
Request to be heard?: Yes

Precinct: Sandridge

Full Name: James Guthrie

Organisation: Lateral Estate Pty Ltd

Affected property: 118 Bertie Street, Port Melbourne

Attachment 1: Submission_on_Fi

Attachment 2:

Attachment 3:

Comments: Attached.



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15 December 2017

To whom it may concern,

RE: SUBMISSION TO THE FISHERMANS BEND DRAFT FRAMEWORK PLAN

INTRODUCTION

Thank you for the opportunity to provide feedback to the Fishermans Bend Draft Framework Plan (FBDFP), which is currently on exhibition for community review and engagement.

We congratulate the Department on their vision for Fishermans Bend and commend the environmental sustainability initiatives and the recognition of the precinct as a key growth opportunity for the future of Melbourne.

This letter seeks to provide broad feedback on the foundations, mechanisms and structure of the FBDFP and, more specifically, provides submissions in relation to the proposed controls that affect our land at No. 118 Bertie Street, Port Melbourne.

OVERARCHING CONCERNS WITH THE FBDFP

We have reviewed the FBDFP and associated draft planning control documentation and raise the following broad concerns:

- We question the procedural fairness of the exhibition process for the following reasons:
 - Exhibition of the FBDFP has been rushed in the leadup to Christmas and does not allow the opportunity for all landowners and other stakeholders to thoroughly review and understand how the new controls will impact their land.
 - There are multiple drafting errors throughout the policy control documentation making aspects of the policy impossible to accurately review and provide useful feedback.
- The structure and wording of the policy controls is unnecessarily complicated and does not lend itself to ease of use. This is at odds with the Department's own SMART Planning Reform which seeks to simplify planning schemes.
- The planning controls and policy have been based around a target residential population of 80,000 people by 2050. This number appears to be arbitrary with no justification within the documentation as to why population has been capped at this number. We question whether this population cap is too low given that *Plan Melbourne 2017-2050* estimates that Melbourne's population will increase from 4.5 million in 2015 to 7.9 million by 2051, a 43% growth in population. Fishermans Bend, which is intended to form part of the expanded central city, is strategically placed to successfully accommodate a significant share of Melbourne's growing population. We consider that basing controls such as maximum Floor Area Ratios (FAR) and dwelling densities on this figure appear to significantly compromise the potential of Fishermans Bend to contribute to the sustainable growth of the city.
- We question whether the prescribed minimum FAR not used for a dwelling (e.g. employment floor area) is appropriate within the context of Fishermans Bend, for the following reasons:
 - Existing public transport infrastructure cannot accommodate the thousands of square metres of commercial space that will be generated with this control.
 - The minimum floor area ratios are too high and comparable to commercial floor area found within the CBD.

- The high level of employment floor area will be difficult to make commercially viable given the relatively inaccessible location and trends we are currently seeing with difficulties leasing CBD commercial floorspace.
- We submit that the mechanism to impose new roads and public open space via a planning control is inappropriate. If the Department seeks to acquire land, this should be achieved by a Public Acquisition Overlay. Furthermore, there is no logic to the proposed street patterning and open space locations and they appear to have been arbitrarily applied throughout each precinct.
- We question whether the calculation to work out the appropriate provision of open space is appropriate.
- We submit that the application of mandatory maximum height limits used in conjunction with relatively low FARs is an inappropriate mechanism for controlling building height and density and will result in significantly constrained and inefficient development. These limitations should be removed to allow for flexibility in design outcomes, particularly in a significant urban renewal precinct.
- We submit that committed public transport infrastructure funding and timeframes should be in place to provide certainty for the delivery of bridges and tram/metro lines providing connectivity to the CBD. The lack of committed public transport infrastructure places great risk on the commercial viability of developments, specifically given the tight restriction on car parking.
- We submit that the lack of transitional provisions in the draft controls for pending permit applications fails to acknowledge the extensive resources expended by developers and DELWP staff over the last few years.

SPECIFIC CONCERNS RELATING TO 118 BERTIE STREET

No. 118 Bertie Street, Port Melbourne, is located within a 'core area' in the Sandridge Precinct, as defined in the FBDFP. We currently have a planning permit application for an 18-storey mixed use development in with the Department, which was submitted in June 2016. Following the amendment to the Fishermans Bend built form and local policy controls (GC59), gazetted in September 2016, the original proposal underwent a significant redesign given that no transitional provisions were incorporated in the amendment. The new FBDFP proposes an entirely new set of controls which have a significant impact on our land and the current planning permit application.

Specifically, the FBDFP as it applies to No. 118 Bertie Street, proposes the following key controls and land use outcomes:

- A minimum FAR for area not used for a dwelling (employment floor area) of 3.7:1.
- A maximum dwelling density of 311 dwellings per hectare.
- A maximum FAR of 8.1:1.
- A 12-metre-wide road proposed along the southeast property boundary, within the site.
- A maximum building height of 12 storeys for the front half of the land and unlimited at the rear half of the land. The exact location where the height requirements change is not clear.
- A mandatory requirement restricting additional overshadowing to proposed parks.
- Two proposed parks located within proximity to the subject site.

It is noted that this is not an extensive list of all controls which will impact the future development opportunities of our site. Given the lack of time available to comprehensively review the full impact of the FBDFP we reserve the right to raise additional matters at the Advisory Committee.

However, in relation to those points listed above, we submit the following:

- We object to the FAR for area not used for a dwelling of 3.7:1.
 - This minimum employment FAR equates to almost half of the total floor space allowed under the new controls, given the proposed maximum FAR of 8.1:1.
 - This high requirement for commercial floor space is not viable from a commercial leasing perspective.
 - Urban design analysis we have undertaken demonstrates that given the other built form controls applied to the land, specifically the encroachment of the new road, any future development would be required to be entirely commercial.
- We object to the proposed maximum FAR of 8.1:1.
 - The other mandatory controls already provide significant constraints on development and this will only further impact the redevelopment potential of our site.

- Given the constraints proposed on our site and other sites throughout the precinct, a mandatory FAR may impact on the ability to provide the adequate residential and commercial floorspace.
- We object to the 12-metre-wide road proposed within our site.
 - Our urban design analysis confirms the implications of this road on any future built form and demonstrates that were this policy to be approved as proposed, only a four-storey high building would be viable on the site (where currently the controls allow 18 storeys).
 - The three previous iterations of the Fishermans Bend Strategic Framework Plan show the road in a different alignment, located on a neighbouring site.
 - The proposed road results in a loss of over one third of developable area on our site.
 - The neighbouring sites are large enough to accommodate the road on their land and still achieve their maximum development potential. It is unreasonable and inequitable to expect the smaller site to absorb the road for the benefit of neighbouring sites.
 - We have had a planning application in with the Department since June 2016 which has gone through considerable reiterations given the change in the Fishermans Bend planning policy. A key design feature of this building was to face out onto the linear park previously proposed along the northwest boundary of the site. Removing the linear park from one side of our site and replacing it with a road on the opposite side, within our property, completely negates over a two years of design development and working collaboratively with the Department to reach an outcome which responded to the plans for the area and complied with the requests of the Department. This change in position shows little regard for the work undertaken thus far and shows that little thought has been placed on the street network layout.
 - As discussed above, the mechanisms for providing this road in not allowing a permit to be granted to construct or carry out work where new streets are proposed, is inequitable and inappropriate to achieve the desired outcome.
- We object to the incorporation of a maximum dwelling density.
 - Given the controls around maximum building heights, maximum FARs and minimum FARs for non-residential uses, a maximum dwelling density of 311 dwellings per hectare appears illogical, restricts flexibility and is likely to be captured by the other restrictive controls impacting the site.
- We object to the provision of two new parks within proximity of our site, given the mandatory overshadowing requirements.
 - The parks were not contained within the Fishermans Bend Strategic Framework Plan 2016
 - The proposed parks are both located to the south of our site, making it extremely difficult for any future development to avoid overshadowing at key times throughout the day.
 - We object to the mandatory overshadowing controls for the proposed parks. This assessment should be on a merits basis, to show no unreasonable overshadowing which would negatively impact the amenity of the park.
 - The interpretation of the overshadowing controls in DDO30 is extremely unclear as to which neighbourhood parks must not be overshadowed, as determined in Table 2 in DDO30. We suggest that rather than making a long list, that different colours are incorporated on the map.
- We object to the height limits applied to the site.
 - There is no strategic justification provided for reducing the height from unlimited on one half of our site to 12 storeys on the other side, particularly when nearby properties allow unlimited height across the site.
 - The mapping does not provide clear distinction as to where one height limit stops and the other starts. Whilst the 12-storey height limit is not supported, the exact location of the split of the height limits through the site is ambiguous on the mapping. This should be more clearly defined for clarity and developer certainty.
 - The 12-storey height limit appears to be based on the potential to overshadow the proposed park across the road. As there is already a mandatory control restricting any overshadowing to this park, this is a double up of controls which restricts any flexibility in built form outcomes which could creatively avoid shadowing of this park.

CONCLUSION

In summary, whilst we support the overall vision for the FBDFP, we question the base research and strategic justification which has informed the policy. Furthermore, we are concerned about the drafting and mechanisms of the proposed controls given the unnecessary complexity, multiple errors, inconsistencies and lack of clarity in interpretation. Finally, we submit that the new controls which affect our site severely impact any potential for future development and risk sterilising the site, so that it is likely to sit dormant for years to come, leading to an undesirable outcome for all.

Considering the above, we believe that a significant review of the FBDFP is required to ensure that there is clear and justifiable logic behind the policy controls. We strongly believe that simplifying and providing more flexibility in any future controls will facilitate more site responsive designs and a greater mix of built forms and uses which will contribute to the vision for Fisherman's Bend.

We hope our advice is valuable for your next step in the FBDFP process and we look forward to working closely with the Department on this matter in the future. Should you require any assistance please do not hesitate to contact me on 02 8570 8888 or via email on james@lateralestate.com

Yours sincerely,

LATERAL ESTATE PTY LTD



JAMES GUTHRIE
Design Manager