

IN THE MATTER OF

FISHERMANS BEND REVIEW PANEL

AMENDMENT: GC81 to the Port Phillip and Melbourne
Planning Schemes

PLANNING AUTHORITY: The Minister for Planning

LANDOWNER: Kador Group Holdings Pty Ltd

SUBJECT LAND: 44-54 White Street
South Melbourne

OUTLINE OF SUBMISSIONS

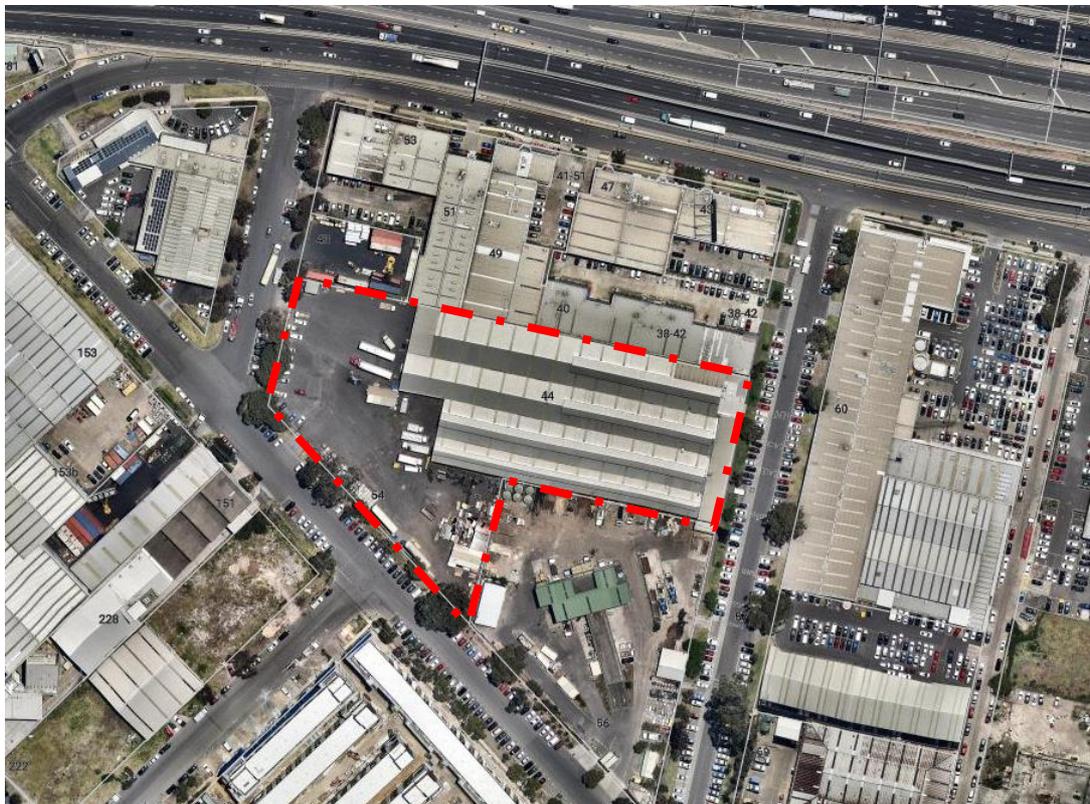
Introduction

1. These submissions are made on behalf of Kador Group Holdings Pty Ltd (“Kador”), the owner of land at 44-54 White Street, South Melbourne (“the Land”).
2. In addition to these submissions, Kador relies on the expert evidence of:
 - (a) Mr David Song, Principal of Song Bowden in relation to town planning considerations; and
 - (b) Mr Jason Walsh, Director of TraffixGroup in relation to parking and traffic matters.

3. These submissions are to be read together with the general submissions filed on 30 April 2018 (document 276) and Kador's submission to the Amendment (Submission 141).

The Land

4. The Land is located on the north eastern side of White Street, is irregular in shape and has an area of approximately 1.3 hectares.



5. The eastern portion of the Land is encumbered by a double storey building, which is presently used for commercial and warehouse purposes. The western part of the Land is devoid of buildings and is used for the storage and loading/unloading of vehicles and containers. The Land is currently leased by exhibition and event specialists, ExpoNet.

6. To the north of the Land is a series of double storey buildings, which are used for a range of commercial purposes. The only exception to this is the vacant site at 41-43 Gittus Street, which abuts the northwest corner of the Land and appears to be utilised for storage and loading purposes.
7. White Street is located to the east of the Land, running in a north to south direction. White Street provides for a single lane of traffic in each direction and includes on-street parking.
8. West of the Land is Gittus Street, which runs parallel to White Street and, similarly, allows for one lane of traffic in each direction and on-street parking.
9. The south-western border of the Land abuts Boundary Street, which again provides for a single lane of traffic in each direction and on-street parking.
10. To the southeast of the Land is the Port Phillip Resource Recovery Centre, a transfer station owned by the City of Port Phillip. The site is largely open, save for a double storey structure located in the centre of the site.
11. The broader surrounding area comprises a mix of industrial, commercial, retail and residential land uses in various building forms. Sites are typically large in size, with one or two street frontages. Nearby on the south-western side of Boundary Street is a sequence of newly constructed roads, apartments and townhouses.
12. The Land is conveniently located within close proximity to North Port Oval, the Yarra River, existing tram route 109 and existing bus route 235.
13. The existing area is predominantly low-scale. However, a permit has been granted for four towers, ranging in height from 21 to 43 storeys, at 60-82 Johnston Street, South Melbourne, which is located just one street away.

The Amendment as it affects the land

14. The Land is:
 - (a) partly in the core and partly in the non-core area of Sandridge and subject to FARs of 8.1:1 and 3.3:1 respectively;
 - (b) subject to a discretionary building height of 42.2m (12 storeys) in the core area; and
 - (c) subject to a discretionary building height of 80.6m (24 storeys) in the non-core area (with a small portion in the westernmost part of the non-core area being subject to a discretionary building height of 42.2m (12 storeys)).
15. A new 22m wide road is proposed along the southern boundary of the Land, extending from Woodruff Street and connecting Boundary Street to White Street (within the title).
16. The delivery of the proposed new road in this location will create a small triangular parcel in the southernmost part of the Land, which has been identified as proposed public open space.
17. The Framework also illustrates an indicative pedestrian laneway running north to south between Brady Street and the proposed new road along the southern perimeter of the Land.
18. Gittus Street, which abuts the west of the Land, is proposed to be closed and converted to new public open space. The southern section of White Street, immediately below the proposed new road, is also identified as being closed to provide for new public open space.
19. The Land is identified as being located partly within the Sandridge Arts and Cultural Hub investigation area and partly within the Sandridge Sport and Recreation Hub investigation area.

20. Both Boundary Street and the proposed new 22m wide road running through the Land are to be secondary active frontage streets.

Overarching issues

21. Kador in its submission to the Amendment (submission 141) expressed the following:
 - (a) Whilst Kador supports the discretionary nature of the preferred maximum height limits, other built form controls should be discretionary and performance based, to allow integrated and site responsive site design;
 - (b) Further consideration should be given to the FARs, particularly given the population estimate of 80,000 people was considered grossly inadequate;
 - (c) Public transport should be prioritised as a key element of the renewal precinct;
 - (d) The lawfulness of the proposed acquisition of land for roads, lanes and open space was questioned, as was the nomination of roads and open space; and
 - (e) The question was raised as to the procedural fairness of the exhibition and hearing process, due to its expediency.
22. On 30 April 2018, Kador presented substantive submissions in relation to these and other general deficiencies of the Amendment (document 276).
23. Kador also adopts the submissions made in relation to the overarching issues made on behalf of other Landowners (documents 252, 253, and 263). Kador does not propose to revisit the overarching issues in substance.
24. The Review Panel has sought from submitters specific recommendations in relation to the Amendment. Mr Song has provided a consolidated list of recommendations, which are not to be taken by the Review Panel as representing

an endorsement of the Amendment. Mr Song has expressed the clear view that the Amendment should be abandoned. Kador shares that view.

25. However, Mr Song has, at the request of the Review Panel, endeavoured to provide recommendations in relation to the Amendment. Kador adopts Mr Song's recommendations.

Site-specific considerations

Building heights

26. There is no benefit served by applying two designations (core and non-core) to singular sites. The Land is identified for building heights of 80.6m (24 storeys) and 42.2m (12 storeys).
27. Curiously, that part of the Land identified as non-core is nominated for 24 storey development. This is an anomalous outcome that does not appear to achieve any urban design or strategic planning objective.
28. There is no planning benefit in applying a reduced height to the southern part of the Land. As noted in Kador's submission to the Amendment, there is no need to transition building scale down towards the Northport Oval, and Boundary Street forms a logical boundary to higher form. The nominated 12 storey height limit is unjustified, given the proposed generally higher scale of development to the east of Boundary Street. The reduced height is arbitrary, unwarranted and lacks justification.
29. The Land presents an opportunity to achieve higher density development in the Sandridge core, and should not be inappropriately diminished. The application of a discretionary height limit of 80.6m (24 storeys) to the Land in its entirety is the preferred outcome, and will not give rise to unreasonable amenity outcomes or adversely impact the urban structure of Sandridge.

The proposed new road

30. Kador relies on the general evidence of Mr Walsh in relation to fundamental deficiencies of the Amendment, presented to the Review Panel on 30 April 2018.
31. In relation to the Land, it is submitted that:
 - (a) The new road along the southern boundary is unnecessary;
 - (b) There is no planning benefit to be achieved by a new road that will serve only the Land;
 - (c) Proper planning for Fishermans Bend should have regard to title boundaries and should avoid land reservation/acquisition unless necessary;
 - (d) The proposed new road appears to be sought to complete the road grid, for its own sake – decisions like this reveals the greensfields approach adopted to planning for the precinct, evident in the proposed controls;
 - (e) Planning for brownfields locations is more complex and requires a balancing of the adverse consequences of infrastructure decisions like this, against real benefits – this balancing exercise is not evident in the Minister’s approach to planning for roads, lanes or open space generally or in this instance;
 - (f) The real detriment of locating an unnecessary road on the Land substantially outweighs any benefit (which is denied); and
 - (g) If a road is supported in this location, it ought be reduced to 16m in width.
32. Mr Walsh observes that the Land is located in an area of Fishermans Bend that has limited permeability as the West Gate Freeway acts as a barrier to the north and there is no existing or proposed connection through to the east except Munro Street.

33. Increased vehicular permeability is sought to distribute pedestrian and vehicular traffic throughout the area, particularly in a north south direction. In this context, the proposed closure of Gittus Street to provide an odd parcel of open space land flanked by buildings of substantial height represents a poor planning outcome. Mr Walsh does not support this proposition, or the closure of White Street, in traffic engineering terms. The loss of Gittus and White streets will diminish rather than enhance north/south permeability.
34. The new road will only serve the Land and achieves no planning benefit, other than to complete the grid. It is unnecessary, and a serious blight on the Land that will require the Government to pay compensation in circumstances where it is unjustified. Importantly, the proposed road unnecessarily diminishes in area a valuable land resource that is earmarked for substantial development in the heart of Sandridge.
35. Ultimately, if a road is to be located along the southern boundary of the Land, it ought be reduced in size to 16m. There does not appear to be any justification for its proposed width at 22m.

Open space

36. The proposed controls provide for a neighbourhood park with an area of 1,533sqm, immediately to the south of the Land. It is assumed that the 42.2m (12 storey) height limit applicable to the southern part of the Land is to preserve sunlight access to the proposed neighbourhood space.
37. Locating substantial open space in this location on the north east side of Boundary Street unreasonably impacts on the development potential of the Land and is ill considered. Open space would be better located on the south west side of Boundary Street, to optimise sunlight access (and where building height is proposed to be restricted to 29.4m).
38. Kador's general submissions set out the extensive deficiencies in Ms Thompson's approach and evidence in relation to the provision of private open space, including her failure to have regard to title boundaries and the impact of

the mandatory overshadowing control on the development potential of adjacent land. Kador does not intend to revisit those issues here in substance.

39. In terms of the Land, Ms Thompson in her evidence recommended the retention of Gittus Street as public open space and the provision of an enlarged neighbourhood park to the immediate south of the Site. These changes are depicted in Figure (vii) of Ms Thompson's Open Space Adjusted Layout Plans (document 108) and explained in Ms Thompson's evidence presentation (document 107).
40. The Minister does not appear to have adopted these changes, (documents S2 and S37). It is submitted that for the reasons outlined in Kador's general submissions, Ms Thompson's proposed changes ought not be accepted. The prospect of locating a greater area of open space immediately to the south of land identified as suitable for high-density development lacks merit.

Conclusion

41. Kador submits that, having regard to the above matters, and the issues canvassed in the overarching submissions, the Review Panel should advise the Minister that the Amendment is inappropriate and should be abandoned.

Nicola Collingwood

Instructed by Mills Oakley

16 May 2018