Planning and Environment Act 1987

Panel Report

Boroondara Planning Scheme Amendment C229
Implementation of 2011 Planning Scheme Review

2 May 2016
Planning and Environment Act 1987
Panel Report pursuant to Section 25 of the Act
Boroondara Planning Scheme Amendment C229
Implementation of 2011 Planning Scheme Review

2 May 2016

David Merrett, Chair
Annabel Paul, Member
# Contents

<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>1</td>
</tr>
<tr>
<td>1 Introduction</td>
<td>7</td>
</tr>
<tr>
<td>1.1 Panel process</td>
<td>7</td>
</tr>
<tr>
<td>1.2 Purpose of the Amendment</td>
<td>8</td>
</tr>
<tr>
<td>1.3 The 2011 Planning Scheme Review</td>
<td>8</td>
</tr>
<tr>
<td>1.4 Ministers letter of authorisation</td>
<td>9</td>
</tr>
<tr>
<td>2 Identification of issues</td>
<td>10</td>
</tr>
<tr>
<td>2.1 Summary of issues raised in submissions</td>
<td>10</td>
</tr>
<tr>
<td>2.2 Issues dealt with in this Report</td>
<td>12</td>
</tr>
<tr>
<td>3 Planning context</td>
<td>13</td>
</tr>
<tr>
<td>3.1 Policy framework</td>
<td>13</td>
</tr>
<tr>
<td>3.2 Planning scheme provisions</td>
<td>16</td>
</tr>
<tr>
<td>3.3 Ministerial Directions and Practice Notes</td>
<td>16</td>
</tr>
<tr>
<td>3.4 Discussion</td>
<td>17</td>
</tr>
<tr>
<td>4 Role of the Municipal Strategic Statement and consistency with the Planning and Environment Act 1987</td>
<td>18</td>
</tr>
<tr>
<td>4.1 The issue</td>
<td>18</td>
</tr>
<tr>
<td>4.2 Submissions</td>
<td>18</td>
</tr>
<tr>
<td>4.3 Discussion and conclusions</td>
<td>19</td>
</tr>
<tr>
<td>4.4 Recommendations</td>
<td>19</td>
</tr>
<tr>
<td>5 Mandatory or more certain requirements</td>
<td>21</td>
</tr>
<tr>
<td>5.1 The issue</td>
<td>21</td>
</tr>
<tr>
<td>5.2 Submissions</td>
<td>21</td>
</tr>
<tr>
<td>5.3 Discussion and conclusion</td>
<td>21</td>
</tr>
<tr>
<td>6 Heritage policy</td>
<td>22</td>
</tr>
<tr>
<td>6.1 The issue</td>
<td>22</td>
</tr>
<tr>
<td>6.2 Evidence and submissions</td>
<td>22</td>
</tr>
<tr>
<td>6.3 Discussion and conclusion</td>
<td>23</td>
</tr>
<tr>
<td>6.4 Recommendations</td>
<td>24</td>
</tr>
<tr>
<td>7 Neighbourhood Character policy</td>
<td>26</td>
</tr>
<tr>
<td>7.1 The issue</td>
<td>26</td>
</tr>
<tr>
<td>7.2 Evidence and submissions</td>
<td>26</td>
</tr>
<tr>
<td>7.3 Discussion and conclusions</td>
<td>27</td>
</tr>
<tr>
<td>7.4 Recommendations</td>
<td>29</td>
</tr>
<tr>
<td>8 Discretionary uses and development within Residential Zones policy</td>
<td>31</td>
</tr>
<tr>
<td>8.1 The issue</td>
<td>31</td>
</tr>
<tr>
<td>8.2 Discussion and conclusion</td>
<td>31</td>
</tr>
<tr>
<td>8.3 Recommendation</td>
<td>31</td>
</tr>
</tbody>
</table>
List of Tables

Table 1  Parties to the Panel Hearing................................................................. 7
Table 2  Boroondara current and proposed MSS structure ................................. 13
Table 3  Boroondara current and proposed local planning policies ....................... 14

List of Figures

Figure 1  Site and context............................................................................... 36
## List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>the Act</td>
<td>Planning and Environment Act 1987</td>
</tr>
<tr>
<td>the Amendment</td>
<td>Amendment C229</td>
</tr>
<tr>
<td>BRAG</td>
<td>Boroondara Residents Action Group</td>
</tr>
<tr>
<td>DDO12</td>
<td>Schedule 12 to the Design and Development Overlay</td>
</tr>
<tr>
<td>DDO16</td>
<td>Schedule 16 to the Design and Development Overlay</td>
</tr>
<tr>
<td>DELWP</td>
<td>Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>DPO2</td>
<td>Schedule 2 to the Development Plan Overlay</td>
</tr>
<tr>
<td>GRZ</td>
<td>General Residential Zone</td>
</tr>
<tr>
<td>GRZ1</td>
<td>Schedule 1 to the General Residential Zone</td>
</tr>
<tr>
<td>GRZ2</td>
<td>Schedule 2 to the General Residential Zone</td>
</tr>
<tr>
<td>GRZ5</td>
<td>Schedule 5 to the General Residential Zone</td>
</tr>
<tr>
<td>LPPF</td>
<td>Local Planning Policy Framework</td>
</tr>
<tr>
<td>MSS</td>
<td>Municipal Strategic Statement</td>
</tr>
<tr>
<td>NRZ</td>
<td>Neighbourhood Residential Zone</td>
</tr>
<tr>
<td>SPPF</td>
<td>State Planning Policy Framework</td>
</tr>
<tr>
<td>UPSC</td>
<td>Urban Planning Special Committee</td>
</tr>
</tbody>
</table>
Overview

**Amendment Summary**

<table>
<thead>
<tr>
<th>The Amendment</th>
<th>Boroondara Planning Scheme Amendment C229</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Implementation of the 2011 Planning Scheme Review</td>
</tr>
<tr>
<td>Subject Site</td>
<td>Affects all land in the municipality</td>
</tr>
<tr>
<td>The Proponent</td>
<td>Boroondara City Council</td>
</tr>
<tr>
<td>Planning Authority</td>
<td>Boroondara City Council</td>
</tr>
<tr>
<td>Authorisation</td>
<td>19 August 2015</td>
</tr>
<tr>
<td>Exhibition</td>
<td>10 September to 12 October 2015</td>
</tr>
<tr>
<td>Submissions</td>
<td>Number of Submissions: 18    Opposed: 17 in whole or in part</td>
</tr>
</tbody>
</table>

**Panel Process**

<table>
<thead>
<tr>
<th>The Panel</th>
<th>David Merrett (Chair) and Annabel Paul</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directions Hearing</td>
<td>Planning Panels Victoria, 2 February 2016</td>
</tr>
<tr>
<td>Panel Hearing</td>
<td>Planning Panels Victoria, 10 and 11 March 2016</td>
</tr>
<tr>
<td>Site Inspections</td>
<td>Not required</td>
</tr>
<tr>
<td>Date of this Report</td>
<td>2 May 2016</td>
</tr>
</tbody>
</table>
Executive Summary

(i) Summary

Boroondara Planning Scheme Amendment C229 seeks to implement some of the recommendations of the 2011 Planning Scheme Review Report (the Review Report). Given the passage of time since the review, Council’s approach to some recommendations has evolved and other approaches have been proposed. The Review Report represents the first holistic planning scheme review since the introduction of the ‘new format’ planning scheme in 1999. The Amendment replaces both Clause 21 (the Municipal Strategic Statement - MSS) and Clause 22 (Local Planning Policies) with a new MSS and policies and makes a range of other consequential changes.

The Amendment updates the Local Planning Policy Framework (LPPF) where policy context of the MSS is dated; includes relevant state and local government policy directions that have occurred over time; and provides direction on many emerging influences on the municipality, such as environmental sustainability.

A core focus of the new MSS is to provide a more concise LPPF that does not duplicate policy provisions found elsewhere in the planning scheme, particularly the State Planning Policy Framework (SPPF) and is relevant to Council’s exercise of discretion.

Amendment C229 was exhibited between 10 September and 12 October 2015, and 18 submissions were received.

The key issues raised in submissions were:

• Concern that the new MSS removes land use policies and focuses on urban design and built form controls within Activity Centres only, without providing support for the economic role these centres provide.
• Concerns with the heritage policy, including that the heritage policy should clearly support imitation or replica design and detail.
• The lack of planning control over large single dwellings.
• Lack of controls to prevent the loss of trees and gardens.
• Concerns with the proposed Neighbourhood Character Policy that limits the potential of properties fronting main roads to accommodate a higher intensity housing form.
• A submission that requested a site be nominated for further investigation for rezoning.

The Panel has considered all issues raised in the submissions and Council’s response.

The Panel found the existing LPPF was structurally out of date and its content suffered from only incremental changes over time without any holistic review. The revised structure is more consistent with the SPPF and the reduction in policies from 14 to five, with some translated into the MSS, reflects good practice. However, the Panel was concerned that Council had overreached in the following areas:

• The change in emphasis of policy relating to neighbourhood and local activity centres and commercial corridors.
• The policy preference for imitation or replica design and detail for extensions and alterations to existing significant or contributory dwellings. The current policy specifically supports a modern form.
• The Neighbourhood Character Policy and associated housing provisions in the MSS being too prescriptive in relation to building height and housing form.
• Retaining policy to implement a 5% open space contribution.

The Panel has recommended a more balanced heritage policy and retained some text of the existing activity centres policy. The Panel acknowledges the future work that falls out of the Housing Strategy that may resolve housing issues along main roads, however recommends that the Neighbourhood Character Policy be modified to reduce the reliance on prescriptive heights. The Panel has adopted the recommendation of the 2011 Planning Scheme Review in respect of using the schedule to Clause 52.01 to implement the 5% open space contribution.

The Panel has made a range of other recommendations, relatively minor in nature that will assist in the administration of the planning scheme.

Recommendations

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

Boroondara Planning Scheme Amendment C229 be adopted as exhibited subject to the following:

1. Amend Clause 21.01 (first paragraph, third sentence) to:
   
   Set in a treed environment, Boroondara (Aboriginal for ‘a place in the shade’) is known for its high levels of amenity.

2. Amend Clause 21.01-2 (Key planning issues – Built Environment and Heritage), 2nd dot point to:
   
   Protecting and respecting valued neighbourhood character in Boroondara.

3. Amend Clause 21.01-2 (Key Planning issues – Housing), 3rd dot point to:
   
   Ensuring that residential development maintains the amenity of adjoining and nearby housing.

4. Amend Clause 21.02-1, Objective 1, to:
   
   To maintain and strengthen the network of activity centres, neighbourhood centres and commercial corridors within Boroondara.

5. Amend Clause 21.02-1, Strategies, to add:

   1.8 Encourage mixed use development that supports the local community and ensures that neighbourhood centres and commercial corridors remain vibrant, sustainable and multi-functional destinations.

   1.9 Ensure that development promotes sustainability, improves functionality, accessibility and improved integration with the public realm, and addresses scale and identity through site responsive design.
6. Amend Clause 21.03-2 by adding the following new strategies:

4.6 Encourage the retention of significant trees and canopy trees.

4.7 Ensure sufficient space is retained in front and rear gardens to accommodate large trees.

7. Amend Clause 21.03-5, Strategy 9.4 to:

Protect street trees in the public and private realm and maintain the tree canopy to reduce the impacts of urban heat.

8. Amend Clause 21.04-1 (Urban Design - Key issues), 2nd dot point to:

Ensuring built form outcomes enhance streetscapes and maintains local amenity.

9. Amend Clause 21.04-2 (Neighbourhood character), 2nd paragraph, 2nd sentence to:

The precinct statements describe key precinct character elements, a preferred future character and design guidelines that will assist in achieving the preferred future character.

10. Amend Clause 21.04, Reference documents, 4th document to:

Neighbourhood Character Precinct Statements 2013 (or as amended from time to time) (City of Boroondara)

11. Amend Clause 21.05-1 (Residential development), 2nd paragraph to:

Council has established a clear vision to facilitate a diverse range of housing in line with housing demand whilst ensuring that the established residential areas preferred character is respected and its amenity is maintained.

12. Amend Clause 21.05-1, Table 1: Boroondara Housing Framework, (Outcome, GRZ1) to:

Supports moderate change consisting of detached dwellings, villa and townhouse development and apartments where appropriate along main roads.

13. Amend Clause 21.05-1, Table 1: Boroondara Housing Framework, (Location, GRZ1) to:

Suburban precincts without a consistent, open back yard character.

14. Amend Clause 21.05-1, Table 1: Boroondara Housing Framework (Outcome GRZ2) to:

Supports moderate change reflecting a mixture of detached dwellings, villas and townhouses as well as apartment buildings.

15. Amend Clause 21.05-1, Table 1: Boroondara Housing Framework, (Location, GRZ2) to:

Contemporary townhouse and general inner urban precincts.
16. Amend Clause 22.05 by inserting DDO12 (West Hawthorn) as being exempt under the policy.

17. Amend Clause 21.05-1 and 22.05-12 by replacing the Boroondara Neighbourhood Character Study with:

Boroondara Neighbourhood Character Precinct Statements.

18. Amend Clause 21.05-13 by replacing the 1st document with:

Boroondara Neighbourhood Character Precinct Statements 2013 (or as amended and adopted by Council from time to time).

19. Amending Clause 22.02-3 (Policy), Layout and design, 6th dot point to:

Ensure waste storage areas are located away from adjoining private open space and habitable room windows of dwellings.

20. Amend Clause 22.02-3 (Policy), Layout and design, 7th dot point to;

Ensure car parking areas are sited to minimise their impact on the amenity of adjoining residential properties.

21. Amend Clause 22.03-2 (Objectives) by:
   a) Deleting the 2nd dot point;
   b) Amending the 4th dot point to:

To retain and conserve ‘contributory’ places and fabric in the Heritage Overlay which is visible from the primary street frontage.

22. Amend Clause 22.03-3 (Significant Heritage Places - Additions and New Buildings) by:
   a) Adding the following new dot point:

Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.

   b) Amending the 5th dot point to,

Use design details which complement the design of the heritage place (including, but not limited to the type and form of windows, doors, architectural features and verandahs). Design details of new buildings and works should either be:

- Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings, or
- A replication of historic forms and detailing.
23. Amend Clause 22.03-3 (Contributory Heritage Places - Additions and New Buildings) by:
   a) Adding the following new dot point:
      
      Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.
   
   b) Amending the 4th dot point to:
      
      Use design details which complement the design of the heritage place (including, but not limited to the type and form of windows, doors, architectural features and verandahs). Design details of new buildings and works should either be:
      
      - Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings, or
      
      - A replication of historic forms and detailing.

24. Amend Clause 22.03-3 (‘Non-Contributory’ Places - Replacement Buildings, Development, Alterations and Additions) by:
   a) Amending the 1st dot point to;
      
      Encourage high quality sympathetic design.
   
   b) Deleting the 2nd dot point.

25. Amend Clause 22.02-3 (Policy), Layout and design, 3rd dot point to:

      Discourage non-residential development with an overall height above 8m in the Neighbourhood Residential Zone 3, above 9m in the General Residential Zone 1, above 10.5m in the General Residential Zone 2 and 3 and above 13.5m in the Residential Growth Zone.

26. Amend Clause 22.03-6 (Definitions) by inserting the following definition of Interpretive:

      Means design and materials that honestly admit their modernity while relating to the heritage character of their surroundings including building and roof forms, proportions, colours, detailing and decoration.

27. Amend Clause 22.04-3 by deleting the 1st dot point under Location and replace it with:

      The contribution required under Clause 52.01 may be reduced at Council’s discretion.

28. Amend the preamble to Clause 22.05 (second paragraph) to:

      This policy does not apply to a planning permit application if approval is solely required under any of the following overlays......

29. Amend Clause 22.05-5 General Residential Zone, Schedule 1, Preferred Character Objectives to:
• To provide for development that respects the suburban, detached character.
• To enhance the precincts sense of greenery and open feel.

30. Amend Clause 22.05-5 Policy by deleting the 1st dot point.

31. Insert the schedule to clause 52.01 and amend it by including a 5% contribution for all land.
1 Introduction

1.1 Panel process

Boroondara Planning Scheme Amendment C229 (the Amendment) was prepared by the Boroondara City Council as Planning Authority. As exhibited, the Amendment proposes to implement the 2011 Planning Scheme Review (the Review Report) by:

- Replacing the existing Clause 21 Municipal Strategic Statement (MSS) containing 14 clauses with a new MSS (comprising seven clauses).
- Replacing the existing 16 local planning policy clauses with five modified or new local planning policies. The current list of local planning policies includes four without content (Clauses 22.03, 22.08, 22.12 and 22.13.)
- Amending the General Residential Zone Schedule 5 (GRZ5) to include the application requirements and decision guidelines set out in the General Residential Zone Schedules 1, 2, 3 and 4.
- Amending Schedule 16 to Clause 43.02 Design and Development Overlay (DDO16) to update the application requirements and to include the built form policy guidance from the existing Clause 22.10-4.
- Amending Schedule 2 to Clause 43.04 Development Plan Overlay (DPO2) to update the requirements for development plans. The updated overlay allows the existing Clause 22.06 Institutional Policy to be deleted.

Amendment C229 was exhibited between 10 September and 12 October 2015, and 18 submissions were received.

At its Urban Planning Special Committee (UPSC) meeting of 7 December 2015, Council resolved to refer 17 submissions to a Panel. A late submission was received from Planning Property Partners on behalf of P and K Votsis that the Panel agreed to consider. A Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 22 December 2015 and comprised David Merrett (Chair) and Annabel Paul.

Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Represented by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boroondara City Council</td>
<td>Mr John Keaney, planning consultant, Mr Robert Costello, Senior Project Planner</td>
</tr>
</tbody>
</table>
| Toorak Properties Pty Ltd P and K Votsis | Mr Chris Taylor of the firm Planning Property Partners who called the following expert witness:  
- Mr Andrew Clarke of Matrix Planning Australia Pty Ltd on planning |
| HLA Group Australia Pty Ltd    | Ms Sarah McQuillen of the firm Echelon Planning Pty Ltd                          |
| Ms Helen Tsoutsouvas           |                                                                                 |
| Ms Mary Drost OAM              |                                                                                 |
1.2 Purpose of the Amendment

Since the introduction of the ‘new format’ Boroondara Planning Scheme in 1999 only incremental changes have been made to it as specific planning issues have arisen. The MSS has evolved in response to these changes.

In that same period, a number of significant planning changes have occurred in the municipality including significant Victorian Government planning reform, Melbourne 2030, Plan Melbourne, new residential, commercial and industrial zones and the introduction of VicSmart.

The Review Report found the LPPF was significantly out of date, both structurally and in content. Examples provided by Council were references to:

- 1996 Census data.
- 1990’s strategic work as a basis for the key issues the planning scheme must address.
- The 1998-2001 Corporate Plan (now known as the Council Plan).
- A reference document list with reports from last century.

This is interspersed with content that reflects recent strategic work (such as the Boroondara Neighbourhood Character Study Precinct Statements 2013) in the ‘best fit’ location.

Since the planning scheme was introduced there has been a number of practice notes released that show how structurally out-of-date the planning scheme is, when compared against their contents. These are:

- DPCD Practice Note: Review of Planning Schemes (June 2015).
- DPCD Practice Note 4: Writing a Municipal Strategic Statement (June 2015).
- DPCD Practice Note 8: Writing a Local Planning Policy (June 2015).

Council staff, at times, found it difficult to justify Council’s position on permit applications at the Victorian Civil and Administrative Tribunal with such an out-of-date content and structure. This led to the preparation of first holistic review of the planning scheme since its inception.

1.3 The 2011 Planning Scheme Review

The Amendment has been informed by the Review Report. Most, not all, recommendations of the Review Report are implemented by the Amendment. Given the Review Report is five years old, certain recommendations have either fallen away or been replaced by other approaches.

Council adopted the Review Report in April 2012. A key recommendation was to update the MSS to better align it with the SPPF, reduce and consolidate policy objectives and provide greater direction on current planning issues.

The weaknesses of the existing LPPF as compared to the SPPF include:

- A misalignment in the structure of the MSS themes which makes local interpretation difficult to follow.
- Inconsistencies in policy positions due to outdated strategic work and reference documents.
- No relationship with Plan Melbourne and its policy positions on Camberwell Junction, Kew Junction and Glenferrie Activity Centres.
The key planning issues identified were:
- Environmentally sustainable design and development policy and techniques.
- Green infrastructure and eco-service provision (i.e. environmental services provided by healthy landscape systems.
- Sustainable transport, integrated land use and transport outcomes, alternative modes of transport and green travel plans.
- Biodiversity, water sensitive urban design and climate change.
- High quality urban design, protection of neighbourhood character and identification of new residential and commercial heritage areas.
- Accommodation for an ageing and growing population, medium and higher density housing and social and affordable housing.
- Diversified economic activity, increased investment and amenity in activity centres.
- Increasing passive use and all ability access to the public realm.

1.4 Ministers letter of authorisation

The Minister for Planning granted conditional authorisation to prepare the Amendment on 19 August 2015. The conditions related to Clause 22.05 (Neighbourhood Character Policy), which were met prior to the exhibition of the Amendment.

The authorisation refers to other areas of concern that were not conditional but were to be addressed as part of the amendment process. These relate to Clause 22.02 (Discretionary Uses and Development in Residential Areas policy – discouragement of non-residential uses with an overall height above the heights specified in various residential zones), Clause 22.04 (Public Open Space Contribution policy – use of the schedule, not policy, to implement the 5% open space contribution) and other matters with Clause 22.05 (Neighbourhood Character policy – statutory weight given to it as a reference document).

Some of these issues are addressed in this report.
2 Identification of issues

2.1 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

(i) Boroondara City Council

The key issues for the Council were:
- Urgent need to update the LPPF.
- Update is based upon a thorough review of the planning scheme.
- The drafting of the MSS has been targeted to those matters where Council has discretion in its decision making.
- The whole of the planning scheme, including the SPPF, needs to inform decision making.
- Generally a small pool of submissions given the significant re-write of the planning scheme.

(ii) VicRoads (Submission 16)

VicRoads proposed minor additions to the content of the MSS to reflect the integration of land use, development and transport planning and Clause 22.01 (Advertising Signs Policy) and DDO16.

Most of the proposed changes have been supported by Council.

(iii) Toorak Properties Pty Ltd and P and S Votsis (Submissions 4 and 18)

The key issues were:
- It is premature for Council to consider the draft LPPF until the draft Housing Strategy has been considered and finalised.
- The land at 381 Tooronga Road and 760 Toorak Road, Hawthorn East should be nominated as an area for further strategic investigation at Clause 21.01-4 for a Commercial 1 Zone.

Council did not support the submission.

(iv) HLA Group Australia Pty Ltd (Submission 5)

The key issues were:
- General Residential Zone Schedule 1 (GRZ1) as it applies to 1300-1302 Toorak Road, Camberwell given it discourages an apartment typology where a building height of 9-10 metres is allowed.
- The Neighbourhood Character Precinct Statement for the site (No 58) should distinguish between those areas within residential streets and main road locations such as the subject site and its ability to support more housing diversity.
- The inconsistency with Plan Melbourne and other state policy to encourage urban infill in locations well suited for medium density housing.

Council did not support the submission.
(v) **Coles Group Property Developments Ltd (Submission 12)**

BMDA Development Advisory lodged a submission on behalf of the Coles Group. The key issues raised were:

- The Amendment is contrary to the objectives of the *Planning and Environment Act 1987*.
- Clauses 21.01 and 21.02 are too limited to built form issues and lack a response to appropriate uses within commercial areas.
- The Amendment is inconsistent with the SPPF and *Plan Melbourne* as they relate to the continued growth and development of activity centres.
- There is too much reliance on the *Boroondara Neighbourhood Centres and Commercial Corridors Guidelines 2014*, which weakens the emphasis on land use.
- The proposed MSS reduces the role of activity centres and does not support mixed use development in centres.
- Council is adopting a prejudicial position in regard to discouraging supermarket uses in the Commercial 2 Zone.

(vi) **Other Individual Submitters**

The key issues raised by other submitters were:

- Council should do more to protect significant residential areas (Submissions 6, 8, 9, 10, 11, 14 and 16).
- There is not enough protection for significant trees and modern extensions to heritage dwellings should be more sympathetic to the style of the dwellings (Submissions 13 and 16).
- Population growth should be supported by a higher standard of development with improved internal amenity that protects existing amenity in the surrounding area (Submission 7).
- Minor edits to correct references to certain sites (Submission 1) and updated text (Submission 11).
- Clause 22.03 (Heritage Policy) should provide better protection to contributory buildings and places with the use of more prescriptive and mandatory terms such as ‘must’ instead of ‘should’ or ‘encourage’ (Submission 2).
- Clause 22.03 should refer to the 2015, (not 2014) Statement of Significance and Precinct 36 should be included in the list of precincts in Item 2 on page 10 (Submission 2).
- The Amendment is inconsistent with the *Planning and Environment Act 1987* and has too much focus on urban design controls to the detriment of land use policies (Submission 12).

Ms Tsoutsouvas requested the Panel give some consideration to the informal submission lodged in mid-2015 to the draft LPPF.

Submission 17 from the Environment Protection Authority did not object to the Amendment.

Most of these issues remain unresolved or Council considers there are sufficient protections already in place in the new provisions.

Council supported some changes to the exhibited Amendment and these were provided to the Panel in the form of a tracked change version of the proposed LPPF. Further changes
were identified by Council in response to issues raised at the Hearing. Council’s closing submission outlined the changes supported by Council.

2.2 Issues dealt with in this Report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

This report deals with the issues under the following headings:
- Planning context
- Role of the Municipal Strategic Statement and consistency with the Planning and Environment Act 1987
- Mandatory or more certain requirements
- Heritage policy
- Neighbourhood Character policy
- Discretionary uses and development within Residential Zones policy
- Public Open Space policy
- Tree protection
- 381 Tooronga Road and 760 Toorak Road, Hawthorn East.

Some elements of submissions were very general with no direct requests for changes to the Amendment. An example of this was that Council ‘should do more to protect residential areas’. The Panel was assisted by the officer assessment of all submissions and accepts that other submitters may have provided more direction on these general statements.
3 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

3.1 Policy framework

3.1.1 State Planning Policy Framework

Council submitted that the structure and content of the current LPPF is inconsistent with the SPPF. This was one of the key findings of the Review Report. The Amendment addresses this by proposing a significant re-write of the LPPF to improve the alignment between the SPPF and LPPF.

3.1.2 Local Planning Policy Framework

(i) Structural changes to the LPPF

Table 2 compares the key structural changes to the MSS with the current structure.

<table>
<thead>
<tr>
<th>Boroondara MSS Structure</th>
<th>Proposed – Amendment C229</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>21.01 Setting the Scene</td>
<td>21.01 Municipal Profile</td>
</tr>
<tr>
<td>21.02 A snapshot of the City of Boroondara (1999)</td>
<td>21.02 Neighbourhood centres, Local centres, Commercial corridors, and Out of Centre development</td>
</tr>
<tr>
<td>21.03 The Key Influence Areas for Boroondara</td>
<td>21.03 Environment and open space</td>
</tr>
<tr>
<td>21.04 The Vision for Boroondara</td>
<td>21.04 Built Environment and Heritage</td>
</tr>
<tr>
<td>21.05 Heritage, Landscapes and Urban Character</td>
<td>21.05 Housing</td>
</tr>
<tr>
<td>21.06 Environment</td>
<td>21.06 Transport and infrastructure</td>
</tr>
<tr>
<td>21.07 Residential Land Use</td>
<td>21.07 Local Areas</td>
</tr>
<tr>
<td>21.08 Activity Centres, Neighbourhood Centres and Commercial Corridors</td>
<td></td>
</tr>
<tr>
<td>21.09 Community Facilities</td>
<td></td>
</tr>
<tr>
<td>21.10 Recreation and Leisure</td>
<td></td>
</tr>
<tr>
<td>21.11 Infrastructure</td>
<td></td>
</tr>
<tr>
<td>21.12 Movement</td>
<td></td>
</tr>
<tr>
<td>21.13 Monitoring and review</td>
<td></td>
</tr>
<tr>
<td>21.14 References</td>
<td></td>
</tr>
</tbody>
</table>

The following nine new or modified maps are proposed for the MSS:

- Regional context plan
- Strategic framework plan (Clause 21.01)
- Centres and commercial corridors framework plan (Clause 21.02)
- Public open space gap areas (Clause 21.03)
- Environment and open space framework plan (Clause 21.03)
- Housing framework plan (Clause 21.05)
- Transport framework plan (Clause 21.06)
- Camberwell Junction Structure Plan – Land use (Clause 21.07)
- Camberwell Junction Structure Plan – Built form (Clause 21.07).

(ii) Local planning policies

There are currently 16 local planning policies, including four that have no content. The Review Report questioned the relevance of many of the policies, ultimately recommending that many be either deleted in entirety or translated into the MSS as strategies. Table 3 compares existing and proposed policies that would remain in Clause 22. Five have been retained (and updated) as Clause 22 policies.

Table 3  Boroondara current and proposed local planning policies

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed – Amendment C229</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.01</td>
<td>Advertising signs</td>
</tr>
<tr>
<td>22.02</td>
<td>Discretionary uses and development in residential areas</td>
</tr>
<tr>
<td>22.03</td>
<td>Heritage</td>
</tr>
<tr>
<td>22.04</td>
<td>Public open space contributions</td>
</tr>
<tr>
<td>22.05</td>
<td>Neighbourhood character</td>
</tr>
<tr>
<td>22.06</td>
<td>Institutional uses</td>
</tr>
<tr>
<td>22.07</td>
<td>Neighbourhood character</td>
</tr>
<tr>
<td>22.08</td>
<td>(no content)</td>
</tr>
<tr>
<td>22.09</td>
<td>Public open space contributions</td>
</tr>
<tr>
<td>22.10</td>
<td>Neighbourhood centres and commercial corridors land use and urban design</td>
</tr>
<tr>
<td>22.11</td>
<td>Telecommunications</td>
</tr>
<tr>
<td>22.12</td>
<td>(no content)</td>
</tr>
<tr>
<td>22.13</td>
<td>(no content)</td>
</tr>
<tr>
<td>22.14</td>
<td>Electronic gaming</td>
</tr>
</tbody>
</table>

1 This is a restructure and simplification of the existing policy
2 The revised clause 22.02 policy is based upon the updated policy submitted to the Minister for Planning as part of the Amendment C190.
3 This retains the policy positions of Council but streamlines and restructures the policy to improve usability.
4 This a redrafted policy that references the Boroondara Open Space Strategy 2013.
5 This now reflects the structure of the residential zones as approved by the former Minister for Planning.
6 This general policy is to be deleted and is to be replaced by a revised detailed policy.
(iii) **Reference documents**

In updating the LPPF, Council took the opportunity to refer to relevant strategic work that had been completed by Council or other agencies. These include:

- Balwyn Access Plan 2013
- Balwyn Structure Plan 2011
- Balwyn Parking Precinct Plan 2013
- Boroondara Access and Inclusion Plan 2013-2017
- Boroondara Bicycle Strategy 2008
- Boroondara Car Share Policy 2013
- Boroondara Integrated Transport Strategy 2006
- Boroondara Open Space Strategy 2013
- Boroondara Road Safety Strategy 2008
- Camberwell Junction Access Plan 2014
- Camberwell Junction Parking Study 2014
- Camberwell Junction Structure Plan 2011
- Council Plan 2013-2017
- Neighbourhood centres and Commercial corridors Guidelines 2014
- Neighbourhood Character Precinct Statements 2013
- Neighbourhood Character Study and New Residential Zones Methodology and Implementation Report 2013
- Parking Management Policy 2006
- Thematic Environment History 2012
- Urban Biodiversity Strategy 2013-2023
- West Hawthorn Urban Design Framework 2006
- Various heritage studies undertaken over the years.

Some of this work has been implemented through separate planning scheme amendments identified in the following section.

(iv) **Other relevant planning scheme amendments**

Council advised of the following recent relevant local amendments:

- Amendment C167 – West Hawthorn Urban Design Framework (approved 26 April 2013)
- Amendments C190 and C199 – Implementation of the new residential zones (adopted September 2013, approved 19 June 2014)
• Amendment C210 – Yarra River Corridor Controls (approved January 2015)
• Amendments C138 and C139 – Kew Junction and Glenferrie Structure Plans
• Various amendments to implement the Heritage Action Plan and to correct zone anomalies.

3.2 Planning scheme provisions

(i) Zones

The Amendment does not propose to rezone any land. However, it proposes to amend the GRZ5 to include the application requirements and decision guidelines set out in the General Residential Zone Schedules 1, 2, 3 and 4.

(ii) Overlays

The Amendment proposes to:
• Amend DDO16 to update the application requirements and to include the built form policy guidance from the existing Clause 22.10-4.
• Amend DPO2 to update the requirements for development plans.

The Amendment does not propose to apply any new overlays.

3.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction 9 - Metropolitan Strategy

The Amendment is consistent with Plan Melbourne in that it proposes a contemporary LPPF that responds to current-day planning issues.

Ministerial Direction 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments)

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

(ii) Planning Practice Notes

Council submitted that the review and re-write of the LPPF has been guided by the following Guide and Planning Practice Notes:
• Continuous Improvement Review Kit (February 2006)
• Planning Practice Note 32: Review of Planning Schemes (June 2015)
• Planning Practice Note 4: Writing a Municipal Strategic Statement (June 2015)
• Planning Practice Note 8: Writing a Local Planning Policy (June 2015).
3.4 Discussion

The Amendment proposes a new LPPF and the Panel accepts that it is generally consistent with the structure and relevant content of the SPPF.

The Panel concludes that the Amendment is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.
4 Role of the Municipal Strategic Statement and consistency with the *Planning and Environment Act 1987*

4.1 The issue

BMDA on behalf of Coles Group Property Developments Ltd (Submission 12) raised concerns over the role of the MSS and whether the Amendment was consistent with the *Planning and Environment Act 1987* (the Act).

The issue is whether the re-written LPPF responds appropriately to matters where there is discretion afforded by the planning scheme or whether other broad references should be provided in regard to activity centre planning?

4.2 Submissions

The concerns as expressed by the submitter include:

- The Amendment is contrary to the objectives of the Act in that it does not facilitate appropriate development and Clauses 21.01 and 21.02 are too limited to built form issues and lack a response to appropriate uses within commercial areas/activity centres.
- The Amendment is inconsistent with the SPPF and *Plan Melbourne* as they relate to the continued growth and use and development of activity centres.
- There is too much reliance on the *Boroondara Neighbourhood Centres and Commercial Corridors Guidelines 2014* which weakens the emphasis on land use.
- The proposed MSS reduces the role of activity centres and does not support mixed use development in centres.
- Council is adopting a prejudicial position in regard to discouraging supermarket uses within the Commercial 2 Zone.

In response Council submitted:

- All objectives of the Act are relevant and there is a responsibility on Council to strike an overall balance between these objectives. To cite one objective (i.e. fair, orderly economic and sustainable use and development of land) in isolation is not what the Act requires.
- The proposed MSS establishes the strategic basis for the application of zones, overlays and particular provisions. The content is relevant to those matters where discretion is provided by zone controls. In regard to ‘use’, the Commercial 1 Zone now does not require a planning permit for the use of land as a supermarket.
- The MSS does not take a prejudicial position on supermarkets within the Commercial 2 Zone (C2Z). More specifically, Strategy 1.3 in Clause 21.02 where a supermarket is discouraged in the C2Z is already policy in the current Clause 22.10-03. It does this as there is a permit trigger for this use in the C2Z.

Council added the submitter has two sites with current planning permit applications which are yet to be determined.
4.3 Discussion and conclusions

The role of the MSS has developed significantly from the inception of the new format planning schemes where there was general commentary, objectives and strategies on a broad range of issues (some of which were beyond the scope of Council to control through the planning scheme) to the current approach where the emphasis is on brief, precise and targeted provisions. The proposed MSS has single references to matters of importance (instead of multiple references) and relies on elements of the SPPF rather than repeating them in the LPPF. The Panel agrees with Council that this approach is generally consistent with good practice for drafting planning schemes.

The Panel accepts that the role of activity centres in Boroondara requires reading the planning scheme in full and not solely relying on the LPPF for local content. The SPPF contains policy and guidance on a range of matters that can be referred to in responding to local proposals. For example, Clause 11.02-1 (Activity centre planning) has as an objective:

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

This is directly relevant to Boroondara and there is no need to repeat this in the LPPF. The Panel does agree that this is a quantum shift, albeit consistent with the original intent of the drafting of the new format planning schemes, and will take some time for users of the planning scheme to come to terms with. However as with all zones and overlays the first objective listed is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

This is an important objective as it informs the reader of the importance of referring to the LPPF and SPPF, and not solely the LPPF in decision making or when preparing a permit application.

The Panel considers that the emphasis on maintaining and strengthening activity centres and support for the long term viability of commercial corridors has shifted too far in the proposed MSS and agrees with the submitter that the policy should retain this policy basis. The planning for activity centres should recognise the important economic role of these centres at the local level, and cannot be done in isolation of surrounding uses (principally residential) or a hierarchy that may be established by other activity centres. The Panel considers that the strategies do not support the key issues identified within Clause 21.02 and that additional strategies should be retained from the existing policy to address these matters.

4.4 Recommendations

The Panel recommends:

Amend Clause 21.02-1, Objective 1, to:

To maintain and strengthen the network of activity centres, neighbourhood centres and commercial corridors within Boroondara.
Amend Clause 21.02-1, Strategies, to add:

1.8  Encourage mixed use development that supports the local community and ensures that neighbourhood centres and commercial corridors remain vibrant, sustainable and multi-functional destinations.

1.9  Ensure that development promotes sustainability, improves functionality, accessibility and improved integration with the public realm, and addresses scale and identity through site responsive design.
5  Mandatory or more certain requirements

5.1  The issue

A number of submitters requested more certainty with the proposed MSS and local planning policies with the use of mandatory controls. The issue is whether this is appropriate or not.

Other issues more specific to the local planning policies are addressed in Chapter 6 (Heritage Policy) and Chapter 7 (Neighbourhood Character Policy).

5.2  Submissions

A number of submitters (M. Stapleton et al, M. Drost OAM, Boroondara Residents Action Group - BRAG) requested that mandatory requirements be included in the MSS and other local planning policies. This included minimum design requirements for new dwellings in the Heritage Overlay and mandating canopy trees as part of landscaping required for new development.

Council submitted it was not the role of the MSS or local planning policies to mandate requirements and referred the Panel to Planning Practice Note 8 Writing a Local Planning Policy which states:

- That the role of policy is to guide decision making in relation to a specific discretion in a zone or overlay; and
- Policy cannot prescribe mandatory requirements. A mandatory requirement included in an LPP has no statutory weight.

5.3  Discussion and conclusion

The submitters advised the Panel of their concern over the loss of old housing stock and established trees in Boroondara. Their submissions seeking to introduce mandatory requirements in the MSS and local planning policies are noted however as a general principle the Panel agrees with Council that mandatory provisions can only be applied through controls (not policy), as an exception rather than the rule.

The submitters referred to the strengthening of language (that does impose a prohibition) and these are dealt with in the relevant ‘policy’ chapters in this report.
6 Heritage policy

6.1 The issue

The Amendment proposes to replace the current Heritage Policy at Clause 22.05 with a revised policy as Clause 22.03. The revised policy generally retains the adopted policy positions (with some changes) but streamlines and restructures the policy to improve usability.

M Stapleton et al, F Walker, M Drost OAM and BRAG raised a number of issues with the Heritage Policy.

The issue is whether the proposed Heritage Policy has been drafted appropriately.

6.2 Evidence and submissions

Council submitted that the revised policy included:

- Separating the policy objectives and guidance for ‘significant’ and ‘contributory’ graded buildings to reflect the different level of significance and expected built form outcomes.

- Relocating the Statements of Significance from the Heritage Policy into a Reference Document to ensure consistency with the approach used with the heritage database (for individual properties) and to shorten the length of the policy.

- Updating diagrams to improve clarity around oblique views for alterations and additions to contributory graded buildings.

- Updating application requirements.

- Deleting superfluous material and repetition, and simplifying language.

Minor text changes were made to the policy following receipt of submissions during the preliminary consultation and exhibition periods. The text changes were generally limited to updating the objectives, further text edits, and encouraging the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.

In addition to the above changes, the UPSC resolved on 1 June 2015 and 7 December 2015 to make further text changes to the revised Heritage Policy. These changes include:

- Removing references throughout the policy which encourage new alterations and additions to heritage buildings to be ‘modern’ and clearly distinguishable from the original heritage fabric.

- Updating the definition of ‘interpretive’ at Clause 22.03-6 - Definitions to remove the expectation that design and materials in alterations and additions to heritage buildings should be ‘modern’, and instead that design and materials should be sympathetic and blend in with the heritage character of their surrounds.
• Making the revised Heritage Policy more explicit in its support for replication of historic forms and detailing.  

The submitters raised a variety of concerns with the proposed Heritage policy. Two submitters:

Strongly favoured imitation and period reproduction architecture associated with alterations and additions to buildings in the Heritage Overlay.

Seek to mandate built form and design outcomes through the use of local planning policy, notably, the prohibition of all demolition associated with significant and contributory buildings and the prohibition of flat roof extensions to houses in the Heritage Overlay.

In its closing submission in addressing proposals to extend heritage dwellings, Council submitted that its:

... intention to move the Heritage Policy away from an overemphasis on alterations and additions to heritage buildings being ‘modern’ and ‘contemporary’ to a policy which supports ‘replication’ and ‘reproduction’ if a planning permit applicant proposes this approach. This is a conscious change in emphasis, but the policy remains sufficiently flexible to consider a range of design responses.

(Council underlined)

In regard to mandating outcomes through policy, Council noted it is not the role of local policy to prohibit outcomes. This has been addressed in Chapter 5.

6.3 Discussion and conclusion

Heritage buildings and places provide a significant contribution to the character of Boroondara. The current and proposed LPPF acknowledge the development pressure for these areas and the need to retain this fabric as much as possible. It is standard practice to identify ‘significant’ and ‘contributory’ buildings when drafting heritage studies and policy. The Amendment separates references to significant and contributory places but retains the same policy position in respect to demolition of significant or contributory built fabric that does not normally allow demolition. As the Panel has concluded in Chapter 5, it is not the role of policy to prohibit demolition or mandate an outcome. Therefore, the Panel supports Council’s position on this aspect of the revised policy and notes the intent is similar, if not the same.

The issue of extensions and alteration to heritage buildings is more problematic. The current policy contains some direction that seeks a modern or new appearance to extensions and alterations. Under ‘Additions to Significant or Contributory heritage places’ the fourth dot point states:

Should make use of materials and surface finishes that are complementary to the original fabric of the heritage place but should be discernible as new. Details (including, but not limited to the type and form of windows, doors, architectural features and verandahs) should be interpretive, that is, a simplified, modern interpretation of the historic form rather than a direct reproduction.

---

7 Council Part A submission, pages 29/30
8 Council Part B submission, page 6
Under ‘New Buildings and Additions and Alterations to Non-Contributory Places in a Heritage Overlay’ it states:

Encourage good quality contemporary design and discourage the replication of historic forms and detailing.

The submitters referred to the role of the heritage adviser who strongly supported modern flat roofed extensions in support of the current policy.

Council now proposes to remove this policy direction and replace it with direction that is quite different and in stark contrast in supporting the replication of historic forms and detailing. After considering submissions, Council also proposed to change the definition of ‘interpretive’. The current policy defines ‘interpretive’ as:

Means design and materials that honestly admit their modernity while relating to the heritage character of their surroundings including form, proportions, colours, detailing and decoration.

This is to be replaced by the following definition:

Means design and materials that are sympathetic to and blend in with the heritage character of their surroundings including building and roof forms, proportions, colours, detailing and decoration.

The Panel referred to this as somewhat of a pendulum shift in heritage policy during the Hearing and considers Council has overreached in stating singular policy support for imitation and replication and is silent on modern or contemporary extensions and alterations. The Panel does not agree with Council that the proposed policy remains sufficiently flexible to consider other design solutions (i.e. modern forms). Policy ‘silence’ on modern forms is not a flexible policy; it is a policy vacuum that the Panel considers should be addressed. This policy should be more balanced and provide opportunity for a variety of design solutions, including both imitation and modern. The Panel has recommended a modified policy in response.

6.4 Recommendations

The Panel recommends:

Amend Clause 22.03-2 (Objectives) by:

a) Deleting the 2nd dot point;

b) Amending the 4th dot point to:

To retain and conserve ‘contributory’ places and fabric in the Heritage Overlay which is visible from the primary street frontage.

Amend Clause 22.03-3 (Significant Heritage Places - Additions and New Buildings) by:

a) Adding the following new dot point,

Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.

b) Amending the 5th dot point to,
Use design details which complement the design of the heritage place (including, but not limited to the type and form of windows, doors, architectural features and verandahs). Design details of new buildings and works should either be:

- Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings, or
- A replication of historic forms and detailing.

Amend Clause 22.03-3 (Contributory Heritage Places - Additions and New Buildings) by:

a) Adding the following new dot point:

   Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.

b) Amending the 4th dot point to:

   Use design details which complement the design of the heritage place (including, but not limited to the type and form of windows, doors, architectural features and verandahs). Design details of new buildings and works should either be:

   - Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings, or
   - A replication of historic forms and detailing.

Amend Clause 22.03-6 (Definitions) by retaining the following definition of Interpretive:

   Means design and materials that honestly admit their modernity while relating to the heritage character of their surroundings including building and roof forms, proportions, colours, detailing and decoration.

Amend Clause 22.03-3 ('Non-Contributory' Places - Replacement Buildings, Development, Alterations and Additions) by:

a) Amending the 1st dot point to:

   Encourage high quality sympathetic design.

b) Deleting the 2nd dot point.
7 Neighbourhood Character policy

7.1 The issue

Neighbourhood character is recognised as a highly valued element of Boroondara, with E Tsaklas, F Walker, M Tsoutsouvas, P Dias, C Dias, I Hundley, M Drost OAM and BRAG considering that the MSS does not provide sufficiently strong policy guidance to protect the established neighbourhood character from intrusion by unsympathetically designed dwellings.

HLA Group Australia Pty Ltd considered that the proposed Neighbourhood Character Policy is inconsistent with broader state policy objectives to encourage urban infill in locations well suited for medium density housing growth.

The issue is how the revised MSS and Neighbourhood Character Policy (Clause 22.05) should be drafted in response to neighbourhood character.

7.2 Evidence and submissions

Council considers that the revised Neighbourhood Character Policy (Clause 22.05) is a significant improvement over the current framework (including the existing Neighbourhood Character Policy at Clause 22.07). The updated policy is structured around the approved residential zones (Amendment C190) and requires development proposals to demonstrate that they are consistent with the preferred character and decision guidelines set out in the Neighbourhood Character Precinct Statements.

Council proposed to amend Clause 21.04 by updating the title of the neighbourhood character reference document to Neighbourhood Character Precinct Statements 2013 and add ‘or as amended from time to time’ to avoid the need to amend the planning scheme very time the precinct statements were updated. This change, and others flow through to the Neighbourhood Character policy.

(i) Granny Flats and ‘McMansions’

Ms Tsoutsouvas highlighted concerns with oversized dwellings, referred to as ‘McMansions’ that have a detrimental impact on the neighbourhood character of areas within Boroondara as well as on the amenity of adjoining properties.

It was highlighted by Council that these developments were typically on lots of greater than 500 square metres and in areas without any overlays (such as Balwyn). Accordingly, while they may result in single houses being constructed in a manner that was considered inconsistent with the neighbourhood character, no planning permit is required and therefore it was outside the control of Council.

The submitter suggested that planning policies should allow greater flexibility and a less complicated planning approval process for ‘granny flats’ in rear gardens, to ease the demand for oversized houses. It was considered that the exemptions should not just relate to ‘dependant persons’. 
(ii) Neighbourhood character along main road locations

The submission from Echelon Planning, on behalf of HLA Group and Victorian Counselling and Education Services Pty Ltd, in relation to 1300-1302 Toorak Road, Camberwell, argues that the neighbourhood character policy should not be applied to sites located on main roads which have excellent access to public transport and activity centres and where a greater level of change can be expected.

Alternatively, if the proposed policy is supported by the Panel, the submitter requested modifications should be made (to Clauses 21.01, 21.04, 21.05 and 22.05) to enable the delivery of housing diversity along main roads within the GRZ1 and to better align with State policy.

Council responded by advising that since the Amendment was exhibited, Council have adopted the Boroondara Housing Strategy (14 December 2015) that sets out the following further strategic work:

- Develop a set of principles that provide a holistic approach to the treatment of main roads and GRZ5 areas in Boroondara. Apply alternative zones if appropriate and update the relevant Neighbourhood Character Precinct Statements accordingly.9
- Investigate if any main roads, that are not zoned GRZ5 and are in areas where greater housing diversity is encouraged, should be rezoned to meet future housing needs in Boroondara and the available capacity of existing infrastructure.10

Council considered the issues raised by the submitter could more broadly be addressed by this future work.

The submitter provided some suggested changes to the local planning policy framework in the event that the Panel supported the Neighbourhood Character Policy. Council agreed to some changes in its closing submission, such as wording changes to better clarify where existing valued character is to be respected and where preferred character is to be achieved.

7.3 Discussion and conclusions

The issue of oversized houses appears to relate generally to single dwellings on lots greater than 500 square metres and without any overlays. As such there is no trigger for a planning permit. On this basis, while the Panel sympathises with submitters, it agrees with Council that it is beyond the jurisdiction of the current planning controls and outside the scope of this Amendment. The Panel does note however that Council has commenced a review of this issue more broadly and encourages the community to provide input into this forum.

The Panel acknowledges that the Boroondara Housing Strategy (not part of this Amendment) identifies the need to investigate whether Council should implement variations to ResCode standards (through the schedule to its residential zones) in order to ensure the preferred neighbourhood character objectives are being achieved to address this concern. This is a mechanism open to Council to pursue in the future.

---

9 Boroondara Housing Strategy, page 69
10 Boroondara Housing Strategy, page 70
The Panel does not consider making development in rear gardens exempt from planning approvals would assist in controlling unsympathetic development and agrees with Council that this is outside the scope of the Amendment.

In relation to the concerns raised by Echelon Planning, the Panel acknowledges that the Boroondara Neighbourhood Character Study Precinct Statements are already referenced in the existing Neighbourhood Character Policy at Clause 22.07. This was introduced as part of Amendment C190 and Amendment C199. However, the Panel agrees with the submitter that given the broad areas in which many of the neighbourhood character precincts relate too, there needs to be a better recognition of different site contexts, such as sites that are located within local residential streets and those that are located on main roads. The example provided by submitters was Precinct 58 that is a large precinct including local roads containing predominately single storey detached housing and also including main road locations with existing medium density housing development, including three storey apartment development. The current neighbourhood character precinct statements do not make this distinction, with the result being that the preferred neighbourhood character objective of a 1 to 2 storey, detached character, is applied regardless of site context.

The Panel acknowledges that Council has further work to do in recognising the opportunities for greater housing density and diversity in main road locations. Council acknowledged this in its recently adopted housing strategy. This is a broader scope of work that requires detailed consideration and is beyond the scope of this Amendment.

As noted earlier in this report, Council has taken the approach of not replicating policy that is already included within the SPPF and therefore does not support additions to the LPPF that are already included elsewhere in the planning scheme, such as directions to encourage housing diversity in locations which have direct access to public transport and activity centres or need to encourage development to respond to its site context.

However the Panel accepts many of the wording changes suggested by the submitter to the LPPF and some as recommended by Council in their closing submission to better recognise where existing character is to be respected and preferred character is to be achieved.

Throughout the Hearing, there was considerable reference to a range of further strategic work that Council is currently undertaking or has identified in the short to medium term. This includes recommendations within the Boroondara Housing Strategy, adopted by Council post exhibition of this Amendment, as well as the Managing Residential Development Advisory Committee that has recently commenced public hearings.

The Panel does not consider that the Table 1 (Boroondara Housing Framework) in Clause 21.05 (Housing) should nominate the number of storeys in the ‘outcome’ for areas in the GRZ1 1 and GRZ2, as the height is dictated by the controls within the zone. For instance, the GRZ1 (Suburban precincts without a consistent open backyard character) contains a mandatory building height of 9 metres (with exceptions to 10 metres). Yet Table 1 refers to height in storeys of 1 to 2. There is some ambiguity between what the reference criteria is (metres v. storeys), and, practically that a building of 9-10 metres could reasonably include a 3 storey design. The Panel considers the zone schedule should be allowed to define the scale of built form, particularly as it includes a mandatory height limit.
The Panel does not consider it useful to differentiate between townhouse and apartment style development in local policy, as this is dependent on site context and a range of housing types is consistent with planning objectives relating to housing diversity. The Panel considers that the reference to the area zoned GRZ5 as ‘land previously zoned Neighbourhood Residential Zone 3’ should be deleted and the reference to main roads and transport corridors should be retained.

The Panel supports the amended description of the reference document and other minor additions to the policy. The proposed exemption of DDO12 (West Hawthorn) is appropriate as this area is expected to adopt a commercial built form character in the future.

7.4 Recommendations

The Panel recommends:

Amend Clause 21.01-2 (Key planning issues - Built Environment and Heritage), 2nd dot point to:

*Protecting and respecting valued neighbourhood character in Boroondara.*

Amend Clause 21.01-2 (Key Planning issues – Housing), 3rd dot point to:

*Ensuring that residential development maintains the amenity of adjoining and nearby housing.*

Amend Clause 21.04-1 (Urban Design - Key issues), 2nd dot point to:

*Ensuring built form outcomes enhance streetscapes and maintains local amenity.*

Amend Clause 21.04-2 (Neighbourhood character), 2nd paragraph, 2nd sentence to:

*The precinct statements describe key precinct character elements, a preferred future character and design guidelines that will assist in achieving the preferred future character.*

Amend Clause 21.04, Reference documents, 4th document to:

*Neighbourhood Character Precinct Statements 2013 (or as amended from time to time) (City of Boroondara)*

Amend Clause 21.05-1 (Residential development), 2nd paragraph to:

*Council has established a clear vision to facilitate a diverse range of housing in line with housing demand whilst ensuring that the established residential areas preferred character is respected and its amenity is maintained.*

Amend Clause 21.05-1, Table 1: Boroondara Housing Framework, (Outcome, GRZ1) to:

*Supports moderate change consisting of detached dwellings, villa and townhouse development and apartments where appropriate along main roads.*

Amend Clause 21.05-1, Table 1: Boroondara Housing Framework, (Location, GRZ1) to:

*Suburban precincts without a consistent, open back yard character.*
Amend Clause 21.05-1, Table 1: Boroondara Housing Framework (Outcome GRZ2) to:

Supports moderate change reflecting a mixture of detached dwellings, villas and townhouses as well as apartment buildings.

Amend Clause 21.05-1, Table 1: Boroondara Housing Framework, (Location, GRZ2) to:

Contemporary townhouse and general inner urban precincts.

Amend Clauses 21.05-1 and 22.05-12 by replacing the Boroondara Neighbourhood Character Study with:

Boroondara Neighbourhood Character Precinct Statements.

Amend Clause 21.05-13 by replacing the 1st document with:

Boroondara Neighbourhood Character Precinct Statements 2013 (or as amended and adopted by Council from time to time).

Amend Clause 22.05 by inserting DDO12 (West Hawthorn) as being exempt under the policy.

Amend Clause 22.05-5 General Residential Zone, Schedule 1, Preferred Character Objectives to:

- To provide for development that respects the suburban, detached character.
- To enhance the precincts sense of greenery and open feel.

Amend Clause 22.05-5 Policy by deleting the 1st dot point.
8 Discretionary uses and development within Residential Zones policy

8.1 The issue

The ‘Discretionary Uses and Development in the Residential Areas’ policy at Clause 22.02 replaces a similar policy contained in the current LPPF. It is based on the policy submitted to the Minister for Planning as part of Amendment C190.

The new policy exempts residential land affected by the DDO12 (West Hawthorn Area) as these areas are expected to adopt a commercial built form character in the future.

During the hearing a number of post exhibition changes were discussed. The issue is whether these are appropriate.

8.2 Discussion and conclusion

The Panel suggested some updates to Clause 22.02 during the hearing. In particular, that the policy should be modified by the following changes:

- Discourage non-residential development (not ‘use’) when referring to height.
- Ensure waste storage areas are located away from adjoining private open space (not ‘public’).
- Deleting the second reference to waste areas.

It was also proposed that Clause 22.02 – 5 (Application requirements) should be modified (and strengthened) by including the rationale for exceeding the specified height limits.

These post exhibition changes were not the subject of other submissions. The Panel considers these to be minor, but appropriate changes to improve the policy. The Panel notes that the inclusion of an additional application requirement in respect of building height in excess of a discretionary maximum height responds to one of the issues raised in the Minister’s authorisation letter.

The proposed changes are supported.

8.3 Recommendation

The Panel recommends:

Amend Clause 22.02-3 (Policy), Layout and design, 3rd dot point to:

Discourage non-residential development with an overall height above 8m in the Neighbourhood Residential Zone 3, above 9m in the General Residential Zone 1, above 10.5m in the General Residential Zone 2 and 3 and above 13.5m in the Residential Growth Zone.

Amend Clause 22.02-3 (Policy), Layout and design, 6th dot point to:

Ensure waste storage areas are located away from adjoining private open space and habitable room windows of dwellings.
Amend Clause 22.02-3 (Policy), Layout and design, 7th dot point to:

*Ensure car parking areas are sited to minimise their impact on the amenity of adjoining residential properties.*
9 Public Open Space policy

9.1 The issue

The authorisation letter from the Minister for Planning noted some issues with regard to the Amendment but did not make them as conditions of authorisation. One of these issues was the use of Clause 22.04 (Public Open Space Contribution policy) to administer a 5% open space contribution and not the schedule to Clause 52.01 (Public open space contribution and subdivision).

The issue is how should this contribution be implemented in the planning scheme?

9.2 Submissions

Council has sought to continue how it requires public open space contributions through policy and not a schedule requirement to Clause 52.01. Council submitted this policy was not the focus of any submissions.

9.3 Discussion and conclusion

Many Councils use the schedule to Clause 52.01 to implement public open space contributions. The Panel notes the recommendations from the Review Report were:

Following the completion of the Boroondara Open Space Strategy, delete or replace Clause 22.09 with an appropriate land use and/or development contributions policy, which may include:

- A revised Local Policy.
- A new Schedule in Clause 52.01 of the planning scheme.11

The proposed policy should be retained as it addresses other matters that arise from the Boroondara Open Space Strategy 2013. However the Panel considers the reference to the 5% contribution should be deleted and a 5% contribution be inserted into the schedule of Clause 52.01. This would be generally consistent with the recommendation of the Review Report.

9.4 Recommendation

The Panel recommends:

Amend Clause 22.04-3 by deleting the 1st dot point under Location and replace it with:

The contribution required under Clause 52.01 may be reduced at Council’s discretion.

Insert the schedule to clause 52.01 and amend it by including a 5% contribution for all land.

10 Tree protection

10.1 The issue

A number of submitters (8, 9, 11, 13 and 16) raised concerns about vegetation loss and tree removal on private land, usually associated with new dwellings. Council controls tree removal through its Tree Protection Local Law, administered under the Local Government Act 1989.

The issue is whether tree management measures in the Amendment are appropriate.

10.2 Submissions

Submitters considered there should be a need for a planning permit to remove trees and ensuring there is provision of a sufficient back yard and front yard to allow for the planting of canopy trees.

Council confirmed tree removal would require a planning permit if the land was an Environmental Significance Overlay, Significant Landscape Overlay or a Heritage Overlay (if tree controls were ‘turned on’). These only apply in limited areas and tree removal is otherwise broadly managed via the Local Law. The Local Law refers to a Significant Tree Study that identifies significant trees which can be updated with new citations. The Amendment does not propose any changes to the Local Law and it is beyond its scope. Council submitted that the policy guidance set out in the MSS is appropriate to the level of discretion which Council has over tree protection and removal in the planning scheme.

Submitter 8 suggested a Heritage Tree Policy should be considered by Council. Another suggestion was to include in the MSS a statement as to the Aboriginal meaning of Boroondara which is a place in the shade.

In its closing submission, Council did not support the need for a Heritage Tree Policy but agreed that the MSS could be strengthened in relation to tree issues. Council supported the following changes to Clauses 21.03, 21.05 and 22.05:

Clause 21.03-2 – new strategies

4.6 Encourage the retention of significant trees and canopy trees.

4.7 Ensure sufficient space is retained in front and rear gardens to accommodate large trees.

Clause 21.03-5 – changes underlined

Protect street trees in the public and private realm and maintain the tree canopy to reduce the impacts of urban heat.

Clause 22.05 – preamble, changes underlined

This policy does not apply to a planning permit application if approval is solely required under any of the following overlays.
10.3 Discussion and conclusions

The MSS identifies the protection of mature vegetation that contributes to landscape character as a key planning issue. This is also reflected in Clause 21.03-2 (Biodiversity) which seeks to protect and enhance biodiversity on public and private land by protecting and restoring remnant vegetation. Under ‘Other actions’ Council will continue to implement Boroondara’s Tree Protection Local Law to protect large canopy trees on private land and those registered on Council’s Significant Tree Register.

The Municipal Profile acknowledges the importance of the local landscape where it states:

*Set in a treed environment, it is known for its high levels of amenity.*

Council acknowledged it does have the ability to vary the front setbacks and private open space provision to allow for greater space for canopy trees however the Panel agrees with Council that this is beyond the scope of this Amendment and would not directly address the removal of trees.

The changes proposed by Council to Clauses 21.03-2, 21.03-5 and 22.05 are supported by the Panel as an appropriate response to submissions.

It is noted that additional Application Requirements to be included in GRZ5 and NRZ3, require the provision of a landscape plan that proposes new canopy trees and other vegetation where appropriate.

The suggestion to include reference to the Aboriginal meaning of Boroondara is a minor yet meaningful way of reinforcing the importance of the local landscape. The Panel supports this inclusion in the MSS.

10.4 Recommendations

The Panel recommends:

**Amend Clause 21.01 (first paragraph, third sentence) to:**

*Set in a treed environment, Boroondara (Aboriginal for ‘a place in the shade’) is known for its high levels of amenity.*

**Amend Clause 21.03-2 by adding the following new strategies:**

4.6 *Encourage the retention of significant trees and canopy trees.*

4.7 *Ensure sufficient space is retained in front and rear gardens to accommodate large trees.*

**Amend Clause 21.03-5, Strategy 9.4 to:**

*Protect street trees in the public and private realm and maintain the tree canopy to reduce the impacts of urban heat.*

**Amend the preamble to Clause 22.05 (second paragraph) to:**

*This policy does not apply to a planning permit application if approval is solely required under any of the following overlays ...*
11 381 Tooronga Road and 760 Toorak Road, Hawthorn East

11.1 The issue

The land at 381 Tooronga Road and adjoining land at 760 Toorak Road, Hawthorn East are used and developed for an office and a restaurant respectively. The land is in Schedule 2 of the General Residential Zone (Contemporary Town House and General Inner Urban Precincts) (GRZ2).

The issue is whether the MSS should acknowledge the existing uses and surrounding context, including the Stockland Tooronga Shopping Centre to the east and office precinct opposite and to the north of the site, and therefore direct further strategic work to investigate the application of the Commercial 1 Zone or Mixed Use Zone for these sites.

11.2 Evidence and submissions

Mr Taylor (Planning & Property Partners) made submissions on behalf of Toorak Properties Pty Ltd (owner of 381 Tooronga Road) and Petros and Kathleen Votsis (owners of 760 Toorak Road) that the office at 381 Tooronga Road had been developed in the early 1990’s and that the restaurant had operated from 760 Toorak Road from at least 1979 onwards. Figure 1 identifies the sites and their context.

Figure 1  Site and context
Mr Clarke (Matrix Planning Australia Pty Ltd) provided planning evidence on behalf of the owners, and submitted that the sites form part of the Tooronga Village Activity Centre, or at least, were located on the periphery of this Activity Centre. He stated that he did not view the GRZ2 as an appropriate zone that reflects the long-established commercial uses of both sites and considered that either the Commercial 1 Zone or the Mixed Use Zone could apply to the sites. He acknowledged that a rezoning under this Amendment was not appropriate and that the sites’ future zoning should be the subject of further work. He recommended Clause 21.02-2 (Further strategic work) be amended to include:

*Investigate application of the Commercial 1 Zone or Mixed Use Zone to existing commercial uses near the south-west corner of Tooronga Road and Toorak Road, Hawthorn East*

Mr Clarke stated:

*I regard both uses as highest and best uses of the sites and they are unlikely to revert back to residential use.*

Furthermore the representatives for the owners stated that there was no current plans or proposal to redevelop these sites.

Mr Clarke did not consider that there was a lack of strategic justification to support this outcome, rather he considered the existing uses and their location was the strategic justification and that:

*What is lacking is that the process of providing that justification has not been documented either in a reference document or in the planning scheme.*

Council acknowledged that a rezoning was not requested by the submitter through this Amendment, however if any change to the zoning was to be contemplated, that it should be part of a broader strategic study rather than a site-specific rezoning. Council referred to the Boroondara Housing Strategy that makes a number of recommendations in relation to further strategic work to consider alternative zones along main roads and to support a mixture of housing types up to three storeys in the GRZ2 and GRZ3. Council considered this may be the vehicle to review the zoning of the site and that further work requirements for specific sites should not be identified in the planning scheme.

### 11.3 Discussion and conclusion

The Panel acknowledges that the office building, that is a prominent 2-3 storey contemporary building with telecommunications towers located on the roof and within the front setback, is an anomaly in the residential precinct, in use, building type and scale. The Neighbourhood Character Precinct Statement 59 also acknowledges this, stating:

*A commercial building is located on the south east (sic west) corner of Tooronga and Toorak roads which is an anomaly in the precinct in terms of building type and scale.*

The restaurant operates from a smaller, older style building that may have once been a dwelling. It was currently closed and undergoing renovations.

Both sites benefit from a main road location (and 381 Tooronga Road from a main road corner location), and the Stockland Tooronga Shopping Centre to the east and office precinct opposite the site also contribute to the sites context.
However the Amendment implements a planning scheme review and therefore it is not appropriate to consider site specific rezonings and it is not appropriate to recommend further strategic work to review the zoning of two individual sites.

The Panel agrees with Council that it may be appropriate to review the zoning of these sites as part of a broader zoning review.

It is unclear whether the sites will continue to operate as they have over the last several decades for the foreseeable future, whether they will form part of a further commercial role with synergies with the other uses in the vicinity, or whether they may be candidates for increased housing opportunities.

On this basis, the Panel concludes that a recommendation in the planning scheme for a specific review of these sites is not warranted and if it does occur it should be as a result of undertaking further strategic work identified in the Housing Strategy or as part of further strategic work in relation to their Activity Centres and Commercial Corridors.
## Appendix A  Submitters to the Amendment

<table>
<thead>
<tr>
<th>No.</th>
<th>Submitter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A.Carina</td>
</tr>
<tr>
<td>2</td>
<td>M. Stapleton et al</td>
</tr>
<tr>
<td>3</td>
<td>G. Johnson</td>
</tr>
<tr>
<td>4</td>
<td>Toorak Properties Pty Ltd</td>
</tr>
<tr>
<td>5</td>
<td>HLA Group Australia Pty Ltd</td>
</tr>
<tr>
<td>6</td>
<td>E. Tsaklas</td>
</tr>
<tr>
<td>7</td>
<td>F. Walker</td>
</tr>
<tr>
<td>8</td>
<td>H and M Tsoutsouvas</td>
</tr>
<tr>
<td>9</td>
<td>P. Dias</td>
</tr>
<tr>
<td>10</td>
<td>C. Dias</td>
</tr>
<tr>
<td>11</td>
<td>I. Hundley</td>
</tr>
<tr>
<td>12</td>
<td>Coles Group Property Developments Ltd</td>
</tr>
<tr>
<td>13</td>
<td>M. Drost OAM</td>
</tr>
<tr>
<td>14</td>
<td>K. Smith</td>
</tr>
<tr>
<td>15</td>
<td>VicRoads</td>
</tr>
<tr>
<td>16</td>
<td>Boroondara Residents Action Group (BRAG)</td>
</tr>
<tr>
<td>17</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td>18</td>
<td>P and K Votsis</td>
</tr>
</tbody>
</table>
## Appendix B  Document list

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
<th>Presented by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10.3.16</td>
<td>Boroondara Council Part B submission</td>
<td>Council</td>
</tr>
<tr>
<td>2</td>
<td>10.3.16</td>
<td>Clause 22.10, pages 1 &amp; 2 of 8.</td>
<td>Council</td>
</tr>
<tr>
<td>3</td>
<td>10.3.16</td>
<td>Tree Protection Local law</td>
<td>Council</td>
</tr>
<tr>
<td>4</td>
<td>10.3.16</td>
<td>Ms Tsoutsouvas</td>
<td>Email to PPV</td>
</tr>
<tr>
<td>5</td>
<td>10.3.16</td>
<td>Email from Ms Tsoutsouvas</td>
<td>Email to PPV</td>
</tr>
<tr>
<td>6</td>
<td>10.3.16</td>
<td>Boroondara Housing Strategy</td>
<td>Council</td>
</tr>
<tr>
<td>7</td>
<td>10.3.16</td>
<td>Boroondara Neighbourhood Centres and Commercial Corridors Guidelines, 2014</td>
<td>Council</td>
</tr>
<tr>
<td>8</td>
<td>10.3.16</td>
<td>Ms Tsoutsouvas submission and attachments</td>
<td>Ms Tsoutsouvas</td>
</tr>
<tr>
<td>9</td>
<td>10.3.16</td>
<td>Ms Drost OAM submission</td>
<td>Ms Drost</td>
</tr>
<tr>
<td>10</td>
<td>11.3.16</td>
<td>Submission by Echelon Planning, for HLA Group, 1300-1302 Toorak Road, Camberwell</td>
<td>Ms McQuillen</td>
</tr>
<tr>
<td>11</td>
<td>11.3.16</td>
<td>Ms Drost – Additional Comments in response to revised changes by Council</td>
<td>Ms Drost</td>
</tr>
<tr>
<td>12</td>
<td>11.3.16</td>
<td>Submission by Planning &amp; Property Partners, for and on behalf of Toorak Properties Pty Ltd, and Petros &amp; Kathleen Votsis including aerial photos and cadastral plan</td>
<td>Mr Taylor</td>
</tr>
<tr>
<td>13</td>
<td>11.3.16</td>
<td>Certificates of Title for 760 Toorak Road and 381 Tooronga Road, Hawthorn East.</td>
<td>Mr Taylor</td>
</tr>
<tr>
<td>14</td>
<td>11.3.16</td>
<td>Urban Planning Special Committee Agenda, Council officer report and recommendation for 791-795 Toorak Road, Hawthorn East</td>
<td>Mr Taylor</td>
</tr>
<tr>
<td>15</td>
<td>11.3.16</td>
<td>Precinct Statement 59, Neighbourhood Character Study</td>
<td>Mr Taylor</td>
</tr>
<tr>
<td>16</td>
<td>11.3.16</td>
<td>Existing Clause 21 and Clause 22</td>
<td>Council</td>
</tr>
<tr>
<td>17</td>
<td>11.3.16</td>
<td>Amendment C70 Panel Report, Priority Development Zone</td>
<td>Mr Taylor</td>
</tr>
<tr>
<td>18</td>
<td>11.3.16</td>
<td>Letter from Cr Parke, Mayor to ratepayers re: ‘McMansions’</td>
<td>Council</td>
</tr>
<tr>
<td>19</td>
<td>11.3.16</td>
<td>Letter from Office of Mayor to Minister Wynne re Amendment C255</td>
<td>Council</td>
</tr>
<tr>
<td>20</td>
<td>11.3.16</td>
<td>Draft Clause 21.07 and draft DDO14 Kew Junction Activity Centre and draft DDO15 Glenferrie Activity Centre</td>
<td>Council</td>
</tr>
<tr>
<td>21</td>
<td>11.3.16</td>
<td>Submission by Boroondara City Council to ‘Managing Residential Development Advisory Committee’</td>
<td>Council</td>
</tr>
<tr>
<td>22</td>
<td>11.3.16</td>
<td>Reformed Residential Zones for Victoria, Fact Sheet</td>
<td>Council</td>
</tr>
</tbody>
</table>