



# UNCHAIN INC

## **Submission on Amendment C104**

### **1-7 Waterfront Place**

**April 2014**

The potential development at Waterfront Place has been controversial since 2009. The original proposal in 2009 was for a 28-storey tower in Port Melbourne opposite Station Pier consisting of a hotel and a retail precinct. In November 2012 the developer sought consent to approve a development of three buildings of 5, 10 and 19 storeys.

Waterfront Place is subject to restrictive covenants. Mirvac built Beacon Cove in stages between 1996 and 2005 as a mix of high, medium and low density areas. Restrictive covenants were applied to the Waterfront Place site by Mirvac to do two things:

- To provide for an area of low scale buildings
- To provide community facilities (child minding and a sports centre).

The covenants go into perpetuity but may be removed by consent or by court decision.

From 2010 the Council has been preparing new planning rules in the expectation that the restrictive covenants may be removed. It prepared an Urban Design Framework for the Port Melbourne foreshore and Design Guidelines for Waterfront Place. It also prepared Amendment C104 to the Planning Scheme to implement these guidelines.

One important aspect of the proposed guidelines is a limit on the height of Waterfront Place. The limits are 3, 7 and 10 storeys. They do not allow discretion to exceed these limits. These guidelines will also guide the final design and layout Waterfront Place. The amendment itself does not propose any change to the private restrictive covenants on Waterfront Place.

unChain made a submission on the draft Port Melbourne Waterfront UDF in March 2012 and on the request for consent to approve a development at Waterfront Place in January 2013 and on the Amendment to the Planning Scheme in August 2013.

unChain submitted that there were sound planning reasons for maintaining the current 3-storey limit at Waterfront Place. The question was whether it was premature to allow a 10-storey building and whether there was a demonstrable net public benefit in this. Council however continued and submitted its proposed Amendment to an Independent Panel for Review.

In March 2014 the Panel recommended that the Council's proposed Amendment be adopted subject to removing the mandatory 10 storey building height and replacing it with performance-based controls guided by overshadowing. We understand that this could permit a new tower of over 20 stories. We do not believe that this is acceptable.

The Council will hear from submitters in April, then in May it will consider the Panel's recommendations. unChain submits that Council should not accept the Panel's recommendation: that it should adopt Amendment C104 without changes, including the 10 storey maximum height.