



Planning and Environment Act 1987

Panel Report

Whitehorse Planning Scheme

Amendment C123

Crossway Baptist Church

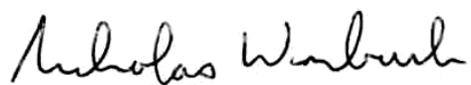
24 April 2013

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Whitehorse Planning Scheme Amendment C123

Crossway Baptist Church



Nick Wimbush, Chair



John Ostroff, Member



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List of Abbreviations

AHD	Australian Height Datum
B2Z	Business 2 Zone
Crossway	Crossway Baptist Church Inc.
DoT	Department of Transport
DPCD	Department of Planning and Community Development
DPO	Development Plan Overlay
DSE	Department of Sustainability and Environment
Dv	Drive
EPA	Environment Protection Authority Victoria
ESL	English as a Second Language
LFG	Landfill Gas
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MAC	Major Activity Centre
MSS	Municipal Strategic Statement
PPM	parts per million
PTV	Public Transport Victoria
R1Z	Residential 1 Zone
SBO	Special Building Overlay
SPPF	State Planning Policy Framework
UDF	Urban Design Framework
VPP	Victoria Planning Provisions

Executive Summary

Crossway Baptist Church Inc. (Crossway) has operated on the subject site, 2-18 and 27-29 Vision Drive and 709 Highbury Road, Burwood East since 1995 and in recent years has experienced significant growth. The Amendment provides the framework for the expansion of the site in the context of a growing church community.

The land is currently zoned Business 2 (B2Z), and is part of the Tally Ho Major Activity Centre (MAC). To the north is the Tally Ho Business Park, also zoned B2Z. Land to the west, east (across Springvale Road) and south (across Highbury Road in the City of Monash) is zoned Residential 1 (R1Z).

The Church's vision for development of the site is encapsulated in the Master Plan prepared by Studio B Architects and Scenic Spectrums in 2011. Whitehorse City Council and Crossway intend that the Master Plan (comprising a planning and traffic report and plans) will fulfil the requirements of the Development Plan for the Development Plan Overlay Schedule 4 (DPO4) to be applied over the land. The proposed key elements in the Master Plan include five auditoriums, an enlarged children's centre, an ancillary book shop and café and additional car parking.

Traffic management arrangements and environment and landscaping works will be required. Development of the facilities is proposed to be staged in accordance with the Master Plan.

Thirteen submissions were received, nine from residents in the vicinity and four from Government agencies. Submissions from local residents generally related to traffic, parking and amenity issues.

Having considered the Amendment, the Panel is of the view that it is strongly supported in State and local policy. There are a number of issues that can be addressed through the Development Plan and subsequent permits, and the Panel has made a number of recommended changes to the DPO4 Schedule to improve its operation.

Based on the reasons set out in this Report, the Panel recommends:

Adopt Whitehorse Planning Scheme Amendment C123 as exhibited subject to the application of the Development Plan Overlay Schedule 4 shown in Appendix D to this report.

1 Background

1.1 The Amendment

Whitehorse Planning Scheme Amendment C123 proposes to introduce the Development Plan Overlay Schedule 4 (DPO4) into the Whitehorse Planning Scheme and apply the overlay to the land at 2-18 and 27-29 Vision Drive and 709 Highbury Road, Burwood East (see Figure 1 below). The Amendment's purpose is to provide the planning framework to allow the future development of church facilities on site to accommodate a growing congregation.

The land is currently zoned Business 2 (B2Z), is part of the Tally Ho Major Activity Centre (MAC) and is approximately 5.5ha in size. To the north is the Tally Ho Business Park, also zoned B2Z. Land to the west, east (across Springvale Road) and south (across Highbury Road in the City of Monash) is zoned Residential 1 (R1Z). The zoning is shown in Figure 2.

The Planning Authority is Whitehorse City Council and the Proponent is Crossway Baptist Church Inc. (Crossway).

Figure 1 Proposed Development Plan Overlay

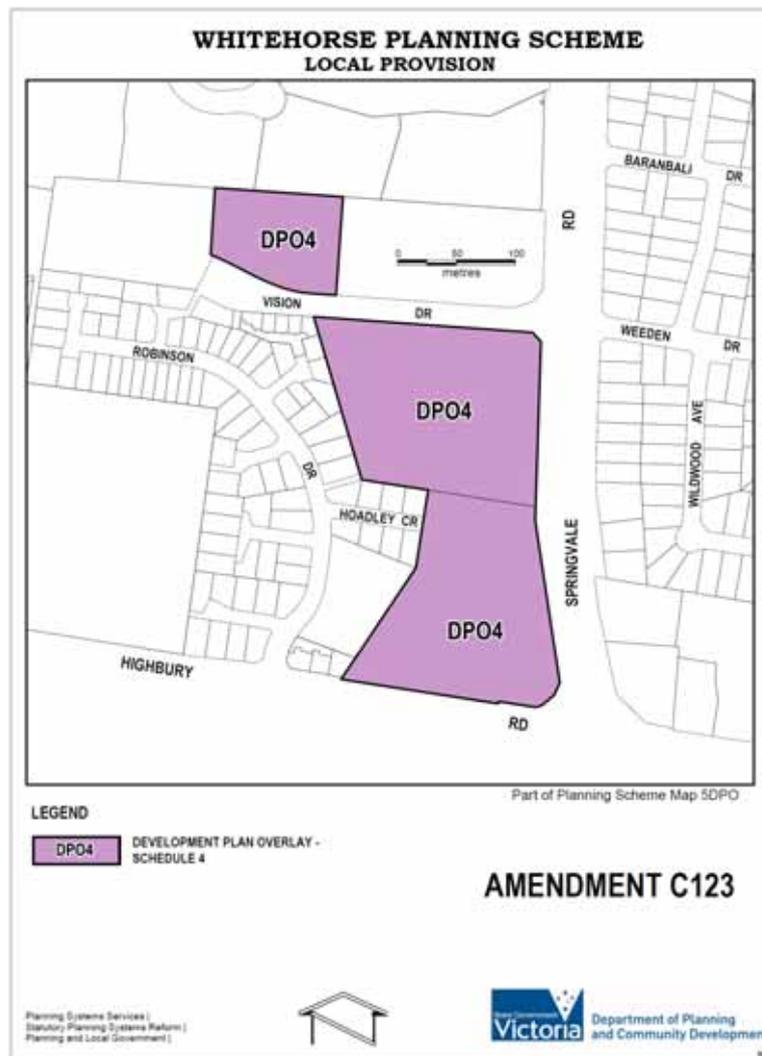
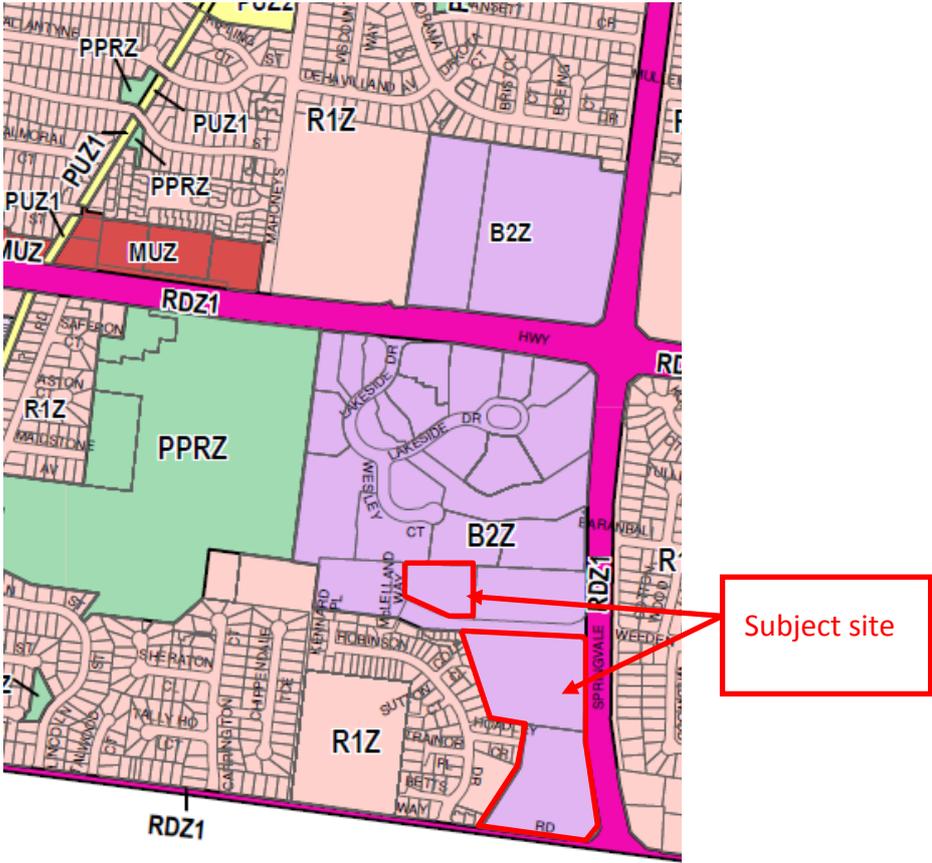


Figure 2 Part of Planning Scheme Map 5, Zoning



1.2 Background to the Amendment

Crossway has operated on the site since the 1990s and is experiencing significant growth. At the Hearing Senior Pastor Dale Stephenson outlined some of the key church statistics for the Panel, including:

- Regular weekly church attendance in the order of 4,000 people which is expected to grow to 10,000;
- A broader church community in the order of 8,000 people; and
- Over 100 people employed by the church equating to nearly 70 full time equivalent positions.

Pastor Stephenson also outlined the broad role the church plays in the community including:

- Church services for a diverse range of ages;
- Childcare during services for all ages;
- A strongly cross cultural community with church members from Caucasian, Asian, African, and Middle Eastern backgrounds including English as a Second language (ESL) church services and English teaching; and
- Extensive outreach programs aimed at such areas as:
 - life coaching with schools;
 - divorce recovery;
 - domestic violence;
 - life skills and budget management; and

-
- professional counselling in a range of areas.

Pastor Stephenson indicated that Crossway is restricted in the services it can provide in the current facilities. The current facilities include:¹

- 1,000 seat auditorium;
- Children's centre;
- 250 seat chapel;
- Counselling centre;
- Entry and foyer including cafe and bookshop; and
- Staff offices.

The site currently contains car parking as follows:²

- The car park west of the church building provides approximately 249 spaces;
- South of the existing church buildings are approximately 306 informal at-grade spaces; and
- An at-grade car park accommodates 278 cars at 27-29 Vision Drive.

In addition, Crossway has a reciprocal parking arrangement with World Vision on the north side of Vision Drive.

The church's vision for development of the site is encapsulated in the Master Plan prepared by Studio B Architects and Scenic Spectrums in 2011. The plan is shown in Figure 3. The intention is that the Master Plan (comprising a planning and traffic report and plans) will fulfil the requirements of the Development Plan for the DPO4.

In its submission at the hearing, Council summarised the proposed key elements in the Master Plan:³

Five auditoriums providing for:

- 2500 seats (worship services, concerts, drama performances and conferences),
- 1000 seats (services, concerts and conferences),
- 500 seats (smaller conferences, associated kitchen facilities),
- 245 seats and 230 seats (smaller gatherings, informal discussions),

An enlarged children's centre (youth groups and crèche),

A new Life Care centre – interview rooms, group and individual counselling, welfare support and training,

Ancillary book shop and cafe,

Staff facilities including offices, board room, staff room and interview rooms,

Additional car parking provided via:

- *A two level 300 space car park with associated landscaping and an overflow car park of 30 spaces; and*

¹ From Summary Report for Masterplan prepared by Studio B Architects, October 2011.

² Figures taken from Traffix Group traffic report at page 13.

³ Council submission at page 10.

- A multi level car park with 1250 spaces at 27-29 Vision Drive (to be used for both church and commercial purposes).⁴

Traffic management arrangements and environment and landscaping works will also be required. Development of the facilities is proposed to be staged in accordance with the Master Plan.

Council adopted an Urban Design Framework (UDF) for the Tally Ho MAC on 16 April 2007. Crossway held a concurrent exhibition of their draft master plan (which includes the future expansion of the church) during Council's exhibition of the UDF.

Figure 3 Master Plan showing staging⁵



⁴ The Traffix Group report also suggests 44 informal spaces will be provided south of the new Church buildings.

⁵ Taken from Studio B slides in Hearing.

1.3 Exhibition and submissions

The Amendment was exhibited between 26 April and 28 May 2012. Thirteen submissions were received, nine from residents in the vicinity and four from Government agencies.

The Panel has considered all written and oral submissions and all material presented to it in connection with this matter. Issues raised in submissions are addressed in following chapters of this report.

The Panel heard the parties listed in Table 1.

Table 1 Parties at the Panel Hearing

Submitter	Represented by
Whitehorse City Council	Ms Pamela Neivandt and Ms Allison Egan of Whitehorse City Council
Crossway Baptist Church	Mr Peter Tesdorpf of Land Use Town Planning Services, Mr Russell Oettinger, Mr Max Warren, Pastor Dale Stephenson, Crossway Baptist Church, who called the following expert witnesses: <ul style="list-style-type: none">- Ms Charmaine Dunstan of Traffix Group in traffic engineering; and- Mr Fred Batterton of Studio B Architects in architecture and urban design
VicRoads	Mr Michael Freeman

A list of all submitters is included in Appendix A.

1.4 The Panel

This Panel was appointed under delegation on the 27 December 2012 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987*.

The Panel consisted of:

- Nick Wimbush (Chair); and
- John Ostroff (Member).

1.5 Hearings and inspections

Directions Hearings were held on 18 October 2012 and 19 February 2013 at the Whitehorse Civic Centre in Nunawading. The Panel Hearings was held on 26 March 2013 at the same location.

The Panel inspected the site and surrounding areas, making a number of unaccompanied inspections. An accompanied inspection with Mr Russell Oettinger from Crossway was undertaken on Sunday 17 March 2013. These inspections covered the following issues and areas:

- Traffic and parking on-site and in the surrounding areas during and between busy Sunday services;
- The operation of Crossway during a peak Sunday service; and
- The relationship of the site to surrounding land uses.

1.6 Procedural issues

(i) Panel constitution

The Panel was originally appointed under delegation on the 27 September 2012 with a Panel that consisted of Ms Margaret Baird (Chair) and Mr John Ostroff (Member). A Directions Hearing was held on 18 October 2012 at the Whitehorse Civic Centre. At that Hearing, Crossway Baptist Church requested that the Hearing scheduled for 4-6 December 2012 be adjourned. The reason for the request was to enable the Church to engage new traffic consultants, to prepare a new traffic impact assessment, and to complete several other technical investigations. The Council consented to the adjournment request.

The Panel scheduled a further Directions Hearing to be held on 19 February 2013. As the Chair Ms Margaret Baird was not available on the scheduled dates, the Panel was reconstituted with Mr Nick Wimbush as Chair. Mr John Ostroff continued as Member of the Panel.

(ii) Reports associated with the Amendment

At the Directions Hearing held on 19 February 2013, Crossway indicated that the new traffic report was not complete but would be within a few weeks. As it was indicated that the new report would be significantly revised from the original CPG report, and a number of third party submitters raised traffic as an issue, the Panel directed that it be provided to submitters for further comment. Given that traffic has been a significant issue from the start rather than a new issue, the Panel did not consider that additional notice was warranted.

The Panel provided notice of the additional report (prepared by the Traffix Group) to submitters in correspondence dated 8 March 2013. No additional comments were received from submitters.

Additional material was also received in relation to the landfill gas and flooding issues. As these were issues raised only by Government agencies, the Panel did not require further notice of these to be given.

All these issues are addressed in this Panel report.

1.7 Further directions

At the close of Hearings on 26 March 2013, the Panel made verbal directions that Council and Crossway provide the Panel with a 'track changes' version(s) of the DPO4 Schedule with their comments and areas of agreement and disagreement shown. These documents were provided to the Panel on 10 and 11 April 2013 and have been considered in the preparation of this report.

1.8 Issues addressed in this report

Having reviewed the original submission and material received at the Hearing, the Panel addresses the following matters in more detail in this report:

- Planning context;
- Traffic and parking;
- The former Waverley landfill;

-
- Flooding; and
 - Other issues
 - Design and built form;
 - Noise;
 - Overlooking.

A revised, recommended DPO4 Schedule is provided in Appendix D.

2 Planning context

2.1 Introduction

The activities of the church are defined as a 'Place of Worship', which falls under the broader definition of 'Place of Assembly', and is a Section 2 (discretionary) use in the Business 2 Zone.

Crossway has been operating on the site since 1995, and both Council and Crossway submitted that there is strong planning policy support for the Church's activities.

2.2 State Planning Policy Framework

The following sections of the State Planning Policy Framework were identified as relevant to the amendment (some sections are paraphrased from Council's and the Crossway submissions):

Clause 11.01-2 Activity Centre Planning which supports *...the concentration of major residential, commercial, administrative, entertainment and cultural developments into activity centres.*

Crossway submitted that the proposal will assist in achieving the objectives in the following ways:

- *Broaden the mix of uses in activity centres to include a range of services over long hours;*
- *Provide a focus for business, shopping, working, leisure and community facilities;*
- *Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of...Major Activity Centres with good public transport; and*
- *Improve the social, economic and environmental performance and amenity of activity centres.*

Clause 11.04-3 Employment corridors as the proposal will *...provide opportunities for substantial employment creation linked by high capacity public transport and connected to Central Activities Districts and growing outer areas.*

Clause 15.01-2 Urban design principles which sets out the urban design principles applicable to new development. Crossway submitted the following:

- *The site is within a major activity centre, the use is appropriate for this context and the land is more than sufficiently large to accommodate the facilities;*
- *An urban design framework has been prepared for the activity centre and the Crossway master plan is consistent with the UDF;*
- *A comprehensive site analysis...has been prepared as part of the Crossway master plan;*
- *Public realm and safety issues have been addressed in the master plan;*
- *Issues relevant to landmarks, views and vistas and pedestrian spaces have been addressed in the master plan;*

-
- *Architectural quality and Landscape quality issues have been addressed in the master plan.*

Clause 15.01-5 *Cultural identity and neighbourhood character as the proposal ...Recognise(s) and protect(s) cultural identity, neighbourhood character and sense of place.*

Clause 15.02 *Sustainable Development has been met as the master plan exhibits a very high level sustainable design features...*

Clause 17.01-1 *Business as the proposal supports ...development which meets commercial needs.*

Clause 18.01-1 *Land Use and Transport Planning which aims To create a safe and sustainable transport system by integrating land-use and transport.*

Clause 19 *Infrastructure as the proposal supports the objective to ...recognise social needs by providing and for a range of accessible community resources...*

Clause 19.02-4 *Distribution of Social and Cultural Infrastructure as the proposal ...aims to encourage the location of social and cultural infrastructure in key activity areas.*

2.3 Local Planning Policy Framework

In relation to the Municipal Strategic Statement (MSS), Council submitted that the Amendment is consistent with the following clauses:

Clause 21.05 *Environment as the proposal promotes 'design excellence' in relation to new developments.*

Clause 21.07 *Economic development as the proposal encourages quality development in activity centres.*

The following local policies were identified as being relevant to the Amendment.

Clause 22.06 *Activity Centres which focuses on ...the preparation of structure plans for activity centres.*

Clause 22.08 *Tally Ho Activity Centre which focuses on developing structure plans in activity centres.*

2.4 Other policy documents

Tally Ho Urban Design Framework 2007

This document was prepared by MGS Architects for the City of Whitehorse to provide a framework for future development of the Tally Ho Urban MAC over the next fifteen years.

Its key objectives include:

- *To facilitate growth and development to meet current and future needs whilst maintaining amenity and liveability;*
- *To increase the mix of uses in existing and new developments;*
- *To ensure community facilities can meet the current and future needs of the local population.*

Crossway Baptist Church is identified as one of the six key sites in the area.

2.5 Practice Note

The Panel has reviewed the proposed Development Plan Overlay in relation to the *Applying the Incorporated Plan and Development Plan Overlays Practice Note* and considers that in general it satisfactorily addresses the issues raised in that Practice Note. The Panel notes that a 'non-statutory' display of the Development Plan is proposed which is not supported by the Practice Note but this has become common practice in many municipalities and Crossway has not objected.

2.6 Discussion and conclusion

The Crossway Baptist Church has been operating on the site since 1995 and caters for a large church community through the variety of worship and other services that it provides. The Amendment provides the framework for that use to continue and expand in the context of a growing church community.

Having reviewed the State and local planning policy framework for the Amendment and noting the specific policies identified above, the Panel considers that the planning policy framework is supportive of the Amendment and the future expansion of the Church that will result.

Crossway is on a large site with room to expand, in a Major Activity Centre, with good transport and infrastructure linkages. There are a number of issues that will need to be managed such as traffic and parking, but the Panel considers these are issues of detail that can be effectively addressed through the approval and implementation of the Development Plan. They do not go to challenging the policy support for the Amendment.

Importantly, no submissions sought to argue that the policy framework for the Amendment suggests that the Amendment should be abandoned or significantly modified.

The Panel concludes that the Amendment is strongly supported in policy and makes appropriate use of the Victoria Planning Provisions to provide a framework for the future development of the Crossway site.

3 Traffic and parking

3.1 The issue

The issue is the generation of traffic and on-site car parking associated with the potential increase in church attendees from 4000 to 10,000 spread over four church services on Sundays. Presently, most vehicle entries are from Springvale Road along Vision Drive, with a secondary access via Highbury Road to the south.

Given this likely increase in vehicles entering the site and concerns expressed by nearby submitters, safe and efficient access to the Church needs to be considered. This is particularly important at peak service times.

The primary concern is the 'crossroads' at Springvale Road, Vision Drive and Weeden Drive, and particularly the right turn into Vision Drive for southbound traffic on Springvale Road.

VicRoads has expressed concern regarding what it considers to be the emphasis in the DPO4 Schedule placed on the installation of traffic signals at the Springvale Road/Vision Drive/Weeden Drive intersection. This view relates to the first dot point in Clause 2.0, Traffic and transport, which states:

The development plan must show or provide for:

- *Traffic management and traffic control works considered necessary on the land and affected roads, including consideration of signalisation of the intersection of Springvale Road and Vision Drive.*

This clause derives from the *Tally Ho Major Activity Centre Urban Design Framework*⁶, which states in relation to the Springvale Road/Vision Drive/Weeden Drive intersection that an Action will be to:

Improve safety and vehicular and pedestrian movements by upgrading of intersection e.g. signalisation, improved signage or other measures.

3.2 Evidence and submissions

Access to the site and its three car parks, containing a total of 833 car spaces, is predominantly via Springvale Road and Vision Drive, with an alternative route north from Highbury Road along an internal access road to the car parks. There is a Smart Bus service, Route 902, which operates along Springvale Road every 30 minutes on Sundays, and a tram service, Route 75, along Burwood Highway, with a Sunday frequency of 15-30 minutes.

A total of 1,594 car spaces will be available to church attendees on completion of the four phase development. The parking includes:

- a four storey, five level car park on the north side of Vision Drive;
- a single storey, two level bi-level car park west of the church buildings;
- an overflow car park south of these buildings; and
- car parking associated with the Life Care building.

⁶ At page 23.

During the week it is intended that the multi-storey car park will be used by employees of commercial and other premises located in the Tally Ho Estate.

VicRoads in its submission to Council dated 1 June 2012, noted that the Amendment and the Masterplan, (Development Plan):

...place great emphasis on the achievement of approval for the installation of traffic signals at the intersection of Springvale Road and Vision Drive.

It objects to such signalisation and would only give consent to signalisation once all access options are investigated.

In light of its concern regarding the wording of the first dot point under Clause 2.0, referred to above, VicRoads, proposed that it should be replaced with the following:

The development plan must show or provide for:

- *A Transport Plan to the satisfaction of the responsible authority, VicRoads and the Department of Transport, identifying the traffic management and traffic control works considered necessary on the land and affected roads to mitigate the expected traffic impact of the development. The Transport Plan must be developed in consideration of a balanced and robust assessment of all access options for the site, including options that provide for enhanced access to Springvale Road, Highbury Road and Wesley Court.*

The Panel notes that VicRoads objected to the Masterplan, submitted with the proposed DPO4, which it considered had been prepared without the benefit of a balanced robust assessment of all access options for the site.

Mr Michael Freeman on behalf of VicRoads, made a further submission to the Panel, dated 7 March 2013, regarding the traffic assessment undertaken by Traffix Group, following its original submission to Council based on an earlier traffic report by CPG Australia Pty Ltd.

The submission re-emphasised that VicRoads is the only Authority empowered under the *Road Safety Act 1986* to approve the installation of traffic control devices, including traffic signals, on arterial roads, which include Springvale Road and Highbury Road. A decision of VicRoads is not subject to review. In light of this, a Development Plan proposing signals would be to introduce uncertainty in planning; that is 'planning blight'.

In examining the Traffix Group report Mr Freeman advised that there were still a number of matters that require further investigation before VicRoads can give its support to a specific proposal and follow that support up with any necessary approvals under the *Road Safety Act 1986*. These include:⁷

- *An assessment of the achievability of the proposed road link to Lakeside Drive given that it utilises land not in possession of the applicant nor Council;*
- *An assessment of the pros and cons of the road link from Lakeside Drive being available for use during weekday peak periods...;*

⁷ From VicRoads submission at the Hearing.

In relation to traffic signals, pedestrian operated signals and metering, an analysis of their impact during weekday periods should be undertaken including their impact on bus operations. In relation signalisation Mr Freeman also submitted:⁸

...In relation to the proposal to signalise the Springvale Road/Vision Drive/Weeden Drive intersection, further analysis may conclude that right-turn movements into or out of Weeden Drive may be required to be banned, to increase access to Vision Drive without detrimentally impacting on the operation of Springvale Road.

Regarding funding and delivery, an analysis is required to identify the stage of development at which the access improvement works would need to be undertaken. VicRoads assumes that the works will be fully funded by Crossway.

Following consideration of the Traffix Group report VicRoads proposes a modified version of its earlier amended first dot point to Clause 2.0 to read:

- *A Transport Plan, to the satisfaction of the responsible authority, VicRoads and Public Transport Victoria, identifying the traffic management and traffic control works considered necessary on the land and affected roads to mitigate the expected traffic impact of the proposed development. The Transport Plan shall be based on a robust assessment of the feasibility and efficacy of the options identified in Traffic Engineering Review, prepared by Traffix Group and dated 7 March 2013.*

Mr Freeman concluded that:

Given that the new Traffic Engineering Review prepared by Traffix Group does not facilitate the adoption of a preferred package of access improvement and impact mitigation works, VicRoads' position on the approval of a Development Plan has not changed.

Ms Charmaine Dunstan of Traffix Group presented evidence dated 7 March 2013 for Crossway at the Hearing. The report is a comprehensive review of the existing and proposed traffic and parking situation.

The report notes that given the potential increase of church attendees from 4000 to 10,000, the traffic impacts will increase activity levels by 2.5 times. Traffix Group recorded 148 vehicles making the right turn movement from Springvale Road to Vision Drive in a survey between 11.30am and 12.30pm on Sunday 18 November 2012. Once the development is completed, the traffic forecast for right turn movements from Springvale Road to Vision Drive is 374 vehicles with no road network change; 156 vehicles with access via Lakeside Drive; and 398 vehicles should Vision Drive be signalised.⁹

The Panel notes, based on the above figures, that if vehicular access is provided via Lakeside Drive, there would be little difference, existing and proposed, in the numbers of vehicles making right turn movements into Vision Drive in spite of the large increase in Church attendance.

⁸ Ibid – note words ‘to be banned’ inserted verbally in Hearing.

⁹ From Figures 22 and 37, pages 28 and 53 of Traffix Report.

Ms Dunstan considered four access options. The Panel notes the comparison of such options in the Traffix Group report¹⁰ and in Table 11 of her Traffic Engineering Review¹¹ presentation. The options are:

- *No mitigating works* which are not considered to be a feasible development option for the Master Plan.
- *Access to Lakeside Drive*. This would be from the multi-deck car park on the north site of Vision Drive, through to Wesley Drive and thence to Lakeside Drive and Burwood Highway. Although in her opinion it was not strictly necessary, Ms Dunstan considered that if this access is achieved, it would be desirable to install pedestrian operated signals in Springvale Road, to improve pedestrian safety and to assist drivers entering or exiting Vision Drive at peak times. Ms Dunstan noted that there would be substantial capacity via Lakeside Drive at weekends.
- *Pedestrian operated signals/metering of Vision Drive*. This would involve the installation of pedestrian operated signals on Springvale Road or, alternatively, a signalised stop line on the northbound carriageway to meter the right turn movement. The Panel notes the possible location of the signals in Ms. Dunstan's report.¹²
- *Full signalisation of the Springvale Road/Vision Drive/Weeden Drive intersection*. This would involve major road works as illustrated in Ms. Dunstan's report¹³, including the installation of traffic signals, extended double right turn lanes into Vision Drive from Springvale Road and the widening of Vision Drive. Although she considers this option to be the safest intersection treatment, she notes the disadvantages which are that it would impose a greater delay on Springvale Road traffic than any other option, it would be significantly 'over-designed' outside of the Sunday peak period and it would be the most expensive option.

Ms Dunstan also considered that the generation of traffic from the proposed development would have a significant impact on the Springvale Road/Highbury Road intersection and that mitigating works including an extension of the right turn lane from Highbury Road into Springvale Road would be required.

In conclusion, Ms Dunstan advised that the preferred options are:

- *Achieve the Lakeside Drive/Wesley Court link to the multi-level car park.*
- *Extend the right turn lane on the western (Highbury Road) approach to the Springvale Road/Highbury Road intersection.*

She also concluded that pedestrian operated signals at Springvale Road/Vision Drive, while not necessary if the Wesley Court link is constructed, would be desirable to facilitate pedestrian crossing.

Ms Dunstan also advised that should the Wesley Court option not be achievable, there should be an extension of the right turn lane in Springvale Road into Vision Drive. Ms Dunstan accepted that the total number of car spaces (1,594) would satisfy the likely demand from Church attendees and meets the car parking standard in Clause 52.06 of the Planning Scheme of 0.3 car space/each patron catered for (4,725 seats).

¹⁰ Pages 55 to 68 of Traffix Report.

¹¹ Page 71 of Traffix Report.

¹² Figure 34, page 49 of Traffix Report.

¹³ Figure 41, page 65 of Traffix Report.

Ms Dunstan concludes in her submission:

... there are no traffic engineering reasons why Planning Scheme Amendment C123 should not be supported, subject to appropriate changes to the working of Development Plan Overlay Schedule 4 (DPO4), to allow greater flexibility of the options for mitigating works to be explored.

Crossway presented at the Hearing an amended DPO4 Schedule for consideration by the Panel, which states that the changes have been formulated taking account of comments by submitters and the Traffix Group report. Post-Hearing, a further revised version of the DPO4 Schedule was provided. It proposed to replace the exhibited version of Clause 2.0, *Traffic and transport* with the following:

A Transport Plan, to the satisfaction of the responsible authority, VicRoads and Public Transport Victoria, which must include:

- *The expected number of trips generated by staff and visitors and for deliveries and service vehicles to the site.*
- *The traffic management and traffic control works considered necessary on the land and affected roads to mitigate the expected traffic impact of the proposed development and the stages in the development in which these works are to be undertaken.*
- *The location, layout and access ways of all car and bicycle parking areas.*
- *Car parking with a ratio of 0.3 spaces to each auditorium seat or a lesser figure to the satisfaction of the responsible authority.*
- *Provision for loading and unloading facilities for vehicles and means of access to them.*

Council's position on these suggested changes was submitted post-Hearing and is shown in Appendix C. Crossway, in their revised version of the DPO4 Schedule, propose to add the word 'pedestrian' in relation to access to Wesley Court from Vision Drive to make it clear this refers to the existing pedestrian access in the north east corner of 27-29 Vision Drive. Given that there has been no agreement on vehicular access the Panel considers this appropriate.

Crossway submitted that they have consulted with the adjoining business park occupiers on Wesley Court. However there has been no agreement reached regarding a carriageway easement or similar to connect the car park at 27-29 Vision Drive to Wesley Court.

The proponents propose to include an additional dot point to Clause 1.0, to read the owner of the land:

May charge fees for the use of the commercial car park by the general public and other users.

Council, in their response to Crossway's DPO4 Schedule (shown in Appendix C), indicated that they considered this clause to be unnecessary. Council in its submission¹⁴, stated that its officers (not Council as this stage), note the preferred options in the new traffic report being:

- *A road link from the multistorey car park in Vision Dv to Wesley Court/Lakeside Dv and ultimately Burwood Highway,*

¹⁴ At page 19.

-
- *Extension of the right turn lane on the Highbury Road western approach to the Springvale Road/Highbury Rd intersection,*
 - *Installation of pedestrian operated signals in Springvale Rd.*

Ms Neivandt for Council gave qualified support for the proposals subject to:

- *Further assessment of the Lakeside Dv/Burwood Hwy intersection to determine whether any changes are required to accommodate the increased traffic using the intersection, and*
- *The feasibility and likelihood of gaining vehicle access to Wesley Crt in terms of private land ownership and gradient issues.*

Council continued that:

If design constraints prevent the option of achieving access onto Wesley Court, then Council does not object to signalisation of the Vision Dv/Springvale Rd/Weeden Dv intersection, provided that through traffic movements from Vision Dv into Weeden Dv are not permitted and there is no significant traffic or safety impacts upon Weeden Dv.

Council noted that the original VicRoads submission states that the Amendment *relies*¹⁵ on signalisation of the Vision Drive/Weeden Drive/Springvale Road intersection¹⁶. Council distinguishes this from the wording in the relevant sub-clause in Clause 2.0 of the DPO4 Schedule, which reads that the development plan should *consider* signalisation as part of a comprehensive traffic management plan.

Council submitted that VicRoads' concerns relate more to the Development Plan than the Amendment. It therefore considers that VicRoads requested alteration to the first dot point in Clause 2.0 (shown earlier in this section) is unnecessary and does not support the proposed change. Further Council comment on this clause is shown in Appendix C.

Seven submissions were received from occupiers of residential properties in Weeden Drive and its vicinity all of whom were concerned regarding the detrimental impact of the proposal on the safety of vehicle movements from Weeden Drive onto Springvale Road. There was general support for the signalisation of the intersection of Springvale Road/Weeden Drive/Vision Drive amongst these submissions.

¹⁵ The Panel notes that VicRoads in its submission does not use the word *rely*, rather the expression *place great emphasis* is used in relation to signalisation.

¹⁶ At page 18.

3.3 Discussion

(i) Signalisation

The Panel notes that should the Amendment be approved, VicRoads, notwithstanding the matters contained in the DPO4 Schedule, has advised that its approval is required regarding traffic improvement measures under the *Road Safety Act 1986*. Mr Freeman, on behalf of VicRoads, stated:

VicRoads is also the only Authority empowered under the Road Safety Act 1986 to approve the installation of traffic control devices (including traffic signals) on arterial roads. A decision of VicRoads in this regard is not reviewable.

In essence, even if the DPO4 Schedule required signalisation at the main Crossway entry, if VicRoads did not accept this then it could not occur. However, despite VicRoads interpreting the DPO4 Schedule as requiring signalisation¹⁷, the Panel does not consider that this is correct and that the Schedule only requires *consideration*.

Council is supportive of the *consideration* of signalisation evidenced in the exhibited DPO4 Schedule and in Action 6 of the Tally Ho UDF which states:¹⁸

Improve safety of vehicular and pedestrian movements by upgrading of intersection e.g. by signalisation, improved signage or other measures.

The Panel cannot locate a specific policy or statutory requirement that signals be installed at the Springvale Road/Vision Drive/Weeden Drive intersection. However, in addressing the relevant requirements of the *Transport Integration Act, 2010*, the Panel notes that the Explanatory Report states:¹⁹

Of note, the anticipated patronage for the subject site will increase the traffic volumes carried in the nearby road network. To mitigate traffic impacts, the amendment proposes to signalise the intersection of Vision Drive and Springvale Road to aid traffic movements and increase safety (This is consistent with recommendations in the adopted UDF).

Whilst the Panel considers that reference to signalisation is only to be considered, on balance, the Panel does not see the benefit of referencing signalisation specifically in the DPO4 Schedule when it is one of a range of possible traffic measures and not necessarily the one preferred by the traffic experts or VicRoads.

As shown in Appendix D the Panel has recommended removing the reference to signalisation of the Springvale Road/Weeden Drive/Vision Drive intersection in the DPO4 Schedule. It is also worth noting that an application for a planning permit for proposed development, which includes alteration of access onto arterial roads in a Road Zone 1, and a Place of Assembly comprising 400 or more seats or 600 or more square metres of gross floor area, will require referral to VicRoads and Public Transport Victoria under Clause 66.03 of the Planning Scheme. Given their referral authority status and their particular powers under

¹⁷ See VicRoads submission to the Hearing paragraph 12.

¹⁸ Tally Ho UDF page 23. The UDF is a reference document at Clause 22.08 of the Planning Scheme.

¹⁹ At page 5.

the *Road Safety Act 1986* mentioned above, it is important that Council and Crossway address the concerns of VicRoads.

(ii) Wesley Court access

The Panel notes the preferred vehicle access arrangements through to Wesley Court and Lakeside Drive put forward by Traffix Group and supported by Crossway and with qualifications, Council. The Panel is somewhat surprised that the preferred option has been developed without any apparent support from those landowners north of Crossway.

However, should those landowners not agree to provide access to Wesley Court, the Panel is satisfied that the other traffic measures and options put forward by the Traffix Group are capable of effectively managing the future traffic and access issues.

(iii) DPO4 Schedule, Traffic and transport issues

The detailed wording of the DPO4 Schedule was discussed at length in the Hearing. At the close of the Hearing, the Panel directed that revised wording from Crossway and the Council be provided to the Panel. A consolidated version of the suggested changes is shown in Appendix C.

The Panel notes that some agreement has been reached between the parties. Where there is agreement and the Panel is satisfied with the proposed wording the changes have generally been accepted into the Panel recommended Schedule in Appendix D.

In relation to Traffic and transport the Panel makes the following comment on areas still contested.

Clause 1.0 Conditions and requirements for permits

- 3rd dot point, 3rd sub-clause. The proposed Clause relates to an indemnity for Council for any liability from commercial use of the 27-29 Vision Drive car park.

The Panel questioned the necessity of this Clause and Council's response was that it had been inserted on advice of their lawyers. The Panel does not think it necessary but as Crossway does not particularly object has left the clause in.

- 3rd dot point, 5th sub-clause. An additional sub-clause proposed by Crossway states:
 - *May charge fees for the use of the commercial car park by the general public and other users'*

Council considers that this sub-clause is unnecessary as 'commercial car park' is a common term which does not require further clarification. If fees were not charged then the use would simply be a 'car park' and not a 'commercial car park.'

The Panel notes that Clause 74 of the Planning Scheme, *Land Use Terms*, defines 'Car park' not 'Commercial car park.' Fees may be paid for use as a commercial car park, but the Panel considers that this is a matter for the owners to consider and should not form part of the Schedule. The Clause has been removed from Appendix D.

Clause 2.0 Traffic and transport

Crossway has suggested changes to the content and the structure of this clause as shown in Appendix C and discussed in Section 3.2 above.

Council in consideration of the suggested Crossway amendments to the Clause has generally disagreed with the restructure (and the similar wording proposed by VicRoads) and consider that the original clauses covered the points being raised. Council has also suggested that the 'transport plan' or 'traffic management plan' should not include VicRoads or PTV as 'joint' responsible authorities with Council.

Apart from the issue of signalisation at Vision Drive and Springvale Road, which has been addressed in Section 3.3(i) above, the Panel generally agrees with Council that the original wording is satisfactory and has recommended it be retained, with some additional words regarding 'mitigation' suggested by Council.

The Panel has considered the necessity of the requirement for the Traffic Management Plan to be to the satisfaction of the above Authorities.

The Panel is not convinced that three separate bodies should approve the Traffic Management Plan, rather that VicRoads and PTV be consulted by the responsible authority. On the basis of creating and altering access adjacent to the adjoining arterial roads, and the increased capacity and area of the church buildings, both VicRoads and PTV are Referral Authorities in relation to an application for permit, generally in accordance with the Development Plan. Any outstanding issues can be addressed when the application is being processed.

On another matter, noting the suggested wording of VicRoads, the Panel does not consider it necessary to include specific reference to the Traffix Group's report. This report will be used if still relevant in future during the preparation of the Traffic Management Plan but may be superseded at some point. In this case it is not helpful to have it a specific reference in the Planning Scheme.

Clause 2.0 Use

With regard to the two dot points under the heading 'Use,' in Clause 2.0, Crossway proposes to remove the first bullet point, amend the second, and add two new dot points as shown in Appendix C.

Council does not support the insertion of the two new dot points as it considers that the same information is provided more succinctly elsewhere.

The Panel notes the comments of both parties on this clause. Having reviewed the clause and noted the similarities with Clause 1.0, the Panel considers that the whole clause should be deleted. Permits cannot be issued (in Clause 1.0) that do not achieve the 'Use' outcome sought and thus the clause is superfluous. The Panel has deleted the clause in Appendix D.

3.4 Conclusions

The Panel considers that the essential issue in considering the significant increase in churchgoers during the four Sunday services is the traffic road improvements necessary to address the related increased car movements to the Church, particularly from Springvale Road.

The submitters occupying dwellings fronting Weeden Drive and roads leading off it have existing concerns especially regarding right turn movements into Springvale Road. The increase in church traffic, once the site is fully developed, will only exacerbate this situation

unless access is taken to the multi-storey car park from Burwood Highway via Lakeside Drive and Wesley Court, and/or traffic works are undertaken to improve access to and from Vision Drive and Weeden Drive.

There is also the additional issue of the extension of the right turn lane westwards at the intersection of Highbury Road and Springvale Road to accommodate the increased traffic exiting from the north-south road through the site.

Based on the information provided by the Traffix Group, VicRoads still has some outstanding concerns regarding traffic works relating to the various options, including signalisation. These need to be addressed before VicRoads is in a position to provide more precise advice as to the option it supports and the necessary works required. Additionally, lawful access between Wesley Court and the multi-storey car park, which is the preferred option of Ms Dunstan, needs to be resolved.

Finally, the Panel notes that in respect to the provision of car parking, Ms Dunstan in her evidence does not support a lesser rate than 0.3 car spaces to each auditorium seat. The Panel concurs with this view and considers that at all times parking should be available at this standard as a minimum. It has recommended removing discretion on this point in Clause 2.0 of the DPO4 Schedule.

Whilst a number of issues have been considered in this Chapter, the Panel concludes in principle that the Amendment approach to traffic and parking, subject to the adoption of the DPO4 Schedule in Appendix D, is satisfactory and provides the framework for the future detailed design that will be needed to effectively manage traffic growth.

4 The former Waverley landfill

4.1 The issue

Approximately 170m south of the Crossway southern boundary is 'Highview Park', the former Waverley tip. The landfill closed in about 1972, approximately 40 years ago.²⁰

The issue for former landfill sites is their potential to generate landfill gas (LFG) from decomposing organic waste which can migrate offsite. LFG may be a risk to human health for its explosive nature (methane) and risk of asphyxiation.

4.2 Evidence and submissions

A submission was received from the Environment Protection Authority (EPA) (Submission 12) which stated that the site may be subject to gas leaks from the old Waverley tip. The submissions suggested that a Landfill Gas Risk Assessment report could identify the level of risk and possible mitigation techniques.

The EPA submission however did not consider it to be a high risk issue noting in an e-mail of 4 June 2012:

We do not think this is a high risk issue, based on the apparent age of the landfill and the fact that we would probably have heard of any problems by now given the presence of residential properties around the site.

In response to the issue raised by the EPA, and following ongoing discussions with the Authority, Crossway commissioned a number of reports from De Thomasis and Associates environmental consultants as shown below.

(i) Landfill Gas Risk Assessment – Former Landfill, 51 Springvale Road, Glen Waverley (20 July 2012)

The key points from the report were that (in summary):

- The tip was open for less than 10 years and has been closed since about 1972;
- It is 40 years since closure and the landfill is likely to be in the last mature, aerobic stage of LFG generation;
- LFG should have preferentially migrated through the landfill cover rather than migrating offsite;
- The landfill is likely unlined allowing progressive migration of LFG over its lifespan;
- There is extensive surrounding residential development with no signs of LFG migration;
- Underground infrastructure along Highbury Road/Springvale Road is likely to have been a barrier to northward LFG migration; and
- Any LFG that has migrated to Crossway would likely have dissipated through the unsealed (grass covered) ground surface.

²⁰ Mauro De Thomasis report on landfill risk dated 20 July 2012, page 2.

**(ii) Landfill Gas Monitoring – Former Landfill, 51 Springvale Road, Glen Waverley
(14 November 2012)**

Following further queries from EPA ambient LFG monitoring at the ground surface was undertaken. This involved using a portable gas meter to detect methane at 0.05m above the ground surface in a grid pattern across the old landfill and in conduits on the Crossway site. No methane was detected at any of the test locations.

**(iii) Landfill Gas Monitoring – Former Landfill, 51 Springvale Road, Glen Waverley
(6 March 2013)**

This investigation was undertaken in a similar manner to the November 2012 study but involved different equipment (a flame ionisation detector) to detect ambient airborne methane.

One location on the old landfill site recorded an elevated level of methane (0-780ppm). Mr De Thomasis recorded it thus:²¹

The minor breach in the surface cap was not observed during the November 2012 monitoring and no other breach was observed during the March 2013 monitoring. The minor breach may be partly attributable to the recent hot, dry weather experienced in Melbourne during the summer.

This result did not change Mr De Thomasis' overall conclusion that there is no need for further monitoring or intrusive investigations into LFG. In relation to the measured breach he did note:²²

The author has discussed the matter of the minor breach and localised methane results with EPA and has undertaken to advise the City of Monash of the situation.

At the hearing Council and Crossway tabled e-mails from the EPA indicating that they were satisfied with the methodology and the assessments undertaken by De Thomasis and Associates, but made it clear that the ultimate planning decisions rest with Council.

4.3 Discussion

LFG migration is not a new issue but has been given currency in recent years with LFG migration into houses from the closed Stevensons Road Landfill in Cranbourne. The Crossway site is in very different situation however with tip operations that closed approximately 40 years ago and apparently unaffected residential development immediately adjacent to the former landfill.

The Panel notes the assessments of Mr De Thomasis and his findings of no methane present on the Crossway site in surface transects or stormwater pits; leading to the conclusion that no further investigation is needed.

Based on these investigations and the likely low risk identified by the EPA, the Panel does not consider that this issue is an impediment to the Amendment and the application of the Development Plan Overlay.

²¹ At page 3 of his report.

²² At page 4 of his report.

The Panel notes that development of the Life Care Building in Phase 1 of the Crossway development will introduce a new building approximately 50m from the southern boundary, or 220m from the old landfill site.

It appears from the plans that this building will require some excavation for a basement. This may provide an opportunity for intrusive (subsurface) testing that could be undertaken associated with development to further confirm Mr De Thomasis' conclusions. This is an issue that could be considered by Council at the permit stage.

4.4 Conclusion

The Panel concludes that the risk assessment and investigations undertaken for LFG migration undertaken by De Thomasis and Associates demonstrate that the risk of LFG migration to the Crossway site is low and this issue is not an impediment to the Amendment.

The Panel does not make any specific recommendations on this issue.

5 Flooding

5.1 The issue

The southern part of the site is located on low lying land immediately north of Highbury Road with the location of the proposed Life Care building adjoining this flood prone land. This part of the site includes a retarding basin which provides a drainage function for the area. The issue relates to flood risk should the use and development of the Life Care building and ancillary uses take place. The Panel notes that the site does not lie in the Special Building Overlay (SBO) or Land Subject to Inundation Overlay (LSIO) in the Planning Scheme.

5.2 Evidence and submissions

Melbourne Water in its submission stated that:

- the property is not subject to flooding from Melbourne Water's drainage system based on a flood level that has a probability of occurrence of 1% in any one year (that is a 1 in 100 year flood);
- Council drainage engineers should be contacted regarding the impact of flooding associated with the local drainage system; and
- The retarding basin is considered to be a local drainage asset with a local drainage function.

Melbourne Water noted that the submitted plans include the proposed Life Care building within the retarding basin. It considers:

...this to be an inappropriate use and development due to the operation and flood storage requirements of the retarding basin and inappropriate flood risk, where the safety of land users may be affected and potential for flood damage is excessive.

Melbourne Water concluded that Council should investigate the relevance of the retarding basin associated with the local drainage system including the impacts of flooding on the property and downstream properties and the asset information associated with the existing retarding basin.

Further information was received from Melbourne Water by letter dated 26 March 2013 to advise that it had reviewed the submitted flood report which showed that whilst there was a reduction in flood storage within the basin, there would be no increases to the outflow during a 1 in 100 year storm event. Based on this information, Melbourne Water advised that it does not have any objection to the proposed location of the development.

Crossway commissioned a Flood Report dated 18 December 2012, prepared by Woolacotts Consulting Engineers, which was submitted for consideration by Council. It recommends various works²³ in its report. These include:

- *A 200mm diameter orifice on the outlet pipe from the existing Crossway site basin to restrict flows;*

²³ Figure 7 and Page 17 of the Woolacotts report.

-
- *The existing pits on the main pipe through the site to be provided with closed covers, in place of the existing grates, or the level of the pit raised to above the flood level; and*
 - *The diversion of an outlet pipe around the proposed Life Care building designed to carry the flow from a 100 year storm event. Alternatively, swales could be provided to divert the overflow around the building, or levels amended within the gravel car park to the north of the building, to direct the flow around the building.*

Council, in its submission, advised that it had consulted with its Engineering Assets Unit who stated that the local drainage system may not be able to accommodate the Life Care building, which is at risk of flooding. In this context Council has recommended that the DPO4 Schedule be amended to include additional flood information be submitted as part of the Development Plan.

The DPO4 Schedule in Appendix C (post-Hearing) includes two additional dot points in Clause 2.0:

- *An assessment of land liable to flooding in a 1 in 100 year storm event, including hydraulic modelling to the satisfaction of the responsible authority.*
- *Minimum floor levels to the satisfaction of the responsible authority for all buildings deemed a flood risk.*

Crossway in its submission noted that drainage and overland flow issues are a local matter under the jurisdiction of Council's drainage engineers. It also noted that the subject land is included on Council's register of flood-prone properties, even though it is not located in a relevant flood-related overlay. However, the register does not identify the extent of flooding on each property which needs to be determined by a hydraulic engineer's assessment of the extent of land that would be affected by a 1 in 100 year storm flow level. Crossway did not object to the additional drainage clauses in the DPO4 Schedule.

5.3 Discussion

The Panel notes the various submissions and report on the risk of flooding on this low-lying portion of the overall site. The specific location of the Life Care building lies on the edge of the retarding basin above the flood line, with the proposed associated car park to the south of the building potentially affected by the risk of flooding.

On the basis that Council is the drainage authority in relation to this land, and that it has raised no objection in principle subject to the additional conditions to be included in the DPO4 Schedule, the Panel supports Council's position.

5.4 Conclusion

The Panel considers that the Amendment as exhibited is generally appropriate to address flooding potential subject to the two additional clauses shown in Clause 2.0 of the DPO4 Schedule as shown in Appendix D.

6 Other issues

6.1 Design and built form

The Amendment proposes to introduce the Development Plan Overlay over the site requiring a Development Plan to be prepared. The detail of the design and built form on the site will then be considered via the planning permit process within the guidance of the Development Plan.

The Amendment thus does not require the Panel to look closely at the detailed built form outcomes likely beyond the general parameters established in the DPO4 Schedule. The Schedule as exhibited establishes, or identifies that the Development Plan must show, (in summary):

- Building envelopes;
- Building layouts, heights, elevations, floor area and seating capacity;
- Cross sections;
- External materials and finishes;
- Setbacks from property boundaries;
- Staging of development; and
- the location of access to, from and within the site.

As background, Crossway at the Hearing provided evidence from Mr Fred Batterton of Studio B Architects who provided an overview of the design approach in the Master Plan (which will become, or form the basis of, the Development Plan) for the future development of Crossway.

Council indicated in general that they were satisfied with the design response and the detail in the DPO4 Schedule in relation to this issue. Height of future development was one issue discussed at some length in the Hearing. In essence height in the area is referenced to the height of the MYOB building in the Tally Ho Business Park and the Tally Ho UDF.

The exception is the corner of Springvale Road and Vision Drive where it is anticipated in the DPO4 Schedule that a 'higher architectural feature element' would be allowed. Crossway has indicated that they may wish to place a 'landmark beacon' on this corner, integrated into the Church redevelopment and possibly containing solar chimneys, a wind turbine, light shelves and solar absorber panels.

The relevant height description in the Tally Ho UDF is:²⁴

The maximum height of built form at the intersection of Springvale Rd and Burwood Hwy (Panel emphasis) should be determined relative to the height of the MYOB building in the Business Park. Thus a maximum building height of 20 metres above ground level (measured from 113 metres AHD) is possible at this intersection.

²⁴ Tally Ho Urban Design Framework, page 8

Mr Batterton in talking to the architects of the MYOB Building determined that it appears that the top of that building is 128.8m Australian Height Datum (AHD) rather than 133m AHD (113m + 20m from the UDF).

This produces an apparent internal inconsistency in the UDF that makes it more difficult for Crossway to respond to the 'appropriate' height. Mr Batterton however in his correspondence post-Hearing dated 28 March 2013 concluded that:

All of Crossway's proposed buildings, with the exception of the agreed taller landscape feature on the corner of Vision Drive and Springvale Road, will lie below AHD 133m. The level that has been identified as the top of the MYOB Building is 128.8m AHD. Parts of Crossway's proposed buildings will be at or slightly above 128.8m AHD but these can be described as being generally in accordance with this level.

Crossway in submitting changes to the DPO4 Schedule suggested (see Appendix C) that reference to the MYOB building be taken out of the clause. Council did not object on the basis that reference to the UDF remains, which in turn references the MYOB Building and building heights.

(i) Panel response

The Panel notes the general agreement between parties around this issue of design and built form within the Amendment.

The Panel notes the various references in the Tally Ho UDF and considers that the outcome sought in terms of height is less than clear. That is, height could be determined on an absolute basis to the MYOB Building (which could produce a 'flat' cap response that pays no regard to landscape and topography) or an 'AHD plus 20m' approach which logically would seem to make more sense.

The Panel is not in a position to review the UDF to address this issue, but given the general acceptance of the proposals in the Crossway Master Plan by Council, and the fact that the design height of future development could be argued to be 'generally in accordance' with either height approach, the Panel does not have significant concerns in this area.

The Panel supports the Crossway text in the DPO4 Schedule which references the Tally Ho UDF and not the MYOB Building directly in the schedule as reference to the UDF document in its entirety is the appropriate approach and to do otherwise could confuse the issue further.

The recommended text is shown in Appendix D.

6.2 Noise

Two submissions (Mr Wojnarowski Submission 2 and Ms Di Paolo Submission 13) raised concerns about increased noise that could be generated from the expansion of the Church's activities. The concerns related to noise from events and traffic.

Council responded by submitting that noise is an issue for the Development Plan stage rather than the Amendment but did note that the exhibited DPO4 schedule contains a clause requiring a Management Plan which includes *noise control* amongst other things.

Council also submitted that the DPO4 schedule should be modified to include a new dot point under Clause 1.0:

...to require permit applications to include details of noise containment measures for all new buildings.

Council further commented that it has no record of noise complaints against Crossway.

Crossway, in the revised DPO4 schedule provided at the Hearing and post-Hearing, objected to the exhibited clause requiring the Management Plan addressing waste disposal, hours of operation, noise control and traffic flow on the basis that:

...these are too detailed for the Development Plan and more properly addressed at permit application stage.

Crossway did not object to the new dot point above regarding noise containment in buildings. Their wording submitted, and agreed to by Council, was:

Noise containment measures for all new buildings to ensure the amenity of nearby residential properties.

This clause has been included in Appendix D accordingly.

(i) Panel response

It is reasonable to assume that an increased level of activity at Crossway could lead to an increase in noise levels. The Panel is not particularly concerned about noise from *inside* the facilities as in its experience on the site inspection there is little or no noise from inside activities such as church services discernible outside, even though these can be quite loud and exuberant. Future building design should be able to maintain this high standard.

Outside noise however might be expected to increase from traffic and members of the Church community arriving, departing and congregating outside buildings. The Panel however is satisfied that these are matters of management rather than a fundamental challenge to the Amendment.

In this regard the Panel does agree with the Council that the Management Plan should address such matters as noise control and does not agree that these are *too detailed* for the Development Plan. Many of these matters would be expected to be dealt with strategically across the site rather than on a 'permit by permit' basis and thus should remain in the DPO4 Schedule. The Management Plan clause is shown in the recommended DPO4 Schedule in Appendix D accordingly.

The Panel makes no specific recommendation on this issue beyond the adoption of the DPO4 Schedule in Appendix D.

6.3 Overlooking

Ms Di Paola (Submission 13) objected to the proposed five level car park north of Vision Drive on the basis that it would overlook her property on Cole Close. She suggested as a compromise that:

- The car park could be set in to the ground with a total height no higher than her townhouse; and

-
- Mature trees are planted along the boundary to screen her and her neighbour's properties.

Council submitted that the issue is more related to the Development Plan rather than the Amendment, but that setbacks, screening and landscaping are required in the proposed DPO4 schedule that will address this issue. Ms Neivandt noted that the setback of 10m plus the width of Vision Drive itself will result in a total setback of approximately 30m.

Mr Batterton, in evidence for Crossway noted that:²⁵

This car park will be located approx 33.5m back from the two storey residential development on the south side of Vision Drive and upper floors are designed to step back from this line. The car park is intended to incorporate vertical landscaping along the south side and will have the tree planting reinforced between the car park and Vision Drive.

(i) Panel response

The Panel notes that the setback requirements and facade and landscape treatments to protect the amenity of nearby residential properties were included in the exhibited Amendment and are in the Panel recommended version in Appendix D.

The Panel considers that the combination of setback, facade treatment and landscaping will result in an acceptable outcome in terms of overlooking. Arguably a car park is of less concern compared to a dwelling or apartments of a similar scale given the pattern of use of a car park. That is, people arrive, move to a stairwell or lift and then descend to the ground, with little motivation to 'take in the view'.

The Panel does not consider that the additional expense and difficulty in burying three storeys of car park is warranted at this location.

The Panel does not recommend a change to the Amendment from this submission.

²⁵ Studio B Architects, Statement of Evidence, page 11.

7 Other matters in the Development Plan Overlay schedule

There are a number of other relatively minor matters in the drafting of the DPO4 Schedule that were raised in the Hearing or the circulated drafts of the schedule.

7.1 Clause 2.0 Requirements for development plan

(i) Management

The exhibited version of the DPO4 Schedule had the sub-clause within a Management Plan for:

- *Methods for controlling and maintaining open space.*

Crossway suggested that 'controlling and maintaining' should be replaced with 'managing public' so that the clause only refers to public open space.

Council objected to this on the basis that the open space is not 'public' open space and that 'maintaining' implies a different regime to 'managing'.

The Panel does not consider this a significant issue in the context of the Amendment but is not satisfied that Crossway has provided a substantive case for the change. The DPO4 Schedule in Appendix D maintains the exhibited version.

(ii) Display of Development Plan

Crossway and the Council are agreed that the exhibited clause in the DPO4 Schedule can be simplified into a single paragraph to make the intent easier to understand (see Appendix C). Council have further suggested adding the words 'of the plan' at the end of the paragraph. The Panel supports this minor change and has added the words accordingly in Appendix D.

8 Conclusion and recommendation

The Panel concludes that the future expansion of the Crossway Baptist Church is supported in policy and provides an ongoing, developing, intensive use in a Major Activity Centre. The Panel is also satisfied that the planning tools proposed are appropriate, and subject to changes to the DPO4 Schedule discussed in this report, the Amendment should be supported.

Based on the reasons set out in this Report, the Panel recommends:

Adopt Whitehorse Planning Scheme Amendment C123 as exhibited subject to the application of the Development Plan Overlay Schedule 4 shown in Appendix D to this report.

Appendix A List of submitters

No.	Submitter
1	Department of Sustainability and Environment
2	Stan Wojnarowski
3	Mike Ellsmore
4	VicRoads
5	R and D Meiklejohn
6	Barbara and David Rout
7	Karin Knoester
8	Valerie King
9	Dr Elizabeth Stacey
10	Melbourne Water
11	Eleanor McNeil
12	Environment Protection Authority
13	Rita Di Paola

Appendix B Exhibited Development Plan Overlay Schedule

~~1.0~~
C-

SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO4**

CROSSWAY BAPTIST CHURCH – 2-18 AND 27-29 VISION DRIVE AND 709 HIGHBURY ROAD, BURWOOD EAST

1.0

~~1.0~~
C-

Conditions and requirements for permits

A permit must include the following conditions, as appropriate to the application:

- The land at 27-29 Vision Drive, Burwood East must only be used for the purposes of a commercial car park and for car parking associated with the use of the land located at 2-18 Vision Drive and 709 Highbury Road, Burwood East to the satisfaction of the responsible authority.
- The commercial car park on the land at 27-29 Vision Drive, Burwood East must be available to the general public and the office uses within the Tally Ho Business Park between normal daytime office hours Monday-Friday (inclusive) to the satisfaction of the responsible authority.
- The owner of the land at 27-29 Vision Drive, Burwood East must enter into an agreement with Council under section 173 of the *Planning & Environment Act 1987* requiring that the owner of the land:
 - constructs and maintains public access between Vision Drive and land in Wesley Court in accordance with the Endorsed Plans to the satisfaction of the responsible authority;
 - maintains an appropriate public liability insurance policy in an amount to the satisfaction of the responsible authority;
 - indemnify and release Council from any liability from any damage, loss or the like as a result of or incidental to the use of the land at 27-29 Vision Drive, Burwood East for a commercial car park; and
 - pays Council's costs incurred in the preparation, drafting, finalisation, engrossment, execution and registration of the agreement.

A permit application must include the following, as appropriate:

- Effective facade and landscape treatments to soften the south elevation of the commercial car park at 27-29 Vision Drive, Burwood East to ensure the amenity of nearby residential properties.
- Effective screening of the bi-level car park to the west of the church, to ensure the amenity and privacy of adjoining residential properties.
- A detailed landscape plan showing all proposed landscaping. At least 50% of all proposed planting should be indigenous species.
- Any signage, which must be unobtrusive and in accordance with Clause 22.02.
- External lighting effects, which must be unobtrusive and not cause detriment to the amenity of neighbouring residential areas.
- An Environmentally Sustainable Development Management Plan and Green Travel Plan.

2.0 Requirements for development plan

~~2.0~~
C

The development plan must show or provide for:

Buildings and works

- The extent and location of building envelopes.
- The layout, height to AHD level, elevations, floor area and seating capacity of all buildings and works.
- Cross sections including all multi-level car parking areas.
- Indicative external materials, finish and colours of all buildings and works, including screening measures to protect the amenity and privacy of adjoining residential properties.
- The proposed use of each building.
- Building heights that are generally consistent with the MYOB building at 12 Wesley Court, allowing for a higher architectural feature element at the corner of Springvale Road and Vision Drive.
- A minimum building setback of 5.0 metres from the Springvale Road boundary at 2-18 Vision Drive and 709 Highbury Road.
- A minimum building setback of 8.0 metres from the western boundary at 2-18 Vision Drive and 709 Highbury Road.
- A minimum building setback of 10 metres from the southern boundary of 709 Highbury Road
- A minimum building setback of 10 metres from the southern boundary of 27-29 Vision Drive
- The stages in which the land is to be developed, including landscaping.
- The location of all vehicle and pedestrian access ways, including ingress and egress to and from the site.

Management

- A Management Plan, which must outline:
- Methods for controlling and maintaining open space.
- Provision for waste storage and disposal, hours of operation, security, deliveries, noise control and traffic flow.
- Details for the operation and management of the car and bicycle parking areas

Traffic and transport

- Traffic management and traffic control works considered necessary on the land and affected roads, including consideration of signalisation of the intersection of Springvale Road and Vision Drive.
- The stages in the development in which the traffic management and control works internal and external to the land are to be undertaken
- Traffic Management Plan, which must include:

- The location, layout and accessways of all car and bicycle parking areas
- Car parking with a ratio of 0.3 spaces to each seat or a lesser figure to the satisfaction of the responsible authority.
- Provision for loading and unloading facilities of vehicles and means of access to them.
- The expected number of trips generated by staff and visitors and for deliveries and service vehicles to the site.

Landscaping

- The location of all open space, identifying areas accessible to the public.
- Proposed landscape precincts, with indicative themes.
- Effective landscaping to provide a visual screen to adjoining residential areas and to soften the appearance of buildings, roads and car parking areas.

Environmentally Sustainable Development

- The design and building techniques to be used that are consistent with environmentally sustainable development (ESD) principles.

Use

- The land at 27-29 Vision Drive, Burwood East to only be used for the purposes of a commercial car park available to the general public and the office uses within the Tally Ho Business Park between normal daytime office hours Monday-Friday (inclusive), except that on weekday evenings and on a Saturday and Sunday, the Crossway Baptist Church may use the land for their own car parking purposes.
- The land at 27-29 Vision Drive, Burwood East with a pedestrian link to the land in Wesley Court, Burwood East.

Display of development plan

Before deciding whether to approve a development plan or any substantial amendment to an approved development plan, the responsible authority must display the plan for public comment.

The development plan or any substantial amendment to the development plan must be displayed for a minimum period of 14 days. The responsible authority must take account of any comments received in response to display of the development plan or any substantial amendment to an approved development plan.

3.0 Decision Guidelines

~~1-20-~~
C-

Before deciding on a development plan or planning permit application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether it is generally in accordance with:

- *Tally Ho Major Activity Centre Urban Design Framework, 2007*

4.0 Reference documents

~~1-20-~~
C-

Tally Ho Major Activity Centre Urban Design Framework, 2007

Appendix C Development Plan Overlay Schedule Circulated Post-Hearing

SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO4**

CROSSWAY BAPTIST CHURCH – 2-18 AND 27-29 VISION DRIVE AND 709 Highbury Road, Burwood East

1.0 **Conditions and requirements for permits**

A permit must include the following conditions, as appropriate to the application:

- The land at 27-29 Vision Drive, Burwood East must only be used for the purposes of a commercial car park and for car parking associated with the use of the land located at 2-18 Vision Drive and 709 Highbury Road, Burwood East to the satisfaction of the responsible authority.
- The commercial car park on the land at 27-29 Vision Drive, Burwood East must be available to the general public and ~~the office~~ other uses within the Tally Ho Business Park between normal daytime office hours Monday-Friday (inclusive) to the satisfaction of the responsible authority. (Both Council and the proponent agree to the proposed change.)
- The owner of the land at 27-29 Vision Drive, Burwood East must enter into an agreement with Council under ~~s~~Section 173 of the *Planning & Environment Act 1987* requiring that the owner of the land: (Both Council and proponent agree to proposed change.)
 - constructs and maintains public pedestrian access between Vision Drive and land in Wesley Court in accordance with the Endorsed Plans to the satisfaction of the responsible authority; (Both Council and the proponent agree with the proposed change.)
 - maintains an appropriate public liability insurance policy in an amount to the satisfaction of the responsible authority;
 - indemnify and release Council from any liability from any damage, loss or the like as a result of or incidental to the use of the land at 27-29 Vision Drive, Burwood East for a commercial car park; and
 - pays Council's costs incurred in the preparation, drafting, finalisation, engrossment, execution and registration of the agreement.
 - May charge fees for the use of the commercial car park by the general public and other users (Council – this dot point is unnecessary because 'commercial car park' is a common lay term which not does require further clarification. If fees were not to be charged then the use would simply be a 'car park', and not a 'commercial car park'.)

Council - proposed bullet reformatting is not necessary, it is change for its own sake rather than improving the amendment.)

A permit application must include the following, as appropriate:

- Effective facade and landscape treatments to soften the south elevation of the commercial car park at 27-29 Vision Drive, Burwood East to ensure the amenity of nearby residential properties.
- Effective screening of the bi-level car park to the west of the church, to ensure the amenity and privacy of adjoining residential properties.
- A detailed landscape plan showing all proposed landscaping. At least 50% of all proposed planting should be indigenous species.
- Any signage, which must be unobtrusive and in accordance with Clause 22.02.

- External lighting effects, which must be unobtrusive and not cause detriment to the amenity of neighbouring residential areas.
- An Environmentally Sustainable Development Management Plan and Green Travel Plan.

Noise containment measures for all new buildings to ensure the amenity of nearby residential properties. (Both Council and the proponent agree with proposed change.)

2.0 **Requirements for development plan**

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The development plan must show or provide for:

Buildings and works

- The extent and location of building envelopes.
- The layout, height to AHD level, indicative elevations, floor area and seating capacity of all buildings and works. (Both Council and the proponent agree with proposed change.)
- Cross sections including all multi-level car parking areas.
- Indicative external materials, finish and colours of all buildings and works, including screening measures to protect the amenity and privacy of adjoining residential properties.
- The proposed use of each building.
- Building heights that are generally consistent with the ~~MYOB building at 12 Wesley Court~~ Tally Ho Major Activity Centre Urban Design Framework 2007, including allowing for a higher architectural feature element at the corner of Springvale Road and Vision Drive. (Both Council and the proponent support deletion of the words 'MYOB'. With regard to the rest of the proposed change, Council is comfortable with either the exhibited version or the proponent's version, on the basis that the Framework plan refers to indicative building height relative to 12 Wesley Court.)
- A minimum building setback of 5.0 metres from the Springvale Road boundary at 2-18 Vision Drive and 709 Highbury Road.
- A minimum building setback of 8.0 metres from the western boundary at 2-18 Vision Drive and 709 Highbury Road.
- A minimum building setback of 10 metres from the southern boundary of 709 Highbury Road
- A minimum building setback of 10 metres from the southern boundary of 27-29 Vision Drive, except for the westerly 20 metres of the frontage where the setback may be reduced to 5 metres. (Council is comfortable with this proposed change)
- The stages in which the land is to be developed, including landscaping.
- The location of all vehicle and pedestrian access ways, including ingress and egress to and from the site.
- An assessment of land liable to flooding in a 1 in a 100 year storm event, including hydraulic modelling to the satisfaction of the responsible authority. (Both Council and the proponent agree to proposed change.)
- Minimum floor areas to the satisfaction of the responsible authority for all buildings deemed a flood risk. (Both Council and the proponent agree with proposed change)

Management

- A Management Plan, which must outline:
 - Methods for ~~controlling and maintaining~~ managing public open space. (Council – proposed changes are not necessary. The exhibited version clarifies that the Management Plan must include ‘maintenance’. This is not spelt out in the word ‘managing’. It should be noted that although the land will be accessible by the general public, it will not be ‘public’ open space.)
 - ~~Provision for waste storage and disposal, hours of operation, security, deliveries, noise control and traffic flow.~~ (Council – opposes proposed deletion of this dot point, but will agree to the word ‘General’ being inserted at the beginning, and deletion of the word ‘security’.) Details for the operation and management of the car and bicycle parking areas.

Both Council and the proponent agree to the proposed indented layout.

Traffic and transport

- ~~Traffic management and traffic control works considered necessary on the land and affected roads, including consideration of signalisation of the intersection of Springvale Road and Vision Drive.~~ (Council opposes deletion of this bullet point because signalisation only needs to be ‘considered’ and there is no surety that vehicle access through to Wesley Court can be achieved. However Council is comfortable if the words: ‘to mitigate the expected traffic impacts of the proposed development’ were inserted after the words: ‘and affected roads’.)
- ~~The stages in the development in which the traffic management and control works internal and external to the land are to be undertaken~~ (Council opposes deletion of this bullet point but is comfortable if the words: ‘to mitigate the expected traffic impacts of the proposed development’ were inserted.)
- ~~Traffic management Plan, which must include:~~ (Council does not support deletion of this dot point and its replacement with the dot point below
- A transport plan to the satisfaction of the responsible authority, VicRoads and Public Transport Victoria, which must include: (Council – replacement paragraph is not necessary and nor is introducing the requirement to formally obtain the consent of VicRoads and the Public Transport Authority. Council also believes that the words: ‘to the satisfaction of the responsible authority’ are not necessary because all aspects of both the permit and the development plan must already be to the satisfaction of the responsible authority. Council can already refer the permit application and development plan to VicRoads or Public transport Victoria, but they should not be listed in the amendment as joint responsible authorities.)
- The expected number of trips generated by staff and visitors and for deliveries and service vehicles to the site.
- The traffic management and traffic control works considered necessary on the land and affected roads to mitigate the expected traffic impact of the proposed development and the stages in the development in which these works are to be undertaken. (Council – the change is unnecessary, the issue is already provided for in the first two bullet points under the heading ‘**Traffic and transport**’ which the proponent proposes to delete.)
- The location, layout and access ways of all car and bicycle parking areas.
- Car parking with a ratio of 0.3 spaces to each auditorium seat or a lesser figure to the satisfaction of the responsible authority. (Both Council and the proponent support the proposed change.)

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- Provision for loading and unloading facilities ~~of~~ for vehicles and means of access to them. (Both Council and the proponent agree with this change.)The expected number of trips generated by staff and visitors and for deliveries and service vehicles to the site.

Landscaping

- The location of all open space, identifying areas accessible to the public.
- Proposed landscape precincts, with indicative themes.
- Effective landscaping to provide a visual screen to adjoining residential areas and to soften the appearance of buildings, roads and car parking areas.

Environmentally Sustainable Development

- The design and building techniques to be used that are consistent with environmentally sustainable development (ESD) principles.

Use

- The land at 27-29 Vision Drive to be only used for the purposes of a commercial car park and for car parking associated with the use of the land located at 2-18 Vision Drive and 709 Highbury Road to the satisfaction of the responsible Authority.
- The commercial car park on the land at 27-29 Vision Drive must be available to the general public and other uses within the Tally Ho Business park during normal business office hours Monday-Friday (inclusive) to the satisfaction of the responsible authority. (Council does not support the proposed insertion of the above two paragraphs. The same information is provided more succinctly in the paragraph below which the proponent proposes to delete. Council also submits that in both dot points, the words: ‘to the satisfaction of the responsible authority’ are not necessary.)

The land at 27-29 Vision Drive, Burwood East to ~~only be used for the purposes of a commercial car park available to the general public and office uses within the Tally Ho Business Park between normal daytime office hours Monday Friday (inclusive) except that on weekday evenings and on a Saturday and Sunday, the Crossway Baptist Church may use the land for their own car parking purposes with a~~ include a (Council believes these word changes do not grammatical sense with the ‘lead in’ to the dot point) public pedestrian link from Vision Drive to the abutting land in Wesley Court, Burwood East. (Both Council and the proponent support the addition of the words ‘public’, ‘from Vision Drive’ and ‘abutting’.)

Display of development plan

Before deciding whether to approve a development plan or a substantial amendment to an approved development plan, the responsible authority must first display the plan for public comment for a period of 14 days and must take account of any comments received in response to display.

(Although both Council and the proponent support the inclusion of this paragraph, Council proposes an additional change: that at the end of the paragraph and after the word : ‘display’, the following words are added: ‘of the plan’.)

~~Before deciding whether to approve a development plan or any substantial amendment to an approved development plan, the responsible authority must display the plan for public comment.~~

~~The development plan or any substantial amendment to the development plan must be displayed for a minimum period of 14 days. The responsible authority must take account of any comments received in response to display of the development plan or any substantial amendment to an approved development plan~~ (Both Council and the proponent support the changes as shown above, ie deletion of the two paragraphs and replacement with a single paragraph.)

3.0 Decision Guidelines

~~--/20--~~ Before deciding on a development plan or planning permit application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether it is generally in accordance with:

- *Tally Ho Major Activity Centre Urban Design Framework, 2007*

4.0 Reference documents

~~--/20--~~ *Tally Ho Major Activity Centre Urban Design Framework, 2007*

Appendix D Panel recommended Development Plan Overlay Schedule

SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO4**

CROSSWAY BAPTIST CHURCH – 2-18 AND 27-29 VISION DRIVE AND 709 HIGHBURY ROAD, BURWOOD EAST

1.0 Conditions and requirements for permits

A permit must include the following conditions, as appropriate to the application:

- The land at 27-29 Vision Drive, Burwood East must only be used for the purposes of a commercial car park and for car parking associated with the use of the land located at 2-18 Vision Drive and 709 Highbury Road, Burwood East to the satisfaction of the responsible authority.
- The commercial car park on the land at 27-29 Vision Drive, Burwood East must be available to the general public and other uses within the Tally Ho Business Park between normal daytime office hours Monday-Friday (inclusive) to the satisfaction of the responsible authority.
- The owner of the land at 27-29 Vision Drive, Burwood East must enter into an agreement with Council under Section 173 of the *Planning & Environment Act 1987* requiring that the owner of the land:
 - constructs and maintains public pedestrian access between Vision Drive and land in Wesley Court in accordance with the Endorsed Plans to the satisfaction of the responsible authority;
 - maintains an appropriate public liability insurance policy in an amount to the satisfaction of the responsible authority;
 - indemnify and release Council from any liability from any damage, loss or the like as a result of or incidental to the use of the land at 27-29 Vision Drive, Burwood East for a commercial car park; and
 - pays Council's costs incurred in the preparation, drafting, finalisation, engrossment, execution and registration of the agreement.

A permit application must include the following, as appropriate:

- Effective facade and landscape treatments to soften the south elevation of the commercial car park at 27-29 Vision Drive, Burwood East to ensure the amenity of nearby residential properties.
- Effective screening of the bi-level car park to the west of the church, to ensure the amenity and privacy of adjoining residential properties.
- A detailed landscape plan showing all proposed landscaping. At least 50% of all proposed planting should be indigenous species.
- Any signage, which must be unobtrusive and in accordance with Clause 22.02.
- External lighting effects, which must be unobtrusive and not cause detriment to the amenity of neighbouring residential areas.
- An Environmentally Sustainable Development Management Plan and Green Travel Plan.
- Noise containment measures for all new buildings to ensure the amenity of nearby residential properties.

2.0 Requirements for development plan

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The development plan must show or provide for:

Buildings and works

- The extent and location of building envelopes.
- The layout, height to AHD level, indicative elevations, floor area and seating capacity of all buildings and works.
- Cross sections including all multi-level car parking areas.
- Indicative external materials, finish and colours of all buildings and works, including screening measures to protect the amenity and privacy of adjoining residential properties.
- The proposed use of each building.
- Building heights that are generally consistent with the Tally Ho Major Activity Centre Urban Design Framework 2007, including allowing for a higher architectural feature element at the corner of Springvale Road and Vision Drive.
- A minimum building setback of 5.0 metres from the Springvale Road boundary at 2-18 Vision Drive and 709 Highbury Road.
- A minimum building setback of 8.0 metres from the western boundary at 2-18 Vision Drive and 709 Highbury Road.
- A minimum building setback of 10 metres from the southern boundary of 709 Highbury Road
- A minimum building setback of 10 metres from the southern boundary of 27-29 Vision Drive, except for the westerly 20 metres of the frontage where the setback may be reduced to 5 metres.
- The stages in which the land is to be developed, including landscaping.
- The location of all vehicle and pedestrian access ways, including ingress and egress to and from the site.
- An assessment of land liable to flooding in a 1 in a 100 year storm event, including hydraulic modelling to the satisfaction of the responsible authority.
- Minimum floor areas to the satisfaction of the responsible authority for all buildings deemed a flood risk.

Management

- A Management Plan, which must outline:
 - Methods for controlling and maintaining open space.
 - Provision for waste storage and disposal, hours of operation, security, deliveries, noise control and traffic flow.
 - Details for the operation and management of the car and bicycle parking areas.

Traffic and transport

- Traffic management and traffic control works considered necessary on the land and affected roads to mitigate the expected traffic impacts of the proposed development.

-
- The stages in the development in which the traffic management and control works internal and external to the land are to be undertaken to mitigate the expected traffic impacts of the proposed development.
 - A Traffic management Plan, prepared in consultation with VicRoads and Public Transport Victoria which must include:
 - The expected number of trips generated by staff and visitors and for deliveries and service vehicles to the site.
 - The location, layout and access ways of all car and bicycle parking areas.
 - Car parking with a ratio of 0.3 spaces to each auditorium seat.
 - Provision for loading and unloading facilities for vehicles and means of access to them.

Landscaping

- The location of all open space, identifying areas accessible to the public.
- Proposed landscape precincts, with indicative themes.
- Effective landscaping to provide a visual screen to adjoining residential areas and to soften the appearance of buildings, roads and car parking areas.

Environmentally Sustainable Development

- The design and building techniques to be used that are consistent with environmentally sustainable development (ESD) principles.

Display of development plan

- Before deciding whether to approve a development plan or a substantial amendment to an approved development plan, the responsible authority must first display the plan for public comment for a period of 14 days and must take account of any comments received in response to display of the plan.

3.0 Decision Guidelines

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Before deciding on a development plan or planning permit application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether it is generally in accordance with:

- *Tally Ho Major Activity Centre Urban Design Framework, 2007*

4.0 Reference documents

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Tally Ho Major Activity Centre Urban Design Framework, 2007