Fishermans Bend Ministerial Advisory Committee

• Introduction of MAC members
• Terms of Reference
• Summary of MAC work to date

• Brief introduction [Meredith Sussex, Eric Keys, Mark Woodland (replaced Tania Quick), Helen Halliday, Janet Bolitho, Phil Spender, Christian Grahame, Lucinda Hartley, Rob McGauran, Michelle Howard, Mayor of Port Phillip (Amanda Stevens then Bernadene Voss), the Lord Mayor of Melbourne (Ken Ong then Arron Wood)]
• Terms of Reference – to provide advice to the Minister for Planning on the work to ‘recast’ the planning for FB
• How we have worked – first meeting August 2015, report 1 (October 2015), monthly meetings, working groups, continuous review of Taskforce work, extensive consultation and community and stakeholder engagement, Expert Forum (July 2016), Expert Forum Report, all day ‘pre mortem’ (September 2016), Report to Taskforce on Draft Framework (Feb 2017), Report to Minister on Draft Framework (October 2017)
Fishermans Bend – unique opportunity

480 ha of underutilized land adjacent to the CBD.
Opportunity for
• New workplace location for high end service jobs and creative industries
• Inner urban residential growth area – ‘location, location, location’
• Showcasing best practice of high and medium rise, high density, diverse, liveable communities
• Demonstrating new approaches to planning and implementation of urban renewal
• Demonstrating smart city principles
• Hub for 21st century knowledge and innovation economy jobs
Fishermans Bend – unique challenge

But also a unique challenge –

Privately owned by 320 different owners – development viability must underpin planning
Four of five precincts rezoned to Capital City Zone and
Peninsula location limiting access and egress options

Context which adds to the challenge of:
• Achieving genuine mixed use development
• Achieving sustainable transport – for liveability, avoiding gridlock and advanced economic performance
• Leveraging the adjoining amenity of the river and bayside corridors and proximity to the CBD and Docklands
• Managing the interaction with the Port of Melbourne and access for freight
• Meeting sustainability and place making challenges

FB is NOT like Docklands or Barangaroo or Malmo or Boston or…. Publicly owned urban renewal areas have control over master planning, sequence of land release, use of land, contamination remediation, utility construction, public realm, building design and standards, sustainability initiatives, requirements for affordable housing etc – Easy!
• Experience of urban renewal on publicly owned land shapes community expectation
of what must be delivered in FB

- Few international precedents for the FB ambition and none where half the area has been permissively rezoned in advance of planning
• Melbourne has a well deserved reputation for excellent urban design. It is the city of the Hoddle Grid, of Victorian streetscapes, of great urban parks and boulevards, of art deco architecture, of Edna Walling and Robin Boyd, of suburban back yards, of the Sports precinct and the Arts precinct, and of Evan Walker, Peter Corrigan and Rob Adams
• Notwithstanding the challenges of FB, it’s our job to ensure that our children and grandchildren will look with pride at our legacy on the next stage of Melbourne’s growth story
• And that means balancing short term expectations with our responsibility for Melbourne’s future
Planning for FB started in 2011
Vision for the area has broad bipartisan support
Vision substantially supported by community and stakeholders
Implementation has had a chequered history which has increased community and developer concern
Now moving to a new phase – seeking agreement and certainty on the way forward
Input to MAC’s advice

- Extensive consultation
- Deep research supported by Taskforce and others
- Expert advice
- Review of international examples and best practice
- All recommendations practical and affordable
- Frank and open debate about the balance between differing and often conflicting priorities within the MAC
- Submissions to Planning Panel and on the Framework

Issues arising from consultation
- managing density
- high priority placed on early delivery of public transport services
- high pedestrian and cycling amenity
- managing traffic and the amenity impacts of growth
- certainty in relation to accessible and functional open space
- certainty of planning of additional community infrastructure to avoid additional impost on existing infrastructure
- provision of community infrastructure to meet the needs of all life stages
- activation of the ‘employment precinct’ beyond working hours
- mixed use environments to encourage active streets and safe environments
- certainty of planning controls and requirements for developers
- support for social interaction and opportunities to ‘build connection and community’
- on-going support for local businesses and employment
- supporting transitions in business and employment
- housing to meet a range of household needs including affordable key worker housing
- protection of built heritage
- acknowledgement of ‘living history’
- recognition and respect for local character in precinct planning, and
- a strong interest in on-going active involvement in the planning process beyond feedback on plans and ideas.
MAC’s overall advice – underpinnings

• Unique opportunities and challenges require different planning and implementation approaches drawing on international experience
• Focus on ‘what will work’ not ‘what we have done before’
• Development viability must underpin planning decisions – strong controls supported but mechanisms for flexibility and incentive also important

• FB is not like the rest of the Capital City Zone. The CBD has 5 railway stations, a tram line in every second street, and extensive network of parks and open space and existing building stock which will redevelop only gradually over time
• With the exception of some limited heritage stock and the prospect of some ongoing industrial uses, all of the four capital city zoned area of FB will be redeveloped within the next 30 years
• Strategic and statutory planning need to focus on ‘what will work’ NOT ‘what we have done before’
• FB needs tougher controls to ensure good overall outcomes, but that requires mechanisms to provide greater flexibility and incentives as well to assist development viability
MAC’s overall advice – government

Ferrars Street School and Park and the purchase of the Holden site are positive signs of Government’s commitment; now we need

• Integrated governance arrangements
• Detailed Funding and Finance Plan (including PAO strategy)
• Early commitment to public and active transport
• Public realm investment such as the reimagination of Turner Street and Normanby Boulevard
MAC’s overall advice – critical implementation issues

- Community and stakeholder engagement improves outcomes – needs to be ongoing
- Branding, promotion and communications are critical
- Early place activation and inclusion of new strategic partnerships through both community facilities and spaces and schools and universities will enhance confidence and build social capital
- Management of transitional issues is challenging and multi faceted
- Active, ongoing monitoring and periodic review essential. Need to adapt as we go.
MAC’s advice on Framework and controls

- Draft Framework and planning controls provide sound way forward
- Endorsement of linking population and employment targets to built form controls with encouragement for commercial development
- Support for focus on jobs, innovation and knowledge economy
- Support for commitment to Green Star Community and sustainability goals
- Endorsement of 80:20 mode share target and detailed recommendations on transport plans and parking
- Recognition of the difficulty in providing open space and support for the proposed strategy to deliver it
- Support for the colocation of community facilities and partnerships for delivery
- Scope for innovation in contamination management, smart city planning, utilities rollout and support for the Internet of Things
Issues – controls

• Managing density
• Employment uses
• Setbacks
• Design excellence
• Heritage
• Development Plan Overlays
• Flexibility and development incentives
• Provisions for existing permits and applications
Issues – strategic planning

• Transport
• Funding and finance
• Governance
• Affordable and diverse housing
• Community Infrastructure
• Open space
• Sustainability, contamination and environmental Issues
• Utilities
• Place activation
Managing density
13 buildings, all about 40 storeys, proposing about 4250 apartments, or about 8500 people in a couple of hundred metres of Normanby Road—about the population of Benalla with no planned for open space and with virtually no employment uses.

On these trends Montague North was heading to a population density of 1300/ha—about the same as the densest part of Hong Kong and 4 times denser than the 2034 projections for Southbank—clearly not consistent with community expectations and inconsistent with the intentions of all the planning for the area since 2012.
Plus in the next street - Johnson St 1379 apartments, 4 towers, 712 car parks

Managing Density - Numbers

• Estimated resident and worker numbers are critical to the planning for all necessary infrastructure and services
• Estimates of about 80,000 residents and 40,000 workers by 2050 in the four initial FB precincts were determined based on the initial work undertaken by Places Victoria in 2012/13 (particularly work on transport, employment land and market take up)
• These numbers were included in the Vision document released for consultation by Premier Napthine and Minister Guy in 2013 – all landowners notified
• These estimates were also included in the original Plan Melbourne in 2013 and in the revised Plan Melbourne in 2016
• The same estimates were the basis of the Strategic Framework Plan included in the planning scheme in 2014
• 80,000 residents and 40,000 workers by 2050 were confirmed as the basis for planning in the revised Vision endorsed by the Government after extensive consultation in 2016 – all landowners notified
• Detailed planning proceeded on this basis (all landowners notified twice) and the 2017 Draft Framework and planning controls are predicated on these estimates
• Unacceptably high density was a primary concern in the early stage of FB planning – not just from local residents, but from experts and many developers
• Population and job numbers are now generally accepted/have a social licence –
concern has shifted to how the numbers will be contained
• The Framework and the planning controls must work together to provide that mechanism
• It is reasonable to question these numbers, but that questioning should have occurred during multiple opportunities between 2013-2017
• Submissions have not made convincing case to increase numbers, and
• Proposing an increase in density (population numbers) now would require further community debate and (if a new social licence were achieved) replanning for utilities, employment, transport, open space and community infrastructure resulting in further delay and uncertainty
• MAC’s view that next opportunity for reconsidering density should be in the context of delivery monitoring and in the lead up to the next review of controls – the MAC has recommended in 10 years
Density Controls – underpinning assumptions

- 80,000 residents and 40,000 workers by 2050
- 90% of existing permits will be built
- Existing applications will be assessed under proposed controls
- 75% of area will be built by 2050
- Size of apartments
- FARs apply to net developable area
- FAU may increase resident numbers but that is limited and offset by highly desired public benefit

- 80,000 residents and 40,000 workers by 2050 – discussed above
- 90% of existing permits will be built – based on City of Melbourne and City of Sydney data
- Existing applications will be assessed under proposed controls (via lack of provision for transitionals or via call-in of applications)
- 75% of area will be built by 2050 – based on estimates of business intention
- Size of apartments – based on permit and application history
- FARs apply to net developable area (affects issue of compensation for open space, roads etc)
- FAU may increase resident numbers but that is unlikely to be significant if tightly controlled
- Increases through FAU are offset by highly desired public benefit (ie affordable housing, additional open space and early delivery of community infrastructure)
Density controls (cont)

- Assumptions broadly accepted
- But...FAU provisions as currently drafted do not implement policy intent
- FAU designed to deliver additional benefits,
- Essential community infrastructure and open space planned to cater for FAR numbers delivered through Funding and Finance Plan and/or net developable area provisions
- FAU provisions require specific ratios (as for affordable housing)
- Modest incentive needed
- Ratios should be specified in planning scheme, not be subject to discretion
- Change in market warrants consideration of modest uplift for larger apartments
- Ongoing monitoring and full review in 10 years

- MAC broadly accepts these assumptions but believes that FAU controls should be specific – as for the affordable housing provision
- However, essential that FAU deliver additional benefits not those planned for to cater for the FAR numbers – ie housing for low income people, additional open space and the bring forward costs of providing community infrastructure in advance of planned delivery.
- MAC has further recommended that FAU not be subject to responsible authority discretion and clear ratios should be included in the planning scheme
- Proposed FAU provisions for open space and community facilities are unattractive to investors and should be revised to provide incentive for uptake
- May be scope to provide modest and specific FAU for 3 or more bedroom apartment (given move in market away from very small apartments)
- Impact of controls on a few individual sites may need review (as per submissions)
- All assumptions and outcomes should be monitored and planning arrangements reviewed in 10 years
Employment uses – commercial/retail/community uses

- Capital City zoning reflects bi-partisan commitment to a mixed use extension of the CBD
- Opportunity for significant CBD type office development – given proximity to CBD, planned transport and amenity improvements and impending demand for CBD type office accommodation (CBRE submission and Colliers forecasts)
- Land for CBD type development is critical competitive advantage for Melbourne – must not lose this opportunity (particularly in Sandridge) by maximisation of residential development
- MAC supports provision in the controls for unlimited employment related floor areas within the height and overshadowing provisions
- MAC supports mandatory minimum employment related FARs in all core areas (not discretionary as outlined in the controls), and provision for conversion of all ground floor space in non core areas to employment use in the future
Employment uses – development viability

- Employment uses may not currently be viable in some developments
- Possible slowing of the pace of development in core area of Sandridge
- Significant development potential in non core areas
- Transfer of development rights in FB
- Independent Development Viability Assessment Panel

MAC accepts advice that employment uses may not currently be viable in some developments even with the wide definition of employment uses in the controls (which the MAC supports)

MAC accepts the possible slowing of the pace of development in the core area of Sandridge but notes the significant development potential in non core areas without cost to the future economic growth of Melbourne

In mitigation, the MAC supports legislation to allow the transfer of development rights in FB

In addition, the MAC proposes a transitional arrangement (for 5 years) to allow minimum employment related FARs to be reduced subject to meeting conditions as assessed by an independent Development Viability Assessment Panel (This approach is based on UK and US models)
Setbacks

- The MAC supports the proposal that the street wall of buildings typically be a maximum of 4 or 6 storeys (depending on the street width) while allowing for the street wall of buildings to be 8 storeys high on wider streets (at least 20 m wide) but only in instances where the building does not exceed 10 storeys in overall height, and
- Supports the inclusion in the planning controls measures which provide for variable separation distances between buildings depending on the overall height of the building and the relationship between habitable and non-habitable rooms across site boundaries on the basis that it will facilitate greater diversity of building types.
- The MAC recommends flexibility in these provisions in the context of master planned areas confirmed by a Development Plan Overlay (see below)
Design excellence- Design Review Panel

- Impact of density and height major concerns for the community and the MAC
- MAC’s support of the proposed FAR, FAU and height controls included design excellence recommendations not currently adopted
- Standing multi disciplinary FB Design Review Panel
- All proposals over 30 storeys, all proposed Development Plan Overlays and all proposals on nominated key sites to be referred to the Design Review Panel (and should be made public with 3D modelling)
- All larger scale developments must be designed and supervised by an architect (as per Sydney regulation)

- Density and height (particularly unlimited height in conjunction with unlimited commercial FARs and no third party appeal rights) have been major concerns for the community and the MAC
- MAC’s support of the proposed FAR, FAU and height controls included design excellence recommendations not currently adopted
- MAC proposes standing multi disciplinary FB Design Review Panel to provide advice in the pre-app and development assessment stages of development
- Recommendation that all proposals over 30 storeys, all proposed Development Plan Overlays and all proposals on nominated key sites must be referred to the Design Review Panel (and should be made public with 3D modelling)
- Recommendation that all larger scale developments must be designed and supervised by an architect (as per Sydney regulation)
Heritage

• Heritage protection is particularly important in FB because of the large scale development and the likely development path

• MAC recommends the protection of specific heritage places within Fishermans Bend, via the finalisation of Amendment C117 to the Port Phillip Planning Scheme (as amended) and the completion of a similar review of heritage values and protection of significant sites within the Lorimer and Employment Precinct precincts within the City of Melbourne’s municipal boundaries.

• Encouragement of adaptive reuse of heritage buildings is a key rationale for mandating 4 Star Green Star in buildings rather than higher as proposed by some submitters (including MCC and C of PP)

• Build on the documented social history to support place making which reflects that history
Development Plan Overlays

- Super-lot or street block by street block planning on both on nominated sites and as an option for developer led planning
- FAR and setback controls could apply to the full ‘overlay’ area, not individual sites – allows more effective planning
- Also allows for industry ‘curation’ to be integrated with land use planning
- Provides both flexibility and certainty for the community and developers
- Based on concept used in Barcelona to develop highly successful 22@ precinct – one of the very few successful large urban renewal areas like FB ie privately owned by different landowners
- Endorsed by community and stakeholder consultation
- Provisions not supported by proposed controls - current DPO provisions of little benefit

- MAC proposed planning mechanisms to allow super-lot or street block by street block planning in its first report (Oct 2015) both on nominated sites and as an option for developer led planning
- Suggested that FAR and setback controls could apply to the full ‘overlay’ area, not individual sites to allow for more effective siting of buildings, better public realm outcomes and more effective contamination remediation and utility deployment
- Also allows for industry ‘curation’ to be integrated with land use planning
- Provides both flexibility and certainty for the community and developers
- Based on concept used in Barcelona to develop highly successful 22@ precinct – one of the very few successful large urban renewal areas like FB ie privately owned by different landowners
- Supported by community and stakeholder consultation
- Provisions in current proposed controls do not deliver on MAC’s recommendation