

Yarra River - Bulleen Precinct Advisory Committee **S20B**

Request to be heard?: Yes

Full Name: Amanda Johns, MinterEllison

Organisation: YVCC Property Group Pty Ltd

Affected property: 9-15 Templestowe Road, Bulleen

Attachment 1: YVCC_Property_Group_Pty_Ltd_submission_dated_25_September_2020_002.pdf

Attachment 2:

Attachment 3:

Comments: Please see attached.



ADVISORY COMMITTEE

APPOINTED BY THE MINISTER FOR PLANNING

**YARRA RIVER-BULLEEN PRECINCT LAND USE FRAMEWORK
PLAN, AMENDMENT C125 MANNINGHAM PLANNING SCHEME
AND DRAFT DEVELOPMENT PLAN 9-15 TEMPLESTOWE RD,
BULLEEN**

SUBMISSIONS ON BEHALF OF YVCC PROPERTY PTY LTD



1. Introduction

- 1.1 These submissions are made to the Advisory Committee appointed by the Minister for Planning to consider and report on the draft Yarra River-Bulleen Precinct Land Use Framework Plan, August 2020 (“Plan”) and Amendment C125 Manningham Planning Scheme (“Amendment”) and a draft Development Plan relating to the Yarra Valley Country Club site (“Land”) as exhibited
- 1.2 The Land is situated at 9-15 Templestowe Rd, Bulleen.
- 1.3 The Land forms part of the area of land covered by the Framework Plan.

2. The Framework Plan

- 2.1 The Framework Plan was exhibited at the same time as the Amendment. However YVCC did not have the opportunity to review the Framework Plan before it went on exhibition. Consequently, the Amendment does not refer to it.
- 2.2 YVCC generally supports the aims of the Framework Plan, subject to the comments set out below.
- 2.3 YVCC notes that there are various references to the Land in the Plan including;
 - (a) Objective 3.3 - A new cultural place as a part of the YVCC redevelopment.
 - (b) Objective 4.1 - A new cultural place integrated with residential development on the YVCC site.
 - (c) Map 2 note - Proposed public open space (PPOS) PAO purpose; conservation and landscape value, protection of Yarra frontage, park linkage to north side of Yarra.
 - (d) Map 4 - Notes the Land as a golf course.
 - (e) Map 5A - Shows part of the Land as expanded parklands, part for potential development opportunities and denotes a new cultural place on the Land.
 - (f) Map 5B - Shows shared circulation between the Land and adjoining land.
 - (g) It notes that one of the identified community priorities for the study area is “As part of any development at the Yarra Valley Country Club, it would be good if it could be returned to public, including for new wetlands” (p17).
 - (h) It includes as an objective of “converting” at least part of the private land to open space and revegetating a portion of private landholdings abutting the river (p43).
 - (i) It refers to a new pedestrian link with the Land (p44).
 - (j) It includes an objective of developing a new cultural place in association with the redevelopment of the Land, closely linked to the Yarra River, Heide, parklands and other cultural destinations; and a strong pedestrian connection to the Land (p46).
 - (k) It includes an objective of seeking to facilitate a new development site (fronting Templestowe Rd) that encompasses the Land; development should be seamlessly integrated with a new cultural place, Heide and existing parklands; the inclusion of residential uses will activate open space and provide passive surveillance of parks and open space; development must maintain the existing minimum “mandatory” setback line set out in DDO2 of the Manningham Planning Scheme. It states that it seeks to facilitate the development of new open spaces on the balance of the Land to complement adjoining residential development; it seeks to facilitate new low rise built form in defined locations consistent with the DDO; new built form should prioritise public access to the Yarra River and parklands and avoid gated privatised




spaces; it seeks to facilitate consolidating and sharing traffic access and carparking to serve a range of sites including the Land (p47).

- (l) It identifies the Land as a Key Site and lists proposed future use as “Open space/recreation/conservation/community/residential”.
- 2.4 YVCC submits that the Framework Plan is generally consistent with the Amendment and the exhibited Draft Development Plan, but has some concerns about what is contemplated by the Framework Plan and, to the extent that the Framework Plan refers to private land, how the relevant objectives are to be achieved.
- 2.5 Both the Framework Plan and Amendment are consistent in that they propose residential development on part of the Land fronting Templestowe Rd. The respective areas identified for development differ, however, with the Framework Plan showing a smaller development area than is proposed in the Amendment. YVCC submits that the parts of the Land identified in Map 5A of the Framework Plan as being for “new parklands” and “potential development opportunities” should be amended to be consistent with the rezoned areas as proposed in the Amendment.
- 2.6 The Framework Plan and Amendment are also consistent in that they propose retaining the parkland nature of that part of the Land adjacent to the Yarra River. However, the Framework Plan envisions that part of the Land will become public land. This land is privately owned and no public acquisition overlay (other than the existing sliver along the river) is currently proposed. The Amendment proposes that this land remain in the Special Use zone, but notes that a public zoning of the land may be appropriate in the future. The Framework Plan should be amended to make this distinction clear, and to address the issue of how private land that is critical to achieving the objectives of the Framework Plan is proposed to be dealt with.
- 2.7 The Framework Plan refers to the current interim Design and Development Overlay, Schedule 2 controls. It is currently not known when permanent controls may be introduced and what those controls will require. The Amendment proposes amendments to the DDO2 in respect of the Land. It is submitted that consideration needs to be given to the proposed amendments to the DDO2 before references in the Framework Plan to those controls are finalised.
- 2.8 There are references to a new cultural place on the Land in the Framework Plan, with notations showing a place adjacent to the Heide Museum of Modern Art. No guidance is provided in the Framework Plan as to what is envisioned for the ‘new cultural place’. It is submitted that a private land owner should not and cannot be required to provide a public cultural space with no incentive or reward for doing so. It is also unclear how it is proposed that this can occur without agreement from the landowner. YVCC notes that the Amendment currently provides for the provision of land in that general location to be transferred to Heide for its use if the Amendment is approved. YVCC submits that a detailed explanation of what is anticipated in respect of this “new cultural place” is required, and that issue considered in detail, before any such reference can be included in the Framework Plan.
- 2.9 It is noted that, in terms of aboriginal cultural heritage, YVCC has had a cultural heritage management plan prepared for the Land, which will assist in maintaining the cultural heritage significance attaching to the Land, consistent with the aims of the Framework Plan.

3. The Amendment

3.1 Terms of Reference



The Terms of Reference provide that the Committee is to make recommendations regarding the proposed Amendment and options for its implementation. Its report is to include an assessment of the Amendment, whether the Framework Plan provides a sound basis for the preparation of an Amendment, and whether the Amendment should proceed. It is also to make recommendations regarding the draft Development Plan and options for its implementation and an assessment of the appropriateness of the draft Development Plan.

3.2 What the Amendment proposes

- (a) The Amendment proposes to rezone the Land so that part of it is included in a residential zone (Residential Growth zone - RGZ2) with the balance to remain in the Special Use zone under the Manningham Planning Scheme. While it is not identified in the Amendment documentation, YVCC considers that it is appropriate to also include the Environmental Audit Overlay on that part of the land proposed to be rezoned to Residential Growth Zone.
- (b) The Amendment proposes to amend the overlays applying to the Land by amending the existing DDO Schedule 2 and imposing a Development Plan Overlay on the Land. The amendment to the DDO proposes amending the existing (interim) mandatory minimum setback line and height controls that apply to the Land.
- (c) The Amendment also proposes amendments to existing policies in the Scheme to reflect the proposed zoning and overlay controls (cl 21.05, cl 21.07), and to introduce a new local policy that is specific to the Land (new cl 22.20).
- (d) The Amendment proposes to exempt the development of the Land from the usual public open space contribution requirements (cl 52.01), on the basis of the possible future transfer of the new parklands area to public ownership.
- (e) A Draft Development Plan was also exhibited. If the Amendment is approved a Development Plan will need to be submitted to Manningham Council for approval.
- (f) The Amendment does not include, but makes reference to, the possible future transfer of the land remaining in the Special Use zone to public ownership with a possible public use zoning (PPRZ). Such a zoning is currently inappropriate as the land is privately owned, and the anticipated works required for the development of that parkland area are expected to precede any transfer.
- (g) The Amendment references the possibility of using s173 Planning and Environment Act agreements to secure obligations of the land owner with respect to future use and development of the Land.

3.3 Detailed submissions

- (a) As to the detail of YVCC's submissions, the Committee is referred to the Planning Report prepared by Ratio Consultants (June 2020), exhibited with the Amendment which provides a useful overview of the Amendment and its planning merits.
- (b) YVCC intends to make detailed submissions in support of the Amendment to the Committee at the hearing, supported by expert evidence.
- (c) YVCC needs to consider the submissions of other parties and stakeholders to the Amendment and draft Development Plan before preparing its submissions for the hearing.

4. Yarra Strategic Plan

The Amendment was informed by the draft Yarra Strategic Plan and is consistent with the aims of that Plan. YVCC made submissions to the Panel appointed to consider that Plan, which raised issue, in particular, with the lack of differentiation between private and public land. It is noted that the Panel report on that Plan has not yet been made publicly available. It is submitted that that report should be considered as background material by this Committee. At this stage, submissions can only be made on the basis of the draft Yarra Strategic Plan, and further submissions on the Framework Plan may be necessary once the Yarra Strategic Plan is finally approved.

5. Amendment C132 - NELP

The Minister for Planning recently informally exhibited a proposed amendment affecting the land adjoining the Land, being a site owned by Parks Victoria and the former Bulleen Driving Range site. This is for the purposes of the provision of replacement open space and sporting fields as a result of the North East Link Project. This is very relevant to the Amendment as there are linkages between the sites. YVCC made a submission in relation to that Amendment. To date no decision has been made on Amendment C132. Given that Amendment C132 relates to land also within the Bullen precinct, and immediately adjacent to the Land, the Minister's decision on that amendment needs to be taken into account in considering the Amendment. At this stage submissions can only be made based on the draft amendment. YVCC is generally supportive of the aims of Amendment C132, but further submissions may need to be made about it once it is approved.

6. Amendment VC 48 - Permanent DDO controls along the Yarra River

It is noted that the Minister for Planning has announced that he is considering making the interim DDO controls relating to setbacks and heights of development along the Yarra River permanent. We understand that work is being undertaken on this, but it is not known when these controls may be approved. As noted above, the current interim controls conflict with the amended DDO controls proposed in the Amendment. If permanent controls are approved prior to consideration of the Amendment further submissions may need to be made on this issue.

7. Conclusion

- 7.1 YVCC is generally supportive of the Framework Plan, but considers that clarification of the policy intent in respect of the Land is required, as well as detailed explanation of how the objectives of the Framework Plan are to be achieved where they relate to private land holdings. YVCC submits that amendments to the Framework Plan are required, to ensure that the Framework Plan is consistent with the Amendment.
- 7.2 YVCC submits that the Committee should recommend the approval of the Amendment and that it be referred to the Minister for Planning for his consideration for approval under s20(4) of the Planning and Environment Act. YVCC submits that Ministerial intervention is appropriate given the Advisory Committee process adopted for considering submissions on the Amendment.
- 7.3 YVCC submits that the Committee should also recommend that the draft Development Plan warrants approval by the Manningham Council, as it is a suitable and appropriate planning outcome for the Land.

MinterEllison
for and on behalf of YVCC Property Pty Ltd
Dated: 25 September 2020