

11 October 2021

Victorian Planning Authority
Via Email: amendments@vpa.vic.gov.au

Dear Sir / Madam

As a significant landowner in the Arden urban renewal precinct, George Weston Foods Ltd. wish to make a formal representation.

In its current form, the draft Amendment C407Melb, raises a number of concerns to GWF in the form of the proposed controls & the impact they may have on achieving the vision on the Arden Structure Plan & contribution to viable development outcomes.

GWF is keen to work closely with the VPA to resolve these issues.

Please refer to our detailed submission below.

Introduction

1. This submission is made by George Weston Foods Ltd. (GWF), [REDACTED]
[REDACTED] The site comprises the operational North Melbourne Flour Mill.
2. GWF has been heavily engaged with the State Government and the Victorian Planning Authority in relation to the site. This is to ensure that the emerging Arden Structure Plan and proposed suite of planning controls acknowledge the opportunities available on strategic sites within the Arden precinct and facilitate the most appropriate land use and development outcomes.
3. In August 2020, GWF made a submission to the draft Arden Structure Plan. The submission outlined the site, its history, potential economic benefits of its redevelopment potential, and included comments about the draft Structure Plan and associated directions therein.
4. The primary matters raised in the GWF submission related to the apparent disconnect between the desire to 'unlock opportunities' within the Arden precinct and potential redevelopment opportunities for the site. This focused on the proposed built form controls (height, street wall et al) and the likelihood of other controls such as Floor Area Ratio and the associated limitations of this approach.
5. GWF's interest in the draft Structure Plan is further confirmed by the fact that GWF recognises that the ongoing operations of the flour mill are not suited to the precinct's future role and character and that GWF is actively seeking to relocate its site operations to Ballarat within the Ballarat West Employment Zone (BWEZ). Therefore, the future redevelopment of the site has broader economic implications beyond GWF's desire to leave a legacy within the Arden precinct.
6. To this end, the purpose of this submission is to ensure Amendment C407melb has regard to the strategic significance of the site, and that the proposed planning framework

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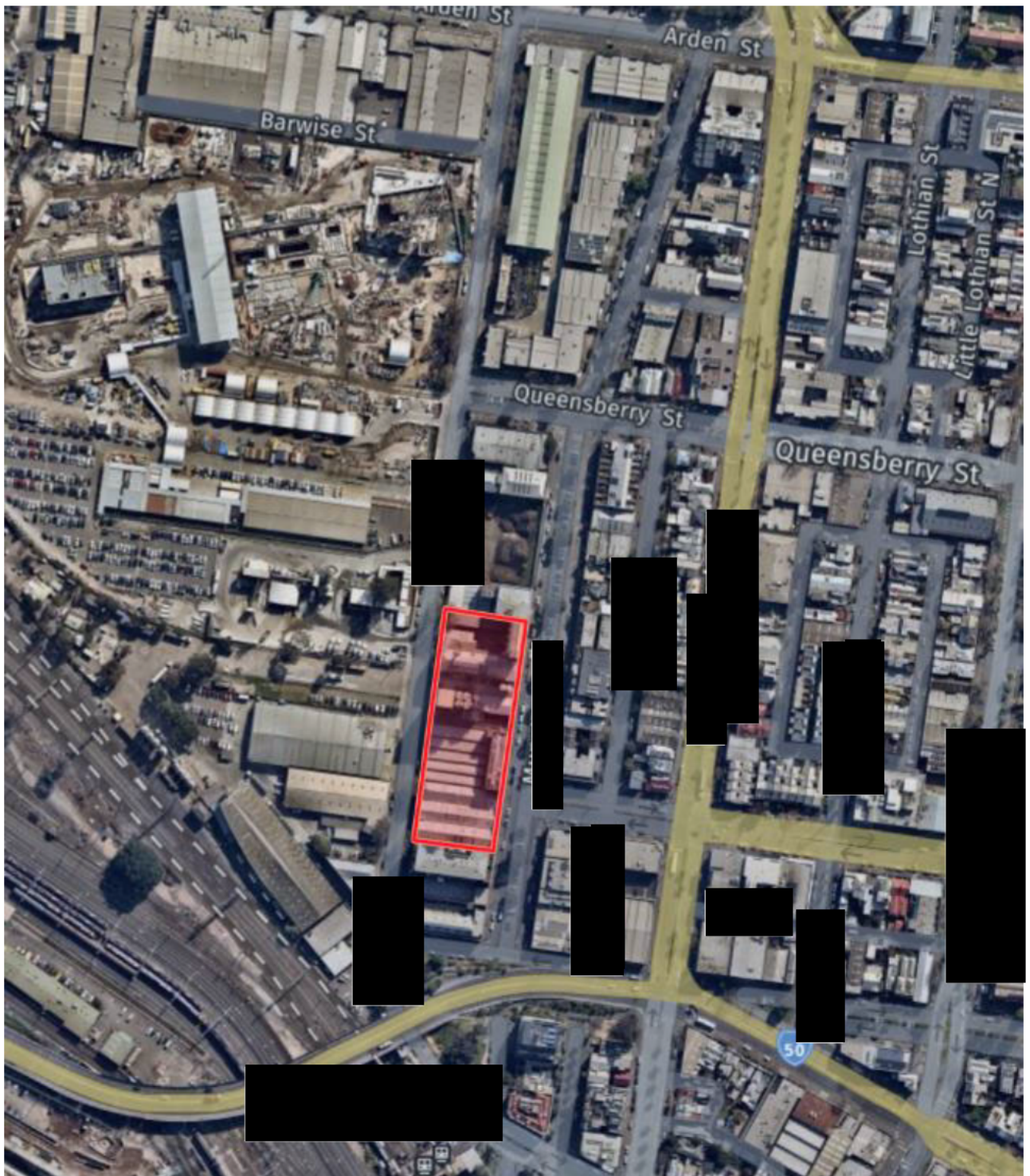
enables future planning and design processes to achieve the site's full and most appropriate land use and development potential.

7. GWF is largely supportive of Amendment C407melb, subject to a number of changes being made to improve the form and content of the amendment and its associated controls.
8. GWF welcomes the opportunity to work collaboratively with the Victorian Planning Authority to resolve the key issues raised in this submission. GWF reserves the right to elaborate on and/or refine its submissions.
9. The key points we make in this submission can be summarised as follows:
 - a. Built form requirements such as heights, setbacks and floor area ratios should be discretionary to ensure that a design response can appropriately respond to the unique characteristics of each site. This is particularly important in relation to the GWF site due to its size and the existing built form, some of which is likely to be retained and integrated with any future development.
 - b. As drafted, the controls are unnecessarily repetitive, do not provide clear guidance to landowners and decision makers and should be substantially re-drafted. We are particularly concerned with the content of proposed Schedule 83 to the Design and Development Overlay Arden Precinct- Laurens Street, which essentially re-expresses the broad ranging ideals of the structure plan. We submit that the controls should be simplified to ensure that they perform their intended functions with more ease and efficiency.

The Site

10. [REDACTED], with a collective site area of approximately 0.69ha. (Refer to Figure 1)
11. Owned and operated by GWF, the site is one of the largest private landholdings in the Arden precinct and is strategically located proximate to the existing North Melbourne Station to the south and the future Arden Station to the north. (Refer to Figure 1).
12. Associated with the current use of the land, the built form composition of the site varies in nature representing a diverse range of industrial buildings in size and scale, including heritage-built form fabric that is affected by a Heritage Overlay (HO455-North Melbourne and West Melbourne Biscuit Making & Flour Mill Heritage Precinct).
13. The elongated nature of the site provides extensive street address to Laurens Street and Munster Terrace. The northern and southern site boundaries are adjoined by existing development, being industrial to the north located within the Industrial 1 Zone and residential to the south located within the Mixed Use Zone.
14. The southern and south-eastern boundaries of the site adjoin the West Melbourne Structure Plan area. Amendment C385melb, which seeks to implement the West Melbourne Structure Plan and associated planning controls, is currently with the Minister for Planning pending approval.

Figure 1 Site Location Plan



(Source: NearMap 2021)

The Existing Mill

15. GWF is a wholly owned subsidiary of Associated British Foods plc (ABF). Globally, ABF operates in 52 countries and employs 130,000 people. Australian operations of GWF employ 6,000 people, and half of these jobs are in Victoria. The 3,000 jobs in the State are split evenly between regional and metropolitan locations. GWF brands include Tip Top, Abbots Village Bakery, Golden, Don, MAURI, Yumi's and Jasol.
16. MAURI, a division of GWF, is located at No. 24-78 Laurens Street, North Melbourne, and is one of the biggest and most successful Australian flour producers. MAURI manufacture, sell and distribute a complete range of flours, retail flour products, bread mixes, semolina's, rye products, bread improvers and bread ingredients, cake and pastry mixes, pan-greasing emulsions, soy flour, wheat, specialty grain and fibre mixes.
17. MAURI also distribute a comprehensive range of dry ingredients to the small bakery and patisserie markets and also provides an extensive animal nutrition service, supported by the manufacture of premium quality bulk and pelleted feeding solutions for commercial livestock.
18. The Mill was established at 1 Munster Terrace in 1888, and GWF took over the operation of the flour mill in the early 1990s. The flour mill and its warehouse operate 24 hours per day, seven days per week (excluding Christmas and Good Friday).
19. The Mill has 60 direct employees, including sub-contractors, and supports 120 upstream (supplier) jobs and between 250 – 350 downstream (customer) jobs within Victoria. MAURI's mill supplies 66,000 tonnes of flour annually to 400 customers in the State comprising of manufacturers, wholesalers, bakeries, cafes and restaurants. The most prominent is Tip Top Bakeries which employs some 600 Victorians. Around 130 of these customers are located in regional Victoria.

The Site's Proposition

20. The relocation of the Mill from Laurens Street to the Ballarat West Employment Zone (BWEZ) will underpin major state-wide investments that GWF proposes to make across its business both in metropolitan and regional Victoria. The opportunities created by a significant redevelopment of the site in accordance with the vision for Arden will support GWF to fulfil the long-term vision for the business in Victoria.
21. These investments over the course of the next four-five years will indicatively deliver:
 - a. Over \$150 million in direct GWF investment (and more in indirect investment), and up to 200 permanent jobs within GWF across regional and metro Victoria.
 - b. Construction investment in Ballarat of approximately \$90 million over 2 years, generating \$140 million in flow-on economic benefits and supporting 320 Full Time Equivalent (FTE) jobs over the construction phase (includes direct and indirect impacts).
 - c. The State government stamp duty/land tax receipts of \$10 million, in addition to increased council rates associated with the redevelopment of the Laurens Street site.

Amendment C407melb

22. The Amendment proposes to update the Melbourne Planning Scheme by implementing a suite of new planning controls and policy to give effect to the *Arden Structure Plan*.

23. The site is affected by the following amendments to the Melbourne Planning Scheme, as exhibited by Amendment C407melb:

- a. Clause 21.04 (Settlement)- to show Arden as an urban renewal area
- b. Clause 21.13 (Urban Renewal Areas)- to include policy basis and objectives specific to Arden
- c. Clause 21.14 (Proposed Urban Renewal Areas)- to update references to Arden
- d. Clause 22.28 (Arden Urban Renewal Policy)- to provide guidance and assist with the exercise of discretion in the assessment of planning permit applications in Arden
- e. Schedule 7 to Clause 37.01 Special Use Zone (Arden Precinct)
- f. Schedule 83 Design and Development Overlay (Laurens Street)
- g. Schedule 14 to Clause 45.09 (Parking Overlay)
- h. Schedule 3 to Clause 45.06 (Development Contributions Plan Overlay)

The Arden Structure Plan

24. The Arden Structure Plan will be inserted into the Melbourne Planning Scheme as a Background Document at the Schedule to Clause 72.08.

25. The Structure Plan (Plan 2) confirms the location of the site within the *Laurens Street Mixed-use sub-precinct*. (Refer to Figure 2- site location generally shown by a red star annotation).

26. Plan 2 Arden's future urban structure further confirms the following relative to the site:

- a. Location of the site on the very western edge of the Laurens Street sub-precinct
- b. Location of the Arden Central-Mixed Use sub-precinct to the west of the site, across Laurens Street
- c. Location of a proposed government primary school and two community facilities on the western side of Laurens Street
- d. Location of ancillary open space (uncredited) along Munster Terrace
- e. An indicative through block link bisecting the site between Laurens Street and Munster Terrace

27. The vision for the Laurens Street sub-precinct provides that:

Laurens Street will strengthen its existing mixed-use composition with new residential, small-scale business and offices, home-based business, retail premises and a variety of creative enterprises.

The re-design of Laurens Street and Munster Terrace will create two green spines for the precinct, improving the public realm and creating opportunities for new business to locate on the ground floor of development for street activation.

New high amenity residential development will integrate with the mixed-use nature of the precinct and will be designed to not impede the growth and operation of this sub-precinct as a service and employment node.

Heritage buildings will create a historical scale to part of the precinct, while new built form on the eastern boundary will create visual transition – in density and scale – to the existing neighbourhoods of North Melbourne.

28. Plan 3 Arden's built form outcomes confirms the site as being within a 'mid-rise' block (as opposed to a 'low-rise' or high-rise' block) with the following floor area ratio and building heights:
 - a. Floor Area Ratio: 8:1
 - b. Building Height: 12-18 storeys (49-64 metres)
29. The Structure Plan (Chapter 3 Designing a distinctive place) sets out a range of additional matters relating to spatial structure, built form and design excellence, which Amendment C407melb has ultimately attempted to synthesise into a set of new planning policy and controls.

Figure 2 Arden Structure Plan- Site location



(Source: Arden Structure Plan 2021)

Summary of submissions

30. The focus of this section is to bring to the attention of the Victorian Planning Authority, and a future Advisory Committee, key matters relating to the exhibited version of Amendment C407melb.
31. The Arden Structure Plan will be inserted as a Background Document within the Melbourne Planning Scheme, with the proposed policy and controls to act as the statutory mechanism.
32. The primacy therefore of this submission is a focus on the proposed policy and controls, which will ultimately guide the preparation of detailed planning permit applications for buildings and works and the assessment thereof.

The Structure Plan

33. The Structure Plan steps through respective pertinent aspects relating to the future urban renewal of the Arden precinct, including the Laurens Street sub-precinct. The following considerations focus on the Structure Plan's directions in relation to Floor Area Ratios (FAR) and building height.
34. Outcomes in the Laurens Street sub-precinct should strike a balance between the need to respond to existing residential uses and built form to the east, and the future aspirations for the Arden Central- Mixed Use precinct to the west of Laurens Street.
35. Notably, the site is located on the very western edge of the sub-precinct and consequently, must be allowed to provide for an appropriate transition between the built form aspirations for the *Arden Central- Mixed use precinct* to the west.
36. Key built form requirements for the *Arden Central- Mixed Use precinct* include a maximum FAR of 12:1 and a building height range of 16-24 storeys (65-83 metres). As set out earlier in this submission, the site is affected by a maximum FAR of 8:1 and a building height range of 12-18 storeys (49-64 metres). Consequently, there is potential for disparity between built form outcomes either side of Laurens Street due to the contrasting built form requirements for each sub-precinct.
37. Further to this, the nominated FAR of 8:1 does not realise the development potential of the site, the vision of the Structure Plan and its desires for the Laurens Street sub-precinct.
38. A higher FAR for the site, as opposed to the proposed blanket approach applied to the broader street block south of Queensberry Street, can still achieve the aspirations of creating a transitional form of development, and importantly an exemplar urban design response.
39. To achieve this, it is clear that the proposed planning controls must be discretionary in form and content to enable GWF to maximise the developability of the site and enable the Responsible Authority to assess a future planning permit application with discretion.
40. This is particularly so when considering the size of the site and the way in which any new development will be required to respond to its various attributes including its two street frontages and the existing heritage fabric. It will also allow consideration of appropriate interface issues when development proposals in the vicinity are known. Building flexibility into the controls will enable the highest quality design outcomes to be achieved and support the aspirations of the Structure Plan.

41. Discretion in the proposed planning controls, namely Schedule 83 to the Design and Development Overlay, will allow GWF or developers in general greater opportunities to contribute to the provision of affordable housing and design excellence.
42. To this end, we support built form requirements for the site relating to Floor Area Ratios and Building Heights being applied as discretionary requirements.

Clause 22.28 Arden Urban Renewal Area Policy

43. Clause 22.28 sets out the policy basis for the vision for the Arden precinct, which is underpinned by a suite of Objectives and Strategies, and Policy Guidelines.
44. Clause 22.28 appears overly lengthy and descriptive in certain aspects relating to the Strategies and Policy Guidelines.
45. We raise concern that the Policy Guidelines add an extra layer of consideration, and in some respects, compete with the proposed planning controls such as the Design and Development Overlay.
46. DELWP's *A Practitioner's Guide to Victorian Planning Schemes April 2020* (Page 81) advises that in drafting policy guidelines, policy must be sufficiently flexible to allow for alternative solutions to achieve the outcome sought.
47. Moreover, the Practitioner's Guide (Page 82) advises the following:
 - a. *Policy guidelines are an optional part of policy and are not a substitute for a control*
 - b. *They are generally only required in exceptional circumstances*
 - c. *Proper use of zone and overlay schedules, together with robust strategies in policy, will usually avoid the need for policy guidelines*
48. We note that whilst the Policy Guidelines are prefaced with the wording "*Consider as relevant*", their current content appears overly prescriptive at times. For example:
 - a. Clause 22.38-3.5 Environmentally Sustainable Design includes policy guidelines relating to:
 - i. *For all new buildings, providing at least 75% of the total site area as building or landscape elements that reduce the impact of the urban heat island effect.*
 - ii. *For all new buildings, providing a minimum of 40% per cent total surface area should be provided as green cover (green wall, rooftop, canopy, and understorey planting, native and indigenous planting or maximises adjacent public realm cooling benefits.)*
 - b. Clause 22.28-3.9 Site layout and building mass includes policy guidelines relating to:
 - i. *Break up buildings with a wide street frontage into smaller vertical sections, with a range of parapet heights and rebates of sufficient depth to provide modulation into the street façade.*
 - ii. *Whether the layout of development responds to the function and character of adjoining streets and laneways.*

49. The above examples highlight the need to revisit the drafting of Clause 22.28 to confirm the relevance and appropriateness of the Policy Guidelines. This should be undertaken having regard to the form, content and role of other controls proposed by C407melb and importantly, other extant provisions of the Melbourne Planning Scheme.
50. We submit that should the Policy Guidelines be implemented in their current form, the ability to satisfy them, noting the site's built form composition, could be challenging and restrict the ability to achieve an appropriate and viable outcome.

Affordable Housing

51. The exhibited *Municipal Strategic Statement at Clause 21.13 Urban Renewal Areas* and *Local Planning Policy at Clause 22.28 Arden Urban Renewal Area Policy* deal with delivering affordable housing within the Arden precinct.

52. *Clause 21.13 Urban Renewal Areas* seeks to facilitate inclusive, well-designed and accessible housing:

“with at least six percent of all new housing in the precinct being affordable for very low to moderate income households and delivered in social and affordable housing or shared equity.”

53. In effect, this mirrors Objective 23 Affordable Housing of the Arden Structure Plan.

54. *Clause 22.28 Arden Urban Renewal Area Policy* applies to land within the Special Use Zone Schedule 7 and include a series of policy guidelines. In respect of affordable housing, the relevant policy guidelines seek to consider, as relevant:

“a minimum 6 per cent of dwellings at 50 per cent discount (or alternative mix of contribution and discount of an equivalent value) as Affordable Housing, delivered by one of the following options:

- *Transferred to an agency, a body or a person which provides affordable housing, including but not limited to Registered Housing Agencies, Rental Housing Agencies and other bodies established or recognised under the Housing Act 1983; or*
- *Held in an affordable housing trust and managed for the sole purpose of affordable housing; or Any other model that provides for Affordable Housing, subject to the approval of the Responsible Authority.*

55. The apparent strategic context to these requirements is set out in the *Arden Social and Affordable Housing Strategy* and summarised in the *Arden Precinct Background Report*.

56. It is clear that the analysis undertaken outlined a number of matters for consideration as it related to feasibility testing. This generally stated that:

- a. 4% affordable housing is likely to be feasible when calculated on both a total or residential GFA basis.
- b. 6% affordable housing may be feasible when calculated on both a total or residential GFA basis.

57. The above two points are further highlighted by the fact that the background report considered that it would be appropriate to adopt a 6% target *‘if an optimistic or aspirational medium term view of market forces were considered to improve over time and/or developer innovation occurs’* (Arden Precinct Background Report; Page 54).

58. Ultimately, Clause 22.28 seeks to consider as relevant the provision of a ‘*minimum*’ 6% affordable housing at a 50% discount (or alternative mix of contribution and discount of an equivalent value).
59. The principal of providing affordable housing is not in question. Rather, the quantum and discount percentage applicable requires further scrutiny to ensure flexibility in the way it is provided, responsive to need and allowing for innovative solutions and so that strategic landholdings like the GWF site can realise a viable redevelopment scheme.

Schedule 83 to the Design and Development Overlay Arden Precinct- Laurens Street

60. In the context of the site and its location within the broader area affected by Schedule 83 to the Design and Development Overlay (DDO83), the application of a Design and Development Overlay is generally supported.
61. By applying the DDO, the challenge faced by the Planning Authority is ultimately one of ‘striking a balance’. In the case of the affected area, there is a wide range of design and development matters that need to be considered in finding this balance.
62. In its exhibited form, DDO83 requires significant refinement to ensure legibility and transparency to assist users of the Melbourne Planning Scheme.
63. Importantly, there is a need to ensure that an enduring and facilitative planning control is implemented to guide built form through future detailed design stages associated with planning permit applications.
64. With specific respect to the site and its scale and nature, DDO83 needs to provide a level of built-in flexibility for future detailed design.
65. The key focus of this part of the submission is to:
- a. Raise awareness about the form and content of DDO83 in its exhibited form i.e. the extent of drafting problems; and
 - b. Ensure discretionary Built Form requirements, including those that relate to Building Height and Floor Area Ratio, are clear and legible.
66. Our consideration of DDO83 has again been further informed by DELWP’s *SMART Planning Program* and the *Practitioner’s Guide to Victorian Planning Schemes April 2020* insofar as the manner in which new controls are to be drafted.

67. Listed below are a number key drafting matters noted in our review of DDO83. The list of matters is not exhaustive and there may be further issues identified.

Clause 1.0 Design Objectives

68. It is submitted that the second design objective, which addresses heritage fabric, should be broken into two parts as follows:

“To support development which responds sensitively to heritage fabric either on site or adjacent to it, recognising that alterations or demolition of heritage fabric on site may be required to achieve the design objectives of this schedule.

To support development that provides tailored setbacks that respond to adjoining development and low scale forms.”

69. Having regard to the important strategic role of the precinct, it is considered necessary to ensure that an appropriate balance can be struck in relation to the management of existing heritage fabric.

Clause 2.0 Built Form Outcomes

70. Clause 2 Buildings and Works sets out Built Form Outcomes in respect of key design and development parameters.

71. In their exhibited form, these Built Form Outcomes are extremely vague, appear to repeat ideals found in Structure Plan, and are not easily understood. Furthermore, a number of Built Form Outcomes include the word must and on the current drafting appear to be seeking mandatory outcomes despite not being capable of precise application.

72. The Built Form Outcomes should be wholly revisited to provide a more succinct, legible and tangible set of built form aspirations, to remove repetition and to ensure that the Planning Scheme is user friendly.

Clause 2.2 Requirements

73. Further to the above commentary about Built Form Outcomes, Clause 2.2 states:

"An application for buildings and works that does not meet a requirement expressed with the term 'should' must achieve the relevant built form outcomes."

74. In this instance, the use of the word 'must' is problematic, as the 'built form outcomes' are not clearly expressed or reasonably capable of being treated as mandatory requirements.

Clause 2.3 Definitions

Floor Area Ratio

75. It is assumed that the reference to "3 metres" in the definition of Floor Area Ratio should be worded as "3 square metres" because we understand FAR to be a measure of area.

Street Wall and Street Wall Height

76. DDO83 includes the same definition for Street Wall and Street Wall Height. The definition for a Street Wall should define the object as distinct to that of Street Wall height.

77. It is submitted that it is not appropriate to define Street Wall Height with reference to the "centre of the site frontage", as it creates incongruous outcomes for large sloping sites and unnecessarily constrains the low part of a frontage.

Additional Shadow

78. In its current form, the definition of additional shadow is onerous.

79. The definition of additional shadow should be amended to make reference to a day and time to provide clarity and certainty around how this definition is to be interpreted in the detailed design process (for example, "between 10am and 2pm at the September equinox").

Clause 2.4 Street Wall Height

80. Clause 2.4 states:

"Buildings should include a street wall of the minimum street wall height and should not exceed the preferred street wall height specified in Table 1..."

81. Table 1 of Clause 2.4 should therefore express the preferred street wall height as a range, in order to clarify the above.

82. Clause 2.4 further states that:

“Where a building is on a corner, the taller preferred street wall height applies to the frontage with the lower preferred street wall height.”

83. This built form requirement should be re-visited in light of the definition of ‘frontage’ in the scheme (Clause 73.01) as a building can only have one frontage.

Clause 2.5 Building Setbacks

84. Table 2: Built Form Requirements sets out that where a part of a building is below the preferred street wall height, the preferred minimum setback in respect of a pedestrian only laneway is 9 metres.

85. This preferred minimum setback appears excessive and requires clarification and re-drafting. We assume that the intention is not to require a 9 metre ground floor setback from a laneway.

86. In respect of Building(s) separation on the same site, the range of preferred minimum setbacks appear onerous, particularly in the context of where sites already contain several built form constraints, with this requirement potentially limiting appropriate built form outcomes.

Clause 2.6 Building heights and Floor Area Ratio (FAR)

87. In the absence of the building height range and floor area ratios being revised to a higher range and quantum, and to allow for consideration of appropriate site-specific proposals, the discretionary wording relating to a preferred maximum building height range and floor area ratio applicable to the site must be retained.

88. Clause 2.6 states that building heights and floor area ratios are discretionary but at the same time appears to confirm circumstances where a proposal can exceed these as follows:

- a. No-habitable architectural features not more than 3.0 metres in height*
- b. Building services and communal recreation facilities setback at least 3.0 metres behind the building façade*

89. The drafting in this case is dysfunctional, as a permit can be granted for any exceedance as a matter of discretion.

Clause 2.7 Solar Protection

90. There is a disconnect with the built form requirement wording and Table 5 Solar protection.

91. The built form requirement should be re-drafted to delete the words ‘or streets’ as there is no relationship between this matter and Table 5, which refers to areas shown on Map 2 (Arden Station Forecourt) and the associated date and hours.

Clause 2.8 Wind Effects

92. The built form outcome wording includes the word ‘must’. This should be replaced for the word ‘should’ given the role Built form outcomes are intended to play within the DDO.
That is, it should not be mandatory.

Clause 2.8 (Public Interface and Design Detail)

93. The introductory sentence to the Built form requirements should be re-drafted to ensure flexibility in the exercise of discretion as they will not all be applicable to all sites.
94. For example, the design element, Active street frontages, requires that 5 metres or 80% of the building façade at ground floor level is an entry or display window. This requirement may have unintended consequences on large sites or sites where there is existing heritage fabric.

Clause 5.0 Application Requirements

95. The extent of application requirements is considered onerous and should be reviewed in relation to those contained within Schedule 7 to the Special Use Zone. It is reasonable to expect that the same suite of materials can satisfy the requirements of both and they should be drafted accordingly.
96. The application requirements should be also reviewed to ensure they are exclusively for information which is of a factual nature. An example of this being a requirement to lodge a report that demonstrates design excellence. Whether or not design excellence is achieved is a matter of opinion to be considered as part of the assessment of an application and should not be a pre-condition to the making of an application.

Clause 6.0 Decision Guidelines

97. The decision guidelines require significant re-drafting to align with the Ministerial Direction on the Form and Content of Planning Schemes and the guidance set out in DELWP's A Practitioner's Guide to Victorian Planning Schemes.
98. Standard practice confirms that Decision Guidelines must be policy neutral, must not include mandatory requirements and should relate to the schedule objectives. Moreover, decision guidelines should not repeat material that is already in the Schedule or otherwise introduce new concepts.
99. Of particular concern is the decision guideline which says "*If the development seeks to exceed the nominated Building Height and/or Floor Area Ratio that the development demonstrates*", followed by a series of requirements. The requirements that follow are problematic as they are expressed in mandatory terms and it is not clear whether the intention is that a permit can only be granted if they are met. In our submission, it would not be appropriate for these requirements to be mandatory. Further, they appear to repeat considerations that already arise under the overlay and only serve to unnecessarily complicate the role of the decision maker.
100. As the DDO applies to a broad composition of existing built form, including land with recognised heritage characteristics, it would also be appropriate to include a decision guideline that requires the decision maker to consider, as relevant, whether the alteration or additions to heritage fabric are appropriate to achieve the design objectives of the precinct. We submit that a similar guideline should be included at clause 22.28-3.9.

Other Matters

101. To assist the end user of this control, consideration should be given to the inclusion of diagrams confirming the preferred height and setback controls spatially. This will assist both applicant and the responsible authority clearly interpret the meaning of each built form requirement. This is a practice that is used in other Design and Development Overlays within the Melbourne Planning Scheme.

Application of Schedule 7 to the Special Use Zone

102. We query whether the Special Use Zone is the most appropriate zone for the Arden Urban Renewal precinct.
103. *Planning Practice Note 3 Applying the Special Use Zone* (DELWP; May 2017) (PPN3) provides guidance about the appropriate use of the Special Use Zone.
104. PPN3 provides clear advice in relation to where a Special Use Zone should be applied, advising that its application can be considered when either:
- a. An appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements*
 - b. The site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate*
105. In light of the above, it is unclear why the Special Use Zone is the preferred option for the Arden urban renewal precinct.
106. There are alternative appropriate zones that could be considered for application within the Arden urban renewal precinct, in concert with appropriately worded local policies and overlays, where required.
107. An alternative zone could be the *Comprehensive Development Zone* (CDZ), applied to the entire precinct.
108. The CDZ offers an alternative option to the SUZ that could provide for a more transparent and efficient planning framework for the precinct and utilise, in a modified/refined form, the Arden Structure Plan, as the document to be incorporated.
109. Similar approaches to the use of the CDZ and associated Comprehensive Development Plan have been adopted by the Victorian Planning Authority in recent times such as the Berwick Health and Education Precinct at Casey.
110. Noting the identified drafting challenges in relation to the exhibited policy and controls for C407melb, there may be efficiencies to be made in providing for a more streamlined planning framework through the consideration of this. As exhibited, there is considerable duplication between the content of the Structure Plan, the Special Use Zone and the schedules to the Design and Development Overlays. This could be avoided with an alternative approach.
111. We further note opportunities within the drafting of a new schedule to the Comprehensive Development Zone to relate to the ability to specify that an application under any provision of the scheme which is generally in accordance with the applicable structure plan is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
112. The effect of this being the ability to include exemptions from third party notice and review for permit applications which are generally consistent with the plan. The effect of this being to provide a more streamlined delivery of the dedicated urban renewal precinct. We note that this is not proposed as part of the exhibited Schedule to the Special Use Zone.

Development Contributions Plan

113. The Victorian Planning Authority has prepared a Development Contributions Plan (DCP) to facilitate the collection of levies relating to a range of infrastructure requirements within the Arden precinct.
114. It is noted that the draft Structure Plan was not supported by such a document.
115. Given the urban renewal status of the Arden precinct, it is recommended that a peer review be undertaken of the DCP to ensure its appropriateness and that it is ultimately able to be implemented and delivered.
116. We reserve the right to provide further commentary on the DCP.

Parking Overlay


117. Consistent with the commentary about Schedule 83 to the Design and Development Overlay, the drafting of the new Schedule to the Parking Overlay requires further refinement to ensure it delivers on the aspirations of the Structure Plan. Importantly, it must provide clarity to landowners about the likely requirements in relation to the provision of car parking.
118. For example, Clause 4.0 provide a suite of Application Requirements and decision guidelines that are unclear. Furthermore, Clause 7.0 Design Standards for car parking are unclear in how they are to be applied to new development.

Conclusions

119. We commend the work that has been undertaken by the Victorian Planning Authority in the preparation of the Arden Structure.
120. However, we submit that in its exhibited form, Amendment C407melb requires redrafting to ensure consistency with relevant State Government Directions and guidance to enable clear and concise built form expectations and to remove ambiguity with respect to decision making.
121. It is of significant importance that the ultimate planning framework applied to the Arden precinct enables major private landowners to realise appropriate development outcomes, innovative solutions and the creation of legacy projects for future communities to enjoy.
122. We reserve the right to make further submissions as part of a future Advisory Committee hearing or similar to ensure that the views of GWF are considered.

END.

Yours Sincerely



Neil Gabriel

[Redacted signature block]