

Waterfront Place development Fact sheet – 22 April 2013



Proposed development at 1-7 Waterfront Place



On 27 November 2012 Council received a request from Waterfront Place Pty Ltd seeking consent to approve a development of three, predominantly residential buildings of 5, 10 and 19 storeys at 1-7 Waterfront Place in Port Melbourne.

The owners also lodged a separate planning application to remove or vary the covenants.

Update following the Statutory Planning Committee Meeting of 16 April 2013.

Request for consent

Council was given notice on 16 April 2013 that VCAT had received an Application for Review under Section 149 of the *Planning and Environment Act 1987*. This appeal relates to the request for consent. Council is deemed to have refused the consent request as it was not determined within 30 statutory days.

Pursuant to Section 149 of the Act an application for review can be made to the Tribunal where there is a dispute between a party and Council in relation to a matter that falls outside the permit application process.

Council convened at a Statutory Planning Committee Meeting on 16 April to hear submissions and make a considered decision in relation to the consent request that was in the best interest of the community and future planning for the site.

Council determined that the concept plan is not satisfactory for the following reasons:

- The height, massing and design of the proposed buildings would not appropriately respond to or respect the local context and neighbourhood character, including the heritage listed railway station to the west.
- The pedestrian access through the site is considered to be a poor design response due to its level of enclosure and its failure to provide direct access from Beach Street to Waterfront Place.
- Insufficient and inadequate evidence has been provided to demonstrate that the traffic generated by proposed development would not have a detrimental impact on the local traffic network.

Under the *Planning & Environment Act 1987* (the Act), a request for consent is exempt from standard planning procedures, and as a result there are no appeal rights for residents. Therefore submitters cannot be formal parties to the appeal, although they may attend the hearing.

Council will engage appropriate legal representation for the hearing, including traffic and urban design expert witnesses.

Application to remove or vary the covenants

Council was given notice on 16 April that VCAT has received an Application for Review under S79 of the *Planning and Environment Act 1987* in relation to the covenant application (No. 1078/2012). This is an appeal against failure to decide the application within 60 statutory days. No date has been set for the hearing.

At the Statutory Planning Committee Meeting on 16 April Council resolved to advise VCAT that, had it made a decision within the statutory timeframe, it would have issued a Notice of Refusal on the following grounds:

1. The application does not satisfy the tests for the variation of a restriction as set out at Section 60(2) of the *Planning and Environment Act 1987*, as Council cannot be satisfied that an owner of land benefited by the restriction will not suffer any financial loss, loss of amenity or loss arising from a change to the character of the neighbourhood or any other material detriment as a consequence of the removal or variation of the restrictions as proposed.
2. The application for the removal or variation of the covenants in the manner proposed is premature until appropriate planning provisions for the future of this site are determined by the City of Port Phillip and approved by the Minister.

Council will engage appropriate legal representation for the hearing.

More information

Council's website will be updated with current information, including VCAT hearing dates:
www.portphillip.vic.gov.au/waterfront-place-development.htm

Alternatively, please contact our Planning Department on 03 9209 6424 or by email planhelp@portphillip.vic.gov.au