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Date: Monday, 11 October 2021 10:14:18 AM



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Legal representative for a group of organisations

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11 October 2021

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

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

Dear Sir/Madam

**AMENDMENT C407 TO THE MELBOURNE PLANNING SCHEME
ARDEN STRUCTURE PLAN**

We act for three landowner groups with prominent sites in the proposed Arden Central Innovation Precinct, namely:

1. Guntar Graphics Pty Ltd, the owner of 215 Arden Street, North Melbourne;
2. Champion Parts Proprietary Limited, the owner of 205-213 Arden Street, North Melbourne;
and
3. I & J Group Holdings Pty Ltd and Belborant Pty Ltd, the joint owners of the subdivided property at 233 Arden Street, North Melbourne.

Whilst our clients are generally supportive of Amendment C407 to the Melbourne Planning Scheme ('**Amendment**'), they remain concerned particularly about the timing for delivery of important outcomes and the lack of clarity within the exhibited documents.

More particularly, our clients make the following observations:

1. Public Acquisition Overlay

The Amendment seeks to apply Public Acquisition Overlay – Schedule 8 ('**PAO8**') in favour of the Secretary to the Department of Transport to:

- (a) Part of the site at 215 Arden Street, to provide for an 'urban boulevard' pedestrian connection south of Arden Street to Arden Station; and
- (b) Part of the site at 233 Arden Street, to provide for an extension of Barwise Street to the west.

Principally, our clients are opposed to the application of the PAO8 to their respective sites. Our clients are otherwise of the view that the extent of land to which the PAO8 is proposed to be applied, is unreasonably excessive.

2. Buffer Area Overlay

The Amendment seeks to introduce Schedules 1 and 2 to the Buffer Area Overlay ('**BAO1**' and '**BAO2**' respectively). BAO1 relates to the Asphalt Plant – Inner Buffer Area and BAO2 relates to the Asphalt Plant – Outer Buffer Area.

Our clients' landholdings at 215 and 233 Arden Street are predominantly impacted by BAO1, with a small portion of land affected by BAO2. Conversely, our client's land at 205-213 Arden Street is primarily affected by BAO2, with a small portion of land affected by BAO1.

The Explanatory Report for the Amendment indicates that BAO1 is intended to manage use and development within the *'moderate risk'* buffer area, and BAO2 is intended to manage use and development within the *'medium risk'* buffer area. However, there is a lack of clarity within the exhibited documents as to what these terms mean and how they have been applied.

Moreover, the permit application requirements for land located within these buffer areas, particularly land subject to BAO1, are unnecessarily onerous.

3. Infrastructure / DCPO3

There is insufficient information regarding the delivery of precinct-scale infrastructure.

The Amendment seeks to amend Schedule 3 to the Development Contributions Plan Overlay to enable implementation of the *Arden Development Contributions Plan, August 2021* (**'Arden DCP'**). The Arden DCP is a complex document and should be considered in isolation, separate from this Amendment process.

4. Technical studies

A large number of technical background studies have been provided by the VPA in support of the Amendment. The four-week exhibition period is insufficient time to properly review and consider the depth and breadth of these studies.

5. Accommodation Use in the Special Use Zone – Schedule 7

Pursuant to Schedule 7 to the Special Use Zone (**'SUZ7'**), 'Accommodation' is only a section 1 as-of-right use if certain conditions are met.

One such condition, specific to land within the Arden Central Innovation and Arden North Precincts, is that the use *'must be located above the first six storeys (ground to fifth floor), except for part of a building which provides access such as a lobby or entrance'*.

This condition is unreasonable in an urban renewal context and is not sufficiently justified within the exhibited documents.

6. Public open space equalisation

The Public Open Space Equalisation Provision at section 3.0 of the SUZ7 is confusing and unclear.

7. Bicycle, motorcycle and car share parking

Table 2 under the SUZ7 provides minimum requirements for bicycle, motorcycle and car share parking. The requirements lack flexibility and, again, are somewhat unclear.

8. Public interface and design detail

Schedule 80 to the Design and Development Overlay (**'DDO80'**) includes at Table 7 a suite of requirements for various design elements. The requirements lack clarity, are unnecessarily onerous and, in some cases, are conflicting.

Further confusion is caused by identifying non-vehicular connections (like the Fogarty Street extension) as *'traffic conflict frontages'* in Map 4 within DDO80.

9. Fogarty Street cross-section

Cross-section 8 contained in the *Arden Precinct Cross Section Incorporated Document, August 2021* suggests that the proposed Fogarty Street extension (which will impact our client's land at 215 Arden Street) will be in the order of 25 metres wide.

This is unnecessarily wide, particularly where the connection does not permit vehicular access, and the specifications should be reconsidered to more appropriately reflect the nature and role of the connection (i.e., pedestrian and bicycle access only), and the impact on our client's land.

10. Built form outcomes

Plan 3 in the *Arden Structure Plan, August 2021* ('**Structure Plan**') identifies maximum floor area ratios ('**FAR**') and building height ranges for land affected by the Amendment. Land is proposed to be categorised as low-rise (area "a"), mid-rise (areas "b" to "g") or high-rise (areas "h" to "k"), and then further managed through different levels of FAR and building height controls.

Our clients' respective sites are proposed to be located within high-rise area "i" and are subject to a maximum FAR of 12:1, with building heights in the range of 12 to 20 storeys.

The Structure Plan lacks justification for the designation of sites within each of areas "a" to "k". Moreover, it lacks reasoning for the designation of sites as "h" to "k" within the broader high-rise area.

The Structure Plan also fails to adequately explain the relationship between the proposed FAR and building height range for each area.

11. Lack of consultation

Finally, our clients consider there has been a general lack of consultation with them, as three of the most affected landowner groups within the area subject to the Amendment.

We note that these observations are preliminary in nature and have been collated within the short timeframe that our clients have been afforded to review the abundance of exhibited documents and supporting technical studies. Our clients reserve the right to make further submissions in respect of the Amendment.

Please contact the undersigned or Hannah Wilson on [REDACTED] if we can be of further assistance in respect of this correspondence.

Yours faithfully



MARK NAUGHTON
Planning & Property Partners Pty Ltd