

Priority Development Panel Inquiry
Victoria Gardens
April 2006

Save Our Suburbs Submission

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President
Save Our Suburbs
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Final Submission

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Summary

In summary, we believe the advice the PDP should give the Minister is -

1. The appropriateness of proposed amendment C75 and whether or in what manner it should be approved on either an interim or permanent basis.

C75 needs to be amended to more properly reflect the UDF that was developed for the area. It either needs to be quickly revised, or implemented on an interim basis while it is being updated - after which it should be approved on a permanent basis.

2. Whether or on what basis the Taras Nominees' rezoning request should be progressed or approved.

The Zoning request should be refused. A PDZ is inappropriate for both sites, and the developments suggested are absurd for these sites and in no way comply with the local UDF.

3. **An** assessment of the proposed redevelopment of the MFB site, as proposed in planning permit application No PL05/0486, and if appropriate, identification of statutory planning mechanisms to facilitate the proposal.

The development should not be facilitated; in fact it should be subjected to a more rigorous development process than usual due to the sensitive nature of the site. PL05/0486 should not be approved, and was not part of the public consultation undertaken by the PDP.

4. The appropriateness of any revised development proposal for 647-649 Victoria Street as a consequence of the interim report and recommendations of the Panel Advisory Committee or later outcomes from any negotiations by the proponent and the council.

No development proposals have been presented so far that are appropriate for the area, or that conform to the UDF.

5. The appropriateness of current statutory provisions for the Victoria Gardens shopping centre or other key sites within the precinct, arising from the above.

They need to be updated to reflect the strategic planning work already undertaken by the Responsible Authority - ie C75.

Should C75 be approved on either an interim or permanent basis?

In principle, if C75 correctly implements the UDF that was developed with close public consultation in 2004, it should be implemented on a permanent basis.

The UDF was a sensible plan for the area, supported by the local community. It allows significant (appropriate) development to take place, while preserving the residential and river environments from overdevelopment.

However C75 does not seem to fully reflect the UDF (see appendix B), and as such should be quickly revised to do so, then implemented.

If this can **not** be done quickly (it should be able to) it should be implemented on an interim basis as is, and then updated.

Should the request to rezone the area a PDZ be approved?

No, for a number of reasons -

Priority Development Zones are structurally flawed.

The Priority Development Zones **deny natural justice** to residents, in removing the residents' right to appeal Councils planning decisions, while **RETAINING** the developers right to appeal.

This means the developer gets 'two bites of the cherry' but residents cannot appeal Council mistakes or interpretations.

Even though the planning system in Victoria is biased towards developers, and the PDP has the function of facilitating and fast-tracking development, this is probably one of the worst 'features' in any part of the planning system today.

The PDZ should be changed to either allow all appeal rights to be retained by everyone, or to remove them from everyone (so that the developer **HAS** to do what Council approves).

Additionally, the clause

"Except with a permit, use of the land must be generally in accordance with an approved development plan."

is unacceptably loose and should be replaced with

"Except with a permit, use of the land must be in accordance with an approved development plan."

Otherwise, how is 'generally' defined or interpreted?? VCAT has commented on many occasions about the wide interpretation that can be given to the phrase "generally in accordance with."

Taras Nominees do not own the land in question.

As the developer not only does **NOT** own all the land in question, or have a legally binding contract to purchase the land in question, they should not be allowed to have it rezoned a PDZ. The Minister should have simply said no (instead of referring it to the PDP) until such time (if ever) they owned the land.

Neither of the sites is appropriate for a PDZ

The MFB site is not appropriate for a PDZ due to its environmentally sensitive position on the banks of the Yarra. If anything, it should be rezoned the exact opposite - an “urban conservation zone” (if there was such a zone); ie extreme care should be taken over any development at this site, with full community involvement.

The Burnley St West 'site' is currently zoned residential 1, and had (until recently) one building recommended for heritage protection in the Yarra Council UDF - unfortunately it has been demolished by the developer over the last two months as they realised council had not yet added it to their Heritage register.

This strip of properties forms the edge of an extremely intact (and old) residential area, and as such needs to be extremely sensitively treated.

Given its location, and the fact that it has been identified as an area that should remain residential, without substantial height or bulk increases compared to the surrounding area, there is no policy justification for rezoning it to a PDZ.

In addition, because of its residential nature, this area has never been identified as the place for higher density development - as other areas inside Victoria Gardens have.

It also sets an extremely bad precedent for the PDZ system - if a developer can buy a block of residential 1 land and rezone it to PDZ, what is the point of having residential 1?

Therefore, it should remain a residential 1 zone, with any developments (that conform to the UDF et al) going through the normal planning process.

The Proposed MFB development is a massive overdevelopment of the site.

The developer has either not read, or chosen to ignore, the UDF that was developed by the City of Yarra with close community consultation.

It does not comply with any of the major thrusts of the UDF, including - height, visual bulk, impact on the amenity of the surrounding area.

Some of the details from the UDF are -

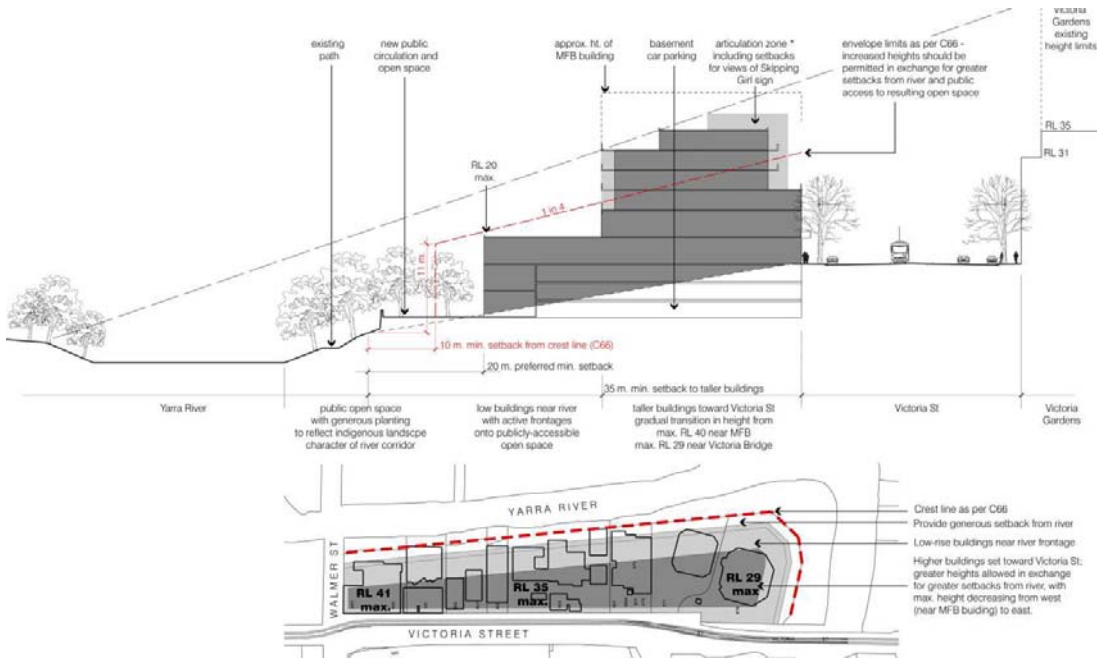
1. Change the zoning to Business 5
2. Limit building heights at the street frontage to 3 storeys (say, 11m)
3. Set the greatest height allowable to the same height as the current building, ie RL 40.75
4. Set the minimum setback from the river crest line to 20m, with a maximum height at that point of RL20.
5. Set the maximum building envelope to something like on page 19 of the UDF - ie a line between RL20 at 20m, and RL40 at 40m back from the river crest.

Not only is the proposed development **MUCH higher than the current MFB building** (set as the **maximum** height in the UDF) it has SEVEN towers across the site that are taller, with NO articulation back from the river!

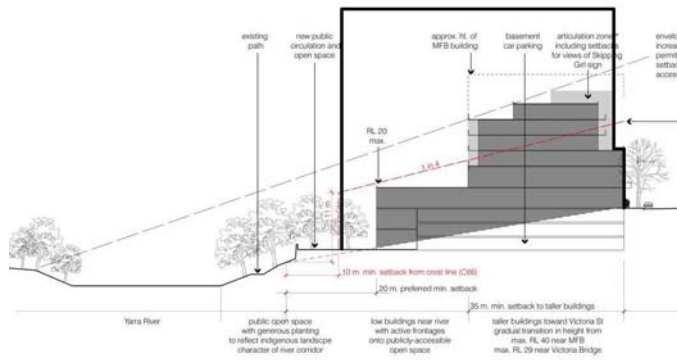


This development will massively dominate the river

What should have been developed was something like this (from the UDF) -



What has been suggested by the developer (taken from the rough drawings for which no measurements have been presented), is something more like this (the dark line representing the proposed building envelope) -



The fact that part of the bulk is cut away at ground level (to make 'open space' of dubious value) is irrelevant given the height and bulk of the building above.

Note: the developer kept on showing misleading slides at the public PDP sessions, ie they kept on showing 'ground level' plans, ignoring the massive towers on stilts above the ground! This should not have been allowed, and was clearly done to be misleading.

This is clearly a ridiculous development for this site, and would significantly and negatively impact the Yarra river corridor. It in no way conforms to the developed UDF, and even if this area was inappropriately changed to a PDZ, it should not happen until a much more sympathetic development than this is proposed.

The Proposed Burnley St development is a massive overdevelopment of the site.

The UDF is quite clear, as were the results of the public consultation when it was developed, that this area -

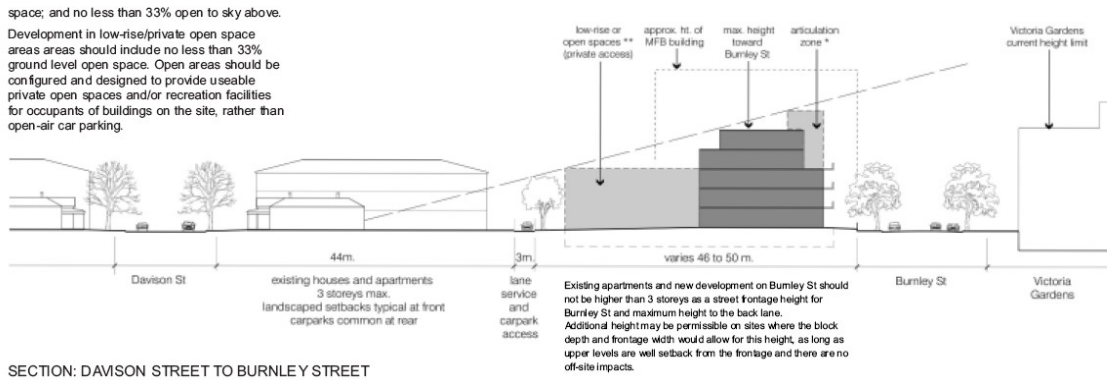
1. Should remain residential
2. Buildings should be no higher than 3 storeys (say 11m) either at Burnley St or at the back lane.
3. Any higher section between the back lane and Burnley St should
 - a. Not be higher than the height of the Victoria Gardens current car park ie RL30.
 - b. Not be visible from the rear of houses on the east side of Davison St
4. Have no off-site impacts.

However, the proposed development ignores every major point of the UDF mentioned above. It is not only twice as high as it should be, but does not have the required setback, runs a 11m wall hard up against the back lane, and contains major (and unspecified) commercial activity.

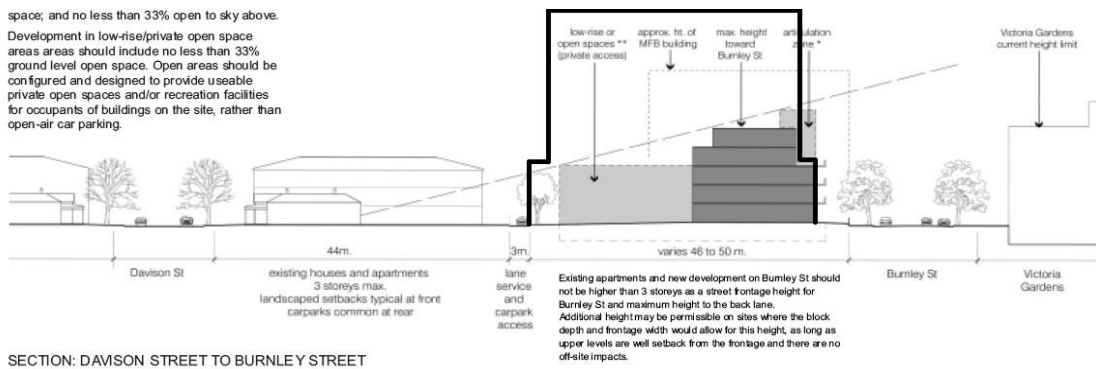


Though this image does not correctly show how large the tower complexes will be relative to the shopping centre or residential area, it is clear that they will massively impact the area.

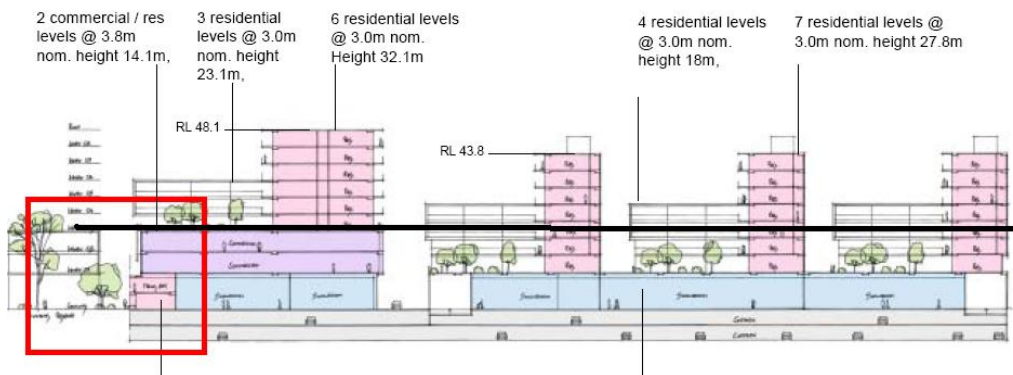
The development should have been something like this (from the UDF) -



However, what is proposed more closely resembles the building envelope below -



When looking at the suggested development front on -



- the dark line should be **THE MAXIMUM** height of the development, with front and side setbacks to lower height levels!

Given the UDF, and the intact residential neighbourhood to the west of the site, this proposal is absurd.

Even if this area were to be incorrectly changed to a PDZ, it should not happen until a much more sympathetic development than this is proposed!

There is no policy support for such overdevelopments.

Melbourne 2030 clearly encourages **appropriate** higher density, **however** it must also -

Promote good urban design to make the environment more liveable and attractive (Policy 5.1)

Recognise and protect cultural identity, neighbourhood character and sense of place (Policy 5.2)

Promote excellent neighbourhood design to create attractive, walkable and diverse communities (Policy 5.5)

"Development will respond to its surroundings, such as urban character, cultural heritage, natural features and climate".

The suggested developments for these locations are not in line with these parts of M2030.

In addition, the State Governments stated policy of 'protecting' the Yarra river and environment are also at odds with the suggested redevelopment of the MFB site.

Appendix A: Photos of the area



The current MFB building from the Yarra side. Imagine the new development - 5 stories higher - stretching across the whole width shown in this photo!



The proposed towers would continue around the corner, and totally dominate the Yarra.

Below, the view upstream, and downstream, from the site.





The MFB building is already the largest one on Victoria St, imagine a development almost twice the height and running the full length of the site!

Victoria St facing West



Davison St is an established residential street, with atypical three storey apartment blocks as the biggest buildings.



Imagine a series of towers - up to twice the height of the shopping centre - running down the left of Burnley St, back onto the houses on Davison St! ->



Looking south down Burnley St, the towers are proposed for the right hand side.

Appendix B: Councils DDO and Vic East Policy should be strengthened

The planning controls suggested by Yarra Council should effectively implement the key ideas from the UDF.

Among them, it should include -

For the MFB Site -

- (1) Change the zoning to Business 5
- (2) Limit building heights at the street frontage to 3 storeys (say, 11m)
- (3) Set the greatest height allowable to the same height as the current building, ie RL 40.75
- (4) Set the minimum setback from the river crest line to 20m, with a maximum height at that point of RL20.
- (5) Set the maximum building envelope to something like on page 19 of the UDF - ie, a line between RL20 at 20m, and RL40 at 40m back from the river crest.

For the West side of Burnley St

- (6) It remains zoned Residential 1
- (7) Buildings should be no higher than 3 storeys (say 11m) either at Burnley St or at the back lane.
- (8) Any higher section between the two streets should
 - (a) Not be higher than the height of the Victoria Gardens current car park - ie, RL30 (ie 15m).
 - (b) Not be visible from the rear of houses on the east side of Davison St
 - (c) Have no off-site impacts.

While there are other planning issues that arise from the UDF, **at a minimum all the above should be covered.**

However, **looking at the council draft DDO 1 changes**, not all of these issues are covered.

Looking at each change in turn -

Commercial and industrial interface

To protect the character and amenity of low rise areas residential areas that interface with commercial and industrial uses.

To provide a transition in scale between commercial and industrial development and nearby low rise residential development

In line with the UDF, and relevant to (6) - (8) above.

Commercial and industrial interface

Building height should not exceed 11m along street frontages. Increases in height to 15.5m may be acceptable with upper level setbacks.

Buildings above 15.5m should avoid overshadowing of the adjoining streets, public spaces or private properties beyond that caused by building to 11m.

This is not what was in the UDF, and is much more generous towards higher buildings - no criteria for buildings from 11m to 15.5m, and the explicit confirmation that buildings above 15.5m are permitted...

Looking at the "Victoria Street East Precinct Policy" - Some of the objectives under Key Objectives should not be there, while others that need to be there aren't.

For example, the KEY OBJECTIVES should be something like -

- To enhance the Yarra River corridor as a high amenity landscape based on its natural and historic character
- To recognise the ecological and cultural role of the Yarra River corridor as one of the metropolitan area's most significant public spaces.
- To protect the residential character and amenity of the areas to the west and south of the precinct.

And bits that should be dropped are things like -

- To maximise opportunities for new development on former industrial sites...
- this is an open invitation for overdevelopment.

- To respond to the strong urban character of the area that evolves from the historical pattern of industrial and commercial development and to adopt a pattern of no front or side setbacks unless contributing to public spaces along the river corridor.

- why? There is no problem with having setbacks.

Also, objectives such as "To facilitate and encourage mixed use developments that integrate with the existing activity centre" only apply to SOME of the area, so should either be qualified or moved to a separate section.

Overall, as the examples above illustrate, the objectives aren't well specified and can also be played off against each other by a developer at VCAT.

In the 22.XX-0.4 Policy area,

"The use and development of land should be generally in accordance with the Precinct Framework Plan forming part of this policy."

The word 'generally' should be dropped.

The Burnley Street edge of the residential precinct is consolidated by the provision of higher intensity housing.

Should be dropped, is it should not be the strategic goal to either consolidate this land, OR use it for HIGH density housing.

It is recognised that most of the area's industrial buildings are very robust in character and can sit comfortably beside large modern ones without detriment.

The policy should not be encouraging LARGE modern buildings.

Priority for provision of any landscaped setbacks and additional open space in the precinct is directed towards the river corridor. Any setbacks or open spaces should be designed to integrate with the river corridor landscape, including allowance for planting of indigenous species.

What about the areas that aren't ON the river?

Taller building elements can be provided on the north side of Victoria Street where an appropriate variation of height transition is provided within the site to minimise impact on the amenity of the surrounding area, including overshadowing of public spaces.

This is not what was recommended in the UDF?

In summary, while these controls have many good points, they need to be slightly refined before being implemented.