
Request to be heard?: No - Copy of Directions and
Precinct: Sandridge

Full Name: Ian Billington

Organisation: Frances Fox

Affected property: 222 Ingles St, Port Melbourne & 38-50 Bertie St, Port Melbourne

Attachment 1: 2017.12.15_BWT

Attachment 2:

Attachment 3:

Comments: See attachment

Frances Claire Fox
As Trustee For The Thomas John Beresford Will Trust
PO Box 1004 Camberwell, Victoria 3124

15 December 2017

The Hon Richard Wynne MP
Minister for Planning
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Re: Amendment GC81 to the Melbourne and Port Phillip Planning Schemes
Proposed planning controls for Fishermans Bend
222 Ingles Street, Port Melbourne VIC 3207
38-50 Bertie Street, Port Melbourne VIC 3207

Dear Minister,

This correspondence constitutes the submission of Frances Claire Fox, regarding the proposed Amendment GC81 ("Amendment") to the Melbourne and Port Phillip Planning Schemes to introduce a new Framework Plan for Fishermans Bend and a suite of new planning controls and has been prepared with the assistance of SJB Planning.

Frances Claire Fox is the owner of the following land:

- **222 Ingles Street, Port Melbourne VIC 3207, with a land area of approximately 4,956 square metres**
- **38-50 Bertie Street, Port Melbourne VIC 3207, with a land area of approximately 7,840 square metres**

We welcome the efforts of the Department to finalise planning controls for the Fisherman's Bend Urban Renewal Area which for years (since 2012 when it was re-zoned to Capital City Zone) has suffered from a lack of direction in planning controls creating uncertainty for property owners, which is evidenced by the very low number of redevelopment starts.

We have reviewed the exhibited documentation associated with the Amendment, consulted with SJB Planning and attended several of the presentations / consultation events. We make the following general submissions.

- The purpose of the Planning Scheme at Clause 1.02 (amongst others) seeks to *"provide a clear and consistent framework within which decisions about the use and development of land can be made"*. The proposed suite of controls and Framework Plan fail to satisfy this purpose.
- The proposed planning controls are overly complex and provide excessive duplication of controls/policy provisions.
- The Framework and planning controls would impose a strict, rigorous and largely mandated use and development framework. Given the transitional nature of this urban renewal area - one

that is targeted to achieve increased population growth and higher density land use and development outcomes – this appears counterintuitive. Further, the regulatory nature of the Amendment is at odds with the context of the performance-based framework of the Victoria Planning Provisions.

- The Amendment is underscored by a lack of funding and no commitment to new public transport / infrastructure. While the Amendment acknowledges a 40-year plan, the controls and Framework Plan provide no tangible resolution or action plan for essential infrastructure (particularly public transport) to the area. This has a dual negative effect of constraining the development potential of land holdings, and limiting market interest in future commercial/residential product given the inherent uncertainty of future accessibility to and in the area.
- The Amendment does not include any transitional provisions. This is a critical shortfall in the controls, as there are no allowances for amendments to existing permits or current permit applications.
- The Framework Plan outlines a grand vision for the area (particularly commercial development), however this does not translate into the proposed planning controls. i.e. the commercial FAR will inhibit development in Core Areas where it is encouraged by policy. The commercial FAR is dictated by Government vision rather than in real-terms by a market-led model.
- The Commercial FAR puts owners (outside the Employment Precinct) in competition with owners in the Employment Precinct and the Government’s recently acquired GMH site. The lack of public transport combined with the proposed mandated lack of car parking in the urban renewal areas is likely to encourage any Fisherman’s Bend “Commercial” demand towards the Employment Precinct as the combination of lower land values and deliverability of car parking will provide greater amenity. Commercial development is actively incentivised by strategy 1.11.4 however the Commercial FAR proposed make it more likely that the core areas are not redeveloped in the short to medium term which may lead to residential development in non – core areas surrounding principally industrial core areas.
- The Amendment outlines a vision for transport movements in the future that appears unrealistic in the absence of any meaningful commitments by Government for actual delivery of transport infrastructure in the area. This is compounded by the draft controls imposing a mandatory maximum car parking requirement of 0.5 space for new dwellings and 1 car space per 100sqm commercial floor area. It is considered that the parking requirements are too narrowly drawn, do not reflect existing conditions, are entirely dependent on the delivery of public transport infrastructure (for which there is no committed funding or timeframe) and do not provide decision-makers discretion to consider the previous factors.
- The proposed mandatory maximum car parking requirements are inconsistent with the goal of making the area family friendly (Objective 1.10) and do not reflect market demand. Various attendees at the presentations / consultation events referred to:
 - a) the very limited demand for 2 and 3 bedroom apartments with 1 car spaces or less;
 - b) the likely high proportion of students and other non-family occupier groups in the area if the car parking requirements are not removed or relaxed; and
 - c) the likely street parking problems in the area if the car parking requirements are not removed or relaxed.

- Strategy 1.6.2 provides that car parking areas are required to be able to be repurposed. Consequently the ability to create more car parking spaces than the proposed mandatory maximum car parking requirement would merely allow those car spaces to be repurposed in the future if the demand for car parking spaces becomes less than the proposed mandatory maximum car parking requirement.
- The Floor Area Ratios (FAR's) are an overly complicated tool that are difficult to understand as planning professionals, let alone a layman reading the controls. Moreover, there is doubling up in controls between FAR, preferred/mandatory building heights, and dwelling densities. A simplification of policy and controls is essential for the orderly use and development of the area.
- The Amendment retains the Minister for Planning as the responsible authority for determining most planning applications. In order to provide time and cost efficiencies in the planning process, and given the City of Port Phillip and City of Melbourne's role and involvement in producing the draft planning controls, these Councils should have limited referral powers in the future.
- Has consideration been given to staging of controls over time to encourage redevelopment?

We reserve the right to raise further matters for the Panel's consideration.

If you have any questions regarding this correspondence, please contact Ian Billington at the above address.

Yours Truly,

Ian Billington
Per pro Frances Claire Fox