

**IN THE MATTER OF
FISHERMANS BEND PLANNING REVIEW PANEL**

-and-

**IN THE MATTER OF
AMENDMENT GC81**

TO THE MELBOURNE and PORT PHILLIP PLANNING SCHEMES

OPENING SUBMISSION – SANDRIDGE PRECINCT

1. These submissions are made on behalf of the following properties:-

182 Lateral Estate Pty. Ltd.
118 Bertie Street, Port Melbourne
(Document 48, p.57 – 60) (Document 245, p.1) Sheppard p.37

242 Core Complex Pty. Ltd.
1 Fennell Street, Port Melbourne
(Document 48, p.61 – 64) Sheppard p.42

131.3 The Jane Property Group
469 & 471 Williamstown Road, Port Melbourne
(Document 48, p.21 – 24) Sheppard p.29

131.4 The Jane Property Group
32 – 38 Fennell Street and 50 – 60 Bertie Street, Port Melbourne
(Document 48, p.29 – 32) Sheppard p.33

2. The opening general submission identified that the population target underpinning the Vision and the Framework is predicated on assumptions that are inadequate by reference to the relevant overarching policy control for any of the four priority precincts of Fishermans Bend, namely Plan Melbourne.

3. It follows that any work so far undertaken based on such a false foundation needs to be revisited because of the consequential flow-on effects that may arise between the overall consideration of how to fulfil the Plan Melbourne aspirations, whilst at the same time delivering each precinct in accordance with those aspirations. For instance, any urban design outcome predicated on abutting precincts' preferred character needs to be revisited in the light of what that ultimate character is when its design is based on the correct assumptions. It is obviously only after that exercise has been undertaken and thoroughly tested will there be the likelihood of some resolution of the ultimate design for Sandridge.

4. The opening general submission has already addressed the way forward and does not require reiteration here. Whether the various sub-precincts identified in the proposed MSS provisions will ultimately reflect what's currently proposed is a matter of total conjecture.
5. The submissions on behalf of the City of Port Phillip constitute an attempt to recast the work done by the Taskforce. It is in effect seeking to formulate the contents of the Precinct Structure Plans on the run.
6. This Panel process is not the right forum within which to undertake that work. If it is accepted that the starting point is wrong, then the correct starting point needs to be clearly established and only then can appropriate precinct structure planning be undertaken. Such work needs to be informed by a vision that has its genesis dictated by Policy 2.2.1 of Plan Melbourne. Until that occurs, it would be inappropriate for the Panel to make any recommendations concerning the City's submissions.
7. Under the overall umbrella of the above, the 118 Bertie Street property in particular has been identified by both Ms. Hodyl and Mr. Sheppard as being incapable of achieving its maximum potential under the Amendment. This is identified by Mr. Sheppard, pages 38 – 41 and by Ms. Hodyl's Addenda 4, pages 4 and 5. One of the significant constraints apart from the FAR and height issues, is the appropriation of a new 12 metre wide lane on the property's southern boundary. It would appear from the more recent material submitted on behalf of the Minister, that this lane may have moved to the abutting property although the City of Port Phillip does not accept that.¹ Having identified that this property, in particular, is incapable of achieving any reasonable development yield, we are left in a complete vacuum as to what is to be done about it. One could ask rhetorically, why not put a PAO on the site and convert it to another park? Perhaps the answer is it would not be fair on the property's to the north because their height would need to be reduced to stop overshadowing, which of course would be totally inequitable for them as well.

¹ Sandridge Precinct – Urban Design Report, p.74.

8. The outcome of the conundrum presented by this property can only be resolved once proper precinct structure planning has been undertaken that at least consults with the owners of properties to be affected and give them the opportunity of not only participating in the process but being heard. This would at least allow a proper consideration of how this precinct can achieve its maximum development potential as required by Policy 2.2.1 of Plan Melbourne, whilst at the same time achieving that Plan's other precinct aspirations.

9. The above landowners adopt the conclusions reached by Mr. Sheppard and reiterate the submissions of the opening general submission, as well as those presented on behalf of the Landowners Group by Messrs. Tweedie and Canavan and Ms. Sharp.

27 APRIL, 2018



C. J. WREN
AICKIN CHAMBERS

Instructed by Planning & Property Partners