

IN THE MATTER OF
AMENDMENT GC81 TO THE
MELBOURNE AND PORT PHILLIP
PLANNING SCHEMES

SUBMISSION
ON CALL IN AND CONSIDERATION OF PERMIT APPLICATIONS

The call in and future assessment process

1. On 21 February 2018, the Minister exercised his powers under s 97B of the *Planning and Environment Act 1987* and clause 58 of Schedule 1 to the *Victorian Civil and Administrative Tribunal 1998* to call in all outstanding permit applications and review proceedings relating to development in Fishermans Bend for which the Minister is the responsible authority.¹
2. In his letters announcing the call in, the Minister explained that the applications raised major issues of policy and that:

The determination of the proposals may have a substantial effect on the development and achievement of planning objectives in Fishermans Bend for the following reasons:

- *The proposals involve significant development within the context of the area which is declared as an urban renewal project of State significance under Section 201 F of the Planning and Environment Act 1987.*
- *The proposals may have a substantial effect on the development and achievement of the planning objectives in Fishermans Bend as it may result in development occurring which is inconsistent with the proposed Fishermans Bend Strategic Framework Plan with regard to development density, timing of development, timing and method of delivery of infrastructure and overall population levels to be achieved.*

¹ One application, relating to 112 Salmon Street, was called in in December 2017.

3. The letter continued:

The applications will be determined after the recommendations of the Fishermans Bend Planning Review Panel are known and the planning controls that will guide future development in Fishermans Bend is resolved.

4. It is anticipated that the permit applications will be considered by a future advisory committee which would then make recommendations to the Minister having regard to the statutory scheme which then applies.
5. A complete list of the applications called in by the Minister is attached to these submissions.

Consequences for the Review Panel's assessment process

6. The intention of calling in the various applications is that all current permit applications and Tribunal proceedings relating to Fishermans Bend for which the Minister is the responsible authority will now be determined in light of the controls ultimately adopted by the Minister, as informed by the recommendations of the Review Panel following the conclusion of this hearing.
7. This approach ensures that any further development in Fishermans Bend will be consistent with the draft Framework and the controls contained in the Amendment in whatever form they ultimately take and, in doing so, it avoids the risk of large-scale development approvals in Fishermans Bend effectively driving strategic planning by creating 'facts on the ground' which are incompatible with the draft Framework and the controls proposed in the Amendment.
8. In this context, it is respectfully submitted that there is no need for, or utility in, the Review Panel receiving detailed submissions on the merits of any of the existing permit applications which have been called in.

Transitional Provisions

9. The Minister does not propose to include transitional provisions in the Amendment as he considers that such provisions would undermine the strategic intent of the Amendment.

10. Since 2013, the vision for Fishermans Bend has been to deliver a community of 80,000 residents by 2050² and, in doing so, to foster a series of diverse, distinctive, and liveable neighbourhoods.³
11. The draft Framework and the Urban Design Strategy maintain this population target, but have undertaken further work to distribute the overall population across the four CCZ Precincts in a way that reflects their role and character within the Framework as well as their physical capacity. The anticipated population for each precinct is set out in the Framework.⁴
12. Current controls applicable to Fishermans Bend do not support the outcomes sought by the Framework. For example, the Urban Design Strategy notes that, if built out to capacity, Lorimer would have a population of 29,000.⁵ This is an increase of 17,000 over the 12,000 contemplated by the Framework. Such a large increase in additional population would necessarily require significant additional infrastructure.
13. As such, the introduction of transitional provisions which maintained existing controls would only increase the risk of failing to achieve the vision for the CCZ Precincts. Such provisions would keep alive permit applications which, if approved, would deliver a series of large residential towers, absorbing a large percentage of the available development floor space in Fishermans Bend (in particular, in Montague and Lorimer) without delivering the level of infrastructure that would be expected of equivalent developments (if possible) under the proposed Amendment.
14. Further, any such approvals would establish a built form context which was inconsistent with the vision as well as having the effect of requiring future developers to provide more infrastructure whilst realising lower yield (given the reduced floor space available). Such an outcome risks creating

² PlacesVictoria, *Fishermans Bend Draft Vision 2013*, p. 7.

³ Ibid, p. 25.

⁴ Draft Framework, pp. 70 (Montague), 72 (Lorimer), 74 (Sandridge); and 76 (Wirraway). See also

⁵ Hodyl & Co., *Urban Design Strategy* (2017), p. 19.

disincentives for future development and reducing the chance of the overall vision for Fishermans Bend being achieved.

15. Finally, transitional provisions would have the effect of perpetuating unrealistic expectations regarding the levels of development which might be acceptable in Fishermans Bend.

16. In these circumstances, the Minister considers the fairest approach – having regard to the interests of all stakeholders, rather than permit holders and applicants alone – is to establish a ‘level playing field’ through adoption of a set of controls that will apply equally to all landowners and developers.

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14 March 2018

Permit applications called-in by the Minister for Planning in Fishermans Bend

	Site Address	Submission Number
1	850-858 Lorimer Street, Port Melbourne	No submission
2	351-387 Ingles Street, Port Melbourne	196
3	277-281 Ingles Street, Port Melbourne	157
4	162-188 Turner Street, Port Melbourne	104
5	163-169 Ferrars Street, Southbank	No submission
6	264-270 Normanby Road, South Melbourne	96
7	256-258 Normanby Road, South Melbourne	96
8	248-250 Normanby Road, South Melbourne	96
9	240-246 Normanby Road, South Melbourne	230
10	207-217 Normanby Road, South Melbourne	No submission
11	203-205 Normanby Road, South Melbourne	95
12	91-95 Montague Street, South Melbourne	94
13	179 – 185 Normanby Road, South Melbourne	200
14	118 Bertie Street, Port Melbourne	182
15	13 Hartley Street, Docklands	36
16	111 Lorimer Street, Docklands	71
17	272-280 Normanby Road, South Melbourne	202
18	2-28 Montague Street and 80 Munro Street, South Melbourne	90
19	187 Normanby Road, Southbank	87
20	400-430 City Road, Southbank	143
21	235-243 Normanby Road, South Melbourne	207
22	17 Rocklea Drive, Port Melbourne	217
23	365 Plummer Street, Port Melbourne	217
24	112 Salmon Street, Port Melbourne <i>Note: Called in by Minister on 19 December 2017</i>	68
25	18-22 Salmon Street, Port Melbourne	203
26	541 Graham Street, Port Melbourne	150