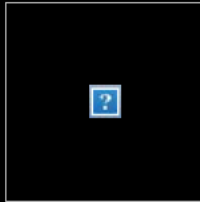


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Date: Monday, 11 October 2021 5:08:45 PM



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Directors
Peter Bazzani
Elizabeth Priddle
Alison Elverd
Tim Wills

11 October 2021

Victorian Planning Authority
c/- Arden Precinct
Level 25, 35 Collins Street
Melbourne VIC 3000

By Email: : amendments@vpa.vic.gov.au

Dear Mr Mosely

Submission: Arden Structure Plan and draft Amendment C407 to the Melbourne Planning Scheme

We act on behalf of the owners of various landholdings in the North Melbourne and within the Arden Structure Plan precincts. A table summary of the landholdings and associated registered proprietor is **attached**.

Our client has instructed us to file a submission in relation to the Arden Structure Plan and draft Amendment C407 prepared and exhibited by the VPA as they relate to our client's land.

The progress of the Arden Structure Plan towards the implementation of the updated planning controls as part of Amendment C407 is welcomed. However, it is important that the new controls are implemented appropriately and in a timely manner to ensure development can progress in accordance with the vision within the Arden Structure Plan and ahead of the planning opening of Arden Station in 2025.

Based on a preliminary review of the exhibited documents as part of Amendment C407, our client has particular concerns with the following aspects of the Arden Structure Plan and draft planning controls:

1. The fixed depiction of the mid-block laneways and pedestrian links in the Arden Structure Plan; despite the location and details of these being discretionary items within the relevant Design and Development 81 (DDO81) control.
2. The required provision of an open-to-sky east-west laneway along the rail tunnel alignment, which appears to be based on the assumption that the engineering required to otherwise develop in this location will be cost prohibitive. The plan should clearly indicate that any outcome that appropriately avoids impacts on the rail tunnel is acceptable.
3. The indicated locations of the proposed mid-block pedestrian links will have a significant detrimental impact on the commercial viability of floor plate of adjacent buildings. The plan

should clearly indicate that any outcome that provides appropriate pedestrian connectivity is acceptable.

4. The requirement for 'active interfaces' along all mid-block pedestrian links is not supported by the retail demand assessment prepared in support of the Arden Structure Plan or by the relatively remote location of the precinct.
5. The significant impact on developable area as a result of the 10m setback from the east boundary of 189- 197 Arden Street required by DDO80. If this land is required for public open space, it should be acquired by City of Melbourne via a formal mechanism rather than by a discretionary setback requirement. There is currently only a formal mechanism for reimbursement of the value of the public open space area if the land is subdivided. If the site is developed and held in a single ownership, there is no formal mechanism for the land owner to recover the value of this land.
6. While a reduction in the standard car parking requirements is appropriate, the level of restriction included the Parking Overlay will have detrimental outcomes. Limiting 3 bedroom apartments to 0.5 spaces will act to discourage dwelling diversity.
7. The requirement of future buildings to include 40% green cover is inappropriate in the Victorian context. Climate and solar access are too variable to support a green building coverage of this scale. This requirement will add unreasonable cost to future owners and tenants for management and maintenance.
8. The timing of the significant infrastructure set out by the Development Contribution Plan remains unclear, much of this critical drainage infrastructure will be required before development can occur.

We raise these as initial concerns relating to the Arden Structure Plan and the proposed planning controls and note that our client intends to provide further and more detailed submissions by 31 October 2021 ahead of the timeline for consideration of the public response. We reserve the right to make further submissions and raise any additional concerns and look forward to continued involvement in the Planning Scheme Amendment process.

Please acknowledge receipt of this correspondence.

Yours faithfully

BSP LAWYERS



Sarah Kovatch

ATTACHMENT TO SUBMISSION TO VPA

Landholdings and registered proprietors

Land	Registered proprietor
Landholdings in Arden Central Precinct	
189-197 Arden Street, North Melbourne	Nithe Pty Ltd
199 Arden Street, North Melbourne	199 Arden Street Pty Ltd
201 Arden Street, North Melbourne	N&C Theodossi Investments No.4 Pty Ltd
203 Arden Street, North Melbourne	Theodossi Family Pty Ltd
Landholdings in Laurens Street Precinct	
171 Arden Street, North Melbourne	199 Arden Street Pty Ltd
173 Arden Street, North Melbourne	Buton Pty Ltd
175-179 Arden Street, North Melbourne	Theodossi Family Pty Ltd
181-185 Arden Street, North Melbourne	Nithe Pty Ltd
93-97 Munster Terrace, North Melbourne	Cars by Nicole Pty Ltd
101 Munster Terrace, North Melbourne	N&C Theodossi Investments No. 2 Pty Ltd
103-105 Munster Terrace, North Melbourne	N&C Theodossi Investments Pty Ltd
107-109 Munster Terrace, North Melbourne	Nithe Pty Ltd