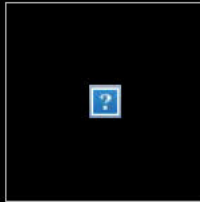


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9 October 2021

Our ref: [REDACTED]

Victorian Planning Authority
c/- Arden Precinct

By email only: arden@vpa.vic.gov.au

Natalie Bannister
[REDACTED]
[REDACTED]
[REDACTED]

Matt Hughes
[REDACTED]
[REDACTED]
[REDACTED]

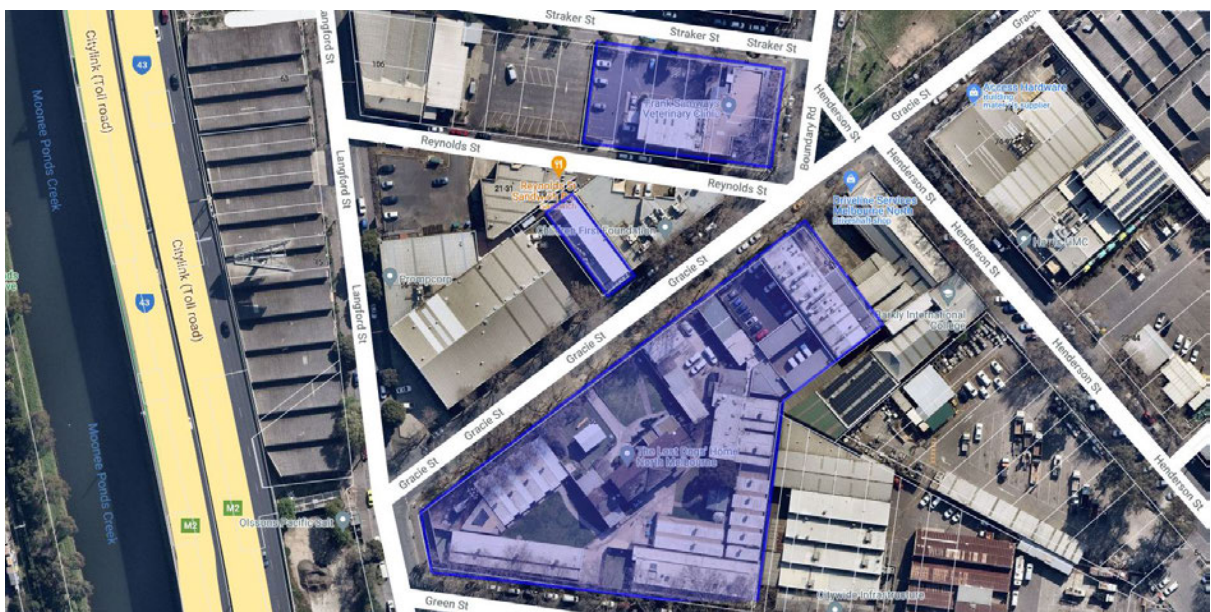
Dear Sir / Madam

Submission in relation to the Arden Structure Plan and Melbourne Planning Scheme Amendment C407

We act for The Lost Dogs' Home (ACN 004 789 726) (**TLDH**), a registered charity with the Australian Charities and Not-for-Profits Commission.

TLDH is the registered proprietor of several properties affected by the Arden Structure Plan August 2021 (**Structure Plan**). The location of TLDH properties are highlighted in the below photograph:

- 2-52 Gracie Street, North Melbourne - Lost Dogs Home;
- 54 Gracie Street, North Melbourne - Lost Cats Home;
- 13 Gracie Street, North Melbourne - Thelma Hoult Training and Education Centre; and
- 1-3 Boundary Road, North Melbourne - the Frank Samways Veterinary Clinic.



The Arden future urban structure plan (page 32 of the Structure Plan) shows the Lost Dogs Home and Lost Cats Home shaded green as 'new integrated stormwater management open space'. It shows the Thelma Hoult Training and Education Centre and the Frank Samways Veterinary Clinic shaded pink as part of Arden North - Mixed-Use.



1 Background, history and social significance of TLDH

TLDH has a rich 110-year history in North Melbourne, established in 1910 by a concerned group of individuals determined to improve the welfare of lost and starving dogs in the North Melbourne area. This facility was the first formal public animal veterinary service in Victoria and Australia.

TLDH has been a sanctuary to an estimated 1.2million plus animals over 110 years thanks to the ongoing support of the community, local businesses and around ten thousand loyal donors who contribute monthly, annually, in-kind and through extremely generous gifts in their Wills.

TLDH's history in North Melbourne means the local community and general pet-loving communities in broader Melbourne embrace it as a much-loved institution and animal welfare icon. All proceeds from this operation are redirected back into supporting TLDH shelter facilities and services.

In 2011, the generosity of the late Frank Samways enabled TLDH to build a contemporary veterinary hospital through his bequest of \$3 million. The veterinary hospital opened in December 2012 and provides quality care for privately owned pets as well as extra veterinary care to sheltered animals.

2 Impact of the Structure Plan

Currently, the Lost Dogs Home at 2 - 52 Gracie Street is in urgent need of rectification works to bring the facility up to contemporary standards. These works have been deferred as the outcome of the Structure Plan has been uncertain. This lingering uncertainty has prevented TLDH from investing in an interim redevelopment, as the draft Arden Structure Plan showed the acquisition of all of TLDH properties for stormwater management purposes.

TLDH is accountable to the communities who use its services and members who support it. TLDH have an ongoing responsibility to ensure that it is always acting in the best interest of the tens of thousands of animals coming into its care, every year. Right now, with such uncertainty, TLDH do not feel it is able to give this kind of reassurance to its supporter communities. The necessary investments in the existing facility cannot be further delayed. Yet, the necessary investments cannot be made (circa \$3 million) by a non-profit organisation such as TLDH without certainty of

tenure to recoup this expenditure. This makes the proposed acquisition of the 2-52 & 54 Gracie Street existing facility and its timing a matter of urgency.

TLDH needs certainty with respect to the timing for acquisition of its land, or indeed how it will be appropriately compensated and assisted to relocate. TLDH does not want to relocate. If TLDH is required to move, TLDH requires certainty and agreement in relation to timing noting that the relocation must occur as a matter of priority, given the urgent need for improvements to the current facility.

TLDH is a not-for-profit organisation and simply does not have the means to cover the substantial costs involved in a relocation of this scale and complexity (which must be constructed to a standard equivalent to a human hospital), and the planning/development risk in securing approval for such a facility elsewhere. TLDH is concerned that the compensation that would be provided under the *Land Acquisition and Compensation Act* would not be sufficient to cover the costs associated with re-establishing elsewhere given the unique nature of the facility and the significant, bespoke capital works and facilities that would be required.

TLDH seeks confirmation that the Government accepts this and can reassure it that full reinstatement of TLDH's facility will be provided. This is necessary in order to give TLDH certainty over their future and confidence that they will be in a position to fund the relocation and new build. TLDH intends to expend funds immediately to commence a process to find and secure an alternative site. In order to meet the current and future demand for the charitable services TLDH offers, any new site for relocation must be a minimum of 2 hectares in size.

TLDH is seeking compensation for these costs, Government assistance in securing an alternative site and Government assistance in facilitating the necessary planning approvals required for a new facility.

TLDH would be happy to engage in further discussions with Government to formalise a process to this effect, and to enter into an understanding for how TLDH will be reimbursed for funds expended.

3 Rezoning windfall gains tax

The uncertainty over the future of TLDH is compounded by the proposed introduction of Victoria's new 'Windfall Gains Tax' (**WGT**). The WGT is proposed to be a tax on the uplift in land value flowing from the rezoning of that land. As the draft bill that seeks to implement the WGT has not yet been released, the situation remains unclear.

We wish to note that TLDH is a not for profit and liability to pay a WGT will affect its operations materially.

The WGT, if applicable, will impose an unreasonable financial burden on TLDH, in circumstances where TLDH stands to gain no benefit from the rezoning of its landholdings. Whilst the 2-52 and 54 Gracie Street sites are proposed to be acquired for stormwater management open space, there is no intention to divest 13 Gracie Street, North Melbourne or 1-3 Boundary Road, North Melbourne. These landholdings providing crucial and affordable veterinary services to the local community. TLDH will gain no benefit from the rezoning of 13 Gracie Street or 1-3 Boundary Road, and strongly objects to the imposition of the WGT on this and its other landholdings.

4 Additional comments on the Structure Plan

In addition to the matters noted above, TLDH has also identified the following further issues in relation to the Structure Plan:

-
- the Structure Plan notes the entire 2-52 & 54 Gracie Street facilities have 'significant heritage attributes' (page 19). This is not the case; and
 - Boundary Road has been earmarked to become a "key street" - a high capacity public transport capable corridor (page 53). TLDH is concerned about the impact of these upgrades to its facilities at 13 Gracie Street and 1-3 Boundary Road, and the impact of increased traffic, construction works and noise to the sick and starving animals it treats.

TLDH also has concern with the nature of specific provisions relating to mandatory floor area ratio (**FAR**) controls and other matters proposed by the Structure Plan and controls, and note:

- built form outcomes and FARs have been modelled off unlikely consolidation of sites and/or potential construction over Reynolds Street;
- the requirement for new development not to cast any additional shadow beyond that cast by the maximum street wall to Clayton Reserve or the new integrated stormwater management open space between 11am to 2pm on 22 September is expected to restrict development to the north of these spaces (contrary to the FAR or overall building heights ultimately indicated for these areas); and
- The planning framework proposed by Amendment C407 is highly prescriptive and leads to a complex framework which does not consider form, function or cost in relation to specific sites. For example:
 - requirements such as 6 Star Green ratings;
 - strategies for buildings to be 100 per cent electric; and
 - strategies to reduce the heat island effect including 40% total site area for new buildings to be provided as green cover.

TLDH submits that the Structure Plan and proposed planning controls should provide sufficient flexibility to encourage innovative design and optimal planning outcomes suitable for the local area into the future. The above provisions will work to prevent this.

Conclusions

TLDH considers that the above issues need to be addressed by VPA and Council in order to ensure that the Structure Plan achieves its intent to deliver appropriate and practical objectives and strategies to guide the future development of Arden.

Currently, the result of implementing the Structure Plan in its proposed form would be to dislodge TLDH from its North Melbourne home and local community with no certainty as to its future. TLDH respectfully urges the VPA and Council provide it sufficient certainty to continue operating now, and sensibly plan for the future.

Please contact Natalie Bannister on [REDACTED] if there are any matters in relation to this submission that you would like to discuss.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Hall & Wilcox', written in a cursive style.

Hall & Wilcox