PLANNING COMMITTEE REPORT

AGENDA ITEM 5.1

3 APRIL 2007

AMENDED APPLICATION REFERRED BY THE MINISTER FOR PLANNING: DEVELOPMENT OF NON-CORE LAND AT THE ROYAL MELBOURNE SHOWGROUNDS, 350 EPSOM ROAD, FLEMINGTON

Division Statutory Services

Presenter Con Livanos, Manager Development Planning

Purpose

1. To inform the Planning Committee of an amended proposal submitted to the Minister for Planning for development of the ‘Non-core’ land within the Royal Melbourne Showgrounds.

2. This application has been presented to the Planning Committee as the proposed redevelopment raises an issue of significant public interest or is likely to do so.

Summary

Application Number: TPM-2006-45/A

Proposal: To construct and carry out works to buildings; to reduce the number of car parking spaces required; to alter access to Epsom Road and display business identification signage.

Applicant: Meredith Withers and Associates Pty Ltd, on behalf of Showgrounds Retail Developments Pty Ltd C/- Babcock and Brown Pty Ltd.

Zoning: Special Use Zone – Schedule 2 (Royal Melbourne Showgrounds)

Overlay: Heritage Overlay – 221

Existing Use: The area of the site contains predominately at grade car parking, the old dog pavilion and the Woodfull Pavilion.

Number of Objections: Informal objections were previously submitted from the City of Melbourne and the City of Moonee Valley (refer to the “Key Issues” section regarding discussion on objector rights).

Recommendation from Management

3. That the Planning Committee:

   3.1. object to the amended proposal on the grounds that:

       3.1.1. the application is inconsistent with the Incorporated Document associated with the Royal Melbourne Showgrounds Redevelopment, especially with regards to the activation of the Epsom Road frontage and links between the Non-core and Core-land;
3.1.2. further resolution is required regarding the car park design, pedestrian amenity, car park space provisions and layout, vehicle access to the site and bicycle provisions; and

3.2. advise the Minister for Planning of the Council’s additional concerns regarding the uncertainty surrounding the construction of the “Stage 2” component of the development.

Proposal

4. The subject site on Epsom Road is part of the Non-core land associated with the Royal Melbourne Showgrounds, Flemington, refer to Attachment 2. This is a landmark site, one that marks a key entry point into the City.

5. The changes presented with the recently submitted amended plans, at Attachment 3 include:

5.1. the introduction of a “Stage 2” component. The previous plans noted as being “Future Proof Basement and Ground Floor” have been formalised as part of the development and include ground level retail spaces with first floor offices above. “Stage 2” will also include the provision of a basement level of car parking;

5.2. deletion of the road widening and boundary realignment associated with the proposed Super Tram Stop on Epsom Road (on the advice that only 1 Super Tram stop is required for the Royal Melbourne Showgrounds and the Union Road intersection is the preferred location);

5.3. an increase in on site parking from 353 spaces to 393 spaces (“Stage 1”) and then up to 443 spaces (“Stage 2”);

5.4. the introduction of a more detailed landscaping scheme that includes swales between the car parking rows;

5.5. further developed elevations for the Epsom Road frontage for the child car centre and the tavern; and

5.6. the use of internally illuminated business signs along the Epsom Road frontage.

Key Issues

6. The Minister for Planning is the Responsible Authority for this application. Council has the opportunity to provide comments to the Department of Sustainability and Environment (DSE) for consideration.

7. The following key issues relate to the assessment of the amended proposal:

7.1. whether the amended proposal is now consistent with the Incorporated Document to the Melbourne Planning Scheme “Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004”;

7.2. if other design issues previously raised by Council have been addressed, such as car park design, pedestrian amenity, car park space provisions and layout, vehicle access to the site, loading provisions and bicycle provisions; and

7.3. whether the revised proposal is generally in accordance with the Incorporated Document to ascertain if there are notification and appeal rights.
Assessment against the Incorporated Document

8. Council officers have assessed the amended proposal and consider that it still falls short of the intentions of the Incorporated Document and good planning practice. The table provided at Attachment 1 shows Council officers’ original grounds of objection (contained within the letter to the DSE dated 26 January 2007) and how the amended plans have failed to responded to many of these concerns.

9. The “Stage 1” part of the revised proposal continues to include an open lot car park at the frontage of the site and therefore does not activate the Epsom Road frontage as envisaged by the Incorporated Document.

10. The “Stage 2” part of the revised proposal introduces retail and office use along the Epsom Road frontage. Although it is still not fully consistent with the Incorporated Document, it is supported in principle as it is an improved attempt to activate the Epsom Road frontage.

11. There are significant concerns as to the uncertainty surrounding the likely construction of “Stage 2”. These concerns stem from:

11.1. the 50 year lease agreement that requires the lessee to make good the site and return it to its original condition (therefore limiting the amount that can be invested in the site over that period);

11.2. the impact the construction of “Stage 2” would have on the operation of the site once “Stage 1” is completed and established, particularly as most of the car parking area would not be available to the public during its construction;

11.3. the significant investment made in the landscaping and detailing of the car park, that would be removed to make way for the car park structure; and

11.4. the desire for the internal tenants, such as the supermarket and other surrounding stores to maintain visual connection with Epsom Road (via the open lot car park), a connection that will be lost once “Stage 2” is completed.

12. The revised proposal still does not provide sufficient pedestrian or visual links between the Non-core land and the Core-land of the Royal Melbourne Showgrounds as envisaged by the Incorporated Document. The amended plans only indicate several “possible” links between the Non-core and Core land.

Other Design Issues

13. The amended plans were referred internally to both the Urban Design Branch and Engineering Services Group (ESG).

14. ESG made a substantial submission in relation to the amended drawings, restating their most pressing objection to the waiving of car parking spaces on the site. The Planning Scheme sets out parking rates specific to this site for its redevelopment and sufficient justification has not been provided to reduce these parking numbers.

15. Further resolution is still required to address most of the other engineering issues previously identified by Council officers, especially with regards to car park design, pedestrian amenity, car park space provisions and layout, vehicle access to the site and bicycle provisions as outlined in the comparative assessment table within Attachment 1. A number of these outstanding parking and traffic concerns would result in on-going issues for both the City of Melbourne and the City of Moonee Valley.

16. The Urban Design Branch was supportive of the improvements in landscaping and the more detailed elevations for the buildings fronting Epsom Road.
Notification and Appeal Rights

17. The current controls governing the site allow for the Minister for Planning to approve a development without notification (advertising) or appeal rights for third parties (such as the City of Melbourne and the City of Moonee Valley) if he deems the proposal to be generally in accordance with the Incorporated Document. While the Minister for Planning is obliged to seek the views of both affected Councils, rights to a review through VCAT do not exist if such a view is formed.

18. The Planning Committee have previously passed a resolution (6 February 2007) that they believe the proposed redevelopment of the Royal Melbourne Showgrounds is not in accordance with the Incorporated Document. Council officers believe that the amended proposal is still not consistent with the Incorporated Document. They have sought a response from the Department of Sustainability and Environment (DSE) to confirm their position in relation to the redevelopment’s consistency with the Incorporated Document as a means of establishing appeal rights for the Council.

19. To date, there has been no formal written response from the DSE as whether they have determined that the amended plans are generally in accordance with the Incorporated Document.

20. If officers from DSE or the Minister for Planning confirm that the proposal is consistent with the Incorporated Document, it is open to the Council to seek a declaration from VCAT to establish if the Tribunal believes that the proposal is generally in accordance with the Incorporated Document.

Relation to Council Policy (including Municipal Strategic Statement)

Policy Context

21. The Planning Committee will be familiar with the strategic context of the Royal Melbourne Showgrounds, as detailed in the report presented at the meeting on 6 February 2007.

22. In summary, the “Non-core” land is of State-wide strategic importance and its redevelopment represents a significant opportunity. While the redevelopment of the site for a mixed use proposal was never envisioned in the local strategy section of the Municipal Strategic Statement (MSS), specific guidance has most recently been incorporated into the Melbourne Planning Scheme via Amendment C100, which gave authority to the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004.

Incorporated Document – Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004

23. The Master Plan provides objectives for the development of the Non-Core land of which the amended proposal is generally consistent, with the exemption of those objectives relating to activation of the Epsom Road frontage and linkages between the Core and Non-Core land.

Time Frame

24. The second referral from the Department of Sustainability and Environment on behalf of the Minister for Planning was received by Council on the 2 March 2007 allowing 14 days to provide comment. A written request for an extension of time was made on the 6 March 2007. The extension was granted until 4 April 2007 to allow Council time to consider the amended drawings at the April Planning Committee meeting.

Consultation

25. No public consultation has been undertaken by DSE in regards to this development proposal. As noted previously, the proposal is exempt from the notice and appeal requirements if it is deemed to be generally in accordance with the Incorporated Document.
Finance

26. There are no direct financial implications associated with the recommendations contained in this report.

Legal

27. The Minister for Planning is the Responsible Authority for this application. In making its decision, the Planning and Environment Act 1987 requires the Responsible Authority to consider all objections and other submissions which it has received. The recommendations of the report are within the objectives and functions of Council.

Attachments:
1. Comparative Assessment Table
2. Site Plan
3. Amended Development Plans
Amended Application: Development of Non-core land at the Royal Melbourne Showgrounds, Flemington - Comparative Assessment Table (Original Grounds of Objection Compared Against the Amended Plans)

<table>
<thead>
<tr>
<th>Issue Previously Raised with DSE</th>
<th>Issue Addressed?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Activation of Epsom Road Frontage | Partially - subject to the construction of “Stage 2” | While the introduction of shops and offices fronting Epsom Road in “Stage 2” is supported in principal, there is a high level of uncertainty that it will ever be constructed, particularly having regard to the 50 year lease, the level of landscaping that will be lost to construct “Stage 2” and the parking implications for the site during the construction of “Stage 2”.
<p>| Links between “Core” and “Non-Core” Land | No | There has been no change to the location of boundary walls or buildings that would facilitate future links between the “Core” and “Non-Core” land. The plans only indicate several “possible” links. The north elevation remains unchanged in the amended plans presenting large blank expanses of wall to the “Core” land. |
| Car Park Design and Pedestrian Amenity | No | The use of zebra crossings could present safety concerns where cars are required to park over the zones designated as zebra crossing. Pedestrian refuge bays have not been provided in front of the child care centre. |
| Provision of Car Parking | No | Advice from Council’s engineers is that the proposed reduction in parking spaces has not been adequately justified given that it is seeking to reduce car parking ratios that were developed specifically for the site. The provided traffic report makes assumptions based on much larger developments (for example office parking rates for 1000m² and 6000m²) where there is evidence that such ratios may not be appropriate for smaller office developments. Further, the proposed car parking ratios assume that the restaurants will be ancillary to the main supermarket use. It is possible that this assumption is incorrect and the restaurants become an attraction in their own right, placing pressure on both on-site spaces and the surrounding network. In the case that they do not, shoppers staying for a meal will still be tying up a car space for longer requiring car parking spaces specifically dedicated to the restaurant uses. |</p>
<table>
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<tbody>
<tr>
<td>Car Parking Layout</td>
<td>No</td>
<td>The creative use of zebra crossings through pedestrian areas and car parking spaces is of concern as it creates confusion between cars and pedestrians. Also, the Planning Scheme requires an aisle width of 6.4m, and only 4.8m wide aisles are shown. While a degree of overhang of car noses would be expected into the swale drain the planting could be damaged.</td>
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<td>Vehicle Access</td>
<td>Partially</td>
<td>The removal of the Super Tram Stop at the front of the site appears to improve the vehicle access at the entry point adjacent to the medical centre. However the left in, left out intersection adjacent to the tavern will need to be designed to accommodate delivery trucks (up to 12.5m is recommended by Council engineers).</td>
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<td>Loading and Waste</td>
<td>Yes</td>
<td>Council engineers have raised no issue with the loading and waste facilities with the additional information provided with the amended drawings</td>
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<td>Traffic Matters</td>
<td>Yes</td>
<td>Additional information has been provided in relation to the traffic signalling that has raised no issues from Council’s engineers.</td>
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<td>Bicycle Parking</td>
<td>No</td>
<td>There were no changes to the proposed level of bicycle parking.</td>
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<td>Provision of a welcoming pedestrian entry adjacent to train station</td>
<td>No</td>
<td>Provision is made for potential pedestrian access to the station but pedestrians would need to share the road used to service the loading bay for the supermarket and the Royal Melbourne Showgrounds.</td>
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<td>The inclusion of Environmentally Sustainable Design initiatives to Office buildings</td>
<td>No</td>
<td>There are no details provided about how the proposal will satisfactory Council’s Environmentally Sustainable Office Buildings Policy. In fact, the rainwater collection tanks that were proposed in the December plans have been reduced by 2 in the March plans to make way for more car parking spaces.</td>
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<td>Concern about the proposal’s consistency with Melbourne 2030 with regard to Direction ‘Making car-based centres work better’ and development outside an activity centre.</td>
<td>No</td>
<td>The applicant advises that the limitation of the 50 year lease prevents them from fully achieving the preferred outcomes for Activity Centres as per Melbourne 2030 and the Master Plan.</td>
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FINANCE ATTACHMENT

AMENDED APPLICATION REFERRED BY THE MINISTER FOR PLANNING DEVELOPMENT OF NON-CORE LAND AT THE ROYAL MELBOURNE SHOWGROUNDS, 350 EPSOM ROAD, FLEMINGTON

There are no direct financial implications associated with the recommendations contained in this report.

Joe Groher
Manager Financial Services
The Minister for Planning is the Responsible Authority for this application.

In making its decision, section 60(1)(c) of the Planning and Environment Act 1987 (“the Act”) requires the Responsible Authority to consider, amongst other things, all objections and other submissions which it has received, which have not been withdrawn.

Section 60(1A) further provides that:

“Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider –

(g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;”

Section 64 of the Act sets out the procedure to be followed by the Responsible Authority in circumstances where objections are received.

If the Responsible Authority approves the application Council may seek a declaration from VCAT under section 149A of the Act if the matter relates to the interpretation of the planning scheme or a permit in relation to land or a particular use or development of land. VCAT may make any declaration that it considers appropriate or direct the Responsible Authority to take or refrain from taking action.

Kim Wood
Manager Legal Services