

22 November 2021

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Stuart Mosely
Victorian Planning Authority

Sent via email: amendments@vpa.vic.gov.au

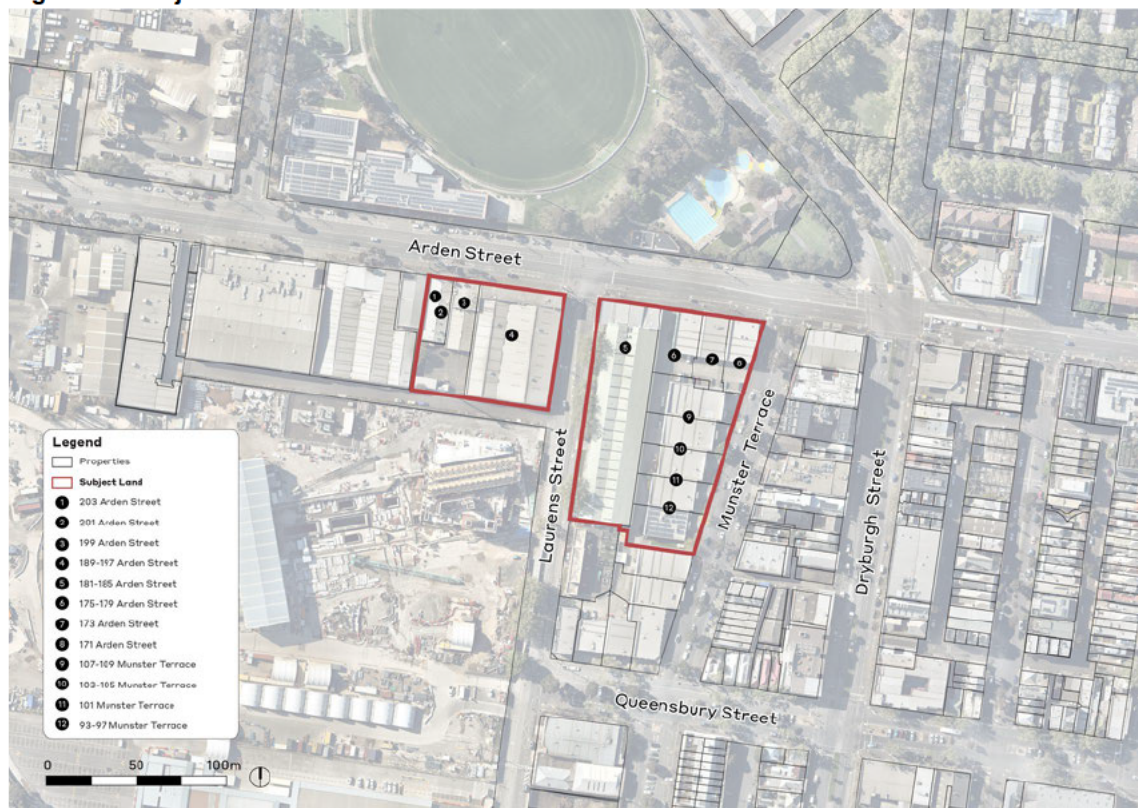
Dear Mr. Mosely,

Arden Structure Plan – Submission to Victorian Planning Authority

Ethos Urban act on behalf of the owners of multiple properties in North Melbourne, within the Arden Structure Plan precinct. Please refer to **Figure 1** for the location of properties on the subject land. The properties are owned by separate but related corporate entities, and are effectively owed by a single corporate group. This submission is made in addition to our client's earlier submission on 11th October 2021, as prepared by BSP Lawyers. It discusses in greater detail the items initially noted in the previous submission.

This submission has been prepared to respond to the implementation of the updating planning controls as part of Amendment C407 to the City of Melbourne Planning Scheme. 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. The precinct risks having the station open with no development having commenced in the surrounding area.

Figure 1 – Subject Land



Source: Ethos Urban (aerial imagery from Nearmap, 2021)

The Draft Arden Structure Plan (ASP) has been prepared in partnership by the Victorian Planning Authority and the City of Melbourne. The Structure Plan develops the key directions of the previously produced Arden Vision and will guide the development of the precinct over the next 30 years.

The Structure Plan will ultimately be implemented into the Melbourne Planning Scheme via Amendment C407 and the application of the following local planning policies and controls:

- Clause 21.04 – Settlement
- Clause 21.13 – Urban Renewal Areas
- Clause 21.14 – Proposed Urban Renewal Areas
- Clause 22.28 – Arden Urban Renewal Policy
- Design and Development Overlay – Schedule 80
- Design and Development Overlay – Schedule 81
- Development Contributions Plan Overlay – Schedule 3
- Public Acquisition Overlay – Schedule 89

We recognise that Amendment C407 effectively implements many of the objectives in the Arden Structure Plan. However, the following key items should be incorporated in Amendment C407 to ensure the vision for the precinct can be planned for and delivered in a manner that provides the best outcomes for landowners and the public.

Built Form

Pedestrian Laneways

The ASP appears to prescribe the location and detail for laneways and pedestrian links in the precinct (see Figure 2). However, the provision of mid-block laneways are a discretionary design element of the Design and Development Overlay (DDO81) control.

The location of the laneways in the ASP plan does not reflect the existing property boundaries within the subject land and adjoining properties (see Figures 1 and 2). This creates uncertainty as to which landowners responsibility it would be to provide the laneways, or where they might precisely sit. Providing 'indicative only' locations for laneways will allow this detail to be appropriately confirmed for future planning approvals.

The plan in the ASP is too rigid and does not reflect the flexibility in achieving pedestrian permeability through alternative measures envisaged by the DDO. The plan should be amended to reflect the indicative location of laneways, rather than represent them as resolved requirements. So long as the objective of pedestrian permeability is served, we consider that it is appropriate for the controls to allow some discretion for the decision maker.

Figure 2 – Future Built Form – Arden Structure Plan



Source: Arden Structure Plan (2021, p.32)

The requirement for an 'open-to-sky' east-west laneway along the rail tunnel alignment is based on the assumption that the engineering required to otherwise develop in this location will be cost prohibitive. The *Arden Built Form Testing Report* (Hayball, 2021) illustrates the layout of buildings under this scenario and the resultant irregular edge of the adjacent buildings fronting the laneway in addition to the irregular and inefficient floorplates created (see **Figure 3**).

While this development form represents a potential acceptable outcome for the site, we consider it is overly prescriptive to discourage development that could be commercially feasible over the rail tunnel.

Rather than relying on a single assumption, the ASP should enable appropriate development in any form that can be safely constructed over the rail tunnel. We understand that any such development over the corridor will need to meet relevant standards and policies from the relevant authority in any event. The ASP plan should not therefore make presumptions in this regard. The ASP plan should be amended to reflect the discretionary nature of the requirement for the laneway over the tunnel alignment as outlined in DDO81.

Figure 3 - Built Form Testing – Arden Street



Source: *Arden Built Form Testing* (Hayball, 2021, p. 29)

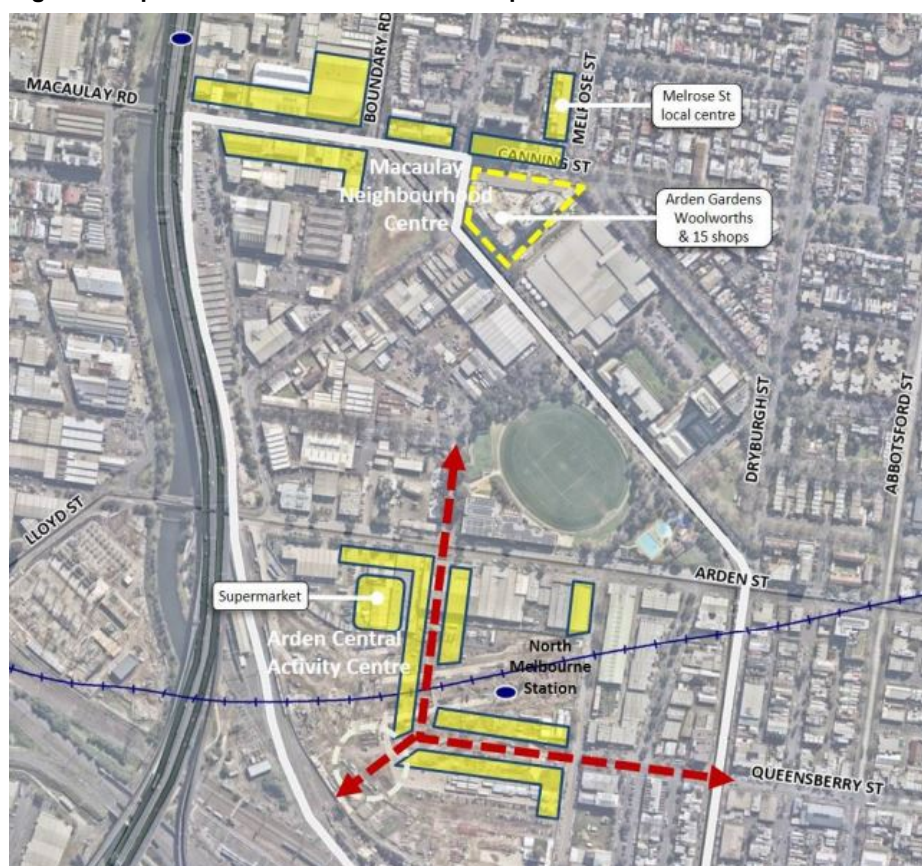
The locations of the proposed mid-block pedestrian links included in the ASP plan will have a significant detrimental impact on the commercial viability of the floor plate of adjacent buildings – if the layout proposed by Hayball is adopted as a 'preferred' outcome. The ASP highlights the desirability for mid-block laneways on main thoroughfares with ground-level retail and leading to central open space. The plan in the ASP depicts the location of streets and laneways, which are shown to dissect the subject land. This will reduce floor plate efficiencies, particularly in the Lauren Street sub-precinct, which is intended for residential uses and businesses. The plan should clearly indicate that any outcome that provides appropriate pedestrian connectivity is acceptable.

Active frontages

The requirement for active street frontages along all mid-block pedestrian links suggests that retail or service uses will be required to occupy a significant proportion of floor space along these interfaces. The provision of retail type uses to this extent 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 to the CBD. The *Arden Retail Demand Strategy (Deep End, 2018)* analysed retail demand in the local area and identified a total demand of 22,488m² of retail floor space for the precinct. It went on to specificity sites suitable for retail uses in the Arden precinct (**see Figure 4**).

The DDO81 requires 80% of *all* mid-block pedestrian links to be entry or display window, however this requirement is not supported by the retail demand assessment, which only identified a selection of properties in the precinct suitable for retail uses. While some level of active interface will be included in any effective design of building frontages the requirement for 80% is equal to that required in the CBD context. The fails to reflect the city fringe location of Arden and the impact slope can have on limiting floor levels and provision of active interfaces at ground floor level. The requirement for entry or display window should be reduced to enable a more appropriate built form outcome to the specific Arden context.

Figure 4 - Spatial distribution of retail floorspace demand – Arden Structure Plan



Source: *Arden Retail Demand Strategy (Deep End, 2018, p. 50)*

Building Setbacks

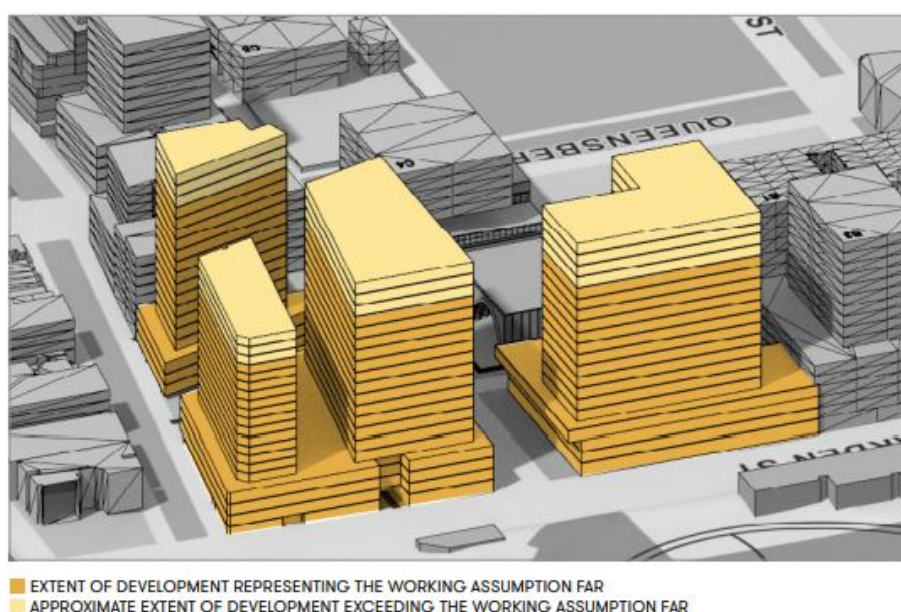
The proposed DDO80 requires a 10 metre setback at 189 – 197 Arden Street from the western edge of Laurens Street. The plan in the ASP indicates this land is required for new open space (**see Figure 2**). It is suggested in the ASP that this area is required for the purposes of providing increased visibility and capacity for pedestrian movement to the station location.

The current draft DDO enables a small cantilever over the setback area at the upper podium levels (**see Figure 5**). The floorplate able to be provided in this area does not provide commercial viability for the construction of a cantilevered element. Accordingly, there is no value to the landowner in this provision to offset the requirement for the setback.

If this space is required for public open space, it should be acquired via the application of the Public Acquisition Overlay. The PAO has been applied in other areas of the precinct for the purpose of acquiring land for footpath/road widening and should be consistently applied across the precinct, with the Department of Transport as the acquiring agency.

If the land is not acquired by the PAO, there is no formal mechanism for reimbursement of the value of the public open space area, unless the land is subdivided. If the site is developed and held in a single ownership, there is no formal mechanism for the landowner to recover the value of this land.

Figure 5 - Built Form Modelling, 189 – 197 Arden Street



Source: Arden Built Form Testing (Hayball, 2021, p. 16)

Green building cover

The ASP requires all new buildings to meet a standard of 40% of building area as green cover, as recommended by the *Arden Precinct Climate Response Plan (Hip v Hype, 2019)*. This is stipulated in Clause 22.28 – Arden Urban Renewal Area Policy, of the City of Melbourne Planning Scheme.

The case study examples illustrating the 40 per cent green cover, as referred to in the *Arden Precinct Arden Climate Response Plan (Hip v Hype, 2019)*, are all from international cities with a vastly different climate to Melbourne. Whilst there is opportunity within the Arden Precinct to provide for some level of green building cover, the 40% total surface area standard cannot be realistically applied in the Victorian context. The 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.

This requirement is too prescriptive and should be reduced to a realistic percentage of building cover that is cost effective to construct and manageable over a long period. A simple objective that provides for a meaningful landscape in all new developments will allow for green building cover to be achieved, without compromising the design of buildings.

Transport

The proposed Parking Overlay (PO14) sets out a reduction in the standard car parking requirements. While a reduction in a carparking is appropriate for the area, the degree of restrictions set out in the overlay will have restricting effect on the provision of diverse housing options, particularly on the provision of 3-bedroom family apartment. The proposed rate of 0.5 spaces per 3-bedroom apartment will actively discourage the provision or larger apartments and unnecessarily burdens applicants by requiring detailed car parking demand assessment. While smaller apartments are likely to accommodate singles or couples, 3-bedroom apartments will accommodate facilities who are likely to require a car even in this city fringe location. A rate of 1 car park per 3-bedroom apartment would be an appropriate outcome.

Developer Contributions

The timing of the significant infrastructure set out by the Development Contribution Plan remains unclear and raises concerns in relation to the capacity of the City of Melbourne to deliver infrastructure in a timely manner. The Developer Contributions Plan enables funds to be collected at the end of development, yet infrastructure is required early to attract development and support the opening of Arden Station in 2025.

The ASP is affected by flooding in several areas and critical drainage infrastructure will be required before development can occur. The plan in the ASP provides for new or upgraded pipes on the subject land, which has the potential to substantially increase the cost of development (**see Figure 6**). The ASP does not provide any clarity with regards to the mechanisms to collect financial contributions to fund the flood management works. Confirmation of these details will be critical to ensuring development can commence parallel to the opening of the station.

Figure 6 – Flood Management Strategy – Arden Structure Plan

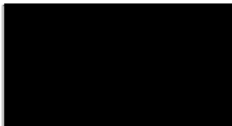


Source: Arden Structure Plan (2021, p.62)

We trust these matters will be considered in the review of submissions and that appropriate amendments to the ASP and draft controls can be made to enable high quality development in a timely manner. We look forward to opportunities to discuss the matters raised in this submission further.

Should you have any enquiries, please contact the undersigned.

Yours sincerely,

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