

Submission Cover Sheet

Fishermans Bend Planning Review Panel

100

Request to be heard?: Yes

Precinct: Wirraway

Full Name: Olga Field

Organisation: Yes - on behalf of the Owners Corporation PS429255 situated at 339-343 Williamsto

Affected property: 339-343 Williamstown Road Port Melbourne

Attachment 1: Final_Fishermans

Attachment 2:

Attachment 3:

Comments: The submission document does not fit within this box and has been uploaded.

Minister for Planning,
Members of the Fisherman s Bend Framework Planning Review Panel
Planning Panels Victoria
1 Spring Street
Melbourne, Victoria, 3000

12th December 2017

**PROPOSED PLANNING SCHEME AMENDMENT SCHEDULE 2 TO CLAUSE 43.04
DEVELOPMENT PLAN OVERLAY- (Port-Phillip-GC81 43 04s2) MAP 1 Development Plan
Sub-precincts marked “D”**

**SUBMISSION ON BEHALF OF OWNERS CORPORATION PS429255Y ‘THE BASE’
339-343 WILLIAMSTOWN ROAD, PORT MELBOURNE**

Dear Minister and Panel Members,

Introduction:

The proposed DPO marked D Map 1 of the DPO Plan is exclusive to the site of OC PS429255Y.

Fishermans Bend Framework Panel prides itself on being consultative and transparent yet the OC PS429255Y has attempted on more than one occasion to be included in discussions with DELWP and the City of Port Phillip on matters impacting this site. To date we have been excluded from open conversations with these departments.

Redevelopment impacts the site. Two approved planning permits on the site have already highlighted complex issues faced by the City Of Port Phillip.

The Owners Corporation is disappointed that there has been no consultation with its members by DELWP or the City of Port Phillip, yet proposes a DPO that would unfairly encumber the site.

In the short time we have had to consider our submission we have not been able to consult with the range of professional consultants that would provide us with a clearer understanding of the complex scope of issues that undermine the opportunities of the site known as The Base . Who would be responsible for the Public Liability Insurance for this Public Open Space and associated proposed bike paths/road?

SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

The DPO D JL Murphy Reserve Interface proposes:

▪ ***Maximise opportunities created by new east west connections through the site to JL Murphy Reserve.***

This would involve reconfiguration of lots and common property. Any changes to the existing Plan of Subdivision would require an unanimous resolution (100% OC support). How does the City of Port Phillip intend to maximise opportunities or does the Victorian Government intend to acquire this land thereby removing any voting rights of the Owners Corporation members?

Questions over OC Infrastructure which passes through this zone remain unclear. These include Water, Sewage, Electricity, Storm Water, and Communications. Additionally, the termination of the internal North South Driveway would make access for large trucks near on impossible; such is the current commercial usage of these roads, by a significant proportion of site owners. The site would effectively be cut in half, thus requiring the reconfiguration of the existing Plan of Subdivision and the requirement for potentially multiple owners corporations. Who will be responsible for the reconfiguration and associated costs? Who would be responsible for the Public Liability Insurance for this Public Open Space and associated proposed bike paths/road.

▪ *Maximise opportunities created by direct interface to JL Murphy Reserve, including the delivery of activated frontages.*

Currently the land directly abutting JL Murphy Reserve is a combination of 9 separate lots and common property titles, and it also has implied easements containing multiple OC services. This land is further complicated by existing commercial leases for up to 15 years. Any reconfiguration would require an unanimous resolution of the Owners Corporation (100% OC Lot Owners support). How does the City of Port Phillip/DELWP intend to maximise opportunities or does the Victorian Government intend to acquire this land?

▪ *Investigate opportunity for site consolidation, resolve common access issues and reconfiguration of body corporate titles including car parking.*

The Owners Corporation and its committee have previously spent a large amount of time and a considerable amount of money investigating, considering the consolidation and reconfiguration of common property/ lots and the development of a master plan.

The Owners Corporation engaged Bosco Jonson to investigate a consolidation and master planning of then site. Unfortunately a consensus of lot owners could not be reached and the OC did not proceed past the initial stages of the master plan process. Furthermore the investigation proved that the site is less valuable as a consolidated site than as the sum of its individual parts.

- *Recent land sales in the area indicate a land value in the order of \$40m for the entire site, where individual sales (3% OC entitlement sold in excess of \$1.6m would establish individual values to be in the vicinity of \$55m)*

How will the City of Port Phillip/DELWP investigate opportunity for site consolidation, resolve common access and reconfiguration issues? The framework overlay does not allow for several existing businesses to continue to conduct their activities as they do today.

How is the framework anticipated to apply in the instance where an individual lot owner is seeking a development permit, more specifically would any resultant conditions to the permit be quarantined to the lodging lot owner or could a wider impact to the Owners Corporation and or adjoining lot owners occur.

The Owners Corporation has already engaged several professionals and completed extensive investigations without reaching a 100% support from its members. To further complicate these matters we have two approved planning permits and one permit pending on the site creating opposing agendas within the site. Approved planning permits have raised several issues for the OC. With these three permits already in place, how will this impact the secondary school education overlay for The Base site.

Unless the government intends to acquire the site in its entirety it is our opinion that any outcomes from your investigation would be unachievable.

▪ ***Investigate opportunity for outcomes that provide direct community access.***

How does the City Of Port Phillip/DELWP intend to investigate opportunities providing direct community access? The current plan of subdivision configuration does not allow for direct community access. As mentioned the site has complex issues and the OC committee has been actively pursuing the ability to transition through redevelopment, this is one such issue which has not been able to be resolved. Lot owners with current commercial leases require car parking availability for the duration of their lease, with some up to 15 years. The removal of the fence abutting JL Murphy reserve to allow direct community access would require reconfiguration of privately owned land currently used as car parking.

The Owners Corporation has identified the following issues:

1. Reconfiguration of 9 lots and common property titles
2. OC common services contained within these titles
3. Safe transition for pedestrians
4. Who is responsible for maintaining the land used for direct community access?
5. Security of current lot owners/tenancies
6. Public Open Space Insurance Who Is liable? OC/CoPP/DELWP?

▪ ***Investigate the opportunity to safeguard space for an education and community hub.***

Does the State Department of Education intend to acquire this site for education purposes? If this is the case we would ask that a compulsory acquisition order be issued prior to any redevelopment on the site or otherwise remove the Education Overlay as this would be an ongoing prohibitive and unnecessary restriction. We are surprised also to find we are in the only Secondary Education Zone within the Fisherman s Bend Precinct. (Draft Fisherman s Bend Framework - Pg 53 Secondary School Investigation Area December 2017)

The significance of the Secondary School overlay on the whole site and the uncertainty of the investigation outcomes create a very unclear pathway for development for both individual site owners and the owners corporation s responsibilities site wide.

The Victorian Government (MPA/ DELWP) and the CoPP have been aware of the pedestrian and green links envisioned between Salmon Street and JL Murphy Reserve (DOP east west transition) since September 2013, four years seem ample time to perform such investigations proposed by the DPO.

This lengthy delay in investigations has resulted in properties on our site to be bought and sold, with some new lot owners intending to redevelop their sites.

The OC has great concern regarding the impact of this DPO on the site, the proposed DPO does not elaborate on what options are to be investigated nor does it have a timeframe in which outcomes are expected. Instead it appears this DPO allows the CoPP/DELWP to investigate unknown opportunities for an unspecified time, not only creating uncertainty amongst the OC members but has indicated it will cause disruption/loss to current and future business/tenancies/investments.

It seems unfair to now, after four years, unexpectedly and without consultation, propose to encumber the site with a DPO.

Draft Vision 2013 Pg 47 Key move 7 Green Links



Draft Vision 2013 pg 49 Key move 8 pedestrian links



Summary: The Owners Corporation has not been consulted or considered directly at any stage of this process even after we have requested our inclusion on several occasions. It seems unfair to encumber the site with this DPO. It is concluded that it does not seem possible to reconfigure or consolidate the site to resolve common access issues or common property titles including car parking as per the proposed DPO. There are currently 20 lots within the Owners Corporation, some of which have already acquired redevelopment permits.

The Owners Corporation committee have made several attempts to bring lot owners together to discuss redevelopment, reconfiguration of Plan of Subdivision and Car lot titles and access to JL Murphy Reserve and this has only highlighted the OC s inability to achieve any changes/outcomes site wide. Direct community access from JL Murphy Reserve is complicated by numerous lot owners and common property along with common services running through this land. Reconfiguration of titles is required to create access from JL Murphy Reserve and this would requires 100% support from the OC members which to date has not been achievable due to lease commitments and lot owners requirements.

The pursuit of this overlay becomes meaningless because the existing plan of subdivision means, without a change to Owners Corporation legislation, it would seem impossible to reconfigure the existing allotments.

Most of the initiatives sought by area D of DPO2 are going to occur naturally without the requirement for a DPO via the planning process.

The Owners Corporation requests the transparency of intention from the City Of Port Phillip/DELWP regarding the DPO. The DPO would unnecessarily complicate our site and create uncertainty amongst owners.

There is no timeline as to how long these investigations would take to achieve outcomes. The DPO is vague and does not give any indication how or what the investigations include, this creates widespread concern with owners on the lot we need certainty moving forward.

The City of Port Phillip has not provided any correspondence to the OC regarding this proposed DPO and there has been no consultation or transparency on this matter. We invite the City of Port Phillip and believe it would be advantageous to consult and collaborate with the Owners Corporation in order to achieve the best possible outcome for the site.

We seek to be invited to all future planning meetings and engage with the authorities to help provide a way forward for a positive outcome for future developments of The Base.

Kind regards,



Mark Ashkanasy
Owners Corporation Chairperson The Base
339 Williamstown Rd
Port Melbourne and



Olga Field
Ace Body Corporate Management South Melbourne/Port Melbourne
Owners Corporation Manager for OC429255
Suite 2.4, 63 Stead Street, South Melbourne.