

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

RESPONSE TO PROPOSED CHANGES – LORIMER

ON BEHALF OF
THE MINISTER FOR PLANNING

INTRODUCTION

1. These submissions provide the Minister's response to recommendations requested by submitters and recommended in the expert evidence called by submitters to the Panel.
2. These submissions are not intended to respond to every issue raised in submissions and evidence but have been confined to specific recommendations, particularly where they relate to a specific parcel of land. Where the submission or recommendations raise:
 - 2.1. a general matter of principle or policy underpinning the draft Amendment (for example, the population target of 80,000);
 - 2.2. associated general submissions calling for revision to FARs and height controls;
 - 2.3. issues concerning the funding of infrastructure;
 - 2.4. the mechanism to be used to facilitate the provision, and funding of, infrastructure and public open space at Fishermans Bend; and
 - 2.5. governance arrangements for Fishermans Bend,it is intended to address these matters further, in the Minister's Part C Submission.

3. In relation to submissions addressing the location of, and funding for, transport infrastructure including the tram in Lorimer, the Minister relies upon the submissions from Transport for Victoria who will be appearing before the Review Panel on 23 May 2018, the contents of which are summarised in this precinct closing submission.

RECOMMENDATIONS BY JOANNA THOMPSON

4. The Minister has accepted the following recommendations made by Ms Thompson regarding open space in Lorimer:
 - 4.1. Combining two public open spaces to expand the proposed Turner Street (south) open space;
 - 4.2. Realigning the public open space between Hartley Street and Boundary Street; and
 - 4.3. Removing the triangular park on Ingles Street (south).
5. The effect of these changes is to increase the total public open space for Lorimer by an additional 190m² to 50,181 m².
6. The key benefits of these changes for Lorimer would be a stronger connection to the Yarra River, larger open spaces with improved solar access and maintenance of the 200 metre walkable catchment target.
7. The Minister has not accepted Ms Thompson's recommendations:
 - 7.1. to remove the small triangular pocket parks north of Lorimer Central; and
 - 7.2. to expand the Turner Street north park..
8. The triangular pocket parks are considered to contribute to a diversity of open spaces within the proposed Lorimer open space network and are therefore proposed to be retained, as the whole Lorimer Central site (excluding the lots fronting Lorimer Street) will require acquisition in any case. Further, the expansion of the Turner Street north park results in loss of active frontage along Turner Street and prevents the affected property

from achieving the FAR on the Turner Street site. This is particularly so given the proximity of the Turner Street north park to Lorimer Central.

RECOMMENDATIONS MADE BY THE CITY OF MELBOURNE IN ITS SUBMISSIONS

9. The recommendations made by the City of Melbourne (“COM”) in its submissions, and the Minister’s response to those recommendations are as follows.
10. *The CoM agrees with the CoPP that two important factors are missing from the overall urban structure:*
 - a) *the identification of special sites (how so ever described), whether public or private (eg prominent or landmark sites, civic buildings, sites for the location of community facilities); and*
 - 10.1. The consideration of landmark sites, civic buildings and sites for the location of community facilities will be given further consideration during the detailed Precinct Plan for Lorimer.
 - b) *identification of the core retail area.*
 - 10.2. The Minister supports this submission in principle. Higher levels of street activity generated by retail uses are to be encouraged by:
 - 10.2.1. Using the Table of Uses in the CCZ to specify that anchor retail uses such as Supermarket, Department Store and Bank do not require a permit where located in a core area with frontage to either a primary active frontage street, or for a Department Store or Bank, a secondary active frontage street.
 - 10.2.2. Specifying particular design requirements in the draft DDO for streets marked as primary and secondary active frontage (Type 1 and 2) relating to the level of visual permeability for buildings at ground level and the extent of pedestrian entries along the street.

- 10.2.3. The intended effect of these design requirements is that retail uses which generate a high degree of pedestrian activity and offer a high degree of visual engagement/permeability with the street will locate on Primary active streets.
 - 10.2.4. Retail uses which offer a lower degree of visual permeability/engagement to the street such as medical centres and larger format retail premises are intended to locate in Secondary active streets type 1.
 - 10.2.5. While some retail uses such as small shops or cafes are intended to locate on Secondary active streets type 2, the lower degree of visual permeability required in these streets is intended to facilitate some residential development also. These streets are typically located on important pedestrian connections to support a moderate level of activation with some level of passive surveillance.
 - 10.2.6. The classification of streets into primary and secondary and type 1 and type 2 has been informed by the Retail Strategy.
11. *The COM considers that an important part of this work is to assess how the proposed retail floorspace translates spatially into locations for anchor uses and a quantum of primary and secondary frontages in Lorimer.*
 - 11.1. The Urban Structure Plan for Lorimer has identified primary active streets and secondary active streets (types 1 and 2) as outlined in response to the recommendation considered at paragraph 8.
12. *The COM agrees with the COPP's submissions regarding the importance of maintaining a distinction between the built form of the central city with that of development in the surrounding areas (cl 21.06-1 of the Melbourne Planning Scheme)*

- 12.1. The Minister agrees with this submission, and considers that the Framework and draft planning controls support and implement the desire for that distinction.
13. *Aspects of Clause 22 should be brought over into the DDO including:*
- (a) *The provisions on new streets, laneways and pedestrian connections (LPP-3 p 90-104); and*
- (b) *The provisions relating to public and communal open spaces which should be revised to:*
- *Encourage publicly accessible private plazas;*
 - *Encourage central areas of communal open space in perimeter block developments; and*
 - *Delete reference to additional public open space i.e LPP -3 p87-89.*
- 13.1. The Minister does not support the inclusion of the streets, lanes and connections in the DDO, given updated maps for the CCZ, including the Urban Structure map for Lorimer provide an appropriate level of detail regarding open space, streets and these provisions will continue to be supported by the local policy. The reference to additional public open space has been amended to refer to publicly accessible areas.
14. *A minimum floor area for commercial floorspace should be mandated.*
- 14.1. The Minister does not agree with this recommendation. The Minister's position is that the provision of commercial floor space should be incentivised not mandated. The CCZ currently provides an incentive to landowners to provide commercial floor space in core areas, in order to achieve the total permissible FAR on their land. This will operate in tandem with the minimum commercial floor area policy in the new local policy. Additionally, the Minister continues to consider further opportunities to encourage and incentivise additional commercial floor space and welcomes any recommendations from the Review Panel in this regard.

15. *A transition plan should be designed to support the delivery of Fishermans Bend.*
 - 15.1. The Minister considers that the transition of Fishermans Bend from an industrial area to a mixed use higher density urban renewal area is important to manage. Further discussion with the Council about the contents of a 'transition plan' to support the delivery of Fishermans Bend is appropriate, but does not need to be included in the planning controls.

16. *If the FAR is to be used to require land for open space and roads to be vested, introducing clauses should be introduced into the planning scheme that will remove the risk of liability for Council.*
 - 16.1. As identified in the Part C version of the draft CCZ tabled on 14 May 2018, the Minister is no longer pursuing the mechanism in clauses 3 and 4 for the vesting of public open space. The requirement for the provision of roads is consistent with established practice in growth areas for developers to provide works, services or facilities necessary to develop the land for urban purposes.

17. *Amending the CCZ maps to show the proposed laneway east of 111 Lorimer Street to align with the new title boundary in light of the recent subdivision of that site.*
 - 17.1. This recommendation is accepted, is intended to align with the property boundary and is shown in the updated CCZ map tabled with this closing submission.

18. *Revising the relationship between clauses 3.0 and 4.0 of the CCZ and 52.01 to make it clear that a cl 52.01 cash contribution is required in addition to the vesting of the land through the FAR.*

- 18.1. This recommendation is no longer relevant, in light of the Part C version of the draft CCZ tabled on 14 May 2018. Whether a cl 52.01 public open space contribution is required in addition to an ICP contribution (in land or as a cash contribution) will be determined when the detailed costings and the projects covered by the ICP are determined.
19. *Changes are recommended to the CCZ schedule to include the alternative parking requirements given the concern that the parking overlay was being used for a purpose not permitted by the head clause, namely managing alternative parking through a parking plan.*
- 19.1. This recommendation has been accepted and implemented in the Part C version of the draft CCZ tabled on 14 May 2018.
20. *The car share requirements are recommended to be included in the Parking Overlay as 'minimum' parking requirements (which we consider permissible under the head clause) but the motorcycle and pike parking requirements have been placed into the CCZ schedule, Another option would be to include the car share requirements in the CCZ.*
- 20.1. This recommendation has been accepted and implemented in the Part C version of the draft CCZ tabled on 14 May 2018.
21. *The draft DDO control for Lorimer:*
- *Sets out built form outcomes that are not explicitly related to the outcomes sought for the Lorimer Precinct in the Framework vision*
 - *Should be Lorimer specific, clear and easy to understand and encourage a high quality built environment with diverse accommodation and a diversity of built form.*
- 21.1. A draft, precinct specific DDO for Lorimer has been prepared and circulated to the COM for comment. The Minister awaits further feedback from the COM on the draft DDO.
22. *The preferred character outcomes from the MSS should be incorporated into the DDO, a new section should be included in clause 2.0.*

- 22.1. The Minister accepts this recommendation. A precinct specific DDO has been prepared for Lorimer incorporating the preferred character outcomes in the MSS.
23. *The definitions in the DDO should appear at the start of the DDO*
- 23.1. The Minister accepts this recommendation which has been adopted in the draft DDO for Lorimer.
24. *Provisions in the DDO relating to mandatory heights should be deleted from the Lorimer DDO and the relevant map should only include those colours in the legend that are relevant to Lorimer.*
- 24.1. The Minister accepts these recommendations which have been adopted in the draft DDO for Lorimer.
25. *Amend the DDO to:*
- *Show storeys instead of metres;*
 - *Further address how street walls adjacent to the tram and Turner Street are to be treated;*
 - *The location of the Lorimer parkway and Lorimer central maps; The location of open space protected by overshadowing controls with numbers.*
- 25.1. The draft DDO will show both storeys and metres until the final version of the controls is determined, at which time one metric will be used.
- 25.2. The revised DDO for Lorimer has addressed the treatment of street walls adjacent to the tram and Turner Street by introducing laneways to inform the street wall height provisions.
- 25.3. The location of Lorimer Central on the maps has been shown in the typology map in the DDO DDO and in the subprecinct map for the MSS. Part of the Lorimer Parkway is referred to in Table 1 as Lorimer Parkway (Turner Street) but could be shown in its entirety in a map in the MSS. The overshadowing control for each

open space to be protected has also been identified in the draft DDO map for Lorimer.

26. *Include the definition 'publicly accessible private plaza' (a privately owned space provided and maintained by the property owner for public use) and consider including provisions that make it clear that a street wall is not required of a design response which includes a publicly accessible private plaza accessed from the street which is open to the sky).*

26.1. The Minister agrees that the street wall requirements should not and do not apply to a publicly accessible private plaza accessed from the street which is open to the sky. The draft controls do not provide explicit direction about the height or setback of buildings adjacent to a plaza of this kind, so the discretionary height provisions will guide the height of the building and there will be no street wall or setback above the street wall required.

27. *Aligning infrastructure to the planned population and jobs through a variety of means including a partly reduced FAR, a capped FAU and updated infrastructure analysis*

27.1. This recommendation is not accepted. The Minister does not support alterations to the FAR provisions or a cap on the FAU. However, the Minister has accepted it is appropriate to revise the FAU so that social housing is identified as the sole public benefit that may be delivered in return for an FAU. This is reflected in the revised CCZ control circulated by the Minister on 14 May 2018.

28. *Amending the Public Benefit Guidelines to reflect the proposal that affordable housing via the FAU mechanism be limited to social housing*

28.1. This recommendation is accepted. The Public Benefit Guidelines will need to be updated accordingly. The Minister will respond to the CoM version of the Guidelines in its closing.

29. *Formulate a solution to deliver the 6% affordable housing target in Fishermans Bend (and apply that solution consistently across all urban renewal precincts)*

29.1. As set out in his Part B submission at paragraph [111], the Minister does not support a mandatory approach to affordable housing at this time. Further, it is neither appropriate nor possible for the Minister to dictate a uniform solution to the issue of affordable housing for all urban renewal precincts in Victoria as part of this Review Panel process. Such an approach would require an amendment to the Victorian planning provisions.

29.2. On 14 March 2018, the Minister for Planning circulated the Part C draft planning controls which identify social housing as the sole public benefit that can be provided in return for an FAU. In the Minister's submission, this should incentivise delivery of the 6% affordable housing target for Fishermans Bend. Certainly, even before it was the sole public benefit to be delivered via the FAU scheme, the Affordable Housing Industry Group had endorsed in its submissions to the Review Panel the proposed ratio of 8:1 as providing sufficient incentive to encourage the provision of affordable housing (including social housing) as a public benefit.

30. *Retaining or preferably reducing the maximum car parking provisions, and including more strongly worded controls or policies about how parking within podiums is to be designed.*

30.1. The recommendation to retain maximum car parking provisions has been accepted, and has been addressed in the Part C draft CCZ control tabled by the Minister on 14 May 2018.

31. *Retaining the mandatory minimum non-dwelling floorspace requirements and exploring a mechanism for transferable development rights*

31.1. Minimum non-dwelling floor space is facilitated in the Part C CCZ control tabled on 14 May 2018. The non-dwelling floor space

provisions have been strengthened. However, as set out in paragraph 14.1, the Minister does not consider that mandatory provisions are warranted.

- 31.2. In terms of transferable development rights, the Minister notes that large sites have the ability to distribute FAR within the site to deliver separate commercial and residential buildings which meet the FAR.
32. *Stronger ESD provisions in all the controls should be provided to deliver the intent of the Fishermans Bend Vision and draft Framework*
- 32.1. The Minister considers that the ESD provisions in the draft controls provide a sufficient basis for the delivery of the Vision and the draft Framework. This issue will be addressed further in the Minister's closing submissions.
33. *Making appropriate provision for the continued operation of the concrete batching plants*
- 33.1. The Minister has revised draft CCZ and the draft local policy in clause 22.xx to include additional provisions which will provide support for the continued operation of the concrete batching plants, being a use which in turn supports the urban renewal of Fishermans Bend.
34. *Resisting the landowners' call for transitional provisions*
- 34.1. The Minister agrees that it is not appropriate to include transitional provisions in the draft amendment. This issue is addressed further in the Minister's Part B submission.

RECOMMENDATIONS MADE BY MARK SHEPPARD

35. The Minister notes that Mr Sheppard has supported the vision for Lorimer (page 12 of his report, Document 177(c)). The Minister responds to the specific recommendations made by Mr Sheppard in his evidence as follows.

36. *Review the proposed street closures as part of the more detailed precinct planning exercise*
 - 36.1. The Minister acknowledges that street closures can be given further consideration as part of the more detailed Precinct Plan for Lorimer.
37. *Amend the proposed open space network in accordance with Ms Thompson's (expert for Minister) recommendations and review the merits of the Lorimer central open space*
 - 37.1. The Minister's response to Ms Thompson's recommendations is set out in paragraphs 4 to 7 above.
 - 37.2. The Minister does not agree that the location of Lorimer Central should be reviewed. Its current location is optimal, having regard to the following considerations:
 - 37.2.1. Its central position within Lorimer;
 - 37.2.2. Its connection to the Lorimer Parkway;
 - 37.2.3. Its ability to provide separation between future residential development and the concrete batching plants;
 - 37.2.4. Its protection from freight traffic on Lorimer Street by intervening buildings;
 - 37.2.5. The opportunity for surrounding residential development to enjoy an outlook and easy connection to it.
38. *Include a provision within the proposed new local planning policy encouraging new laneways to be aligned north-south*
 - 38.1. The Minister does not consider that this is necessary, in light of the introduction of indicative laneway locations into the draft CCZ urban structure plan. Indicative laneway locations may be explored further during the Precinct Plan for Lorimer.

39. *Recommend the proposed maximum heights be removed, in lieu of a density control (noting that the overshadowing provisions will protect sunlight to the key open spaces)*

39.1. The Minister does not support the removal of the maximum height limits. The lower tower heights north of the Lorimer Parkway have been identified as part of the built form strategy to step the heights of buildings down towards the River. There are some towers located on the river's edge. However, a significant portion of the riverfront area to the north of Lorimer Parkway is low rise.

40. *Review the maximum density in each part of the precinct as part of the more detailed precinct planning exercise.*

40.1. The Minister does not support this recommendation. A review of the maximum densities and height controls is not proposed during the detailed Precinct Planning process for Lorimer.

RECOMMENDATIONS REQUESTED BY MARCO NEGRI

ON BEHALF OF BARRO GROUP PTY LTD

41. *Introduce a mechanism to manage the conflict between the extant industrial activities (ie. the concrete batching plant operated the Barro Group) and the sensitive uses promoted by the framework is required.*

41.1. The Minister accepts that it is appropriate to address potential land use conflict between existing industrial activities and sensitive land uses. The Minister's Part C draft planning controls propose to implement the 'agent of change' principle in respect of sensitive uses within the threshold separation distances identified in Clause 52.10.

41.2. Sensitive uses will be required to provide a plan which responds to the Existing Industrial Uses with Adverse Amenity Potential Incorporated Document and includes, as appropriate, measures to

mitigate potential amenity impacts from any concrete batching plants to acceptable levels.

42. *The EPA should be a recommending referral authority to assist the decision maker in determining whether an Amenity Impact Plan should be prepared in respect of an application.*

42.1. The Minister notes that the EPA has declined to be identified as a referral authority for Amenity Impact Assessments. On that basis, the Minister considers it is inappropriate for the EPA to be nominated as a referral authority for this purpose.

43. *Modify the Framework to include:*

- *an acknowledgement of the economic and strategic importance of some extant industrial activities, including the concrete batching plants;*
- *an acknowledgment that the transition from an industrial area will take some time and that some uses with Adverse Amenity Potential will also be required to be retained for economic and strategic reasons and to assist in the urban renewal of the precinct;*
- *an acknowledgment that the retention of these uses will result in land use conflict and that such conflict should be accepted as a deliberate consequence of the urban renewal and should be managed consistent with the agent of change principle; and*
- *within the precinct delivery summaries, an acknowledgment of the need to consider existing industrial uses, including concrete batching plants.*

43.1. The Minister's draft Part C planning controls have provided recognition of the importance of industries which support the urban renewal of Fishermans Bend (see the revised objectives of the CCZ) and the Fishermans Bend Urban Renewal Area local policy).

- 43.2. The Minister also accepts that it is appropriate to address the potential for land use conflict between sensitive uses and existing industry. The Part C draft controls also implement the 'agent of change' principle in respect of sensitive uses within 300 metres of the concrete batching plants.
- 43.3. The Part C draft controls provide a mechanism for that to occur in the form of the Existing Industrial Uses with Adverse Amenity Potential Incorporated Document and the requirement for sensitive uses to include, as appropriate, measures to mitigate potential amenity impacts from any concrete batching plants to acceptable levels.
- 43.4. The Minister's Part C draft CCZ and local policy provide an appropriate level of recognition of the role of existing industry, particularly the concrete batching plants. Under the Part C draft CCZ, the specific permit requirements regarding general accordance with the urban structure and the FAR do not apply to existing uses.
44. *Insert into the Schedule to the CCZ, section 4.0 on page 6 of 7, the following in italics:*
- In the Schedule to the Capital City Zone, in section 4.0 on pg. 6 of 17, insert the following in italics:*
- *A permit must not be granted to construct a building or construct or carry out works where the provision for any new streets, laneways, or public open space generally in accordance with Map 2 and Map 3 is not provided. This does not apply to an application to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use.*
 - *A permit must not be granted to construct a building or construct or carry out works where the vehicle access points and crossovers are located along roads designated as 'no cross overs permitted' in Map 2 of this schedule, except where a new street or laneway is being created in accordance with that plan, or no other access is possible. This does*

not apply to an application to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use.

- *A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of the floor area ratios in Table 1 unless:*
 - *The application is to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use.*

44.1. The Minister has accepted the intent of Mr Negri's proposed permit and application requirements for existing industrial uses, but has adopted different wording. The Minister's proposed approach has been set out in the Part C draft controls tabled by the Minister on 14 May 2018.

RECOMMENDATIONS REQUESTED BY DAVID BARNES

ON BEHALF OF HANSON CONSTRUCTION MATERIALS PTY LTD

45. *Proposed policy should provide guidance for the responsible authority in considering planning permit applications for upgrading existing concrete batching plants and for new sensitive uses in the vicinity of such uses.*

45.1. The Minister's Part C draft CCZ control provides specific requirements for the consideration of permit applications associated with an existing use. The draft CCZ control also provides specific requirements for sensitive uses within 300m of the concrete batching plants, including the requirement for a plan that Plan responds to an Existing Industrial Uses with Adverse Amenity Potential Incorporated Document and includes, as appropriate measures to mitigate potential amenity impacts from any concrete batching plants to acceptable levels.

- 45.2. The Part C draft Fishermans Bend Urban Renewal local policy also addresses land use transition in Fishermans Bend and reinforces the need for new use and development to implement measures to mitigate against adverse amenity impacts from industrial uses.
46. *Modify the Framework to recognise the existing cluster of concrete batching plants in the vicinity of the 213 Boundary Road and to provide a strategic basis for the policies, purpose statements and planning provisions proposed to be included in the amendment documents.*
- 46.1. The Minister's Part C draft CCZ controls and policies have provided explicit recognition of the concrete batching plants and their role in supporting the urban renewal of Fishermans Bend.
47. *Remove from the Framework the Arts and Cultural Hub investigation areas from 213 Boundary Street and delete land along the east side of Boundary Street from the Community and Education Hub investigation area. It is inappropriate to identify land for a possible arts, cultural, community or education hub, on or adjacent to the site of an existing concrete batching plant that is likely to remain for the long term.*
- 47.1. The location of community hubs has been identified in general terms as areas of investigation in the MSS Structure plans. The precise location of the community hubs will be identified during the Precinct Plan process when issues such as potentially incompatible land use can be addressed.
48. *Introduce an incentive to facilitate the transition of land uses by providing an exemption from the mandatory planning controls and other restrictive provisions proposed in the Amendment*
- 48.1. The Minister does not accept this recommendation. Given the development pressures in Fishermans Bend, it is considered inappropriate to provide exemptions from the mandatory planning controls. Such an approach would compromise the achievement of the Vision for Fishermans Bend.
49. *Broadly the planning scheme provisions should aim to:*

- *Recognise the existing facilities and plan for the ongoing use in an appropriate manner.*
- *Encourage complimentary mixed use developments within close proximity of the concrete batching plants.*
- *Support the upgrading and improvement of the existing concrete batching plants.*
- *Manage ongoing amenity issues in relation to potentially sensitive uses established within the threshold distance of the plants.*
- *Provide encouragement or incentives to eventually relocate the concrete batching plants.*

- 49.1. The Minister accepts that it is appropriate to recognise the importance of industries which support the urban renewal of Fishermans Bend. The Minister also accepts that it is appropriate to address the potential for land use conflict between sensitive uses and existing industry.
- 49.2. The Minister's Part C draft CCZ and local policy provide an appropriate level of recognition of the role of existing industry, particularly the concrete batching plants. The Part C draft controls provide an exemption from specific permit requirements regarding general accordancy with the urban structure and the FAR in respect of existing uses.
- 49.3. The Part C draft controls also implement the 'agent of change' principle in respect of sensitive uses within 300m of the concrete batching plants in Lorimer.
- 49.4. The Minister does not accept that there is any need to provide encouragement or incentives for the eventual relocation of the concrete batching plants.

RECOMMENDATIONS REQUESTED BY HENRY TURNBULL
ON BEHALF OF HANSON CONSTRUCTION MATERIALS PTY LTD

50. *The proposed wording of CCZ4 states ... “A permit must not be granted to construct a building or construct or carry out works where the provision for any new streets, laneways, or public open space generally in accordance with Map 2 and Map 3 is not provided”.*

Works to upgrade the existing plant to improve amenity may require a permit for building works, but a permit application for building works would not be able to be granted under the proposed controls unless provision is made for the 12 metre street along the southern boundary of 213 Boundary Street.

- 50.1. The Minister’s revised CCZ control, circulated on 14 May 2018 has provided an exemption to the ‘generally in accordance’ with the urban structure requirements and the FAR for subdivision, buildings and works associated with existing industrial uses.
- 50.2. The requirement for the provision of new streets, laneways and public open space under the CCZ is no longer pursued by the Minister in the CCZ.
51. *Delete the proposed 12 metre road adjacent to the northern side of the West Gate Freeway between Boundary and Ingles Streets from Map 2 of Schedule 4 to the CCZ and associated documents. It is not required for access or traffic circulation purposes.*

51.1. The Minister does not support this recommendation. The proposed road is essential for access and traffic circulation purposes. The Street network is designed on the principle of creating a walking/cycling environment to deliver the 80:20 mode split target. The overall 100m street network applies in the Lorimer Precinct; however it is noted that it is not as grid-like as the other precincts due to its much smaller size and orientation.

51.2. In order to achieve this, the road network has been designed with key vehicle movements to the periphery of the precinct. This includes:

- a) Recognising the key movement corridors of Lorimer Street (vehicles, trucks, walking and cycling) and Ingles Street (public transport, walking, cycling and vehicles in that order of priority)
- b) Creating a service road that runs along the West Gate Freeway and operates with a spoke network which penetrates the precinct and enables key servicing vehicles to reach sites for car parking, waste and deliveries. Similarly the spokes operate from Lorimer Street where possible e.g. not along the tram corridor.

51.3. There is envisioned to be a central collector road which ties the precinct together. This is formed by the north south road on the western side of Ingles Street, crossing Turner Street and then becoming the east west road south of Turner Street; this road then connects, under Ingles Street to Rogers Street before joining into Boundary Street and reconnecting with Lorimer Street. It is expected that cars would use this road and trucks would use the 12 metre road that goes around the boundary of Lorimer against the Freeway.

52. *Delete the proposed 12 metre road adjacent to the north-west boundary of 213 Boundary Street, Port Melbourne from Figure 20 of the Framework. It is not required for access or traffic circulation purposes.*

52.1. The Minister does not support this recommendation the road on the north west boundary is essential to provide local traffic access and provide a 100m grid network.

SUBMISSIONS BY CLARIC NINETY NINE PTY LTD REGARDING 13-33 HARTLEY STREET

53. Claric Ninety Nine Pty Ltd (Document L20) have made submissions to the Review Panel regarding the site at 13-33 Hartley Street, Docklands. Particular issues raised by Claric Ninety Nine specific to their site, and the Minister's response are as follows.
54. *Claric Ninety Nine Pty Ltd objects to the incorporation of a 12 metre wide service road on its land and submits this road has not been justified and is not identified as a key infrastructure project for the Lorimer Precinct.*
- 54.1. For the same reasons given in paragraph 55, the Minister does not agree that it is appropriate for the service road to be removed from the land at 13-33 Hartley Street.
55. *The Framework depicts a laneway extending in an east-west direction between the proposed open space and the building footprint at 13 Hartley Street.*
- 55.1. In relation to the 12 metre laneway, this is identified as indicative. The Minister accepts that further work can be undertaken as part of the Precinct Plan regarding the precise location and dimensions of the laneways. This work will be undertaken using GIS software to provide accurate information in the maps.
56. *Whether Hartley Street (length of 160m) will cease functioning as a street, the intention for the elevated tram line and the proposed arrangements for access to the site*
- 56.1. The Minister accepts that the plan in relation to this site needs further clarification. Hartley Street will remain open but narrowed to allow for an elevated light rail / pedestrian and cyclist bridge to be located in the centre of Hartley Street. Hartley Street at ground level will become one way and provide a street address for 13 Hartley Street. It will connect to the 12m service road running along the precinct's southern edge adjacent to the Freeway. The

light rail bridge over the freeway will have a minimum clearance at ground level service road of 5.4m

57. *Given the EPA is currently being referred proposals within Fishermans Bend pursuant to s 52 of the Planning and Environment Act 1987 and are not recommending, or more importantly, a determining authority pursuant to s 55, will the EPA be referred an Amenity Impact Assessment?*

57.1. The Minister notes that the EPA has declined to be identified as a referral authority for Amenity Impact Assessments. On that basis, the Minister considers it is inappropriate for the EPA to be nominated as a referral authority for this purpose.

58. *Having regard to the intention of preparing an Amenity Impact Assessment for a proposed sensitive use within the prescribed buffer distances set out in Clause 52.10, the vision for Lorimer cannot be achieved*

58.1. The Minister disagrees with this submission. The preparation of an Amenity Impact Assessment which will set out the measures required to be implemented to manage the potential impacts of uses operating within 300m of the concrete batching plants is not an overly onerous requirement. It is appropriate to address proactively, the potential land use conflict which may emerge between sensitive uses and the existing industrial use.

59. *Believes the controls have not been drafted having regard to the MAC's strong encouragement for flexibility to ensure project viability.*

59.1. The Minister disagrees with this submission. The Minister considers that the draft planning controls strike the right balance between discretionary and mandatory provisions for Fishermans Bend.

SUBMISSIONS BY CLARIC 178 PTY LTD REGARDING 95-97 LORIMER STREET

60. Claric 178 Pty Ltd have made submissions to the Review Panel regarding the site at 95-97 Lorimer Street, Docklands. Particular issues raised by Claric Ninety Nine specific to this site, and the Minister's response are as follows.

61. *The Framework nominated open space on the site (100%), there has been no opportunity to pursue a built form outcome on the site*

61.1. The open space shown on this site is consistent with the permit which has been granted for this site. No change to this space is proposed as part of the draft Amendment.

62. *Recommend:*

- *the State Government demonstrate its commitment to the Fishermans Bend vision by acquiring the land concurrently with approving the proposed development.*
- *a Public Acquisition Overlay be applied to the site to provide certainty.*

62.1. The Minister does not support the imposition of PAOs in Fishermans Bend. A PAO is not required to initiate the acquisition of land in Fishermans bend.

SUBMISSIONS BY LORIMER PROPERTIES PTY LTD ATF LORIMER PROPERTIES UNIT TRUST
81 LORIMER STREET, DOCKLANDS

63. Lorimer Properties Pty Ltd ATF Lorimer Properties Unit Trust, the owner of 81 Lorimer Street, Docklands (Document L26) raised the following issues.

64. *The proposed FAR of 5.4.1 for the Lorimer Precinct is too low. The physical and strategic context of the subject site provides strong justification for greater density than that provided for by the proposed FAR. The subject site should benefit from similar controls to those that applied to the approved development at 85-93 Lorimer Street and buildings north and north east of the subject site.*

64.1. The Minister does not agree. It is not proposed to revisit the proposed FAR for Lorimer which has been developed to implement the Vision for Lorimer. The Minister does not accept that it is appropriate to apply similar controls to those applied to the development at 85-93 Lorimer Street. The Minister is seeking to

achieve a different built form and associated density outcome rather than replication of existing approvals.

65. *The CCZ should provide for a FAU for the subject site given its location at the entrance to the precinct if exceptional quality of design and a positive contribution to the quality of the public realm is demonstrated.*

65.1. The Minister does not support this recommendation.

65.2. The locations for landmark or gateway buildings can be explored in Precinct Planning. The Minister's expectation of a high standard of design and public realm contribution for all buildings in Lorimer and Fishermans Bend is reflected in the DDO and local policy.

66. *Commercial floor area should be raised, or uncapped, to provide for an increase in employment opportunities within Fishermans Bend, providing for existing and future residential populations in Fishermans Bend, Southbank and Docklands*

66.1. This is matter which is under active consideration by the Minister. Mechanisms to support commercial development in Fishermans Bend are being further investigated.

RECOMMENDATIONS BY CHARMAINE DUNSTAN ON BEHALF OF COSTA FOX PROPERTIES

67. *Provide greater certainty in respect of the proposed northern tram route and how it transitions between Turner Street and the Yarra River.*

67.1. The Minister acknowledges that Ms Dunstan has correctly identified the location of the preferred tram route relative to the Costa Fox properties as being located within the area identified as a '10m landscape setback' on the Lorimer Urban Structure Map in the CCZ. In the circumstances, the Minister agrees the description of the 10m wide strip of land should be amended to more accurately reflect the intended purpose of the setback as part of the 'proposed tram route' consistent with Figure 5: Public

transport, in the Framework. Accordingly, the Minister proposes that the setback be identified in the Lorimer Urban Structure Map in the CCZ as 'proposed tram route (10m width)'.

- 67.2. The Minister understands from Transport for Victoria (TfV), that planning by TfV for the proposed tram route through Lorimer will continue over the next 12 months. The planning process will involve confirming the proposed tram route and seeking State government funding for the same. Once the proposed tram route is confirmed, TfV will confirm what land within private property will need to be acquired and how. Whilst the acquisition method cannot be determined yet, it is observed that TfV has previously used a PAO to ensure the land required for public transport is secured and provided in a timely manner. Ultimately the method of reservation and funding will be determined by government decision.
68. *Include in the controls a map which details the proposed public transport route.*
- 68.1. The Minister agrees the 'proposed tram route' should be shown on the Lorimer Urban Structure Map in the CCZ consistent with Figure 5: Public transport in the Framework.
69. *Amend to controls to include a hierarchy of importance in relation to vehicle access. The controls do not prioritise whether public transport routes, cycling routes, pedestrian routes or active frontages are the most important to protect from vehicle access.*
- 69.1. This matter should be clarified in the Precinct Planning process; the hierarchy of streets to be protected from vehicle access should prioritise public transport followed by walking and cycling followed by active frontages as the lowest priority.

RECOMMENDATIONS BY DAVID SONG

MILLS OAKLEY (VARIOUS LANDOWNERS)

577 PLUMMER STREET & 299 BRIDGE STREET, PORT MELBOURNE (DELTA GROUP)

44-54 WHITE STREET, SOUTH MELBOURNE, KADOR GROUP HOLDINGS PTY LTD

277-281 INGLES STREET PORT MELBOURNE, APN PROPERTY GROUP

400-430 CITY ROAD SOUTHBANK, WADHAWAN HOLDINGS PTY LTD

70. *The proposed FAU scheme allows a developer to exceed the otherwise mandatory floor area controls, in exchange for making a contribution of an agreed public benefit. However, the population targets fail to account for the uncapped yield.*

70.1. The Minister does not consider it is appropriate to place a cap on the FAU. However, the FAU has now been limited to the provision of social housing as a public benefit.

71. *Concerns that the FAU scheme has potential to undermine the realisation of the urban design and liveability objectives of the Vision.*

71.1. The FAU has been refined so that the only public benefit that may be provided in return for an FAU is social housing.

RECOMMENDATIONS BY WW SIDWELL

870 LORIMER STREET , PORT MELBOURNE

880-884 LORIMER STREET, MELBOURNE

874-886 LORIMER STREET AND 338-356 INGLES STREET, PORT MELBOURNE

72. *The area identified for the park and along Lorimer Street should revert to development sites and the height should correspond to the Lorimer Street height levels for the four Lorimer Street lots and unrestrained for the balance*

72.1. The Minister notes that WW Sidwell have relied upon the evidence of Mr Sheppard in relation to general built form matters and his critique of the population target. The submission by WW Sidwell, if accepted, would compromise the achievement of the Vision for

Lorimer and would undermine the liveability and amenity of Lorimer. Lorimer Central in its proposed location is an essential feature of the urban structure of Lorimer and protecting it from shadow requires the height of development to its north to be constrained.

73. *Query whether it is appropriate to locate a community hub opposite an operating concrete batching plant*

73.1. The location of community hubs has been identified in general terms as areas of investigation in the MSS Structure plans. The precise location of the community hubs will be identified during the Precinct Plan process when issues such as potentially incompatible land use can be addressed.

74. *The current proposal by the draft CCZ provides that any buildings and works will be prohibited on the Owners Corporation sites other than authorised alterations and additions.*

74.1. Exemptions from the requirement to be 'generally in accordance' with the urban structure identified in the CCZ have been provided for existing industrial uses in the Minister's Part C version of the draft CCZ tabled on 14 May 2018.

75. *Objection to the placement of open space on the warehouse subdivision and Lorimer Central park*

75.1. The Minister notes the objection. However, the Lorimer Central Park is a key area of open space for the Lorimer precinct and will be delivered in the medium term.

RECOMMENDATIONS BY DEXUS

212 TURNER STREET

76. *Objects to the alignment of the proposed 22 metre road which bisects the property and notes the intersection of this road with the Ingles Street overpass needs to be resolved.*

77. The Minister does not support any change to this road. The road is essential for access and traffic circulation purposes.
78. There is envisioned to be a central collector road which ties the precinct together. This is formed by the north south road on the western side of Ingles Street, crossing Turner Street and then becoming the east west street south of Turner Street; this then connects, under Ingles Street to Rogers Street before joining into Boundary Street and reconnecting with Lorimer Street. The Minister accepts the alignment has some flexibility within the Dexus site and will work with the applicant on the exact location as part of Precinct Planning.

SEL REKLAW PTY LTD

541 GRAHAM STREET, PORT MELBOURNE

79. *The proposed scheme for 541 Graham Street submitted for a planning permit would achieve the wind criteria proposed by proposed Amendment GC81 and demonstrates that a properly wind engineered built form can mitigate the wind effects on the surrounding streetscapes without the need for the significant built form restrictions of proposed Amendment GC81. (page 7, dot point 4)*
80. The proposed height has not been derived from wind considerations.
81. *The definition of the comfortable wind criteria has an error - the mean wind speed from any wind direction in Melbourne does not occur for more than 20% of the time. (page 5, para 2)*
82. To be consistent with the wind criteria considered in C270, the definition should refer to “all wind directions combined”.
83. *The expectation is that the wind environment is likely to control the built form design for the four precincts of Fishermans Bend. The proposed built form controls would be expected to result in lower adversely shaped buildings from a wind perspective to maximise floor area, which could have more impact compared to a taller aerodynamically wind engineered built form. (page 7, dot point 2)*

84. The operation of the FAR in conjunction with the discretionary height controls and informed by the built form outcomes in the DDO supports taller, slender towers in locations where tower typology is encouraged. All buildings over 40m should meet the wind criteria and applications for buildings greater than 40m must be accompanied by a wind assessment.

RECOMMENDATIONS BY DAVID BARNES

ANZ

883 COLLINS STREET (OUTSIDE THE FBURA)

85. *The Draft Framework Plan shows a proposed tram route between the two buildings. This alignment is not shown in the amendment documentation. I believe that the Draft Framework should either not show a crossing or should show a number of possible options.*

The Minister considers the 'proposed tram route' should be shown on the Lorimer Urban Structure Map in the CCZ consistent with Figure 5: Public transport, in the Framework.

Susan Brennan
Isaacs Chambers

Marita Foley
Castan Chambers

Rupert Watters
Owen Dixon Chambers West
Instructed by Harwood Andrews

21 May 2018