Submissions
for Toyota Motor Corporation Australia Limited

1. Toyota Motor Corporation Australia Limited owns and occupies land in the Sandridge precinct. It submits that, if the Amendment is to proceed, there are aspects of the new controls that need to be changed.

2. Toyota’s concerns are:

   a. The identification of a roadway through the middle of the site at 155 Bertie Street, including through the middle of its headquarters building.

   b. An uncertain and inequitable mechanism for the taking of private land for the public purposes of roadway and open space.

   c. Council’s proposal for public open space on 155 Bertie Street.

   d. The operation of the floor area ratio provision in the context of a large site likely to be developed in stages.

   e. The designation of core and non-core areas over 155 Bertie Street.

   f. Inflexibility within the terms of DDO30.

   g. The constraint on car parking under the Parking Overlay.

   h. Practical difficulties in meeting the requirements of DPO2.

   i. Lack of guidance as to the provision of community infrastructure.

   j. Drafting of controls.
3. In its submission to the Fishermans Bend Taskforce, Toyota acknowledged the intentions associated with the introduction of the Fishermans Bend Framework and how it may assist in furthering State and local planning objectives. Toyota makes no submission to the Panel against proceeding with the Amendment. Its submissions only address specific matters which require change to provide acceptable outcomes within the scope of the Amendment.

4. Toyota relies on the expert evidence of Brendan Rogers, town planner, and Charmaine Dunstan, traffic engineer.

*Toyota in Port Melbourne*

5. Toyota has been located in Port Melbourne for 55 years. Attached is a timeline of Toyota’s operations in Port Melbourne. Toyota’s commenced its manufacturing operation in Port Melbourne in 1963. It produced over one million vehicles – Crowns, Coronas and Camrys.

6. The existing corporate headquarters at 155 Bertie Street were built in 2003/4.

7. In 2017, Toyota carried out a major refurbishment of the headquarters building to accommodate a substantial consolidation of its workforce. In 2018, it relocated its Sydney operations, including the relevant staff, to 155 Bertie Street.

8. Toyota has an enduring connection with Port Melbourne. The recent refurbishment and consolidation confirm Bertie Street as the home of Toyota in Australia. Toyota expects that it will continue to occupy this land for many years to come. It expects that, as its business continues to grow and develop, that its use of the land will develop.

9. Toyota’s presence in the Sandridge Precinct, as a significant commercial operation and employer of a large workforce, is entirely in keeping with the vision for the precinct as a premium commercial and office centre. As a
significant commercial operation, it can be expected to act as a drawcard for the location of other businesses - those wishing to associate with it or those who see it as evidence of the potential of this precinct as a commercial centre.

10. Toyota is concerned to ensure that the planning scheme appropriately allows for its continued operation and for growth and change in its use and development of the land as its business grows and develops.

Landholdings

11. Toyota owns and occupies three sites: 155 Bertie Street, 140 Bertie Street and 61 Bertie Street.

12. 155 Bertie Street is a 3.95 hectare parcel with road frontages to Bertie Street and Bridge Street, and the West Gate Freeway along its northern boundary. The site has a three storey office building, constructed in 2003/4 and refurbished in 2017. It is occupied as Toyota’s Australian corporate headquarters. The building has a gross floor area of 11,169 square metres.

13. The north west corner of the site has a stand alone building providing workshop and office space.

14. The site has at grade parking, accessible from Bertie and Bridge Streets.

15. Opposite 155 Bertie Street is 140 Bertie Street, which is 2,256 square metres and is used for visitor parking.

16. 61 Bertie Street has two substantial buildings which house Toyota’s technical, design and regional offices. The site is approximately 1.94 hectares. It has frontages to Bertie, Bridge and Fennell Streets.
Issues – the proposed road

17. Map 1 of CCZ1 shows a new 22 metre road through 155 Bertie Street, connecting Bertie Street to Bridge Street.

18. As identified by Ms Dunstan, the purpose of the road is primarily to provide for property access. It is not identified as a key pedestrian link, as a cycling corridor or as a higher order road.

19. The control restricted buildings and works within the area identified for the road. This adversely affected development of the land while the existing use and buildings remain in place.

20. The revised CCZ1 proposes a section 173 agreement. It does not provide guidance as to when the requirements may be triggered.

21. If the land were to be redeveloped, it imposes an inflexible constraint where there might be a number of better outcomes.

Private land for the public purposes

22. The inclusion in the floor area ratio of a gross area inclusive of proposed roads and public open spaces is not a sufficient or appropriate measure to compensate private owners for the use of land for public purposes.

23. While the ratio might allow the same gross floor area to be developed, it cannot be assumed that puts the land owner in a position reasonably equivalent to having the whole of its land.

24. It does not allow for a range of matters which may affect use or development, such as the prospect of increased costs in providing the same floor area; reduced functionality from different floor plates; or the loss of ground floor frontages and space which may have a particular value. It may substantially reduce the owner’s flexibility to organise the use and development of its land. It may result in odd-shaped land parcels which
restrict the scope of development. It may give rise to difficulties in meeting built form and other controls such as overshadowing of public spaces.

25. The preservation of a gross floor area is not compensation for the designation of land for public purposes. It may reduce the adverse impact but it cannot be thought that it will necessarily leave the land owner in an equivalent position.

26. Taking private land for public purposes should be properly compensated. We have established mechanisms to deal with compulsory acquisition of land by the State or other authorities and to deal with compensation for land reserved or otherwise required for public purposes. It is inappropriate for a planning process to seek out a way of taking or reserving land by some other method that does not provide an enforceable right to compensation.

27. Where land is to be set aside or obtained for a public purpose, then the public should pay for it. The contention that it is fair to allow resumption of land without compensation because it serves the greater good should be rejected.

28. Our laws have always recognised that the taking of land for the public good is to be compensated by the public. The Australian Constitution requires that resumption take place on just terms. In Victoria, the Charter of Human Rights prohibits the deprivation of property other than in accordance with law. This reflects society’s view that private rights must not be resumed without proper compensation.

Council’s proposal for public open space on 155 Bertie Street

29. The designation of a 1 hectare public open space on 155 Bertie Street should be rejected.

30. The land might not become available for that use in any sensible timeframe.
31. Upon a redevelopment, it would significantly reduce the utility of the site to continue to provide for Toyota’s business – a key business in achieving the aims of the vision.

32. It is not an appropriate location.

*Floor area ratio*

33. The restriction of commercial development, under the Minister’s changes, runs contrary to the vision for this precinct for substantial commercial development as an extension of the CBD. Further, a mandatory cap may well result in an under provision of commercial space.

34. As identified by Mr Rogers, the floor area ratio requirements will give rise to practical difficulties in the management of the adjustment for roads or public open space. Consideration should be given to applying the ratio to individual sites.

*Core and non-core areas*

35. 155 Bertie Street is identified as part core and part non-core. The whole of the site will be within 600 metres of the future metro station and it is in a single ownership. Consideration should be given to identifying the whole of the land as core area.

*DDO30*

36. Mr Rogers identifies issues that arise from the prescriptive and complicated policy and control framework, including impacts on frontages, podium heights and setbacks and overshadowing.

37. The control should be rewritten to allow flexibility, with discretion guided by simple design guidance.
Parking Overlay

38. As Mr Rogers and Ms Dunstan note, car parking will be a principal means of access for this area until the public transport infrastructure is delivered. If growth is not to be stymied, flexibility is required in the Parking Overlay to allow an adequate parking provision.

DPO2

39. The requirements for the development plan are problematic where significant infrastructure issues are outside the control of a land owner. The requirement for a development plan may prevent any significant development of the land at 61 Bertie Street.

Community infrastructure

40. The lack of guidance as to the provision of the public open space on 61 Bertie Street and the identification of the land within an Education and Community Hub will give rise to real difficulties in the assessment of planning applications for the land. The controls should include clear parameters for these considerations.

Drafting of controls

41. Mr Rogers sets out specific issues arising from the drafting of controls. Obviously, such an important and far reaching Amendment needs a particular rigour in the finalisation of its terms.

Conclusion

42. Toyota submits that the Amendment will be improved and will deliver acceptable outcomes if the stated concerns are addressed.

Paul Chiappi
Isaacs Chambers

Instructed by Clayton Utz
4 May 2018
## TOYOTA'S PORT MELBOURNE OPERATIONS - TIMELINE

<table>
<thead>
<tr>
<th>When</th>
<th>Milestone Activity</th>
</tr>
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<tbody>
<tr>
<td>1963</td>
<td>Toyota assembly begins (Toyopet, AMI)</td>
</tr>
<tr>
<td>1965</td>
<td>Toyota Corona assembly begins</td>
</tr>
<tr>
<td>1967</td>
<td>Toyota Crown assembly begins</td>
</tr>
<tr>
<td>1968</td>
<td>Toyota Corolla assembly begins</td>
</tr>
<tr>
<td>1978</td>
<td>First engine built locally by Toyota is installed in a Corolla</td>
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<tr>
<td>1987</td>
<td>Camry assembly begins (replacing Corona)</td>
</tr>
<tr>
<td>1989</td>
<td>Corolla assembly transferred to Dandenong (GM-H plant)</td>
</tr>
<tr>
<td>1992</td>
<td>1-millionth Camry produced</td>
</tr>
<tr>
<td>1994</td>
<td>Full vehicle production ceases</td>
</tr>
<tr>
<td>2003</td>
<td>Construction begins for new corporate headquarters</td>
</tr>
<tr>
<td>2004</td>
<td>New corporate headquarters opens</td>
</tr>
<tr>
<td>2006</td>
<td>Last remaining manufacturing operations move to Altona</td>
</tr>
<tr>
<td>2007</td>
<td>New design studio opens</td>
</tr>
<tr>
<td>2014</td>
<td>Toyota announces plans to relocate Sales &amp; Marketing operations to Port Melbourne</td>
</tr>
<tr>
<td>2017</td>
<td>Major refurbishment of corporate headquarters to accommodate a consolidated workforce</td>
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<tr>
<td></td>
<td>Sales &amp; Marketing operations relocate from Sydney to Port Melbourne</td>
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