

12 March, 2016

Attention: Mr Julian Lyngcoln
Executive Director
Planning Implementation
Department of Environment, Land, Water & Planning
1 Spring Street
Melbourne Vic 3000

Dear Mr Lyngcoln,

Managing Residential Development Advisory Committee-Submission by Junction Area Action Group

INTRODUCTION

The Junction Area Action Group (JAAG) was established in 2002 to protect the amenity of the area east of St. Kilda Road bounded by St. Kilda Road, Alma Road, Chapel Street, and Queensway. It has extended its area of interest to the area west of St. Kilda Road bounded by St. Kilda Road, Fitzroy and Princes Streets and Alma Road. Both areas are referred to below as the Precinct.

JAAG seeks to preserve our sense of community values and protect the much loved heritage buildings and streetscapes in the Precinct by addressing local issues ranging from parking and traffic issues to street safety, streetscape improvements and general amenity.

Its role particularly extends to opposing what it sees as inappropriate developments, which under the current planning regime need to be resolved through VCAT on a case by case basis. This is often a David and Goliath situation, with developers obviously having much greater financial and other resources.

JAAG now has over 250 members who are residents of the Precinct or own businesses there.

Part of the Precinct, which consists of freestanding houses and other low rise housing but also includes St. Michael's School and two synagogues, is zoned GRZ as the default zoning. As noted on p. 26 in the Port Phillip Section ('the Port Phillip Section') of Residential Zones State of Play, the Port Phillip Council prepared a number of amendments in 2014 and 2015, all of which would have had the effect of zoning most of this residential part of the Precinct as NRZ. None of the amendments have been approved to date.

The Port Phillip Section points out (p. 29) that there is significant development activity expected in the (defaulted) GRZ, predominantly in St. Kilda (which includes the Precinct) East St. Kilda and Elwood. It also points out (p. 30) that the development industry has responded to high land prices and strong demand for housing by producing more high density dwellings. In JAAG's view, the new and expected development is in part the consequence of the non-approval, so far, of the Port Phillip amendments, when equivalent amendments put forward by neighbouring municipalities have been approved and are in effect. This has operated to the detriment of the amenity of residents of the Precinct in comparison, say, with the residents of neighbouring Stonnington.

The remainder of the Precinct, principally along St. Kilda Road and Wellington Street north, is zoned Commercial 1, and largely consists of commercial buildings and, increasingly, residential buildings (see below).

The Precinct has suffered from years of neglect. Many of the problems it faces today stem from the fact that, until Council amalgamation in 1994, the north side of Wellington Street was part of the City of Prahran. It was isolated from the rest of that municipality by Dandenong Road, and permits were issued for office developments with little or no regard to the amenity of residents living on or near the south side of Wellington Street who came within the jurisdiction of the City of St Kilda. The redrawing of municipal boundaries that preceded amalgamation included the north side of Wellington Street within the new City of Port Phillip. In the past Port Phillip Council has had no strong strategic guidelines for the Precinct, in particular for St Kilda Road South and Wellington Street. This planning void has resulted in at least 11 approvals for high density residential developments for predominantly one bedroom apartments, all of which have been granted parking dispensations.

The need for a strategic planning framework for the Precinct was demonstrated in 2011 when the DPDC, despite Council and JAAG opposition, granted a permit for a 26 storey (91 metre) tower, including 272 dwellings, at 3 St. Kilda Road. In that case the DPDC planning officer's report stated that he had taken into account the fact that there was 'no solid framework' in place for the area.

The need was further demonstrated in 2012 when VCAT granted a permit for the 18 storey (56.7 metre) 'Lego' tower, including 108 dwellings, at 2 St. Kilda Road, which again was opposed by Council and JAAG. The Tribunal specifically took into account the fact that the Council could have, but did not, require new developments in the Precinct to respond to statements of preferred character, Design and Development Overlays or urban design frameworks.

JAAG first raised the need for a strategic planning framework for the Precinct with the Council in 2011 and pursued the matter thereafter. In February 2012 Council resolved to commit to the preparation of an urban design framework for the St. Kilda Road South precinct, which included the key parts of the Precinct, and to request the introduction of interim height controls. Although the latter did not occur, since 2012 the Council, with JAAG input, has worked on the framework. The work culminated in a unanimous decision by Council on 24 November 2015 to adopt the St Kilda Road South Land Use and Urban Design Framework, including some mandatory height and streetwall limits. It requested ministerial authorisation to prepare and exhibit Planning Scheme Amendment C122 to give effect to the framework; and to introduce interim development controls via Amendment C121 whilst the permanent controls are progressed. To date these requests have not been granted.

JAAG notes that under the Framework Wellington Street north, most of the Precinct west of St. Kilda Road, and a small area abutting Alma Road will be rezoned from Commercial 1 to Mixed Use in recognition of increasing residential use.

As the Port Phillip Section states (p.30), around 5000 dwellings in the 'attached 3 plus storeys' category were approved for the whole of Port Phillip in the period 2011-2015. JAAG estimates that of these approved dwellings over 850 have been built or are to be built in the Precinct. Thus it can be seen that the Precinct has borne a disproportionate part of the burden of the development in Port Phillip, having regard to its area of less than 0.5 square kilometres.

In this context JAAG also notes that the graph on p.20 of the Overarching paper shows that, of the municipalities concerned, Port Phillip has the highest proportion of developments involving 10 or more dwellings.

SUBMISSIONS

The Overarching paper (p. 33) refers to 'sensible outcomes within a mandatory framework'. JAAG has no particular problem with this. Its concern is that residents of the Precinct have not had the benefit of any mandatory framework at all and their amenity has suffered in consequence. This damage to their amenity is increasing, and even if a mandatory framework is put in place immediately the damage to amenity will continue with the building of the considerable number of additional units which have already been approved or applied for (if approved).

With this in mind:

1. JAAG considers that Amendment C118 or, if that Amendment is not acceptable, Amendment C123 should be approved so that Port Phillip residents in areas to be zoned NRZ (including the Precinct) have the benefit of a mandatory framework, and so that their amenity is not further damaged by the inappropriate skewing of development towards St. Kilda, East St. Kilda and Elwood mentioned above.
In JAAG's view the approval should be granted as a matter of urgency and should not await the finalization of the Committee's report. Too much time has been lost already.
2. JAAG is essentially happy with the present form of the residential zones regime, its principal concern being, as stated above, that it has not been applied in Port Phillip despite a number of Council requests. Specifically, JAAG endorses the statement made on p. 32 of the Overarching paper that the regime, if applied, provides greater planning certainty for all, something JAAG has argued for a long time.
3. JAAG endorses the concept, advocated by Port Phillip Council, of the number of dwellings permitted on a lot in an NRZ area being determined by a 'sliding scale' according to the size of the lot, as a less 'blunt instrument' than a stipulation which operates irrespective of lot size.
4. As JAAG has previously said to Port Phillip Council, JAAG strongly objects to a regime which permits greater density in the NRZ zone for 'social housing'. The effect on residents of the zone of any development is the same, whatever the source of funding or the motives of the developer. All developments should be subject to the same regime.

Yours sincerely

Anthony Browne & Kaye O'Connor
For Committee of Junction Area Action Group (JAAG)

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