Amendment GC81
Port Phillip City Council

Expert Urban Design Evidence

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Instructed by
Minter Ellison
On behalf of
Submitter 202

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1.0 Introduction

[1] I am an Associate Urban Designer and Planner at David Lock Associates (Australia) Pty Ltd (DLA), a town planning and urban design consultancy. I hold qualifications in urban design and planning. I have over 10 years professional experience in planning and urban design. Further details of my qualifications and experience are outlined in Appendix A in accordance with the PPV Guide to Expert Evidence.

[2] In March 2018, I was engaged by Minter Ellison on behalf of Submitter 202 to provide evidence in relation to the urban design matters raised by Amendment GC81 to amend the Port Phillip Planning Scheme (and Melbourne Planning Scheme) for the Fishermans Bend urban renewal area in the context of the ‘live’ planning permit application currently called-in by the Minister for Planning at 272-280 Normanby Road, South Melbourne.

[3] As part of my assessment, I have utilised a summary of Amendment GC81 (Document 66a – 1) as it relates to the subject site. Document 66a – 1 is based on the exhibited Track Changed version of the Melbourne and Port Phillip Municipal Strategic Statements, the Minister for Planning’s Part A version (Document 49e) for the Local Planning Policy, Capital City Zone, Design and Development Overlay and Parking Overlay; and the exhibited version of the Development Plan Overlay. I have also utilised the Urban Design Strategy to understand the rationale for the proposed height, density and built form controls as they relate to the subject site.

[4] My evidence is structured as follows:

- A review of the existing physical, policy and emerging development context;
- An explanation of the proposed height and density as they relate to 272-280 Normanby Road, their rationale and my assessment of them;
- An explanation of the proposed built form controls, their rationale and my assessment of them; and
- Conclusions and recommendations.

[5] This report is generally confined to urban design and built form issues.
2.0 Context

This section summarises the physical and strategic planning context associated with the proposed development at 272-280 Normanby Road, South Melbourne.

2.1 Physical Context

The subject site is a large irregularly shaped allotment of 2,614m² in area (approx.), located on the north-east corner of Normanby Road and Johnson Street. The site is relatively flat and contains a two storey commercial premises with established landscaping and an at-grade car park.

Figure 1 – Subject site shown in red (Source: Nearmap, with emphasis added)

In terms of abutals, north of the subject site is Munro Street, which is a 20m wide (approx.) local road. Further north of the subject site is 2-28 Montague Street a two storey commercial premises.

East of the subject site is 264-270 Normanby Road, which maintains a two storey commercial premises.

South of the subject site is Normanby Road, which is a 30m wide (approx.) arterial road. Further south of the subject site is 253-273 Normanby Road, which also contains a two storey commercial premises.
West of the subject site is Johnson Street, which is a 30m wide (approx.) local road. Further west of the subject site is 58 Boundary Street, which maintains a two storey commercial premises.

In terms of the broader context, the subject site is located in Fishermans Bend (Montague), which is identified in Plan Melbourne as a Major urban renewal precinct and a place of State significance. As such the site is proximate to a variety of transportation, service and amenity options.

The subject site is adjacent to bus route 235 along Normanby Road, and is located approximately 190m from the Montague Street Light Rail Station (tram route 109), both of which are a part of the Principal Public Transport Network (PPTN).

With respect to broader character, the subject site is located in a distinctly ‘commercial-warehouse’ area, typified by a medium-grain subdivision pattern.
Figure 2 – Urban context surrounding the subject site (Source: Nearmap, with emphasis added)
Figure 3 – Subject site as viewed from corner of Normanby Road and Johnson Street (March 2018)

Figure 4 – View of subject site looking up Johnson Street (March 2018)
Figure 5 – View of subject site from corner of Munro Street and Johnson Street looking up Munro Street (March 2018)

Figure 6 – View of subject site looking down Normanby Road (March 2018)
Figure 7 – View of subject site from Normanby Road and eastern abuttal (March 2018)

Figure 8 – View of nearby properties north-east along Normanby Road (March 2018)
Figure 9 – View of nearby properties south-west along Normanby Road (March 2018)

Figure 10 – View of surrounding context looking south-east from the corner of Montague Street and Munro Street (March 2018)
Figure 11 – View of surrounding context looking north-east from the corner of Montague Street and Munro Street (March 2018)
2.2 Strategic Context

[15] Strategic planning policy for this site is set at State level through Plan Melbourne 2017-2050 (‘Plan Melbourne’) and the State Planning Policy Framework (SPPF). Strategic planning policy is set at the local level though the Municipal Strategic Statement (MSS) of the Port Phillip Planning Scheme, supported by more detailed local policy.

[16] Plan Melbourne is the current metropolitan strategy for Melbourne and it identifies that Melbourne will need 1.6 million new homes over the next 35 years. It aims to support growth through ‘the redevelopment of major urban renewal precincts in and around the central city to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses’ (Policy 1.1.2).

[17] Plan Melbourne outlines that Major Urban Renewal Precincts can ‘take advantage of underutilised land close to jobs, services and public transport infrastructure, to provide new housing, jobs and services.’ It is further outlined that these precincts, ‘will play an important role in accommodating future housing and employment growth and making better use of existing’. The subject site is located in Fishermans Bend (Montague), as noted above.

[18] The objectives contained within Plan Melbourne are also repeated throughout Clause 11.06 and Clause 16.01 of the Planning Scheme.

[19] The MSS seeks to achieve a hierarchy of housing growth areas through the municipality. Fishermans Bend (Montague) is defined as being in a substantial residential growth area given its location within the Fishermans Bend Urban Renewal Area.

[20] Clause 21.04-1 (‘Housing and Accommodation’) encourages ‘new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure’. As outlined the subject site is located within a substantial residential growth area where ‘new housing will generally be in the form of higher density development, including tower-podium developments.’ It is further described that these sites ‘offer the potential for more intensive development through the creation of a new built form character.’

[21] Clause 21.05-3 (‘Urban Design and the Public Realm’) acknowledges that increased residential density has the potential to impact urban design and the public realm amenity. As such, Clause 21.05-3 outlines objectives and strategies, ‘to ensure the design of new development is of a high quality...’
and enhances the amenity, comfort, safety and visual amenity of the public realm’.

[22] Clause 21.06-8 (‘Fishermans Bend Urban Renewal Area’) outlines the vision for Fishermans Bend, which envisages ‘a mix of residential, retail, commercial, entertainment and employment opportunities that complements the functions and built form of the Central City and Docklands.’

[23] Clause 21.06-8 contains a number of strategies including as relevant to the subject site, 6.4.69 which, outlines the ‘opportunity for significant levels of new residential dwellings to help meet the housing needs of the State’ and 6.4.70, which encourages the ‘relocation of industrial uses to enable the area to transition to a mixed use residential area.’

[24] The subject site and all abuttals are zoned ‘Capital City Zone Schedule 1 (CCZ1 – Fishermans Bend Urban Renewal Area)’. The relevant purpose of the CCZ is to ‘enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance’ and to ‘create through good urban design an attractive, pleasurable, safe and stimulating environment.’

[25] The relevant purpose of the CCZ1 is to ‘use and develop the Fishermans Bend Urban Renewal Area generally in accordance with the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016)’ and to ‘provide for medium to high residential density and a variety of dwelling types which are well-located to services and public transport.’

[26] With respect to relevant overlays, the subject site is located within the ‘Design and Development Overlay Schedule 30 (DDO30 – Fishermans Bend Urban Renewal Area)’. The relevant purpose of the DDO30 is:

- ‘To provide parameters to guide appropriate built form outcomes for the Fishermans Bend Urban Renewal Area.
- To ensure new development responds to the emerging built form scale and development patterns.
- To ensure that new buildings respect the existing conditions and future development potential of adjacent sites.
- To ensure development provides for equitable access to privacy, sunlight, daylight and outlook from habitable rooms.
- To enhance the visual character and public realm amenity of the area.’

[27] DDO30 indicates in Table 1 together with Map 1, that the subject site is located within the designated area ‘A6’, where a maximum building height
of 40 storeys is applied. In fact, area ‘A6’ is currently identified as having the tallest built form in Fishermans Bend.

Figure 13 – Map 1 to Schedule 30 of the Design and Development Overlay, with subject site shown in red (Source: Port Phillip Planning Scheme, with emphasis added)

Table 2 of DDO30 further articulates the envisaged built form outcomes and requirements:

- ‘Maximum street wall height: The height of street walls must not exceed 20 metres or 5 storeys whichever is lesser. Street walls:

  → Are oriented to complement the street system.
  → Have a human scale and some height variation below 5 storeys.
  → Provide an appropriate level of street enclosure having regard to the width of the street
  → Are consistent with the proposed heights and setbacks of adjoining street walls.
  → Have a height and setback that does not compromise the heritage character of an adjoining heritage building.

- Minimum tower street setback: Above the street wall, towers must be setback a minimum of 10 metres to the street. Towers are setback to ensure:
→ Large buildings do not dominate the view from the street.
→ They do not cause undue shadowing and wind effects on the public realm.
→ The dominant street wall scale is maintained.

• **Minimum tower setbacks to all boundaries excluding street(s):** Above the street wall, towers must be setback a minimum of 10 metres to all boundaries. Where a boundary adjoins a laneway, the setback is measured from the centreline of the laneway. Towers are designed and spaced to ensure:
  → Sun penetration and mitigation of wind impacts at street level.
  → Sunlight, daylight, privacy and outlook from habitable rooms for both existing and proposed development.
  → Tall buildings do not appear as a continuous wall when viewed from street level or from nearby vantage points.
  → Variation in built form is provided while achieving the setback requirements.

• **Minimum setbacks between towers:** A minimum setback of 20 metres between towers. Towers are designed and spaced to ensure:
  → Sun penetration and mitigation of wind impacts at street level.
  → Sunlight, daylight, privacy and outlook from habitable rooms for both existing and proposed development.
  → Tall buildings do not appear as a continuous wall when viewed from street level or from nearby vantage points."

As noted, the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016) is also of importance. This SFP sets out a simplified long-term framework to guide urban renewal in Fishermans Bend. This plan identifies that the subject site is located within the Montague area of Fishermans Bend. The plan identifies the following precinct vision for Montague:

*Taking advantage of its existing public transport accessibility and strategic location close to the CBD and established inner city suburbs, Montague will be a high-density employment hub with substantial new housing opportunities among a vibrant mix of businesses.*
This plan also indicates that the section of Johnson Street abutting the subject site is to be converted into a proposed local recreational open space.

In summary, the site is viewed as a strategic location that can accommodate increased density and built form as envisaged for Fishermans Bend (Montague). However, new development must also manage amenity impacts both to the public and private realms. Aside from responding to amenity concerns, the subject site creates an opportunity to provide future high-density housing in a highly accessible location close to public transport and services.
2.3 **Approved and Proposed Developments**

The Montague Precinct and neighbouring precinct has a number of permit approvals and proposals in the immediate vicinity of the subject site for varying building heights. See below.

*Figure 14 – Approved and proposed physical context surrounding the subject site (Source: Minister for Planning Part A Evidence, with emphasis added)*
In terms of abuttals, north of the subject site across Munro Street is 2-28 Montague Street (F12). A development of varying heights between 37 to 40 storeys is proposed on this site. This application has been called in by the Minister.

East of the subject site is 264-270 Normanby Road (G6), where a development of 40 storeys is proposed. This application has also been called in by the Minister.

South of the subject site is 253-273 Normanby Road (D12), which was issued a permit at VCAT in December 2017 for a development of varying heights between 37 to 40 storeys.

West of the subject site is 58 Boundary Street, which has no approved or proposed developments.

In terms of the broader precinct, there are a number of approved developments within the immediate surrounds of the subject site. Below is a list of these developments:

- 245-251 Normanby Road: 41 storeys (D13)
- 228-238 Normanby Road: 39-49 storeys (C4)
- 199-201 Normanby Road: 40 storeys (B2)
- 202-214 Normanby Road: 40 storeys (D4)
- 15-87 Gladstone Street: 30 storeys (D5)
- 134-142 Ferrars Street: 27-30 storeys (D6)
- 134-150 Buckhurst Street: 30 storeys (B1)
- 179 Gladstone Street: 7 storeys (B3)
- 60-82 Johnson Street: 20-46 storeys (C2)

In terms of the broader precinct, there are also a number of proposed developments which have been called in by the Minister. Below is a list of these developments:

- 264-270 Normanby Road: 40 storeys (G6)
- 256-258 Normanby Road: 39 storeys (G7)
- 248-250 Normanby Road: 39 storeys (G8)
- 235-243 Normanby Road: 40 storeys (F14)
- 240-246 Normanby Road: 40 storeys (F4)
- 203-205 Normanby Road: 40 storeys (F2)
- 207-217 Normanby Road: 40 storeys (F3)
- 187 Normanby Road: 40 storeys (F13)
- 91-95 Montague Street: 30 storeys (F5)
As such there are a number of developments that have been approved or that have been called in by the Minister, for heights of up to 49 storeys, which form the emerging character of the precinct.
3.0 Height and Density

The following section describes the controls that are proposed to apply to the subject site in relation to height and density, their rationale and my assessment of them.

3.1 Proposed Controls

Figure 15 - Proposed controls – subject site and surrounds
The proposed controls summarised in this section relate to height and density only. The Capital City Zone 1 (CCZ1) is proposed to apply to the site. Its purpose is as follows:

- To create a world leading sustainable area that incorporates sustainable transport patterns and best practice sustainable design into all developments.
- To create a highly liveable mixed-use area that priorities employment uses over residential uses, within core areas well serviced by public transport.
- To achieve the population targets. Job growth and residential densities within each precinct of Fishermans Bend and enable a scale [sic] of growth that is aligned with the provision of infrastructure.
- To require a public benefit where the scale of growth exceeds planned infrastructure provision.’

In particular, CCZ1 sets the floor area ratios (FAR) for the Montague Precinct. The FAR must not be exceeded unless there is a public benefit and floor area uplift as calculated and specified in a manner agreed by the responsible authority is provided, and the public benefit is secured via an agreement made under Section 173 of the Planning and Environment Act 1987.

As prescribed at Table 1 Floor Area Ratios of the CCZ1, the subject site is within a Core area and therefore has an applied FAR of 6.1:1. Aside from the CCZ1, the LPP also specifies a minimum employment floor area to generate at least 40,000 jobs across the precincts. This applies an additional FAR not used for Dwellings of 1.6:1.

DDO30 is also proposed to be applied to the site. The Design Objectives of DDO30 are as follows:

- To encourage a diversity of architectural styles and building typologies, to create a place of architectural excellence, and an engaging and varied built form in response to the desired/preferred place and character.
- To ensure the scale, height and setbacks of development protects internal amenity and delivers a high quality public realm with good access to daylight and sunlight and appropriate levels of street enclosure.'
• To encourage developments to create publicly accessible, private and communal open spaces.
• To encourage buildings to be designed to be adaptable over time.‘

DDO30 specifies discretionary maximum building height of 67.8m which equates to 20 storeys (based on ground at 4m floor to floor, levels 1-6 at 3.8m floor to floor and levels 6 and above at 3.2m floor to floor).

3.2 Rationale

From my assessment of the Amendment documentation including the background documentation, my understanding of the rationale for the applied density and heights is as follows.

The Urban Design Strategy, which is the guide to achieving the Fishermans Bend Vision (DEWLP, 2016), sets the six urban design objectives which underpin the planning framework which include:

• 1. Integrated land use and transport planning
• 2. Liveable, mixed-use neighbourhoods
• 3. Distinctive, attractive and welcoming places
• 4. Housing we need and want
• 5. Inclusive, cohesive and resilient communities
• 6. Environmentally sustainable development

To achieve the objectives, a key recommendation introduced the Floor Area Ratio (FAR) scheme to provide certainty on overall population growth and residential densities and to align this growth with infrastructure provision and locations. The Urban Design Strategy also recommended a Floor Area Uplift (FAU) to incentivise the provision of affordable housing, community infrastructure and additional new jobs above the 40,000 target.

As stated in the Fisherman’s Bend Framework, 2018, Fishermans Bend will become home to 80,000 people and 40,000 jobs. To assure the targets can be met, the density controls were placed across the precincts via the introduction of Floor Area Ratios (FAR). So instead of the infrastructure provision, character and amenity directing density, population targets are. Population targets setting the desired scale has in Montague Precinct, meant that the density is unresponsive to the emerging character, which is already being set through the existing permit activity.
In terms of how the height and density has been spread across Fishermans Bend, I assess the rationale to be based on the following:

- Access to the potential future metro station, which is located in the Sandridge Precinct, which has the highest FAR and unlimited height controls close to the station;
- The introduction of overshadowing controls that provide sunlight protection to a large park in each precinct;
- Interfaces to lower scale areas, where an interface treatment to manage amenity is required; and
- The need to deliver distinct and characterful neighbourhoods.
Specifically, in relation to the Montague Precinct, the Urban Design Strategy defines the following built form typology as it relates to height and density:

*Tower developments are still supported in Montague North, however the overall heights have been reduced to align with revised density targets and to increase the amount of sunlight reach the southern side of streets, particularly Normanby Road, to support the creation of a high-quality civic spine.*

The discretionary height controls applied across the Montague precinct vary between 12-24 storeys.

### 3.3 Assessment

The proposed tower heights set in the Montague Precinct have been reduced to align with revised density targets. The density targets are based on an overall population target which limits the amount of growth that can be achieved, rather than optimising it. The tower heights have not been set through an assessment of contextual cues.

The Montague Precinct has good public transport access with existing light rail approximately 100 metres from the subject site. Having a known piece of public transport infrastructure should support optimised height and density, not reduced.

The subject site and the northern half of Montague has limited constraints with regards to existing character and does not abut a sensitive low-rise area which would require a height transition. With regards to off-site amenity, this is managed through building separations and managing equitable development issues.

The Urban Design Strategy states that the overall heights have been reduced to increase the amount of sunlight reaching the southern side of streets, particularly Normanby Road, to support the creation of a high-quality civic spine. Below is an extract from a model prepared with a 20-storey building on the subject site. Shadows were tested at the September equinox between 11am and 2pm. As evident in the model, the southern footpath will be overshadowed by the 20-storey building. In fact, a building of 14 storeys or greater would overshadow the southern footpath. Solar access to the southern footpath can be achieved however, through building separation. In fact, allowance for taller, more slender towers would mean fast moving shadows, therefore a significant portion of the footpath would receive sunlight through parts of the day.
Figure 17: Overshadowing testing at the September equinox with a 20 storey building – subject site outlined in red (source: Hayball, 2017)
The subject site has frontage to Johnson Street which is proposed to be closed to create a public park. Though no overshadowing requirements for the park are mentioned DDO30, the Framework states the following:

"3.7.6 Establish new overshadowing controls to protect precinct and district parks between 11am and 2pm from 21 June to 22 September and all other parks between 11am and 2pm on 22 September."

Based on this, I tested the currently proposed tower (40 storeys) to see its shadow impact on the proposed park. The proposed tower casts no shadow on the park between the hours of 11am and 2pm on 22 September. The only shadow cast is at 9am or earlier. See below.

*Figure 18: Overshadowing testing at the September equinox over proposed public open space (source: Hayball, 2017)*
In her evidence, Ms Hodyl states that “the 20-storey height limit in the Montague North precinct has been introduced to set an overall height that supports the delivery of a mix of building typologies (including towers) while moderating the impact of overall potential population densities and overshadowing impacts”. I question this statement in relation to building typologies and delivering a mix through the introduction of a 20-storey height limit. The Urban Design Strategy states the following regarding typology:

“The current built form controls are focused on tower developments, with clear direction of podium (street wall) heights and tower heights and separation. There is no guidance provided on suitable building separation to achieve sufficient levels of amenity for mid-rise buildings.”

My reading of the above is that the heights in the Montague Precinct have been reduced with the aim of achieving more varied typologies, including mid-rise (6-10 storeys) type development that may consist of a perimeter block, rather than a podium and tower. See below excerpt from the Urban Design Strategy, which explains the typology of development achieved at different FAR’s and heights. Based on the proposed controls, which include a FAR of 6.1:1 and a discretionary height limit of 20 storeys, the resultant typology will still be a podium tower. In summary, I don’t see the diversification of building typology as a strong rationale for reducing the building heights to 20 storeys.
Figure 19: Examples of different typologies at different densities (Source: Urban Design Strategy, p.69)
The proposed height and density and the preferred character proposed have not considered the emerging character within the Montague Precinct. As shown in the adjacent model, the emerging built form character is of towers of around 40 storeys. Within the model I have applied the proposed controls to site to meet the FAR and the height. The resultant built form does not respond to the emerging character. I note the building’s resulting form as being shorter and less slender than the approved towers nearby. See below.

Figure 20: A 20 storey building modelled on subject site in emerging context (Source: Hayball, 2017)
In summary, I have assessed the proposed height and density applied to the subject site against key urban design factors which include access to public transport, interfaces, off-site amenity, emerging character and overshadowing. None of them appear to be the drivers for the height and density to be reduced from the current emerging character. A more appropriate response to the emerging character is a tower of around 40 storeys, rather than 20 storeys. I do not consider the population target alone a strong enough justification. Therefore, I do not support the height and density controls as they are inappropriate and unjustified.
4.0 Built Form Controls

The following section describes the controls that are proposed to apply to the subject site in relation to built form, their rationale and my assessment.

4.1 Proposed Controls

In relation to built form controls, the majority of the guidance is provided in DDO30. Aside from building height and density which were reviewed in Section 3.0, DDO30 provides direction in relation to street wall heights, tower street setbacks, tower side and rear setbacks, detailed design and primary and secondary active frontages. I have not commented on building separation within a site due to the subject site’s limited ability to deliver two towers. I have not commented on the overshadowing requirements as none apply to the proposed park adjacent to the site.

Street wall is defined as any part of the building constructed within 0.3 metres of a lot boundary fronting the street. DDO30 specifies street wall height based on a ratio to the width of the street or laneway. As both street frontages to the site have a width greater than 12 metres, street wall heights must not exceed 23m (6 storeys). This is a mandatory maximum height. Non-habitable architectural features not more than 3m in height are excluded above the requirements. DDO30 also states that all buildings should create a street wall that does not overwhelm the street and allow for views to the sky.

DDO30 specifies setbacks above the street wall from new and existing streets and laneways. Above the street wall (23 metres), a building between 30 metres and below 68 metres must be setback 10 metres and no less than 5 metres. A permit cannot be granted to vary this requirement. If the overall height is greater than 68 metres, a mandatory setback of 10 metres applies.

DDO30 contains discretionary and mandatory requirements in relation to side and rear setbacks. For buildings above 30 metres and below 68 metres, a setback of 10 metres must be applied. Where walls do not include windows to habitable room and/or balcony, the setback must be at least 5 metres. Above 68 metres, the setback must be a minimum of 10 metres, which would equate to a tower separation of 20 metres (mandatory).

DDO30 contains a series of detailed design requirements in relation to active frontages, adaptable buildings, floor-to-floor dimensions and landscaping.

The subject site has three street frontages – Munro Street, Johnston Street and Normanby Road. DDO30 identifies Normanby as a primary
active street, which requires at least 80 percent visual permeability along the ground level of the building to a height of 2 metres and pedestrian entries at least every 15 metres. Johnston Street fronts onto the proposed park and is identified in DDO30 as a secondary active street which should provide at least 60% visual permeability along the ground level of the building to a height of 2 metres. DDO30 also states that “buildings with primary abutting and secondary active streets should provide footpath canopies where retail uses are proposed to provide weather protection and define the streetscape”. DDO30 also includes a set of criteria in relation to how buildings should address and define existing or proposed streets or open space.

DDO30 includes guidance for car parking that is not within the basement, stating that a floor-to-floor height of not less than 3.8 metres should be applied for future adaptability to another use. It specifies that within the podium, a minimum floor to floor height at ground level of 4.0 metres and of 3.8 metres for the lower levels is applied to ensure employment uses could be implemented at a later date.

DDO30 provides guidance on building materials and finishes for buildings along main roads. It states that buildings should not create blank facades.

4.2 Rationale

In relation to street wall height, Strategy 1.13.9 within the Framework seeks the following:

“incorporate a maximum street wall height of four storeys to laneways and streets less than 18 metres wide and six storeys to streets greater than 18 metres wide to ensure daylight and sunlight reach streets and to create an appropriate degree of enclosure and definition to the street. This can be increased to eight storey high street walls for building that are at least 20 metres wide. This supports a greater diversity of housing typologies, design flexibility and provides opportunities to articulate corner sites.”

In her evidence, Ms Hodyl states that the proposed new street wall controls introduce far greater flexibility and support site specific design responses which is achieved through:

- “Removal of overall mandatory height controls;
- Introduction of varied street wall heights, including:
  - Introduction of a maximum street wall height that responds to street width therefore provides a more context specific control
- Increase in the maximum street wall height on streets greater than 12m (the majority of street) from 20 metres to 23 metres enabling an additional storey of development within a podium/base building of all sites.” (paragraph 167)

[74] In her evidence, Ms Hodyl states that the proposed controls reduced the upper level setback for buildings 20 storeys (68m) and lower from 10 metres to 5 metres which increases the potential tower floorplate on these sites. She further states that “Amendment C270 also demonstrated the detrimental impact on public amenity that results from insufficient upper level street setbacks above a street wall. This includes visual dominance of tall buildings, reduced sunlight and daylight within a street and negative wind impacts. Mandatory provisions were subsequently introduced to address these significant issues.” (paragraph 184).

[75] In relation to side and rear setbacks and building separation, Ms Hodyl states in her evidence that part of the rationale was “adapted from the NSW Apartment Design Guidelines which have been in place for over 15 years and which were recently subject to a comprehensive review.” (paragraph 176). I note the NSW Apartment Design Guidelines provide building separations as a guide, a discretionary control that allows variation to achieve adequate sunlight access, amenity and privacy, and a desirable urban form.

[76] Ms Hodyl states in her evidence the following:

“The key driver of the building setbacks from boundary and building separation distance controls is that in circumstances where the internal amenity of a building is relying on the building aspect that interfaces with a side/rear boundary or other building within the site, that the separation distance is sufficient to provide good levels of daylight, outlook and visual privacy. This is not critical for side windows to habitable rooms, but is critical when the primary outlook of a room is facing the boundary or another building within the site.” (paragraph 181)

[77] In relation to adaptable buildings, DDO30 specifies 3.8 metre floor-to-floor heights for car parking above ground to allow for their future adaptability to another use. A key objective of DDO30 is “to encourage buildings to be designed to be adaptable over time.” A key part of the Fishermans Bend Vision is ensuring enough floorspace is available for employment. Higher floor-to-floors will allow for future adaptation and opening up of more employment floor space.
4.3 Assessment

[78] In relation to street wall heights, I support the way in which it is applied via a street wall height to width ratio. The Comparative Planning Controls Report which formed background material to Amendment C270 to the Melbourne Planning Scheme, consider a ratio of 1:1 and 1.5:1 street width to street wall height is recognised in best practice urban design literature to provide a comfortable human scale. I note the street wall height to street width ratio for Normanby Road will be 0.8:1. This ratio, along with the proposed mandatory upper level tower setbacks and spacing, will maintain an appropriate level of solar access to footpaths and a reasonable sense of openness and sky views, as sought by the proposed controls.

[79] In relation to the use of a mandatory control for street wall heights, I consider a discretionary control as more appropriate. Practice Note 59 states that mandatory provisions can be used in such instances as plot ratio, site coverage and setbacks to buildings. It also states that mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve the desired outcomes. In her evidence, Ms Hodyl states that “the controls in relation to street wall heights are proposed to create a greater level of flexibility and the ability to be more context specific”. I therefore see a mandatory street wall height as contradictory to the need for site specific responses. I recommended a discretionary control is applied.

[80] Further to this I note DDO30 almost falls silent on corner treatments except for the following:

“In the instance where two different street wall heights interest at a corner, the higher street wall height prevails.”

[81] I note from an urban design perspective, built form can be more robust and bolder to hold a corner, subject to responding to other contextual cues. The subject site has 3 frontages which include Normanby Road, Johnston Street and Munro Street. Subject to mitigating wind and overshadowing impacts, the corner of Normanby Road and Johnston Street could support a taller street wall.

[82] Based on this I recommend the provisions within DDO30 are modified to include the following dot point under ‘Street wall height’:

- Street wall heights on corners can be varied subject to responding to contextual cues.
I support the mandatory upper level setback above the street wall from new and existing streets and lanes in DDO30. In particular, I support the principle of increasing setbacks as the overall building height increases, to ensure the tower and street wall are clearly distinct from each other. In locations such as Normanby Road, a mandatory upper level setback will ensure visual dominance of the tower is managed along with any sunlight, daylight and wind issues in the public realm. I note the importance of this control as mandatory versus the street wall height, which should be more adaptable to contextual cues.

In relation to side and rear setbacks, again, I would suggest that the controls should not be mandatory, and that variation should be allowed in cases where discretion still achieves adequate amenity, access to sunlight, privacy, outlook and a desirable urban form.

DDO30 contains a series of detailed design requirements regarding active frontages, adaptable buildings and floor-to-floor dimensions. I support these requirements and have the following additional comments.

The subject site has 3 frontages. DDO30 specifies a secondary active frontage to the proposed local park on Johnston Street which requires “at least 60% visual permeability along the ground level of the building to a height of 2 metres.” It also states that buildings on all streets should:

“Ensure buildings that propose residential development at ground level:

- Create a sense of address by providing direct individual street entries to dwellings and/or home offices.
- Achieve a balance between privacy and activation using a mix of low height, solid and transparent balustrade, terrace or fence elements, and incorporating vegetation where possible.

I support the above controls, as they clearly guide the preferred design outcome for either residential or non-residential uses at the ground floor interfacing with a proposed park. Particularly with residential development at ground level, achieving the balance between privacy and activation will be crucial to ensuring the proposed park is safe and well defined.

In relation to adaptable buildings, I support the requirement to include 4.0 metre floor-to-floors at the ground level and 3.8 metres for lower levels up to the height of the street wall. This will allow for accommodation of employment uses and provide for future adaptation or conversion of use over time.
I also support the nature of the control being discretionary, to allow for variation in response to site specific design requirements or the way in which the employment and residential FAR is spread across the podium and the tower. The subject site in particular is irregular in shape and requires alternative arrangements regarding vehicular access and ramping, which has an on flow affect to the floor-to-floors within the podium.
5.0 Conclusion

[90] In conclusion, I do not support the height and density proposed within the Montague Precinct as there is no clear justification for them aside from population targets. In the Montague Precinct, the proposed heights and density do not respond to contextual cues, public transport accessibility and the emerging character. A 40-storey tower would be a more responsive design to the emerging character than what would be achieved under the proposed controls. They should be reconsidered.

[91] In relation to the proposed built form controls:

- I support the street wall heights proposed but as a discretionary control, rather than mandatory;
- I support the mandatory upper level above the street wall from new and existing streets and laneways to maintain the quality of the public realm; and
- I support the side and rear setbacks but as a discretionary control subject to clear guidance or criteria in relation to achieving good internal amenity, outlook and a responsive urban form.
Appendix A: Summary of Experience & Personal Details

Name and Address

Julia Chloe Bell
Associate Urban Designer
David Lock Associates (Australia) Pty Ltd
2/166 Albert Road
SOUTH MELBOURNE VIC 3205

Qualifications

• Member of the Planning Institute of Australia, 2008
• MA Urban Design, Oxford Brookes University, UK, 2013
• Diploma Urban Design, Oxford Brookes University, UK, 2013
• Bachelor of Urban Planning and Development, University of Melbourne, 2007

Professional experience

• Associate Urban Designer and Planner, David Lock Associates (Australia), March 2015 to present
• Senior Strategic Planner, Hume City Council (Australia), 2014 to 2015
• Strategic Planner, Hume City Council (Australia), 2010 to 2014
• Development Planner, GHD (Australia), 2005 to 2010

Area of Expertise

I have over ten years’ experience in private and public practice with various planning and urban design consultancies in Victoria, Queensland and Tasmania.
**Expertise to prepare this report**

I have been involved in the design and assessment of numerous greenfield and urban infill projects and planning scheme amendments in Victoria. These have included:

- Evidence for Amendment C205 (Hume City Council) for the implementation of the Lindum Vale PSP.
- Evidence for Amendments C207 & 208 (Hume City Council) for the implementation of the Sunbury PSPs.
- Evidence for Amendment C223 (Stonnington City Council) for the implementation of Glenferrie Road Structure Plan.
- Evidence for Amendment C194 (Whitehorse City Council) in relation to 517, 519-521 Station Street, Boxhill.
- Evidence for Amendment C123 (Port Phillip City Council) for the implementation of the residential zones.
- Structure Plans for Hawksburn Activity Centre (Stonnington City Council) and Greensborough Activity Centre (Banyule City Council).
- Policy writing in relation to Activity Centres (Clause 21.07 – Hume Planning Scheme).
- Prepared Hume City Council’s submission to the Reformed Zones.
- Representation of Council as an advocate at Planning Panels Victoria.
- Involved in the independent review of numerous inner urban development projects from an urban design perspective.

**Other significant contributors**

I was assisted by Michael Mattner (Planner) in preparing this report.

**Instructions which define the scope of this report**

I was engaged by Minter Ellison on behalf of Submitter 202 to provide evidence in relation to the urban design matters raised by Amendment GC81 to amend the Port Phillip Planning Scheme (and Melbourne Planning Scheme) for the Fishermans Bend urban renewal area in the context of the ‘live’ planning permit application currently called-in by the Minister for Planning at 272-280 Normanby Road, South Melbourne.
Facts, matters and assumptions relied upon

- Inspection of the Subject Land and surrounding area.
- Review of planning controls and policies affecting the area.

Documents taken into account

- In forming my opinion, I have relied on:
  - Amendment GC81 documentation (including the draft Framework)
  - Submissions to the Amendment exhibition
  - Statements of evidence provided on behalf of the Minister for Planning
  - Comparative Planning Controls Report April 2016, prepared as a background document to Planning Scheme Amendment C270, Melbourne City Council
  - Background documents as follows:
    - Fishermans Bend Urban Renewal Area Draft Vision, September 2013 Prepared by: Places Victoria
    - Fishermans Bend Strategic Framework Plan July 2014, Prepared by MPA
    - Fishermans Bend Strategic Framework Plan July 2014 Amended April 2015
    - Fishermans Bend Recast Vision The next chapter in Melbourne’s growth story Draft for consultation, May 2016
    - Fishermans Bend Framework The next chapter in Melbourne’s growth story Draft for consultation, DELWP 2017
    - Urban Design Strategy, 2017 Prepared by Hodyl + Co

Summary of opinions

Refer to the conclusion of this statement (section 5).

Provisional Opinions

There are no provisional opinions in this report.
incomplete or inaccurate aspects of the report

This report is complete and accurate to the best of my knowledge, and does not contain any provisional opinions except where noted.

I have made all the inquiries that I believe are desirable and appropriate and confirm that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Julia Bell