVE EXERCISE EQUIPMENTS.  
2. SHADOWS ARE SHOWN INDICATIVELY TO ILLUSTRATE TIME AT APPROX 3PM.



**2 EXERCISE EQUIPMENT AREA DETAILED LAYOUT PLAN**

CP02 SCALE 1:100 @ A2



EXAMPLE OF SIT UP BENCH



EXAMPLE OF PARALLEL BARS



EXAMPLE OF CHIN UP BAR STATION

**MELBOURNE RACING CLUB**

MARY JEAVONS LANDSCAPE ARCHITECTS LANDSCAPE PLAY AREA PLANNING DESIGN

1st Floor Nicholson Street  
CARLTON NORTH  
VIC 3054  
Tel 03 9387 7337  
mja@jeavons.com.au



Rear 534 Mt Alexander Road  
ASCOT VALE  
VIC 3032  
AUSTRALIA  
Tel 03 9326 1662

**CAULFIELD RACECOURSE RESERVE CENTRE UPGRADE**

**DETAILED LAYOUT PLAN**

Drawn By: KL  
Checked: MJ  
Date: 23.07.2010 (rev 11)  
Scale: AS SHOWN @ A2  
Scale Bar: 0 1 2 3  
CAD File Name:



Project ID: 1465  
Drawing No: CP02  
of

**6. CLOSURE OF MEETING**