

STATEMENT OF GROUNDS

1. The Joint Applicants for Review separately own or occupy land in the vicinity of 120 – 126 Toorak Road, South Yarra (the “**Subject Land**”).
2. The Applicants oppose the proposal to use and develop the Subject Land in the manner described in Permit Application TP-2013-1054 on the following grounds:
 - (a) The proposal to operate an early learning centre and primary school at the scale and intensity proposed is inconsistent with the purposes and decision guidelines of the General Residential Zone, and with the prevailing policy framework contained within the Melbourne Planning Scheme (the “**Scheme**”) (including clause 22.14).
 - (b) The proposal would unreasonably impact upon, and would be inconsistent with, the residential amenity of the area.
 - (c) The design, configuration, and location of the proposed basement car park, including the proposed vehicular access and egress points, are deficient. These aspects of the proposal:
 - (i) are not fit for purpose having regard to the particular vehicular and traffic requirements associated with early learning centres and primary schools;
 - (ii) will unreasonably compromise the operation of the surrounding traffic network; and
 - (iii) will result in an unacceptable risk to the safety of families and staff using the facility and to motorists using the surrounding road network.
 - (d) The proposed reliance on on-street parking remote to the subject site to facilitate the drop-off and pick-up of children is inappropriate:
 - (i) The number of spaces are inadequate to cater for the anticipated level of demand;
 - (ii) There is no capacity for the surrounding road network to accommodate excess demand during peak periods;

- (iii) The location of the remote car spaces will result in unacceptable safety risks to pedestrians and motorists; and
- (iv) The location of the remote car spaces is impracticable for use by the parents of ELC or primary school students.
- (e) The level and pattern of traffic movements that will be generated by the proposal will unreasonably compromise the safe and efficient operation of the surrounding road network (particularly along Leopold Street and Toorak Road).
- (f) The proposed works are inconsistent with the purposes and decision guidelines of the Heritage Overlay and with the provisions of clause 22.05 of the Scheme.
- (g) The proposed works are inconsistent with the purposes and decision guidelines of the Environmental Significance Overlay and will result in unacceptable impacts upon trees contained within the City of Melbourne Exceptional Tree Register.
- (h) Construction impacts have not been adequately addressed.