



FLEMINGTON ASSOCIATION

SUBMISSION TO MOONEE VALLEY CITY COUNCIL REGARDING THE PROPOSED DEVELOPMENT AT 40-70 MOUNT ALEXANDER ROAD

30 January 2008

The Flemington Association, representing Flemington and Travancore, the two areas affected by the proposal, urges the Mayor, Deputy Mayor and Councillors of the Moonee Valley City Council to refuse to approve the Development Plan submitted for Stages 2A and 2B of the Lombard's Site at 40-70 Mount Alexander Road ("the Development Plan").

The Development Plan should be rejected on the following grounds:

1. The proposal does not meet the requirements set out in Schedule 6 to the Development Plan Overlay.
2. The proposal is contrary to Council's Municipal Strategic Statement ("MSS").
3. The proposal is in conflict with other local and state planning policies.
4. The proposal is not in the interests of local residents and businesses and contrary to the vision for Moonee Valley and Melbourne.

Council is the responsible authority for the development and therefore responsible for ensuring compliance with the Development Plan Overlay, the MSS and local and state planning policies.

The Development Plan would require substantial amendment prior to meeting the requirements. These amendments must be sought prior to approving any Plan.

Flemington Association requests Councillors read the attached submission carefully, in conjunction with the overlay, the MSS and other relevant policies, when considering the Development Plan and any permit application.

Representatives from the Association will also meet with Council and/or Councillors to discuss any of the matters raised in the submission.

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A: EXECUTIVE SUMMARY

1. The submission addresses Council's obligations and responsibilities in assessing the Plan, followed by an examination of the relevant policies, namely the Development Plan Overlay, the Mount Alexander Road South Urban Design Policy, the Municipal Strategic Statement (MSS) for Moonee Valley City Council and Federal, state and regional policy.
2. Having regard to these policies, the Flemington Association submits the Development Plan must not be approved. Some of the reasons why the proposal must be rejected include the following:
 - It is difficult to conceive of a plan that would have less respect for the character and appearance of the surrounding areas given its enormous scale, its absence of engagement with the landscape and history of the area and its failure to rejuvenate the precinct and Mount Alexander Road.
 - High-rise commercial buildings in this area are contrary to Moonee Valley's objective of ensuring development along Mount Alexander Road does not compete in height or stature with the activity centre of Moonee Ponds or Melbourne's CBD. The proposal is seven times the preferred maximum height for the surrounding area and will detract from the views down Flemington Road boulevard and views of the existing Gateway from Citylink.
 - The plan, if approved, would dominate the one open green space in Flemington, overwhelm surrounding heritage and residential areas and cause traffic chaos for Flemington and Travancore.
 - The existing Gateway to Melbourne is in danger of being completely overshadowed by the massive proposal.
 - The lack of physical and visual linkages in the proposal mean the site would be so shut-off from surrounding areas that it would effectively be an exclusive compound within Flemington.
 - The proposal is so large in scale it is likely to detract from existing shopping strips and destroy some local businesses. The proposal might be suitable in the activity centre of Moonee Ponds, but should not compete with the centre of Moonee Valley or attempt to build a mini-Docklands in Travancore.
3. The submission also address concerns over the process applied to the proposal, traffic management issues, the sale of Debney's Park, setting a bad precedent for future inappropriate development and other issues. In summary, the submission deals with some of the following points:
 - The troubling reasons provided for the initial state government intervention, combined with the lack of consultation with and information provided to those most affected, mean Council must now demonstrate that this is not a fait accompli for the developers, who must still comply with relevant policies.

- This is particularly so when part of Debney's Park, the only large green space available for Flemington, appears to have been sold to assist the developers at a time when Council had not considered, let alone approved, the plans.
 - While the Flemington Association agrees the site is one that should properly be assessed by Council, it urges Councillors not to compromise their duty to apply the Development Plan Overlay, the MSS and local and state planning laws in an effort to avoid the State government taking control of the site. Reaching a "compromise" decision that satisfies the developers but nevertheless breaches the overlay and other relevant policies would be highly unsatisfactory.
 - A comprehensive traffic management plan needs to be undertaken and active measures introduced for Flemington and Travancore regardless of the plans ultimately approved by Council. This must be a priority for Council given the likely additional impact on existing traffic problems from Stage 1 alone.
4. The Flemington Association submits that Councillors must consider the Development Overlay Plan in conjunction with the relevant policies and recognise that it does not allow development on the scale proposed, effectively providing carte blanche to the developer.
 5. Any plans should be subject to a full and proper assessment, including consultation with the communities affected and should strive to achieve features consistent with the overlay and other local and state planning policies.
 6. Information about the Flemington Association is contained in the Appendix.

B: THE DEVELOPMENT PLAN

Details of the Development Plan

7. The submission assumes councillors are familiar with the Development Plan and/or have access to the Development Plan. It is therefore not proposed to set out in detail the nature and extent of the proposal.
8. In summary, the following points are noted:
 - (a) Stage 2A proposes a mixed-use building containing residential and retail functions. The building would consist of 7 levels of apartments over 2 levels of retail. It would contain 3,100 square metres of retail, including a gymnasium, 226 apartments and 254 car spaces. At the northern end of the apartment building (Sienna Apartments) it is proposed to build a car park extending up to level 4 of the building. The external walls of the car park facing the internal plaza will provide a public art wall.
 - (b) Stage 2B proposes an Office building containing 17,600 square metres of net floor area over 13 storeys situated over 8 levels of car parking and a ground floor lobby. Adjacent to the lobby would be 2 ground floor retail tenancies containing a total of 320 square metres. This building would incorporate 95 basement car spaces and 454 above ground car spaces.
 - (c) The proposed entry/exit point for the car parks is from Mount Alexander Road between the Sienna Apartments (part of Stage 2A) and the Office building, which is proposed to have traffic signals.
 - (d) The proposal for Stages 2A and 2B is in addition to Stage 1 of the Development, which is not yet complete. Stage 1 includes two 5-storey residential buildings containing 144 apartments and 2,500 square metres of retail space along Mount Alexander Road, now occupied by two large retail outlets (Officeworks and Lombards). Stage 1 includes 187 car spaces for tenants and customers. The entry/exit point for the car park is from the centre of the development on to Mount Alexander Road, with no traffic lights.
 - (e) Combined, the two stages of development would comprise four large high-rise blocks, over 5,600 square metres of retail, 370 apartments and over 840 car spaces.

Background to the Development Plan

9. Details of the troubling background to the development of the site are set out in Part G of the submission.
10. Importantly, the large scale of Stage 1 was only possible because the Minister for Planning took over as the responsible authority on 3 February 2005.
11. Then Mayor, the late Lydia Kauzlaric expressed disappointment in the State Government's decision to take control of the planning, stressing that the site "is

next to the Travancore Estate, which is on the National [Heritage] Register, and overlooks parkland.” Councillor Kauzlaric said, “It is vital that any development of the site is sympathetic to these issues.”

12. Last year then Mayor Councillor Ben Opie also decried the “heavy handed authoritarian” approach of the government calling in Stage 1 in 2005.
13. The Minister of Planning assumed responsibility because of the fire at the Lombard’s factory in November 2004 and the purported need to rejuvenate the site as quickly as possible prior to the Melbourne Commonwealth Games. The Minister approved the Development Plan and Planning Permit in March 2005. However, building did not commence until well after the end of the Games.
14. The Minister becoming the responsible authority meant some local and state planning policies were circumvented. Despite this, the scale of the Development Plan for Stage 1 was limited to 4 levels of apartments over one level of retail space fronting Mount Alexander Road, 4 levels of apartments abutting Delhi Reserve and a 2-level car park connecting the two buildings and containing a plaza.
15. Conditions of the Planning Permit apparently included improvements in the design to ensure it complemented local recreation spaces, including the Delhi Reserve, the bike paths and Moonee Ponds Creek Reserve, although residents are yet to see where the \$25,000 contributed by the Developer to Council has been or is to be spent.
16. After revised plans were submitted for Stage 1, on 18 August 2005 the Minister for Planning was removed as the responsible authority and the site handed back to Moonee Valley City Council as the responsible authority for future stages of the development.
17. The higher level of discretion applicable to Stage 1 therefore does not apply to Stages 2A and 2B, in relation to which Council is the responsible authority and bound to apply the Development Plan Overlay and other relevant policies.

B: COUNCIL'S OBLIGATIONS & RESPONSIBILITIES IN CONSIDERING THE PLAN

18. Council, as the responsible authority, must ensure the provisions of the overlay and all other relevant requirements apply prior to approving a permit.
19. The provisions of the overlay apply in addition to the provisions of the zone and any other provisions in the MSS.
20. Because a permit can be granted does not imply that a permit should or will be granted (Clauses 41 and 65 of the MSS).
21. The responsible authority must (under clause 41) decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines.
22. In fact the primary purpose for a Development Plan Overlay is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the MSS and local planning policies (Clause 43.04).
23. A Development Plan Overlay does not provide *carte blanche* to a developer.
24. Relevant to this application, before deciding on approving or refusing the plan, the responsible authority must consider (under Clause 65.01):
 - (a) The matters set out in section 60 of the *Planning and Environment Act 1987*.
 - (b) The State Planning and Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - (c) The purpose of the zone, overlay or other provision.
 - (d) Any matter required to be considered in the zone, overlay or other provision.
 - (e) The orderly planning of the area.
 - (f) The effect on the amenity of the area.
 - (g) The proximity of the land to any public land.

C: DEVELOPMENT PLAN OVERLAY

Decision guidelines

25. Schedule 6 to the Development Plan Overlay sets out the following decision guidelines Council must consider in assessing the plan:
 - (a) Whether the built form recognises the site as a significant gateway to Melbourne and to the City of Moonee Valley.
 - (b) Whether the location, height, bulk and appearance of the buildings or works will respect the character and appearance of the adjoining residential area, Delhi Reserve and Mount Alexander Road.
 - (c) Whether the layout and appearance of the building or works will provide appropriate physical and visual linkages through the site and to the adjoining and nearby reserves, paths and roads.
 - (d) Whether the built form responds to the site's development potential to accommodate a mix of uses.
26. The Development Plan Overlay does not set out any other decision guidelines. The guidelines must therefore also be considered in light of the other polices under the MSS and state planning laws.
27. The Development Plan does not meet any of the decision guidelines for the reasons set out below.

No Significant Gateway

28. The built form does not recognise the site as a significant gateway for the following reasons:
 - (a) There is already an existing gateway to Melbourne and Moonee Valley, which is actually sited at the proposed new boundary. This is called "the Gateway", and has won architectural prizes and is noted locally and internationally. The Gateway is in danger of being completely overshadowed by a 9-storey apartment block and 21-storey office tower and car park. If the proposed development is approved, the Gateway will no longer be visible heading down Mount Alexander Road towards the CBD. The views from Citylink will be considerably impinged.
 - (b) The proposal detracts from the grandeur and importance of Flemington Road and Mount Alexander Road, with the proposed office block likely to dominate the view driving down the centre of both boulevards.
 - (c) The proposal reduces the views and vistas determined as appropriate in Council's *Urban Design Guidelines for Mount Alexander Road (South)* and applied in the MSS. The Policy states Council initiatives should be pursued to strengthen the views and vistas of the Melbourne CBD when moving south

and views in to Debney's Park and the planted areas adjacent to the park and creek. The view heading down Mount Alexander Road would, if the proposal were adopted, be one of an imposing dead end.

- (d) Above the large foyer area, the first 7 levels, visible in approaching Melbourne and Moonee Valley from the road, will comprise car parking. A car park and large office tower is not a significant gateway.
- (e) There is no indication how the large foyer area will interact with the street face, if at all. The proposal fails to engage with Mount Alexander Road. There are no cafes or small shops proposed to engage with pedestrians, cyclists or road traffic. Most retail will be hidden from view.
- (f) A 21-storey office block and car park (with another 9-storey apartment block) adjacent to four other 20-storey buildings will block in the area. Moonee Valley will be approached from the city with high-rise buildings on both sides. The limitations of high-rise development such as the Office of Housing flats have been well documented and would be compounded by further high-rise development such as that proposed.
- (g) High-rise office space looming over the one open public space in Flemington is not demonstrative of a significant gateway.
- (h) Building what would likely be the largest office tower in Melbourne outside the CBD and Docklands breaches the Moonee Valley Strategic Statement and all relevant policies, which stipulate the importance of ensuring development along Mount Alexander Road does not compete in terms of height or stature with Melbourne's CBD or the Activity Centre of Moonee Ponds.
- (i) Given it is already a diverse and chaotic precinct, blocking in the site with a large tower and high-rise apartments will not simplify and define the space, contrary to Council's *Urban Design Guidelines for Mount Alexander Road (South)*.

No respect for the character and appearance of surrounding areas

- 29. The location, height, bulk and appearance of the proposed buildings will dominate and overwhelm the adjoining area, Delhi Reserve and Mount Alexander Road.
- 30. There is no respect for the character and appearance of Mount Alexander Road, Debney's Park or the low-rise heritage homes of Travancore or Flemington.
- 31. The Travancore estate is listed on the national heritage register, in part because "no large scale modern developments have damaged the homogeneous nature of the suburb". Travancore and most of Flemington are subject to heritage overlay.
- 32. The only connection, if any, the proposal has to the surrounding area is that it will resemble in height and scale the adjacent Office of Housing Estate, although the proposal appears to exceed the scale of the existing flats.

33. As outlined above, the limitations of high-rise development in the middle of low-rise residential areas have been well documented and would be compounded by further high-rise development such as that proposed. State government strategy has in recent years been, when possible, to dismantle the high-rise developments in these areas. This would represent a massive shift of state and local initiatives in the opposite direction.
34. It is in fact difficult to conceive of a Plan that would have less respect for the character and appearance of the surrounding areas given its enormous scale, its absence of engagement with the landscape and history of the area and its failure to rejuvenate the precinct and Mount Alexander Road.
35. The developer's claim that the site is "unusual in that it is isolated from its neighbours" is offensive in its disregard for the impact on the neighbouring communities and is clearly contrary to the guidelines set under the overlay.
36. Council objectives in relation to the immediate surrounding area (*Schedule 4 to the Design and Development Overlay: Mount Alexander Road South Urban Design Area*) are to protect the boulevard from visual intrusion caused by the inappropriate siting, massing and appearance of buildings, to encourage building design and development that enhances the appearance of the boulevard and minimises the impact of development on the amenity of adjoining land uses in terms of appearance, amenity and streetscape presentation. The proposed Development Plan fails to meet any of these objectives.
37. Decision guidelines for the surrounding precinct would ordinarily require consideration of the effect of traffic to be generated by the proposed use and the relationship of the site with surrounding residential areas. The Development Plan does not consider or address either of these issues.
38. Council's preferred maximum building heights for the area is 3 storeys in total or 2 storeys within 5 metres of the rear boundary. While this height can be varied if it can be demonstrated to the satisfaction of Council that an equivalent or better design outcome can be achieved, the levels proposed by the Developer are completely at odds with the preferred heights. The proposed Office Block is seven times the preferred maximum height of buildings in the area and the apartment block more than three times the maximum height.
39. Even when the Minister of Planning assumed responsibility for the site, the height of the Stage 1 development was limited to a couple of levels above the maximum preferred height. The Stage 1 development is already imposing, but would be dwarfed by the proposed Stages 2A and 2B.

No physical and visual linkages

40. There are no appropriate physical and visual linkages to adjoining and nearby reserves, paths and roads. The proposal effectively cuts off adjoining Debney's Park and residents from Flemington and Travancore, creating an apartment and office ghetto on Mount Alexander Road.

41. The only access point for Stage 1 from Mount Alexander Road is a narrow, high, inaccessible and possibly dangerous flight of steps.
42. The proposed access points for Stages 2A and 2B are catered specifically for persons driving to and from the site rather than opening it up to locals, pedestrians and cyclists. The proposal means installing a busy intersection.
43. The height of the plaza for Stage 1, which appears to be the primary public space, means it is almost impossible to access by bicycle. The public area will be surrounded by high-rise, with the Development Plan offering only a wall with art to hide the car park looming over the space.
44. The Development is so shut-off from the surrounding community and so imposing in stature that it might be described as a “compound”. In addition to the lack of physical and visual linkages, this also raises potential safety concerns.
45. Those in the apartments and office block will, unfortunately for those in the adjacent areas, be able to look into the public and private spaces of Flemington and Travancore. Those who are able to access the public parts of the Development, on the other hand, are unlikely to be able to tell, from being in the site, that they are part of the surrounding community.

Insufficient mix of uses

46. The built form does not respond to the site’s development potential to accommodate a mix of uses.
47. The objective of Council’s mixed-use policy (Clause 22.05 of the Planning Scheme) is to ensure non-residential use and development of such land is of an appropriate size and scale to avoid adverse traffic and amenity impacts on residential activity in the nearby area.
48. The policy further states that any new use proposed within a mixed-use zone should not create an adverse traffic impact on the surrounding area. The Development Plan does not touch upon this issue. Nor does it deal with the impact on surrounding amenities, failing to address the loss of public space and the impact on community centres and local shops.
49. The Development Plan offers substantial retail space in addition to the existing large-scale retail outlets in Stage 1 without identifying the likely retail environment. Given the Officeworks and Lombards stores established in Stage 1, local businesses and residents are justified in fearing the substantial development proposed is likely to include other substantial developments such as a large supermarket or discount store. This is completely at odds with the mixed-use policy and other MSS objectives.
50. The Development Plan suggests a gym and childcare centre will be established. There are already two gyms within two kilometres of the site, the nearest appropriately located in the urban village at Racecourse Road shopping centre. There are several existing childcare centres, all suitably located and readily

accessible by locals. It is questionable whether a childcare centre would be appropriate or commercially viable in a site such as the one proposed. If it is at all viable, the childcare centre will be used by workers driving to the site, further exacerbating traffic issues.

51. Fundamentally, the large scale proposed is in stark opposition to the principles of the MSS and state planning objectives in that it centres large retail outlets and intensive apartments in an area that is not an activity centre or hub of any type.
52. Setting up supermarkets and other retail outlets will inevitably detract from the established shopping strip at Racecourse Road and other shops at Newmarket and will possibly destroy the village atmosphere from small centres like the intersection of Kent Street. Diminishing the value of these established local centres will have a substantial long-term detrimental impact on the area and is completely contrary to all MSS and state planning policies.

Other considerations

53. Prior to the granting of a permit, vehicle access from Mount Alexander Road must be to the satisfaction of the Road Authority. The Flemington Association is not aware if Vic Roads has approved the plans for access to and from Mount Alexander Road into the site. Nor is the Association aware of any traffic studies undertaken to consider the impact on this major roadway (or side streets).
54. At present, morning traffic is often banked up Mount Alexander Road to the tram depot and beyond, resulting in the well known "rat racing" throughout the precinct. Policing of the no right-hand turn policies into some local streets is insufficient to address this issue.
55. Inserting additional traffic lights and possibly an extra tram stop into the space between Mooltan Street and Citylink, combined with the influx of hundreds of additional vehicles per day accessing and leaving the site, will inevitably have an enormous impact on traffic on Mount Alexander Road. Without any evidence to the contrary, it is likely to result in traffic chaos.
56. There appears to be no indication, at this stage, for example, as to how traffic is intended to turn right into the car park for Stage 1 of the Development, including the large Officeworks and Lombards and 144 apartments. No traffic lights are proposed for this entry nor does it appear capable of being a clearway. How is traffic expected to enter the site at peak hours?
57. The Association hopes Council ensures the Road Authority is fully apprised of the extent of the proposal and properly investigates its likely substantial impact on Mount Alexander Road, including evaluating road, pedestrian and cyclist safety concerns.
58. Although not specified as a requirement for the Overlay, the Association urges Councillors to also consider the impact of the proposal on local streets.

D: MOUNT ALEXANDER ROAD SOUTH URBAN DESIGN POLICY

59. Council has developed a specific policy applying to all land included in the Design and Development Overlay 4, generally described as land with a frontage to Mount Alexander Road, south of the Moonee Ponds Junction and land abutting Flemington Road, within the City of Moonee Valley.
60. The north side of Mount Alexander Road between Mooltan Street and Flemington Road is the only part of Mount Alexander Road not specifically covered by the Design and Development Overlay. Regardless, in the absence of any direct exclusion, the objectives of the Design and Development Overlay are clearly relevant to the consideration of the Development Plan Overlay.
61. The policy implements part of the recommendations of the *Mount Alexander Road South Urban Design Guidelines, March 2004* after an extensive assessment of the road and its many environments, including the relevant Gateway Precinct. The Guidelines were prepared prior to the state government intervention into planning for the site and therefore included assessment of the area now covered by the Overlay.
62. According to the Policy, the types and scale of development along this part of Mount Alexander Road require careful consideration for several reasons, including the following:
 - (a) As an entrance or gateway route to the municipality, development along the route reflects upon the image of the City as a whole.
 - (b) The road provides a link between two highly significant boulevards, Flemington Road and Mount Alexander Road North. It is important that development along this part of Mount Alexander Road does not detract from the grandeur and importance of these boulevards.
 - (c) The development along Mount Alexander Road South should reinforce the importance of Moonee Ponds Activity Centre as the major regional centre in this area. Building development along the roadway should not visually dominate this centre nor should it provide the opportunity for development that would be more appropriately located within this centre, that is well served by public transport and parking facilities.
 - (d) Development along this road should respect the amenity of adjacent residential uses that abut the sites to the rear.
63. These considerations are not addressed in the Development Plan. The proposal breaches the following general policy objectives for the area:
 - (a) To create a cohesive, distinctive and attractive profile for the roadway that does not compete with the scale and massing of the Activity Centre, when seen from long distance viewing points, including the Dawson Street bridge and other points in West Brunswick, parts of Royal Park and West Parkville. The proposed buildings would dominate the skyline from these vantage points.

- (b) To encourage built form to have regard to areas with a retail and pedestrian focus. The design of the proposed buildings shuts off Mount Alexander Road and locals. If there are any small cafes or shops, these will not be visible to passers-by.
 - (c) To maintain and encourage a cohesive built-form by expressing the predominant scale of the existing 1 to 2 storey built-form in the design of new buildings. The proposed buildings exceed the height of most surrounding buildings by more than ten-fold.
 - (d) To ensure that development near residential areas is compatible with the existing scale of adjoining buildings and the area. The proposal is completely out of kilter with the nearby residential areas. The development will dominate the skyline for residents in Flemington (in addition to the high-rise flats) and Travancore.
 - (e) To encourage a mews type development to laneway frontages with residential entries and car access along laneways. The development has massive car parks with gaping entrances abutting Mount Alexander Road.
 - (f) To ensure that overlooking of existing residential uses is minimised. The office block will look directly out onto Flemington and the outside living areas of local residents, including those from the Office of Housing Estate.
 - (g) To ensure new buildings or works complement the form and setting of any adjacent heritage buildings. The proposal is a complete contrast to the heritage buildings in the surrounding streets.
64. The guidelines emphasise the objective of creating a safe, convenient and attractive pedestrian environment along the roadway and to encourage safe, well-lit, convenient and attractive daytime and evening pedestrian links between car parks and residential areas located to its east and west. The Development Plan achieves none of these aims.
65. The guidelines aim to encourage improved pedestrian links between public transport nodes and all retail areas, whereas the Development Plan is directed towards a car-oriented environment.
66. In terms of ground floor treatments, the guidelines aim to ensure buildings provide visual interest, safety and promote an active street frontage, including providing direct access to buildings from the adjacent ground level footpaths. Most, if not all, of the active space in the proposed development (which appears to be primarily retail) will not front the street. The street will have two large car park entries.

E: MUNICIPAL STRATEGIC STATEMENT FOR MOONEE VALLEY

67. It is not proposed to set out all the relevant portions of the Moonee Valley City Council's Municipal Strategic Statement (MSS) other than to highlight some of the more relevant clauses.

Vision for Moonee Valley (Clause 21.03)

68. The proposal is contrary to the vision for Moonee Valley in the following respects:
- (a) Major redevelopment is only contemplated at Moonee Ponds, the City's industrial areas and some expansion of Westfield's Airport West Shopping Town. No major redevelopment in Flemington and Travancore is contemplated as part of the vision for Moonee Valley.
 - (b) Travancore and Flemington are not existing commercial centres. The site is not well placed to provide a centre for Moonee Valley to service and support other businesses locally and regionally.
 - (c) The proposal does not improve the City's recreation and open spaces, with some parkland sold and the remainder closed off, thereby diminishing the value of the one open space in Flemington
 - (d) The proposal detracts from the objective of strengthening the City's sense of community by developing integrated, multi-purpose community centres that are a focus for local community life, community networks and services.
 - (e) The vision is to introduce improvements to overcome existing traffic problems. Traffic issues in Flemington and Travancore have been an ongoing battle, compounded by the Citylink development. Council has in the past at least attempted to engage with locals to address these issues. However, the proposal would seriously exacerbate the existing traffic problems.
 - (f) This proposal dramatically changes the skyline of this part of the City of Moonee Valley, with no real chance of change, failing to retain and enhance the general character, appearance and quality of the City.

Breach of other specific policies

69. The proposal is also contrary to other MSS policies, with the following examples provided:
- (a) Council aims to develop urban villages in and around existing commercial and transport modes. Although there is a tram and train nearby, this is not such a mode. See Clause 21.06 (Residential Land Use).
 - (b) Council must ensure that new development enhances the character of each neighbourhood. Creating a high-rise ghetto in Travancore is not respectful of existing streetscapes and buildings of heritage significance. See Clause 21.06 (Residential Land Use).

- (c) The proposal creates pressure on our natural environment, increasing vehicle dependency and pollution.
- (d) Non-residential uses must be compatible with residential activity in that it provides appropriate buffers between non-residential and residential development. There is no buffer. See Clause 21.06 (Residential Land Use).
- (e) Conserving the heritage of the City and our links with the past enriches the quality of our lives and our culture. This proposal is not sympathetic to and integrated with surrounding buildings. See Clause 21.07 (Heritage Conservation). The Flemington Housing Estate is almost universally accepted as an inappropriate use of space in this area. Further development should therefore be more in keeping with the heritage of the area rather than high-rise housing commission estates.
- (f) The Corporate Strategy of the Moonee Valley City Council is to not support the development of new retail space outside the major centres of Moonee Ponds, Airport West and Niddrie. The proposal does not assist in reinforcing the importance of Moonee Ponds Activity Centre. See Clauses 21.08 (Moonee Ponds Activity Centre), 22.01-1 (Moonee Ponds Activity Centre Policy) and 21.11 (Community Level Shopping Centres).
- (g) The proposal does not improve the amenity and facilities of the Flemington Office of Housing Estate (Clause 21.02-3). In fact the proposal makes it more likely that high-rise development will continue in the area.
- (h) Council's objective is to consolidate the role of community level centres, including Newmarket and Racecourse Road. This proposal sets up competition on the bottom end of Mount Alexander Road, where there is (hopefully) no scope for future development. The proposal is likely to diminish the value of existing community level centres. See Clause 21.11 (Community Level Shopping Centres).
- (i) The Corporate Strategy is to develop strategies to discourage through-traffic from using local streets. Local streets will be inundated with traffic as a result of this large-scale proposal. See Clause 21.17 (Traffic and Transport).
- (j) There is a need to preserve, manage and maintain our open space areas for safety, aesthetic and conservation reasons and for future generations. Debney's Park is the most significant public spaces in the area, a legacy provided to the people of Flemington. Its value will be seriously diminished if large-scale high-rise development is permitted around it. See Clause 21.19 (Recreation, Leisure and Open Space).
- (j) The proposal is contrary to the MSS approach to Mount Alexander Road. See Clauses 21.21 (Mount Alexander Road) and 22.08 (Mount Alexander Road Urban Design Policy).

F: FEDERAL, STATE AND REGIONAL POLICY

70. The proposal fails to meet the themes identified by Council as being the most relevant in influencing the future direction of the City of Moonee Valley. For example:
- (a) The proposal does not conserve the built-form, streetscapes and heritage of Travancore and Flemington.
 - (b) The proposal is likely to weaken existing urban villages, which enhance community life and energy efficiency.
 - (c) The proposal does not support local retail centres to build on their strengths of accessibility, customer service and links with the community.
 - (d) A large-scale commercial development such as the one proposed has not been restricted to an appropriate zone and location.
 - (e) An office tower and apartments do not promote tourism throughout the City.
 - (f) The proposal does not develop and enhance open spaces and waterways. In fact the proposal further closes off the one open space in Flemington and reduces access to the Moonee Ponds Creek.
71. The proposal is contrary to the objectives and strategies for Metropolitan Melbourne (Clause 12) in that new development should be concentrated at activity centres near current infrastructure and in areas best able to cope with change. Out-of-centre development is to be discouraged. These objectives also emphasise the importance of improving the quality and distribution of open space and ensuring long-term protection of public space.
72. The only theme that is arguably met in part by the proposal is promoting economic investment. It is, however, yet to be established that the site is one that will be economically viable as an office tower. Even if it is viable, it is questionable, given its siting close to the border of the City of Melbourne (where it is closer to the CBD than Moonee Ponds), whether economic benefits are likely to flow outside rather than into the City of Moonee Valley.

G. CONCERNS OVER THE PROCESS APPLICABLE TO THE DEVELOPMENT

73. The Flemington Association has serious concerns over the planning process that has been applied by the Victorian government and the Moonee Valley City Council to the development of the site.

“Unusual and unwarranted” government intervention in Stage 1

74. Prior to the Stage 1 development, the site contained the low-rise Lombard’s factory, with a retail outlet and small section of ground-level off-street parking, a shooting range, climb centre and special school for children with intellectual disabilities. The flamboyant signage along Mount Alexander Road was a local landmark. The old warehouse buildings were in need of repair and improvement, but otherwise did not detract from the amenity of the surrounding area.
75. In August 2004, almost a year after the developers lodged the application to do so, the site was rezoned Business 2.
76. Immediately after a fire at Lombards in November 2004, the State premier promised to expedite planning processes over the site. Six weeks after the fire the Minister for Planning took over planning controls in circumstances described by the Moonee Valley City Council as “unusual and unwarranted”. At the time the State government justified the move on the site’s visibility from Citylink and the need to complete the project prior to the Commonwealth Games.
77. Then State Opposition planning spokesman and now Opposition Leader Ted Baillieu called for an independent investigation into the process, claiming the Government’s intervention amounted to a dodgy deal done for mates. According to media reports, Mr Bailleu said the following:

The Premier has been intimately involved but has not been able to explain why it [the government taking control over the site] has been done. It has nothing substantive to do with Commonwealth Games, nothing substantive to do with Lombard’s, this has fast-tracked a block of flats for a mate...

It is one of the firsts for the Premier to turn up next morning at a burnt-out building and declare he is going to expedite a planning permit for the replacement... He couldn’t possibly have done this on a whim, he must have had information provided to him. What was the information, when did he get it and is it consistent with what we see on the site at the moment?

78. Needless to say, despite the reasons provided by the government for rushing approval of the plans, building on the site did not commence until well after the Commonwealth Games ended.

No need for a Development Plan Overlay

79. Prior to the introduction of the Development Plan Overlay by the Minister of Planning, the site was not one that warranted a special planning zone. In fact, the

site had just been reviewed and rezoned Business 2 a few months before the Minister intervened.

80. In March 2004 Council released the *Mount Alexander Road (South) Urban Design Guidelines*, in part acknowledging the significance of the entire roadway (after earlier guidelines had been produced regarding the northern boulevard). The “Gateway Precinct” was identified as one of the areas.
81. The guidelines proposed investigating opportunities for a specific urban design competition for this area that would be a collaborative effort between Moonee Valley, the City of Melbourne, Vic Roads and the City Link authority that calls for a complete traffic study based on simplifying the traffic flow in this area and allowing for a clear definition of the gate-way to and from Moonee Ponds and the City of Melbourne. The competition brief would include the creation of a safe and inviting public transport/pedestrian node within Flemington Road (and not Mount Alexander Road).
82. Importantly, “the Gateway” was identified as being the area stretching from Mooltan Street to the intersection of Racecourse Road and Flemington Road, with no reference to what is now called the Lombard’s site.
83. The approach towards the railway bridge from Flemington Road was regarded a much more significant focus than the old factory warehouses across from Debney’s Park. The bridge and Flemington Road are also closer to the location where the Cities of Moonee Valley and Melbourne meet. To describe the Lombard’s site as “a significant gateway” is therefore not accurate in any sense of the word.
84. There is a gateway in the precinct already, which is called “the Gateway” and was built at considerable state expense and is recognised locally and internationally. The Gateway looms over Flemington and Travancore already. There is no benefit to the local community, the Moonee Valley City Council or the State of Victoria to encourage efforts to build bigger and more spectacular buildings on this location.
85. In the circumstances, the adoption of the description of this area as a gateway appears to be an opportunistic effort to justify otherwise inappropriate commercial development in a site bordered by public land and surrounded by low-rise residential areas.

The terms of the Development Plan Overlay

86. In addition to relating to a site that would ordinarily not be subject to an overlay, the Development Plan Overlay applicable to the Lombard’s site is unorthodox in that it virtually prescribes no controls other than the decision guidelines. As outlined above, in the absence of more specific guidelines (such as height restrictions), related overlays and planning laws must surely apply. Otherwise, the developers would be allowed to build whatever they want.

Retaining Council control over stages 2A and 2B of the development

87. At the time of the release of the Development Plan for Stages 2A and 2B, then Mayor, Councillor Ben Opie, expressed his hope that the State government not adopt the “heavy-handed, authoritarian approach of calling it in as it did with Stage 1 of the development in 2005.” Debney Ward Councillor Rose Iser also strongly urged Planning Minister Justin Madden to “back his local community and leave this site in the hands of Council, which he can be assured will appropriately consult residents before making a decision.”
88. While the Flemington Association agrees the site is one that should properly be assessed by Council, it urges Councillors not to compromise their duty to apply the Development Plan Overlay, the MSS and local and state planning laws in an effort to avoid the State government taking control of the site. Reaching a “compromise” decision that satisfies the developers but nevertheless breaches the overlay and other relevant policies would be highly unsatisfactory.

Lack of consultation

89. In September 2007, at the time of the release of the Plan, then Mayor, Councillor Ben Opie said “any development of this size would require serious consultation by Council and extensive consultation with the local community.” Councillor Opie noted the need to be satisfied the development did not threaten local shopping strips. Councillor Rose Iser also highlighted the need to avoid overshadowing of the local parks and backyards.
90. On 26 October 2007 Council wrote to some residents affected by the proposal advising that a development plan had been received for Stages 2A and 2B. However, the letter did not provide any details of the increased scope of the plans (from Stage 1) and highlighted that the provisions relating to the scheme did not enable objections to be made “or considered” or third party rights of appeal.
91. A public information session was held on 12 November 2007 but some who attended again left with the impression nothing could be done to stop or change the proposal.
92. Details of the Plan were only inserted on the MVCC website on 14 November 2007 after concerns were raised by those locals who attended the information session that the local communities were unaware of the plans or their scale.
93. Those who attended were rightly concerned that other residents and affected parties had not attended the information session or visited Council to view the plans for the following reasons:
 - (a) Locals were unaware the Development Plan contained such a massive and imposing proposal.
 - (b) Locals assumed Stages 2A and 2A would, because approval had returned to Council, be of a smaller scale than Stage 1.

- (c) Locals were advised there was nothing that could be done about the proposal, and, in part because of the history of the planning process, left with the impression that this was a “done deal”.
94. Council later published some details of the proposal in the local community newspaper, the *Flem Ken News*, which alerted a broader section of the community and Council finally sought general community input in relation to the proposal. This coincided with the Flemington Association’s campaign to advise locals of details of the project.
95. Unfortunately Council’s web page on the proposal was removed in mid-January 2008, shortly after the release of information to locals by the Flemington Association. This oddly took place in advance of the Council meeting on 12 February 2008, when the plan is to be considered, meaning the only means of accessing any details of the proposal is via the developer’s website, where meaningful information is scarce.
96. A copy of the Development Plan was unfortunately only available for inspection at Council’s offices, where no photocopying of any part of the plan was permitted.
97. There is concern that residents and others have been given the impression there is nothing that can be done about the proposal. Although the site is subject to the Development Plan Overlay and there are no third party rights to object or appeal any decisions, Council still must act in accordance with the Development Plan Overlay and other council objectives.
98. If Council is serious about community consultation, it is incumbent to ensure locals are made aware of projects of this scale. Given Council spends considerable funds on distributing flyers and bulletins, it would have been useful if Flemington and Travancore residents were sent correspondence advising of at least some details of the proposal. Failing to do so undermines the community’s faith in Council’s assurance that consultation is important.

Acting before considering the plans

99. On 19 June 2007, long before the Development Plan was lodged and presumably before Councillors were aware of the extent of the proposal, Council authorised the Chief Executive Officer of Moonee Valley City Council to sign any documents required in connection with the sale of part of Debney’s Park to facilitate the widening of Mount Alexander Road for this development.
100. Notice of the proposed sale was apparently given in one of the local newspapers, although again no information was directly provided to residents about the possible sale of important public land, which had been gifted to the local people, for the direct benefit of a property developer.
101. Most troubling of all, however, is that it is unclear how Councillors knew, at that time, that the proposal from Bensons would be so large it would require the sale of public land or why Councillors agreed to sell part of the park without even considering, let alone approving, any Development Plan.

102. In his media release last year, then Mayor, Councillor Ben Opie noted concerns about the Plans being released to *The Age* newspaper prior to being submitted to Council and his belief that the State government had held the Plans for some time. Councillor Opie said, "If I were the cynical type, I would suspect that this may be the developer's gratuitous attempt to gain positive support and media coverage for a development they know will be controversial."
103. Locals were bemused when last year the Officeworks store announced its relocation from the activity centre of Moonee Ponds to Travancore and Flemington. Such a move only seems sensible if Officeworks was confident that Council might approve plans next door for a massive office development. Again this decision was made at a time when plans had not been submitted for approval.

No known assessment of the impact of the proposal

104. The Flemington Association eagerly awaits the report from the Planning section, hoping a proper assessment of the impact of the proposal has been undertaken. Given the scale of the proposal and its potential impact, the assessment should be comprehensive. The Development Plan does not address any of these issues.
105. Given the size and likely impact of the site, further time will be required for input from those affected if, as submitted by the Flemington Association, the current Development Plan is rejected. Any future plans should be released as soon as they are prepared so they can be properly assessed and considered.

Avoiding a poor compromise decision

106. The Flemington Association is concerned, in light of the above, that Councillors might feel unduly pressured from the developers, the State government and other commercial interests. It was indicated prior to Christmas that Council might rush through the decision as urgent business, in part to avoid legal action over perceived "delay" in making a decision.
107. There are further concerns that the scale of this proposal is so enormous and its contravention of the Development Plan Overlay, MSS and local and state policies so stark that Councillors might be tempted, in light of other pressures, to approve a scaled-down project, such as reducing slightly the height of the proposed buildings, or trying to soften the impact by seeking funding for improving parkland.
108. It must be borne in mind that the parameters of the proposed Stages 2A and 2B of the development far exceed those allowed by the State government for Stage 1 even after the Minister's intervention. It must also be noted that the developers have presumably been working on their proposal for years, only to release plans shortly before they are due to be considered.
109. The Association requests Councillors resist any pressure and act according to your duties to the Moonee Valley City Council and apply the relevant policies. Given that there are no third party rights of appeal, the responsibility lies with you.

H. TRAFFIC MANAGEMENT CONCERNS

110. This submission will not address in detail the traffic issues relating to Mount Alexander Road, Flemington and Travancore. These are well known to Council and have been raised as issues by residents for many years. The problems were significantly compounded by the Citylink construction, with a lack of access between Mount Alexander Road and Racecourse Road other than via residential streets. Excess traffic infiltrates almost all areas of this precinct.
111. Last year Councillors were provided with two submissions from the Flemington Hill Residents' Traffic Action Group addressing many of the traffic concerns arising from this proposal. Traffic issues are also addressed elsewhere in this submission in the context of being a relevant factor Council must consider, which has not been addressed in the Development Plan.
112. In addition to raising it as one factor impacting on Council's consideration of the Plans, the Flemington Association submits Council must address the traffic management issues in Flemington Hill and Travancore regardless of the scale of the Development Plan ultimately approved by council.
113. Stage 1 of the Plan already includes a large Officeworks store, a significant number of apartments and a Lombard's outlet, with impinged right-turn access into the building from Mount Alexander Road during peak hour given the absence of traffic lights and the heavy flow of traffic.
114. No comprehensive traffic action plan has been prepared arising from Stage 1 of the Plan.
115. Flemington Association urges Council to devise a Plan prior to further issues arising, so the amenity of Flemington and Travancore residents is protected. This might involve more radical solutions than those proposed in the past by Council, including narrowing and closing-off some of the residential streets and redesigning the intersection of Flemington Road and Boundary Road to allow right-hand turns during peak hour.

I. THE SALE OF PART OF DEBNEY'S PARK

116. Flemington is the most densely populated part of Moonee Valley and one of the most densely populated suburbs of Melbourne. Our community includes four 20-storey high-rise Office of Housing flats, which house thousands of the more disadvantaged members of the Melbourne community in a very small area. Our residents do not have the luxury of large backyards such as those found in the north of the City of Moonee Valley. In fact many residents, including the hundreds of families who live in the Flemington Housing Estate, have no garden space at all.
117. Debney's Park is the one large, open space in Flemington accessible to those who live in the Housing Estate and Flemington.
118. Debney's Park was gifted to the people of Flemington when the Housing Estate was established. It is the one place in this part of Flemington where the residents can mix and relax in a green space with partially open views of the skyline.
119. Debney's Park's amenity was first undermined by the Citylink project, with the imposing traffic and "sound tunnel" looming over one corner of the park. Now it is proposed to construct an office tower and apartment block over the one pocket of unblocked space facing away from Flemington Hill and the Housing Estate.
120. When considering the amenity of the area, Councillors must regard the importance of open space and the impact of the development on public land. Clause 21.19 of the MSS emphasises the need to preserve, manage and maintain open space areas for safety, aesthetic and conservation reasons and for future generations.
121. Open space should not be taken for granted, particularly in an area where it is so scarce. Nor should it be diminished or – even worse - sold off to expedite commercial ventures, in relation to which only a small number of wealthy individuals will benefit at the expense of thousands who currently enjoy the space.
122. The Flemington Association is deeply troubled that the sale of part of Debney's Park was approved by Council to assist developers to gain approval for a massive project prior to any Development Plan being submitted for approval.
123. Some Flemington residents and small business owners are already concerned that, with the return of Kensington to the City of Melbourne, we will be the only high-density inner-city suburb in the City of Moonee Valley. How can locals be comforted that the City will respect the needs of inner-city residents and businesses in future when councillors appear prepared to sell off our public land for the sake of inappropriate development?

J. SETTING A BAD PRECEDENT

124. As outlined above, it is unclear why a Development Plan Overlay applies to this site and not other areas adjacent to Citylink and near the border of Moonee Valley and Melbourne. No explanation has ever been provided for why the Lombard's factory, only after being burnt down, is regarded as the only special site in this area.
125. The same argument could equally apply to a large number of locations, including the petrol station on the corner of Racecourse Road and Flemington Road, the car wash centre on the corner of Boundary Road and Racecourse Road, the factories abutting Citylink on Racecourse Road and the funeral home on the corner of Flemington Road and Boundary Road. Sections of Parkville might also be of special significance given their proximity to the major road intersections.
126. If developers can make so much money out of the Lombard's site, which was – prior to the fire – not recognised as an important site, other areas might also be sought to become available as part of the “significant gateway precinct”.
127. Arguments against amending planning laws or introducing such inappropriate proposals will, of course, be more difficult if Council permits the proposed high-rise commercial development and allows the creation of a de-facto activity centre where none existed before.
128. Council has in recent months already received applications for a number of developments along Mount Alexander Road that breach the height restrictions applicable to the Design and Development Overlay. Some residents are concerned other sites in the area, including the car wash centre on the corner of Mooltan Street, Pace Biscuits, Billy Hyde's music store and the Vincent Liem Centre on Mount Alexander Road might follow suit and aim to go up.
129. Council has, fortunately, thus far applied relevant policies and generally rejected inappropriate development along Mount Alexander Road, particularly proposals exceeding the height limit. However, once planning laws are breached for one developer, it becomes less and less viable to apply them in relation to others. The Flemington Association fears a barrage of future applications if this application is granted.
130. Housing prices have just markedly increased in Flemington. This is in part because there have recently been a spate of sales, possibly in anticipation of the undesired development in the area, which is unlikely to be appreciated by those interested in moving in to a low-rise residential area.
131. Preserving the area's distinct identity is in everyone's interests other than the short-term financial gain likely to be obtained by the developers. It is not in the interests of residents, local businesses or the Council for Flemington and Travancore to gain a reputation as the big developer's dream in Moonee Valley or the “new Docklands”.

K. OTHER ISSUES

132. This submission is not exhaustive of the issues arising from the Development Plan and the proposed development.
133. For example, it is important to ask whether an office block in this site is feasible as a commercial enterprise. When unveiling their plans, the managing director for the developers indicated they are “pitching the tower at businesses operating in the north, someone who wants exposure”, emphasising “[t]he north has hardly any office stock. It’s next to zero.”
134. The site is less than 5km from the centre of Melbourne, where there is office space, and 5km from the Docklands, where there is also ever expanding office space.
135. In terms of addressing the lack of office space in the north, Flemington and Travancore is not the epicentre of northern business interests. It is Moonee Ponds. This is the only Activity Centre in the area. It is recognised as the only Activity Centre by the state government and the Moonee Valley City Council. It is where most existing businesses are based and where business development has recently been encouraged to cement its position as the centre of Moonee Valley.

L. WHAT NEEDS TO BE DONE

136. The Development Plan submitted by Council is entirely inappropriate for the site and breaches the Development Overlay and other local and state planning policies. Council must, in the circumstances, refuse to approve the Plan.
137. The Flemington Association's primary submission is for a Development Plan that meets the legal and policy requirements for the site.
138. Ideally the area would not be subject to a specific Development Plan Overlay, but, given this is unlikely to be the case in the near future, Councillors must consider the Development Plan Overlay in conjunction with the relevant policies and recognise that it does not allow development on the scale proposed, effectively providing carte blanche to the developer.
139. If the site needs to be a "gateway" development, this should be in accordance with the guidelines developed by Council and should strive to achieve the following:
 - (a) Incorporate elements representing the diversity of Moonee Valley without simply being a token to large-scale development.
 - (b) Improve the use of the open space of Debney's Park, particularly in the context of the other high-rise developments.
 - (c) Limit the scale and traffic implications so that no public land needs to be sold.
 - (d) Assist to effectively link two important boulevards in Melbourne and simplify and define a space that is currently chaotic.
 - (e) Respect, incorporate and expand upon the existing Gateway, which is already a local and international icon.
 - (f) Respect and enhance the surrounding neighbourhoods and Mount Alexander Road by applying the appropriate height restrictions applicable to surrounding areas.
140. Any Plans should be subject to a full and proper assessment, including consultation with the communities affected.
141. Members of the Flemington Association will meet with Council or Councillors to discuss these ideas or any of the matters raised in this submission.

APPENDIX A

FLEMINGTON ASSOCIATION

The Flemington Association is a residents' action and support group based in the suburb of Flemington in Melbourne's inner north-west. The Association has historically included the adjacent estate of Travancore.

The Association's purposes are:

1. To initiate and, where necessary, implement action which will assist the retention, integration, development and advancement of the social, cultural and community infrastructure, business activity and residents' interests of Flemington and Travancore.
2. To initiate and, where necessary, implement action which will assist in the protection and enhancement of the built and natural environment of Flemington and Travancore.
3. To encourage such activities as are likely to help the people of Flemington and Travancore to become constructively involved in matters affecting their life and work.
4. To provide effective means of approaching Municipal, State and Federal governments and other public authorities and instrumentalities.
5. To uphold the democratic process and the accountability of government and public authorities and instrumentalities.
6. To cooperate with others, both within and outside Flemington, who have similar interests and objectives.

Further information about the Association can be found at www.vicnet.net.au/~flem3031.

Email correspondence can be sent to flem3031@hotmail.com.

Written correspondence can be sent to PO Box 16 Flemington Victoria 3031.