Date: 9 April 2018

Proposed Amendment GC81 to the Port Phillip Planning Scheme
Fishermans Bend

Stage 2 - General Submissions on behalf of the City of Port Phillip
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Introduction

1. This submission relates to proposed Amendment GC81 to the Port Phillip and Melbourne Planning Schemes (Amendment GC81).

2. This submission builds on and explains matters contained in the public submission that Port Phillip City Council (Council) endorsed at its Ordinary Meeting on 13 December 2017 (the Endorsed Submission).

3. It is supplementary to the submissions already provided to the Fishermans Bend Planning Review Panel (the Advisory Committee) as part of Stage 1 of this Hearing.

4. Specifically, this submission provides Council's position regarding sustainable design. It also provides overarching feedback in relation to

   • retail,

   • urban design; and

   • built form.

5. The latter three topics will be further expanded upon in each of the Precinct Based Hearings that are to follow this part of the Hearing.

6. In addition, Council has considered the updated position of the Minister on a variety of matters as per its submissions to the Advisory Committee on 29 March 2018. A response to these matters is addended to this submission.
**Sustainability**

**Issue**

7. The key issue is that sustainable design requirements for development as proposed by Amendment GC81 do not currently reflect the aspirations of the Vision and are unlikely to meet the targets set by the Framework.

**Council’s Position**

8. Council submits that Amendment GC81 falls short of ensuring that the Vision related to sustainable design will be met and that:

   - The 4-Star Green Star As-Built requirement on development ought to be lifted to 5-Star Green Star As-Built (or equivalent).
   - Fishermans Bend should aim to achieve 6 Star Green Star Communities accreditation.
   - The NaThERS rating should be increased from 7 stars to 8 stars.
   - A NABERS rating of 5.5 Stars ought to be stipulated for non-residential development.

**Submissions**

What is currently proposed?

9. The Vision for Fishermans Bend is for a leading example of environmental sustainability. The Framework is structured around 8 sustainability goals.

10. Council strongly supports this Vision and the intent of each of the Sustainability Goals in the Framework.

11. As Mr Williamson explains in his evidence on behalf of the two councils, the 8 Sustainability Goals that the Framework is structured around bear a strong relationship with the categories of the Green Star Communities Rating Tool.

12. Amendment GC81 includes the following controls relating to sustainability:

   - a mandatory 4-Star Green Star Design and As-Built rating in the Capital City Zone Schedule 1 (CCZ1);¹

¹ Refer to Conditions for Permits in Part 4 of the CCZ Schedule. Port Phillips version of the schedule changes this to 5 stars
a 7 star NatHERS rating for residential buildings in the local policy; and

the use of the Local Policy to provide guidance relating to energy, urban heat island and waste.

13. CCZ1 contains a series of requirements regarding sustainable design as follows:

- Conditions on Permits at clause 4.0;
- Application Requirements including an ESD report; and
- Decision Guidelines including the proposed green star design and as built rating.

14. The conditions on permits are proposed as mandatory. The content of the mandatory conditions indicate that a building must be registered to seek a minimum 4-Star (which Council argues ought to be 5-Star) Green Star design and as-built rating (or equivalent).

15. Then, another mandatory condition provides that prior to occupation of the building there must be evidence submitted which demonstrated that the building has achieved the 4-star Green Star review certification (again, Council submits that this should be 5-star).

16. Then finally, within 12 months of occupation, certification must be submitted that demonstrates that the building has achieved the 4-Star (Council submits 5-Star) Green Star As-Built rating or equivalent.

17. The Application requirements in clause 4.0 of CCZ1 require an application to be accompanied by any technical or supporting information prepared by suitable experts including an Environmentally Sustainable Design Statement addressing a range of related matters. This requirement provides the Responsible Authority with some guidance and surety that the conditions which are to be imposed are capable of being met by the proposed design.

18. In the section dealing with decision guidelines, a relevant consideration is the proposed Star Green Star Design and As Built Rating (or equivalent) and, if appropriate, sustainable water, waste and energy management proposed.

19. The proposed Clause 22.15 – Fishermans Bend Urban Renewal Area Local Policy contains a section with a heading that borrows from terminology found in the Framework. It explains that it is policy to create a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community.

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2 Under the heading “Energy".
Pausing here for a moment, the language used and the “cramming” of so many objectives in the one paragraph is likely a function of recent efforts to ensure that planning schemes are pithy documents. The Advisory Committee should aim to ensure that this pithiness does not give way to ambiguity when in fact, the desire for succinct drafting is aimed at being as clear as possible.

What then follows the overall policy objective of “creating a new benchmark” is a series of intended outcomes in relation to:

- Energy.
- Urban heat island.
- Sea level rise and water recycling and management.
- Waste management.

The above proposed sustainable design measures for Fishermans Bend should be compared to the existing policy for all of Port Phillip, noting that Port Phillip was one of the original group of 6 (noting that many others have followed) that have led the way with ESD policy development within the local section of the planning scheme. Clause 22.13 of the PPPS provides that the relevant “standard” for ESD is best practice in environmentally sustainable development from design stage through to construction and operation.

As a matter of drafting, Council is considering whether it would be better to collate all text relating to ESD matters and placing that in clause 22.13 which deals with ESD in Port Phillip.

As to the technical matters associated with ESD, Council is, with the City of Melbourne, relying upon the analysis contained in the evidence of Mr Williamson in relation to ESD matters.

Understanding Green Star

Green Star is the Green Building Council of Australia’s internationally-recognised sustainability rating system. There are four Green Star rating tools available:

- Green Star Communities (to certify a plan for a precinct-scale development);
- Green Star – Design and As Built (to certify the design and construction of a building);
- Green Star – Interiors (to certify the interior fitout of a building); and
- Green Star – Performance (to certify the operational performance of a building).

Within each rating tool, there are a range of star ratings.

26. Various certification levels exist within the Green Star accreditation system as per the graphic shown below.

![Green Star Rating System](image)

27. The key to more easily understanding the overall structure of sustainability initiatives is to recognise that they are directed to individual developments on the one hand and the overall community on the other. The Communities Tool is aimed at the overall standard that the whole precinct will meet, while the Design and As-Built Tool is aimed at individual developments.

28. This distinction is often not observed in the language of experts or the various provisions but should nevertheless be kept in mind as a point of difference between various provisions.

29. CCZ1 proposes to impose a requirement to achieve a 4-Star Design and As-Built standard for development however, a Green Star - Communities rating has not been nominated. Thus, it is not clear which credits are going to be met to achieve Green Star – Communities Certification.

30. While the Communities Rating Tool is intended to apply to the whole of Fishermans Bend, this rating tool shares many of the same credits that are applicable to the Design and As-Built Rating Tool. If these were aligned, it would allow for developments to pull in the same direction as it were in relation to the broader sustainability goals for the whole of Fishermans Bend. This would be an easy win.
31. For example, the Adaptation and Resilience credit at a building scale would require every developer to produce a strategy to achieve this credit. However, if an Adaptation and Resilience credit measure was established under Green Star - Communities, this could in turn inform the requirements for each building to meet the credit under Design and As-Built without each development having to reinvent the wheel. This could help to streamline the Design and As-Built process for developers.

32. Council considers that a 6 Star Green Star – Communities rating “World Leadership” would be appropriate for Fishermans Bend, to align with the aspirations of the Vision and the Framework. Other leading examples of sustainable urban development in Australia that have achieved (or are in the process of achieving) a 6-Star Green Star – Communities rating include:

- Lendlease’s Barangaroo South;
- Australand’s Burwood;
- Stockland’s Stamford Park; and
- Renewal South Australia’s Bowden development.

33. As for the rating to be applied to each development, Council submits that a 4-Star rating will not achieve the Vision of a ‘leading example of sustainability’. In this regard, it is noted that many developments throughout Port Phillip that do not carry this lofty vision are already meeting this standard.

34. The Green Star tools allow for trade-offs between different sustainability outcomes, as credits are accrued for different measures in each tool. For example, for Design and As-Built this could include water efficiency, sustainable transport, stormwater and greenhouse gas emissions. This allows flexibility to pick and choose which sustainability elements are delivered to achieve the preferred rating.

35. A 4-Star Rating in some development categories (commercial and office) is deemed to be business as usual across the industry.

36. Alternatively, a 5-Star rating “Australian Excellence” as Council submits is appropriate, requires development to achieve an additional 15% of available points within the rating tool across any of the 9 categories (Management, Indoor Environment Quality, Energy, Transport, Water, Materials, Land Use and Ecology, Emissions and Innovation).
37. A 5-Green Star Design and As-Built rating has been applied to the Victorian Government’s Public Housing Estate Renewal Program and the Bowden development in South Australia.

38. Moving from the star rating to the implementation mechanisms, we would also submit that the requirement for Green Star Design and As-Built as a condition of permit in the CCZ1 is too late in the process. It must be an upfront consideration of any planning permit and be a key part of the design of the development in the same way as heritage, amenity and other key development considerations must be considered at the outset.

39. There is an opportunity for a permit application to be lodged with the Green Building Council Australia at the same time it is lodged for planning approval and for a design review process to be conducted to confirm the project is on track to achieve the required rating.

40. As outlined above, the Green Star Design and As-Built rating allows the developer to choose which credits to deliver. An option exists to prescribe specific credits under Green Star Design and As-Built which are non-negotiable for some sustainability outcomes in the Framework.

Energy and emissions

41. NatHERS is a rating tool that measures the thermal performance of residential buildings

42. The proposed 7-Star NatHERS rating (as found in the proposed local policy) is not high enough to align with achieving net zero emissions in Fishermans Bend as per the target of the Framework. Investing in the right infrastructure upfront is critical to achieving net zero emissions. Council submits that this needs to be lifted to 8-Stars to align with the Framework.

43. A rating of 8 stars would ensure these thermal loads are built into the building fabric which have a longer asset life and will be a more cost-effective method of reducing emissions.

44. Further, given that there is proposed to be a large amount commercial development in Fishermans Bend, an associated issue is that a NABERS rating has not been nominated for commercial development\(^3\). Council submits that a 5.5-star rating should be nominated.

\(^3\) NABERS is a rating is for the operation or ‘actual performance’ of non-residential buildings.
Waste

45. The Framework's 2050 target for diversion of household waste from landfill is 70 per cent (Sustainability Goal 8: A low waste community, page 65). This is substantially lower than what is being achieved internationally where advanced waste treatment facilities are utilised (above 80 per cent).

46. The proposed Local Policy encourages development to include best practice waste management that responds to any precinct waste management plan, if one exists, and where practical, provide a range of waste storage and collection options.

47. To maximise landfill diversion, it is vital that buildings are designed from the outset to optimise waste storage, recycling and efficient collection methods. Retrofitting of buildings is often impossible or prohibitively expensive.

48. Best Practice per the Better Apartment Design Guidelines will not achieve the proposed targets for waste in Fishermans Bend. Therefore, additional requirements in the planning scheme controls are needed.

49. Waste management in Fishermans Bend should seek to improve the amenity of waste collection by mandating on-site waste storage and collection for all development of 10 dwellings or more and 1,000 square metres or greater for non-residential developments. Additionally, a single waste and recycling solution per building for waste should be strongly encouraged so that all businesses and dwellings within a mixed-use building are serviced by a single waste provider.

50. The proposed waste requirements represent a weakening of the current controls which include:

- mandatory requirements for adequate waste management and resource recovery facilities within the design of buildings; and

- application requirements for a waste management plan and construction waste management plan.

51. We also note that the proposed planning controls do not include application requirements for a waste management plan or construction waste management plan. Such documents should be lodged with the application to enable them to be considered and then conditioned in the permit which issues. Accordingly, Council submits that the application requirements in the CCZ1 needs to be changed to include these two plans.
Urban Heat

52. The Framework’s 2050 target for urban heat is that ‘Fishermans Bend will be no hotter than Inner Melbourne’ (Sustainability Goal 4: A climate adept community, page 60).

53. As a comprehensive renewal area, there is the potential to ‘design-in’ a micro-climate response that can achieve a reduction in urban heat, emphasising the crucial role of water and vegetation. This should result in an urban heat island effect which is reduced from that of Inner Melbourne, not equal to.

54. The Local Policy encourages the incorporation of green roofs and green walls into development. However, minimum standards are needed for building design to ensure that high quality green roofs and green walls are provided which reduce urban heat.

55. There are more comprehensive requirements in the current planning controls (for example objective 7.4, Strategic Framework Plan) which have not been included in the proposed controls, such as a requirement for external shading to facades to reduce summertime heat loads to address the issue of unshaded ‘glass box’ towers. This represents a weakening of sustainability requirements from the current controls that is not supported.

Changes requested

56. A commitment to a 6-Star Green Star Communities “World Leadership” Rating.

57. An increase in the mandatory requirement for Green Star Design and As-Built Rating in CCZ1 to a 5-Star “Australian Excellence” rating.

58. Development of a strategy to identify which credits will be met to achieve 6 Star Green Star – Communities. Ensure alignment between Green Star Communities and the required credits to achieve a 5-Star Green Star Design and As-Built Rating.

59. Include an application requirement that the development must be registered with the Green Building Council and a Design Review has been conducted to ensure the Green Star Design and As-Built rating process runs concurrently to the planning approval process.

60. Include a requirement in CCZ1 for residential developments to achieve an 8-Star NatHERS Rating and for non-residential development to achieve a 5.5-Star NABERS Rating. Currently the NatHERS provision is found in the local policy. The NABERS Rating is not found in the amendment documents at all.

61. Include application requirements in relation to waste and urban heat within the CCZ1.
62. Include a discretionary requirement in the CCZ1 for developments to include a green roof that is at least 20% of the total roof area.

Urban Structure and Retail

Issues:

63. The key issues are that:

- Amendment GC81 does not protect opportunities for anchor land uses such as supermarkets, large retail developments hospitals and universities;
- there is limited guidance for retail development including the key location for it and how it ought to be designed; and
- the extent of primary active frontages as set out in the map forming part of the DDO30 is so extensive that it may dilute core retail uses over too large an area and lead to a lack of vibrancy in key locations.

Council's Position:

64. Council’s position is that:

- an Urban Structure Plan as proposed by Council in its submissions to Stage 1 should form part of CCZ1;
- the DPO should be used to preserve opportunities for anchor land uses to establish in the right locations; and
- the designation of active frontages as identified in the relevant maps of the DDO and CCZ schedules should be refined.

Submissions:

65. A well-defined urban structure for Fishermans Bend will establish the ‘bones’ for future development. Council made submissions regarding this in Stage 1.

66. Urban structure contributes to legibility, a distinct sense of place and guides investment decisions. This is particularly important given the large size of Fishermans Bend and the high proportion of privately owned properties.
67. Key elements of the urban structure and land use include:

- primary boulevards and transport spines;
- large parks and urban plazas connected by linear green spaces;
- Core areas where employment and more intense development is concentrated; and
- a network of distinct activity centres which act as the ‘community heart’ for residents and workers. These include locations for community hubs, core retail areas and primary/secondary active frontages.

68. Together these key spatial elements create an integrated foundation for place, both across the Fishermans Bend precinct and within its individual neighbourhoods.

69. A clear urban structure for Fishermans Bend and its precincts is missing from the draft Framework and the proposed planning controls. The precinct based maps at the back of the Framework go some way towards this, but they do not provide adequate land use guidance.

70. We note that Mr Sheppard’s expert report at paragraph 114 identifies the same concern. See also the discussion at Part 5.7 of Mr Sheppard’s overarching Report. The Fishermans Bend Urban Design Strategy (the UDS) includes a proposed Urban Structure Plan at Figure 4 (p12), but it is missing fundamental elements such as, for example, the location of Core Retail Areas (activity centres).

71. Proposed policy at Clause 21.06-8 Fishermans Bend of the Municipal Strategic Statement (MSS) attempts to describe some of the key elements, however some of this is written as description and not strategy and is difficult to follow without plan based guidance.

72. Council has prepared such a plan that addresses this concern. This is reproduced below and attached at as an A3 sheet providing a larger scale for legibility.
Anchor Land Uses

73. The Vision for Sandridge is for it to emerge as a major commercial area that compliments the economic role of the central city. This regional focus will require a large mix of uses, strong civic presence and importantly, a range of regional attractors such as major health and tertiary education facilities, department stores, supermarkets and entertainment uses such as cinemas.

74. It is undisputable that residential will be the most market ready land use in the short to medium term for Fishermans Bend. This creates a major risk that locations that are best suited to delivering a broad range of anchor land uses essential to the creation of a major commercial and retail area may be crowded before they have an opportunity to establish. We know that residential apartments will be near impossible to reconfigure into other uses once are they subdivided off and sold. Land use planning intervention is therefore required to preserve the opportunities for anchor land uses until the market catches up.

75. Council is aware that the Taskforce has procured a report investigating retail demand over time in Fishermans Bend from Essential Economics, however this has not been tabled in support of Amendment GC81.
76. Council is aware, and it ought to not come as any surprise, that Essential Economics conclude that a Regional Centre in Sandridge which serves the entire Fishermans Bend area and beyond could support a large amount of retail floor space based on the population of 80,000 residents and 80,000 workers. This includes need / demand for several full line supermarkets, a major shopping precinct containing multiple full line supermarkets and mini-majors as well as a large range of specialty retail (such as an Emporium or QV-style retail development) and other associated hospitality based land uses.

77. Opportunities for anchor land uses (particularly supermarkets) also need to be protected within the core areas of Montague and Wirraway as well.

78. Council considers that the Essential Economics Report ought to have been tabled immediately to enable the Advisory Committee to consider what Amendment GC81 needs to do in this regard and for all submitters to be able to make submissions regarding this material.

79. Council considers that in the absence of any other methodology available, the DPO with a modified schedule should be applied to the central part of each core area to deal with the potential impact of time lag associated with the later establishment of anchor land uses. This should align with the Core Retail Area nominated by Council (shown below following the discussion around active frontages).

80. The requirement for a development plan to be approved for those areas could then be used to ensure that opportunities are preserved for these larger floorplate land uses to emerge in the right locations once demand is reached. It may be that this is a temporary move that could be superseded should Precinct Plans adequately deal with this issue and have appropriate weight in the Planning Scheme.

Active Frontages

81. Active frontage requirements are currently split between Clause 22.15 (addressing active frontages generally), the DDO30 (which includes requirements for primary and secondary active frontages) and the PO1 (addressing the “sleeving” of car parking areas). Addressing the same element in two or three separate places is confusing and unnecessary.

82. The Framework and planning controls nominate large lengths of primary active frontages in each precinct. For example, See Map 1 in the DDO Schedule (Document #66 Part F). While all areas within Fishermans Bend will have some component of mixed use, Council is concerned that this approach will have the effect of scattering the ‘primary’ area of activity too far and that this will have a negative effect on the vibrancy of the most important areas.
83. The Essential Economics Retail Assessment projects less supportable specialty retail floor space than what is shown in the active frontages maps. To address this, Council has sought to nominate core retail areas and to limit the primary active frontages to these areas.

84. For example, a long “high street” like Fennell / Plummer Street will have areas of more concentrated activity near the major public transport nodes and that it will be crucial to activate the key north streets in these areas (Bertie Street and Salmon Street).

85. Council plans to elaborate further on this issue in each of the precinct based hearings as it will have the opportunity to focus on specific areas.
Changes requested

86. Amend Clause 21.04-2 Activity Centres in the MSS to identify the creation of three new activity centres in Fishermans Bend – a Metropolitan Activity Centre in Sandridge and Neighbourhood Activity Centres in Wirraway and Montague.

87. Amend Table 1: Activity Centres in Port Phillip in Clause 21.04-2 to identify the role and function of each of the three centres.

88. Amend Clause 21.06-8 Fishermans Bend Urban Renewal Area in the MSS to establish a clear activity centre hierarchy that establishes Sandridge as a future Metropolitan Activity Centre and Wirraway and Buckhurst Street, Montague as neighbourhood based centres.

89. Amend the location and distribution of primary / secondary active frontages in CCZ1 Map 1 and DDO30 Map 14.

90. Include a definition for primary active frontage and secondary active frontage in CCZ1 to align with the definition within the Framework.

91. Amend land uses in the CCZ1 to ensure Section 1 uses (bank, cinema based entertainment facility, department store and supermarket) are only as of right along primary active frontages (not secondary).

92. Move the design requirements for active frontages from Clause 22.15 to DDO30 to consolidate all active frontage requirements in one location for ease of use and clarity.

93. Move the requirements for sleeving of car parking from PO1 to DDO30 and require mandatory sleeving of car parking on primary and secondary active frontages, but not in laneways.

94. Precinct Planning should further refine core retail areas through nomination of key anchor retail and commercial sites / blocks within Sandridge and Wirraway to ensure these opportunities are reserved for this purpose. Precinct plans should be incorporated documents to ensure they have sufficient statutory weight to inform decision making.

95. Utilise the DPO to protect long term large floorplate anchor retail land use opportunities for the retail core areas in Montague, Sandridge and Wirraway.

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4 The specific changes will be outlined in the precinct sections of this hearing.
Built Form

Issues

96. At this general level, the key issues are that:

- key development sites and place making opportunities are not nominated in Amendment GC81;
- there are insufficient provisions to guide the delivery of distinct neighbourhoods and a diversity of architectural typologies;
- there is no control on the width of towers; and
- The proposed use of ‘primary outlook’ is not defined in the Planning Scheme.

Council’s Position

97. Council’s position is that:

- key development sites and place making opportunities should be nominated as sites that are encouraged to enlist design competitions and design review processes;
- greater guidance is required to ensure the creation of distinct neighbourhoods and architectural diversity;
- tower dimension controls are required;
- the original use of habitable room windows should be retained for the purposes of residential separation distances.

Submissions

Contributing to a varied, inner-city skyline

98. A gap in the draft Framework and proposed planning policy is the absence of policy guiding how the skyline of Fishermans Bend is to relate to Docklands, Southbank, the Hoddle Grid, South Melbourne and Port Melbourne.

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5 Council plans to make further and more place specific urban design and built form submission in each Precinct Hearing.
Council notes that Clause 21.06-1 of the Melbourne Planning Scheme seeks to ‘ensure a strong distinction between the built form scale of the Central City with that of development in surrounding areas’.

The Vision for Fishermans Bend is not merely to create an extension to the Central City. Thus, Council considers that Fishermans Bend should have its own distinctive and varied skyline.

Some have, and will continue to submit that the presence of the Capital City Zone implies high rise and that optimised density implies fitting as many tall buildings in as can fit or that Fishermans Bend is an extension to the central city reflecting the height and scale of the development there. To suggest this ignores the fact that City North, Arden-Macaulay, Central City and Southbank are all zoned CCZ but have different built form outcomes. Indeed, the skyline varies greatly in various parts of the Hoddle grid itself.

A legible cityscape is important to:

- first and foremost, identify the central city (that is to say, the Hoddle Grid and the immediate river environs (or in other words the CBD) as a distinctive core built form feature of the capital city;
- help develop a distinct character and identity for Fishermans Bend and its precincts as distinct from Docklands and Southbank;
- indicate the primacy of places and centres, emphasising the CBD as the premier commercial and retail centre in Melbourne; and
- assist with wayfinding and orientation (from outside and within the precinct).

The figures below show that the exhibited planning controls creates the potential for buildings on Ingles Street of 80 to 90 storeys before they are limited by flight path requirements. The height of these buildings would be equivalent to Eureka Tower (at 91 storeys) and significantly taller the Rialto (at 55 storeys).

Council considers that the following would help to achieve a more distinct and legible skyline for Fishermans Bend:

- The height of buildings at Fishermans Bend, and by extension, the overall skyline should be of an overall form which is visibly and perceptibly lower than that of the CBD to reinforce the primacy of the centre of the metropolis.
- A hierarchy of heights within Fishermans Bend itself, with Sandridge having the tallest buildings, followed by Montague North and then Montague South and Wirraway with the lowest heights.

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6 Noting that a substantial FAU proposal would need to be approved for this occur now that the Minister proposes to not allow unlimited commercial development in Core Areas.
A clear differentiation between the core and non-core areas in each precinct, with taller buildings in the core and shorter buildings in the non-core, to create a visual break and diversity in the skyline.

105. Council considers that the following would be achieved by:

- containing the taller heights in the Sandridge Core to west of Ingles Street;
- providing more of a gradual transition from Sandridge to Lorimer by reducing the height of the tallest buildings at the northern edge of Sandridge;
- reducing heights in the Wirraway and Montague South Core so that the built form is more closely aligned to its future character statement and the design objectives for these areas;
- reducing building and tower widths to minimise the “wall of buildings” and promote slender towers to improve legibility of the skyline by increasing the spacing between towers;
- including controls in the DDO that deliver mid-rise buildings; and
- implement the above with a combination of control and policy that reinforces the intended outcomes to help guide discretion.

7 Council considers that this would create excellent opportunities for large format campus style buildings that are suitable for office headquarters, tertiary education or major health facilities.
Place making and key development sites

106. Urban design analysis often includes the identification of activity nodes, landmarks and key gateway sites. They often include, but are not necessarily limited to prominent corners, terminating vistas, heritage sites, key parks and iconic buildings.

107. These sites are often accompanied by policy that helps to establish their primacy from a design and place making perspective.

108. Surprisingly, no landmark, gateway or significant corner sites are identified in the entire Framework.

109. Council has defined key sites, key corners, landmarks and gateways (shown below) and recommends they are included in policy and the DDO to enhance the legibility of the precinct, links to the past and create a unique identity. These sites would be prime candidates for design competitions and design review processes.

Distinct Neighbourhoods & Architectural Diversity

110. The endorsed Vision for Fishermans Bend outlines the desire for each precinct to have a distinct character and to encourage a range of building typologies but provides limited guidance on these. Council strongly supports this Vision.

111. Guidance on preferred character and typologies to help support this outcome is proposed to be included in the MSS at Clause 21.06-8. Council considers that this content needs to be further developed and strengthened if it is to influence development in the desired manner.
112. Council agrees with the evidence of Professor Bates, Ms Hodyl, Mr McPherson, Mr De Keijzer and the presentation by Professor Adams that development does not have to be high rise to deliver a dense, vibrant urban environment and that mid-rise development can deliver high residential densities. We note that this is also not contested by Mr Shephard. In fact, their analysis shows that building out Fishermans Bend entirely in this fashion could create an overcrowded, low amenity environment that clearly ought to be avoided.

113. While the core area of Sandridge, the northern part of Montague and the southern part of Lorimer, are envisioned to include towers (which is supported to that limited extent), there is a desire for other areas to create mid-rise neighbourhoods that offer more diverse housing choices and deliver different building typologies.

114. This includes block (including courtyard, perimeter block) and hybrid buildings in Wirraway, and infill/narrow lot, row and block (including shop top housing) in Montague South.

115. Currently, there is no definition of low-rise, mid-rise and high-rise development outcomes within the proposed planning controls.

116. Architectural typologies are also not defined or explained anywhere in the planning scheme as part of Amendment GC81.
117. Council has undertaken some benchmarking of mid-rise and infill developments in the inner city. The purpose of the benchmarking was to understand the key characteristics of mid-rise scale housing and compare this to the outcomes facilitated by the planning controls and the block structure proposed for Fishermans Bend.

118. The benchmarking outcomes for mid-rise building on larger sites are summarised below:

- Buildings width between 37 metres to 68 metres;
- Buildings length between 59 metres to 137 metres;
- FAR of between 3.1 to 7.8;
- heights ranging from 3 storeys to 15 storeys;
- site coverage of between 57% to 70%;
- communal open spaces were located either on the ground, level 1 or level 2;
- car parking was mostly provided on or above ground and sleeved;
- building separation distances varied from approximately 4.6 metres to 20 metres;
- visual bulk was addressed by breaking up built form mass into smaller buildings with diversity in architectural form, rooflines, materiality and façade articulation and detailing;
- changes in scale were often achieved through a series of individual buildings rather than a stepped wedding cake approach; and
- buildings ranged from double aspect row houses that were around 15 metres deep to single aspect, single loaded apartments at 13 metres deep and double loaded, single aspect apartments from 20 metres deep.
Mid-rise benchmarking on narrower infill sites demonstrated the following:

- Generally built to all boundaries with no front, side or rear setbacks at the ground level.
- Strong street walls activated with windows and balconies, often with active land uses at the ground level.
• High site coverage – most developments of this typology have 100 percent site coverage, with private open space typically limited to roof tops, podium tops and balconies.

• Any levels above the street wall are typically set back, especially where heritage fabric is retained (in these instances setbacks are generally more generous).

• Narrow lots rely on street / laneway frontage to provide daylight / sunlight and natural ventilation.

• The location of the lift core and services can significantly affect efficient floor layouts on very narrow sites.

• Where dwellings front a rear lane, the width of the lane and distance to other development abutting that lane has a significant impact on amenity (including outlook and daylight).

• On smaller sites, parking is often limited and generally accommodated in car stackers accessed from the side or rear. Some sites are unable to provide parking.

• Access to parking is usually provided from the side or rear laneways to prevent taking up significant portions of the façade.

120. The benchmarking for infill developments is particularly relevant for Montague South where sites are likely to be built to all boundaries and have a higher site coverage that is the case in Sandridge and Wirraway.

121. Council is keen to ensure any levels above the street wall are set back to define and emphasise the street wall - especially where heritage fabric is retained.

122. Further, ensuring upper level setbacks above the street wall apply on laneways as well will help to provide for amenity and opportunities for private open space.

123. For narrow sites, ensuring that developments have adequate separation distances for habitable rooms, or encouraging development to build a blank wall to the side boundary will be important to allow for equitable development rights.

124. Where sites need to obtain access and waste collection from the rear, it will be important to ensure that existing laneways are wide enough and have adequate connectivity.

125. Other issues around the specific heights and typologies for each precinct will be expanded upon in the Precinct based hearings.
DROO Building, 93 Burwood Road, Hawthorn

- Site Area: approx. 7000sqm
- Open Space: Terraces (North facing to Laneway, south facing internal)
- Site Coverage: 100%
- Number of Dwelling: 4 apartments (2 bedrooms) & 1 shop at ground floor
- Car Spaces: 2 car stackers (basement & ground level), access from rear laneway
- Other: Retains 2 storey heritage building to street

Figure 35. DROO Building, 93 Burwood Road, Hawthorn (Narrow infill benchmarking)

Hoheluftchaussee 19, 20353, Hamburg, Germany

- Site Area: approx. 420 sqm
- Open Space: Terraces (South west facing to Laneway) and communal courtyard (on top of parking level)
- Site Coverage: 75%
- Number of Dwellings: 9 apartments (2 bedroom) over 5 storeys, 2 storeys of offices
- Car Spaces: Unknown number of spaces, rear access, parking at ground level at rear.

Figure 36. Hoheluftchaussee 19, Hamburg (Narrow infill benchmarking)

STUDIOS 54, Waterloo Street, Surry Hills NSW

- Site Area: approx. 126 sqm
- Open Space: Terraces (facing the street and an internal courtyard / light well)
- Site Coverage: 100%
- Number of Dwellings: 4 apartments and 1 shop/office
- Car Spaces: No car parking provided

Figure 37. STUDIOS 54, Waterloo Street, Surry Hills NSW (Narrow infill benchmarking)

Ormond Road Apartment, Ormond Road, Elwood

- Site Area: approx. 363sqm
- Open Space: Terraces (North-East facing to street, North-West facing to laneway)
- Site Coverage: 100%
- Number of Dwellings: 10 apartments & 1 shop & 1 cafe at ground floor
- Car Spaces: 4 car stackers and 1 visitor car park. Double car stacker

[7496354: 21261981_1]
Several aspects of the proposed planning controls do not encourage mid-rise building typologies. This is largely due to the following:

- Building heights are too high in some areas where mid-rise development is sought such as 24-storeys in the Wirraway core area and 20-storeys on the north-side of Buckhurst Street).

- Controls are too focused on podium - tower form.

There is a risk that the proposed uncapped FAU controls may deliver podium-tower developments where mid-rise development is preferred.

Tower dimensions

Proposed changes to Clause 21.06-8 of the MSS contains references to ‘well-spaced, slender towers that provide sunlight access to streets and neighbouring residences’. However, there are no proposed planning provisions which talk about achieving slender building forms.

FAR and other building envelope controls may to some extent limit the amount of floor area overall. However, the FAR can be exceeded through the (currently) uncapped FAU scheme anywhere in Fishermans Bend.

3D modelling undertaken by Council shows that the raw building envelopes that are possible outcomes of the resulting building envelopes have the potential to create big, boxy, dominant massing, and in other locations large, elongated, slab-like floorplates (see below) which can have negative impacts on the public realm, poor amenity for building occupants and impacts on the skyline.
130. When adequately separated, compact floorplates and slender towers can:

- minimise shadow impacts and negative wind conditions on surrounding streets, parks, open space, and properties;
- minimise loss of sky views from the public realm;
- allow for the passage of natural light into interior spaces (e.g. shallow rather than deep floor plans) – an important contributor to sustainability, residential liveability, and workplace productivity;
- create architectural interest and visually diminish the overall scale of the building mass; and
- present an elegant profile for the skyline\(^8\).

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\(^8\) Source: Tall building Design Guidelines, City of Toronto, March 2013.
131. Benchmarking tabled as part of Melbourne Amendment C270 suggests different approaches are required for commercial and residential towers as they have different requirements. This is a matter that Mr Sheppard touches on. However, Council submits that this can be dealt with through the amendment documents envisaging the ability to transfer development rights between one site and another.

132. While many have suggested that legislation is required for this, we think that section 173 agreements are probably the more likely vehicle for securing transferrable development rights. The system could operate somewhat like native vegetation offsets whereby vegetation can be removed from lot A on the basis that it is preserved on Lot B. This is generally done by a section 173 agreement. In the same way, potentially, the obligation to deliver the minimum commercial FAR on one site could be transferred to another site and guaranteed through a section 173 agreement. Accordingly, provided the planning controls foreshadow that this could occur, Council is not as concerned with the matters raised by Mr Sheppard in his evidence.

133. The diagrams which follow illustrate the different approaches to commercial and residential towers and why the ability for transfer of development rights should be contemplated.
134. Council also undertook its own benchmarking of commercial and residential development both within and outside Fishermans Bend and found the following:

- Maximum dimension of 50 metres in one direction and a maximum floorplate of 1,250 square metres aligned to best practice outcomes.

- The floorplates of commercial buildings are usually larger in area and deeper and can be up to 75m in one direction. Average floorplates were in the order of 2,000-2,500 square metres.

- Campus style commercial buildings had an average floor plate of 6,600-9,800 square metres.

135. There is minimal guidance to promote well-designed slender towers. The approach in Toronto is to ensure towers are designed as three carefully integrated parts: a base building, middle, and top (refer below).
Changes Requested

136. Include a policy provision in clause 22.15 which recognises relative scale difference between CBD and other areas.

137. Amend building heights to differentiate between precincts and Core and Non-Core Areas.

138. Include a policy provision in Clause 22.15 which recognises relative scale difference between Lorimer, Sandridge, Montague and Wirraway.

139. Clearly define the extent of Core Retail Areas diagrammatically.
140. Clearly differentiate the character between Core and Non-Core Areas through text to policy and the planning controls set out in the DDO schedule.

141. Include the key development sites and place making map in the MSS and encourage design competitions for nominated sites.

142. Include the following definitions in the MSS at Clause 21.06-8
   - Low rise building: 1 to 4 storeys.
   - Mid-rise building: 5-12 storeys.
   - High-rise building: 13 or more storeys.

143. Amend the Clause 21.06-8 to include and define a wider selection of built form typologies including narrow lot buildings, block buildings (including T and L shaped blocks), slab buildings (wide linear blocks) and row buildings to further diversify built form typologies delivered.

144. Amend DDO30 to include a discretionary requirement to create slender well-proportioned towers by applying the following maximum dimensions:
   - Residential buildings: maximum dimension of 50 metres in one direction and a maximum floorplate of 1,250 square metres.
   - Non-residential buildings: maximum dimension of 75 metres in one direction and a maximum floorplate of 2,500 square metres, except where campus style mid-rise office uses are encouraged.

145. Amend DDO30 to promote well-designed slender towers by including a requirement that towers are designed as three carefully integrated parts: a base building, middle, and top.

146. Amend the DDO to facilitate mid-rise building typologies through:
   - Reduce building heights (see council’s precinct specific submissions) in some areas
   - Clarify how the separation distances apply to developments on the same site and parts of buildings (e.g. a L-shaped building)
   - Allow communal open space above street level (but with access to street level)

---

Council plans to make further submissions regarding campus style office uses in the Sandridge Hearing.
147. Limit mid-rise building lengths to a maximum of 50m for residential buildings, except in the Core area of Sandridge where it abuts the Westgate Freeway through the provision of through block links or separation between buildings\(^{10}\).

148. Amend DDO30 to clarify the requirements for upper level setbacks above street walls on laneways and side and rear setbacks between upper levels above the street wall (within a site and on abutting sites).

149. Ensure laneway widths are adequate to provide rear vehicular access to sites.

**Conclusion**

150. This completes the Council’s opening submissions for Stage 2 of the Hearing.

\(^{10}\) As above.
Attachment 1  Addendum response to Minister for Planning Supplementary Part B Submission
Attachment 2 Maps / Plans Package
Attachment 3  Consolidated List of Requested Changes from this submission
Proposed Amendment GC81 to the Port Phillip Planning Scheme
Fishermans Bend

Stage 2 - General Submissions on behalf of the City of Port Phillip - Consolidated list of Changes requested
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Sustainability

Changes requested

1. A commitment to a 6-Star Green Star Communities “World Leadership” Rating.

2. An increase in the mandatory requirement for Green Star Design and As-Built Rating in CCZ1 to a 5-Star “Australian Excellence” rating.

3. Development of a strategy to identify which credits will be met to achieve 6 Star Green Star – Communities. Ensure alignment between Green Star Communities and the required credits to achieve a 5-Star Green Star Design and As-Built Rating.

4. Include an application requirement that the development must be registered with the Green Building Council and a Design Review has been conducted to ensure the Green Star Design and As-Built rating process runs concurrently to the planning approval process.

5. Include a requirement in CCZ1 for residential developments to achieve an 8-Star NatHERS Rating and for non-residential development to achieve a 5.5-Star NABERS Rating. Currently the NatHERS provision is found in the local policy. The NABERS Rating is not found in the amendment documents at all.

6. Include application requirements in relation to waste and urban heat within the CCZ1.

7. Include a discretionary requirement in the CCZ1 for developments to include a green roof that is at least 20% of the total roof area.

Urban Structure and Retail

Changes requested

8. Amend Clause 21.04-2 Activity Centres in the MSS to identify the creation of three new activity centres in Fishermans Bend – a Metropolitan Activity Centre in Sandridge and Neighbourhood Activity Centres in Wirraway and Montague.

9. Amend Table 1: Activity Centres in Port Phillip in Clause 21.04-2 to identify the role and function of each of the three centres.
10. Amend Clause 21.06-8 Fishermans Bend Urban Renewal Area in the MSS to establish a clear activity centre hierarchy that establishes Sandridge as a future Metropolitan Activity Centre and Wirraway and Buckhurst Street, Montague as neighbourhood based centres.

11. Amend the location and distribution of primary / secondary active frontages in CCZ1 Map 1 and DDO30 Map 1.¹

12. Include a definition for primary active frontage and secondary active frontage in CCZ1 to align with the definition within the Framework.

13. Amend land uses in the CCZ1 to ensure Section 1 uses (bank, cinema based entertainment facility, department store and supermarket) are only as of right along primary active frontages (not secondary).

14. Move the design requirements for active frontages from Clause 22.15 to DDO30 to consolidate all active frontage requirements in one location for ease of use and clarity.

15. Move the requirements for sleeving of car parking from PO1 to DDO30 and require mandatory sleeving of car parking on primary and secondary active frontages, but not in laneways.

16. Precinct Planning should further refine core retail areas through nomination of key anchor retail and commercial sites / blocks within Sandridge and Wirraway to ensure these opportunities are reserved for this purpose. Precinct plans should be incorporated documents to ensure they have sufficient statutory weight to inform decision making.

17. Utilise the DPO to protect long term large floorplate anchor retail land use opportunities for the retail core areas in Montague, Sandridge and Wirraway.

---

**Built Form**

**Changes Requested**

18. Include a policy provision in clause 22.15 which recognises relative scale difference between CBD and other areas.

19. Amend building heights to differentiate between precincts and Core and Non-Core Areas.

20. Include a policy provision in Clause 22.15 which recognises relative scale difference between Lorimer, Sandridge, Montague and Wirraway.

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¹ The specific changes will be outlined in the precinct sections of this hearing.

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21. Clearly define the extent of Core Retail Areas diagrammatically.

22. Clearly differentiate the character between Core and Non-Core Areas through text to policy and the planning controls set out in the DDO schedule.

23. Include the key development sites and place making map in the MSS and encourage design competitions for nominated sites.

24. Include the following definitions in the MSS at Clause 21.06-8

   - Low rise building: 1 to 4 storeys.
   - Mid-rise building: 5-12 storeys.
   - High-rise building: 13 or more storeys.

25. Amend the Clause 21.06-8 to include and define a wider selection of built form typologies including narrow lot buildings, block buildings (including T and L shaped blocks), slab buildings (wide linear blocks) and row buildings to further diversify built form typologies delivered.

26. Amend DDO30 to include a discretionary requirement to create slender well-proportioned towers by applying the following maximum dimensions:

   - Residential buildings: maximum dimension of 50 metres in one direction and a maximum floorplate of 1,250 square metres.
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28. Amend the DDO to facilitate mid-rise building typologies through:

   - Reduce building heights (see council’s precinct specific submissions) in some areas
   - Clarify how the separation distances apply to developments on the same site and parts of buildings (e.g. a L-shaped building)

---

2 Council plans to make further submissions regarding campus style office uses in the Sandridge Hearing.

[7496354: 21261985_1]
• Allow communal open space above street level (but with access to street level)

29. Limit mid-rise building lengths to a maximum of 50m for residential buildings, except in the Core area of Sandridge where it abuts the Westgate Freeway through the provision of through block links or separation between buildings³.

30. Amend DDO30 to clarify the requirements for upper level setbacks above street walls on laneways and side and rear setbacks between upper levels above the street wall (within a site and on abutting sites).

31. Ensure laneway widths are adequate to provide rear vehicular access to sites.

Maddocks
Per Terry Montebello
Partners
Lawyers for the City of Port Phillip
9 April 2018

³ As above.
Date: 9 April 2018

Proposed Amendment GC81 to the Port Phillip Planning Scheme
Fishermans Bend

Addendum to Stage 1 Overarching Submission
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Introduction

1. This addendum supplements Council’s Stage 1 overarching submissions to proposed Amendment GC81 to the Port Phillip and Melbourne Planning Schemes (Amendment GC81). This is because the Minister for Planning (the Minister), who is the Planning Authority, made considerable additional Part B submissions after the City of Port Phillip made its Stage 1 overarching submissions.

2. This submission builds on and explains matters contained in the public submission that Port Phillip City Council (Council) endorsed at its Ordinary Meeting on 13 December 2017.

3. In some instances, this submission proposes a revised approach in response to the Minister’s revised position regarding Amendment GC81. Where this is the case, it is expressly stated. For other matters, it merely responds to the Supplementary Part B submissions and the accompanying Supplementary Information Notes (SINs).

Testing the Framework

Issue - Submissions from paragraph 2

4. The Minister’s Supplementary Part B submission states that the role of the Advisory Committee is to not interrogate the Framework, or the Background Documents that underpin it.

Council’s Position

5. While Council agrees that the role of the Advisory Committee is not to interrogate the Vision, Council submits that the position espoused by the Minister in his Supplementary Part B Submission concerning the Framework does not reflect the Terms of Reference for the process.

Submissions

6. The Terms of Reference specifically ask the Panel to consider “how Amendment GC81 allows for the Vision to be achieved” and must produce a report outlining “any changes required to the draft Fishermans Bend Framework as a result of recommendations to the planning scheme amendment”.

7. It is Council’s submission that it is only the Vision which is beyond the scrutiny of the Advisory Committee. On the other hand, it is expressly contemplated that the Advisory Committee is to recommend changes to both the Amendment documents as proposed and the Framework as a result of recommendations regarding the Amendment documents. In
in this regard, in so far as the Amendment documents relates specifically to built form (and other matters), the objective of consistency between the Amendment documents and the Framework is at the heart as to why the Advisory Committee is to also make recommendations in relation to changes to the Framework. Documents and plans such as the core areas, height diagrams, road pattern and active frontages all are derived from the Framework but are found in the Amendment documents and in that regard are all within the direct role of the Advisory Committee. As one would expect, there are direct links between the Framework and the Amendment documents and in that context, it is not possible to review Amendment documents without reviewing the primary document that those controls seek to implement.

8. On any reading of the Terms of Reference, this must bring both the Framework and the Amendment documents that underpin it into the review task because they are the primary documents that underpin the Amendment.

9. Respectfully, Council submits that there is no other way to read the Minister’s Terms of Reference.

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**Population**

**Issue - Submissions from paragraph 65**

10. We agree that the population figure of 80,000 residents and 80,000 workers is part of the Vision and is not subject to the scrutiny of this Advisory Committee. To do so, would be simply stepping the process back over ground which it has already tread over the last 5 years.

11. However, in terms of the population and its propensity to be larger than what the Vision envisages through the operation of the FAU, the sensitivity analysis prepared by Places Victoria considered 3 population scenarios (35,000, 70,000 and 140,000 residents) and picked a ‘best for project scenario’ of 80,000 residents.

12. The FAR combined with the FAU resulting from facilitating the target of 2,214 of social (specifically community) housing dwellings results in over 145,000 residents at full build out if no inclusionary zoning is supported. This takes the population for Fishermans Bend to over the high growth scenario tested by Places Victoria. This is without other floor area as a result of other public benefits delivered via the FAU.
Council’s Position

13. Council’s position is that the extent of the possible population over the envisaged population (for which the whole of the planning work has used as a basis) provides a sound platform to review the operation of the FAU that is to be facilitated in Fishermans Bend specifically through reducing the range of public benefits that are available as candidates for the FAU.

14. Council does not agree that the approach utilised in Hobsons Bay C88 is suitable for application at Fishermans Bend. Fishermans Bend is an entirely different scenario to the 67 ha parcel of former industrial land at Hobsons Bay near Altona. In that case, dwelling was made as of right subject to the proviso that when 3000 dwellings were approved, subsequent dwellings would need to be considered in the context of infrastructure provision. That effectively moves the permit requirement to the back end and infrastructure is to be provided, if possible to house the additional population. With respect, that is, as the panel there described it, an imperfect tool. We would have thought that such a process is practically unworkable, respectfully and simply sets that municipality up for case after case of VCAT applications each individually arguing that incrementally, they do not trigger any additional infrastructure.

15. The FAU Scheme and its extent of possible overshoot of population is very different.

Notification of potential additional open space sites

Issue - submissions from paragraph 27

16. The Minister proposes to notify the owners of additional sites nominated for open space by Ms Thompson in her evidence.

17. Council’s submission also nominates additional open space on 1 additional site that was not already proposed to contain open space (155 Bertie Street)\. The Minister has not confirmed whether it intends to notify these land holdings.

Council’s Position

18. Council’s position is that this additional site should also be notified by the Planning Authority so that this land holder is provided with an opportunity to make submissions to the Advisory Committee to assist it in its consideration of Council’s submission.

\[Council’s proposed expansion of the Montage North Park is on Crown Land so no further notification is required and Council has decided to adopt Ms Thompson’s views for Montague South. The other site proposed by Council for additional open space and an Arts and Cultural Hub already has open space nominated on it and is in the investigation area for the Hub.\]
Revised approach to commercial development

Issue - submissions from paragraph 40

19. The Minister tabled a revised approach to commercial development that:

- confirms that the intention of the minimum FAR in Core Areas is for it form part to the total FAR;
- confirms that while the minimum non-residential FAR is not mandatory, it is required for a site to reach its full FAR; and
- proposes to remove the ability for unlimited additional non-residential floor area (subject to design considerations) above the Total FAR.

20. The first dot point is consistent with Council’s understanding of the intended approach and is supported.

21. The second point differs from Council’s submission to the Advisory Committee as part of its Stage 1 overarching submissions namely, that the minimum non-residential FAR in Core Areas should be a requirement of CCZ1 with the availability of a permit to reduce or waiver that requirement.

22. The drafting that accompanied the Ministers revised approach still confirms that FAU is for additional residential floor area above the FAU but does not appear to allow additional floor space to be non-residential should that be preferred by a development proponent.

Council’s Position

23. Council supports the proposed change but submits that an FAU proposal should be allowed to comprise either residential or non-residential floor area given that unlimited non-residential floor area is now not contemplated.

Timing of a Development Contribution Plan and Public Open Space Contribution Rate

Issues - submissions from paragraph 48

24. The Minister has confirmed that he intends to prepare a development contribution plan (DCP) (or infrastructure contribution plan, if available) as part of a broader funding and finance package for Fishermans Bend in the next 12-18 months.

25. The Minister has confirmed that he is not averse to considering raising the public open space contribution rate to 10% but plans to consider this as part of the broader funding and finance package.
Council’s Position

26. Council agrees that Amendment GC81 can proceed without a DCP, which is consistent with its earlier submissions on this matter.

27. Council submits that work on a DCP ought to be expedited in line with the preparation of Precinct Plans\(^2\) which will provide the adequate detail to underpin them. Every attempt should be made to progress this quicker than the nominated 12-18-month timeframe. This includes the preparation of:

- site specific development budgets to ascertain likely contribution revenue;
- detailed infrastructure planning to confirm the full list of projects and properly estimate their likely cost; and
- a proposed program to roll the infrastructure out over time having to regard to likely need (provision targets and the like).

28. Council notes the Minister’s intent to retain for the time being at least the 8% POS rate in the short term. However, we do urge the Minister that:

- The funding and finance package should be expedited to be finalised in line with Precinct Plans.
- The State Government should not seek to supplement open space acquisition costs with rate revenue from Council. Specifically, we wish to be clear that Council will not provide any funding for open space acquisition other than what is collected via the clause 52.01 contribution rate.
- The Schedule to Clause 52.01 should be amended so that it cross references the open space plans set out in the planning controls to confirm which properties are required to contribute in cash. This is a common methodology in growth areas where the schedule to clause 52.01 references the relevant PSP

Linear Open Space

Issue - SIN 4

29. The Minister contends that the linear open space proposed in Amendment GC81 does meaningfully contribute to open space network and should be counted as part of the overall open space network.

Council’s Position

30. Council submits:

\(^2\) Council submits that there is a strong alignment between the content of Precinct Plans and the basis for the incorporation of a DCP into the Planning Scheme.
that it maintains its earlier submissions that this land is a valuable addition to the amenity of the area, and as a movement network, but that it will not be possible to safely use this space for a wide range of informal active recreation uses; and as a result

- Ms Thompson, the Minister’s own witness, agrees with Council that these areas contribute but should not count as public open space; and

- the additional and / or reconfigured open space proposed by Ms Thompson which is generally supported by Council (save with minor differences) is required and represents a net community benefit over what is proposed by Amendment GC81.

Delivery of Community Hubs via FAU

Issue – SIN 7

31. SIN 7 to the Minister’s Supplementary Submission does not offer any further clarity of what is proposed.

32. The Minister plans to table more specific information regarding the rate of uplift to apply.

Council’s Position

33. Council notes that further information is forthcoming regarding the rate of uplift.

34. Council submits that clearer identification of exactly what is intended is required for the overall scheme.

Distribution, quantum and location of Community Infrastructure

Issues – SIN 9

35. The Minister wishes to continue to retain the investigation areas contrary to Council’s submission that specific sites should be selected.

36. Limited regard given has been given to the positive role that the specific location of community infrastructure can have on the urban design of the area (civic presence, place making, community development, land use and transport integration).

37. Many sites within investigation areas clearly cannot accommodate the hubs, particularly if private development is also proposed.

38. In addition, no response has been made to the issues highlighted by the Mesh Report as per Council’s submissions.
Council’s Position

Council’s position remains as per Stage 1 submissions on this matter.

Raised Floor Areas

Issue - submissions from paragraph 76

39. The Minister considers that there is insufficient resolution of the ‘cloudburst masterplan’ concept to enable a change to the Framework, or the planning controls in relation to raised floor areas. The stated reasons for this are that:

- it has not been the subject of detailed design and modelling;
- it has not been used elsewhere in Australia and has not been approved by Melbourne Water;
- the criteria assessment has not considered the costs of the infrastructure;
- the areas of public or private land have not been identified, nor has their compatibility with proposed open space functions; and
- there is no certainty that the concept would ultimately allow for floor areas to be lowered.

Council’s Position

40. Council’s proposed planning policy provisions as provided to the panel in the form of an amended version of the local policy are warranted and appropriate having regard to the Vision and the issue more broadly. The drafting carefully changes the emphasis from the rudimentary approach of lifting floor levels first and foremost to a more sophisticated approach as set out in the policy.

41. The Framework should therefore be specifically amended to require the full investigation of the cloudburst concept as part of precinct planning.

Submissions

42. Fishermans Bend Urban Renewal Precinct has been touted as the largest renewal area in Australia and which is like no other. It is described as a global benchmark for smart, sustainable development and integrated communities. That description from the Minister’s forward in the Framework belies the submission that the cloudburst design has not been used anywhere in Australia. That the drainage concept might be a leader in certain respects in the Australian context rather than a follower should be hardly surprising.
43. Council’s submission does not propose any planning control, but merely proposes to change the proposed discretionary policy provisions to enable the proper exploration of different flood mitigation solutions, including a raised floor area.

44. Council understands that Melbourne Water has now informally agreed to undertake a detailed investigation and modelling exercise on the cloudburst concept.

45. The cloudburst methodology is entirely consistent with the Vision.

46. While this particularly combination of water sensitive urban design measures has not been employed in the Australian context, they:

- have been successfully utilised in countries that experience far greater flood issues and risks than is present in Fishermans Bend; and
- are broadly consistent with the water sensitive urban design principles that have been used broadly within Metropolitan Melbourne.

47. It is too soon to dismiss the cost of the infrastructure proposed by the cloudburst master plan as excessive especially when the following is taken into consideration:

- the likely cost of other infrastructure which is considered required (see Sport and Recreation Hub likely cost per the Mesh Report);
- the cost of the infrastructure will minimise the need for a site-specific solution to be deployed across the whole of the affected area meaning that they would likely pass the nexus test to be at least partially apportioned to development; and
- the cost of storing and conveying flood water will need to be accounted for either way (whether above the surface in the public realm as proposed or in pits and pipes.

48. The Cloudburst Masterplan does not intend to further encumber any private land. It proposes to utilise identified future public land only.

49. Areas affected by the Cloudburst Masterplan are only intended to flood in exceptional rain events, thus the intended primary function of open space is unlikely to be encumbered in any meaningful way.

50. Finally, we reiterate that the current singular solution of raising floor levels (and thereby creating a horrible urban design outcome) is so that flooding which has a 1% chance of occurring at any given time is catered for that could be managed by other measures.

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3 Indeed, SIN 4 to the Minister’s Part B submission expressly envisages that linear open spaces are likely to perform both formal and informal WSUD functions, per paragraph 5.
Role of Precinct Plans

Issue - SIN 11

51. The Minister considers that the Precinct Plans will relate to the public realm only however, they are also proposed to deal with retail hierarchy issues which ostensibly impact on private development.

Council’s Position

52. The Precinct Plans have an important role to play in further ground truthing and refining matters relating to the location of laneways, access arrangements to fragmented sites and retail planning.

53. In the absence of any certainty that these matters will be appropriately dealt with as part of the Precinct Plans, Amendment GC81 must endeavour to deal with those issues now.

Maddocks
Per Terry Montebello
Partners
Lawyers for the City of Port Phillip
9 April 2018

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4 Per SIN-11, paragraph 8(v).
5 Council plans to make further submissions on these matters in Stage 2 of the Hearing.
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Figure 1. Fishermans Bend Precincts
1.0 Introduction

Fishermans Bend presents a unique opportunity to develop a new city that will home to 80,000 people and 80,000 jobs by 2050.

Planning for Fishermans Bend must set the right groundwork for realising the Vision and creating a lasting positive legacy for future generations.

The release of the draft Fishermans Bend Framework and Amendment GC81 is a critical step in the planning and delivery of Australia’s largest urban renewal Green Star community.

As outlined in its 13 December 2017 adopted submission, the City of Port Phillip believes the overall intent of the draft Framework and Amendment GC81 is sound and on the right path to delivering the endorsed Vision for Fishermans Bend.

However, Council submits there are some key changes which must be made to the Framework and planning scheme controls to develop a comprehensive approach to urban design to achieve the Vision.

Council is seeking some refinements to policy and spatial components of the Framework – to ensure an integrated plan that delivers quality urban design and place outcomes.

This includes:

• **Getting the urban structure right.** The Framework needs to further embed the structuring elements of place; core retail areas, community hubs, open spaces, and key streets and lanes and public transport, and integrate these elements to support functional and liveable neighbourhoods.

• **Placing greater emphasis on design quality.** The Framework makes limited mention of quality design. Conversely, Council considers that the design quality of buildings and the public realm as fundamental to creating a liveable, high density place.

This Report has been prepared by City of Port Phillip officers. While it is aligned to, and builds on the position endorsed by Council on 13 December 2017, the Report itself has not been specifically endorsed by Council.

As a result, references to the Council throughout relate to the view of the City of Port Phillip rather than expressly an endorsed, specific view of the Port Phillip City Council.

The report documents and tests the refinements Council is seeking to the draft Framework and planning controls to better define the future character of Fishermans Bend and its precincts, enhance liveability, encourage diverse building typologies and enhance the operation of the planning controls which implement it.
1.1 Purpose of this report

This report is consistent with and supplements Council's adopted submission of December 2017.

Council's submission identified a number of areas that required further testing.

The purpose of this report is to undertake that testing and more specifically to test:

1. Whether the proposed planning controls create the urban structure and built form which achieves the:
   - preferred future character identified for precincts and their sub-precincts (areas)
   - range of built form typologies sought for Fishermans Bend
   - high quality built form and public realm / streets.

2. The workability of the planning controls (and where possible, recommends solutions).

3. Council's proposed key spatial changes to the Framework / planning controls such as new open space, building heights and the location of new streets and lanes.

This report focuses on the three precincts of Fishermans Bend located within the City of Port Phillip, Montague, Sandridge and Wirraway (see Figure 1).
1.2 Scope of this report

This report assesses urban design and built form strategies in the draft Framework and their translation into proposed built form controls.

Figure 2 outlines the document structure.

Figure 2. Document structure
1.3 3D Modelling methodology and assumptions

**DDO and preferred models**

To inform its position, Council has prepared two built form models based on different scenarios. They were prepared between October 2017 and March 2018.

1. **DDO Model**

   The first is a model based on the draft Framework and proposed planning controls. This model is referred as the DDO model (see Figure 3).

   It is a basic extrusion of the building envelopes\(^1\) of the draft Framework and proposed planning controls. Floorplate assumptions were also applied to create realistic building envelopes (see Appendix).

2. **Council’s Preferred Outcome model**

   The second model is based on Council’s preferred outcomes (see Figure 4).

   This model encapsulates and tests the outcomes and changes requested in Council’s endorsed submission, including changes to public open space, community infrastructure and laneways which would then inform changes to the planning controls/policy.

---

\(^1\) A building envelope is a three dimensional volume that defines the outermost part of a site that the building can occupy.
Differences between Council’s models and other 3D models

A key difference between the two Council models and the model produced as part of the development of the Urban Design Strategy, is that the Council models illustrate the maximum achievable building envelopes (up to the discretionary height limit, assuming FAR and FAU), and not the built form that can be achieved through the FAR alone.

In this way, the model shows the FAR, plus the potential for FAU and unlimited commercial development as per the exhibited Amendment3.

Summary of methodology

The basic methodology used to develop the models was to:

1. Extrude building envelopes based on existing title boundaries and streets and new street blocks created by new streets and lanes shown in the draft Framework.
2. Apply the proposed planning controls (such as maximum building heights, minimum side and rear setbacks and maximum street walls) to create maximum building envelopes.
3. Apply maximum and minimum building widths to show realistic tower and building envelopes.
4. Test the potential impacts of overshadowing, FAR and FAU and other built form outcomes on selected sites.
5. Develop an alternative model based on Council’s preferred block sizes, streets/lanes, building heights. Extrude these sites into building envelopes and apply preferred maximum tower and building widths.
   To develop Council’s preferred outcome, in some cases, options were developed to test various built form elements, for example, a range of street wall heights, upper level setbacks, overall building heights and building typologies.
6. Test proposed changes to community infrastructure hubs, public open space and overshadowing controls and their impacts on FAR and FAU and other built form outcomes on selected sites.
7. Recommend changes to the draft Framework and proposed controls.

3 Noting that the Minister now proposes to remove the ability for unlimited commercial development.
Case study selection

Council undertook testing of selected street blocks across the three precincts (see Figure 5).

The entire area of Fishermans Bend was not modelled due to the large number of sites, complexities of ownership and time limitations.

Two levels of analysis were undertaken:

- Built form modelling to understand the building envelopes and any proposed changes to them
- Detailed FAR and FAU modelling to understand the floor area and built form that could be produced. The FAR and FAU was modelled to the maximum building envelope to the discretionary height limit.

Noting FAR and FAU was not calculated for all sites where the building envelopes were tested.

The case studies were selected based on the following criteria:

- A sample from each precinct
- A mix of Core and Non-Core Areas
- Different building heights
- Different owners / subdivision and potential for site consolidation
- Different character / expected typologies
- Areas where Council’s spatial changes were proposed
- Areas affected by the potential overshadowing of public open space.

Figure 5. Street blocks in Fishermans Bend modelled by Council
Assumptions

To ensure as much alignment as possible with the 3d modelling used to inform the Fishermans Bend Urban Design Strategy (UDS), Council’s modelling adopted the assumptions in the UDS as follows:

- Table 14: ‘Built form assumptions in 3d testing’
- Table A.3 Preferred housing mix
- Definitions of low, medium and high-rise in Figure 43
- The DDO model uses the proposed mandatory and discretionary heights, side and rear setbacks and street walls from the planning controls in GC81. Where a discretionary height applies, buildings in the model were modelled to that height.

Cadastre, aerial photographs and rates data was used to inform the modelling.

A full list of the assumptions is contained in the Appendix.

Limitations

This report does not test the potential outcomes of FAU in terms of capacity or the number of affordable housing dwellings, additional public open space or community hubs that could be achieved.

It does not test the viability of developments. However the modelling sets minimum building floorplates which are considered viable based on benchmarking (see Tower Podiums in 2.3).

The models also illustrate building envelopes and not designed buildings.
Aspects of the planning controls
Council supports
Council’s adopted submission supported the following elements of the planning controls:

- Inclusion of policy to guide the overall urban structure of Fishermans Bend, integration with adjoining neighbourhoods and preferred future character.
- Identification of a range of building typologies for each precinct and sub-precinct.
- Development of a suite of planning controls to facilitate different building typologies, including FAR, building heights, setbacks, street wall heights and site coverage requirements.
- General approach to building heights with mandatory heights in key locations, including ‘interface’ areas adjoining established residential neighbourhoods.
- Mandatory winter solstice overshadowing controls for key public open space.
- Mandatory minimum separation distances between buildings.
- 70 per cent site coverage requirement for the non-core areas of Sandridge and Wirraway to encourage courtyard and perimeter style mid-rise developments, increase permeability of sites, and promote a more landscaped, family friendly character in these areas.
- Protection of overshadowing of residential areas south of City Road, Williamstown Road and east of Boundary Street.

Elements of the planning controls which require further refinement
To ensure the Framework outcomes are fully achieved, the intent and inter-relationship between some controls requires further clarification.

In addition, some controls require strengthening to ensure the aspirations and the targets of the Framework are achieved.

This includes greater use of planning scheme provisions in place of the extensive use of local policy proposed by the amendment.

These elements are discussed in this report and summarised in Table 1.
### Table 1. Elements of the planning controls which require further refinement

<table>
<thead>
<tr>
<th>Outcome sought</th>
<th>Elements requiring further refinement</th>
</tr>
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</table>
| Creating distinctive neighbourhoods with diverse built form typologies | • Provide clearer guidance on Fishermans Bend-wide structural elements.  
• Provide more specific guidance around the character to be delivered in precincts and sub-precincts.  
• Include policy about the scale of Fishermans Bend in relation to the CBD, Southbank and Docklands.  
• Provide more tailored controls for each built form typology specific to each precinct and include a wider selection of built form typologies in policy.  
  - Promote mid-rise development through refinements to the controls, including building lengths and changes to the communal open space provision.  
  - Provide better design guidance for high-rise buildings, including maximum tower dimensions and maximum floorplate sizes and promote well-designed slender towers with a bottom, middle and base.  
• Clarify the relationship between FAR, FAU and the built form controls.  
• Test the workability of the proposed laneway layout in the draft Framework.  
• Review heights in the Montague and Wirraway Core Areas to align with the vision for those centres. |
| Creating a high quality, high amenity public realm | • Address workability of the controls for 8-10 storey development.  
• Identify preferred street wall heights for the Plummer Street / Fennell Street Civic Boulevard and the Buckhurst Street Green Spine which reinforce urban structure and minimise overshadowing of the public realm.  
• Ensure Council’s proposed public open space in Sandridge is not overshadowed by development in Lorimer.  
• Ensure the South Melbourne Market and key footpaths in South Melbourne are not overshadowed by development in Montague.  
• Refine the extent of the Retail Core Areas and consolidate guidance for Primary and Secondary Active Frontages. |
| Delivering high quality buildings | • Promote design quality in all buildings.  
• Strengthen consideration of heritage. |
2.0 Creating distinctive neighbourhoods with diverse built form typologies

The diversity and distinctiveness of neighbourhoods and places must be an inherent part of the character and attraction of Fishermans Bend. This will create a strong sense of place for new communities and achieve legibility of the area.

Through the draft Framework and proposed planning controls, Council is seeking to:

• Create a clear and legible built form that contributes to the wider Melbourne ‘cityscape’, wayfinding and reinforces character.

• Create a varied skyline that distinguishes the different place character for each neighbourhood.

• Provide a transition between high rise and low rise areas to protect sensitive interfaces.

• Ensure delivery of diverse typologies, including mid-rise and low-rise development, in addition to towers and other high rise options.

• Ensure the urban structure reinforces place and creates diverse, mixed use neighbourhoods with boulevards, streets and lanes which provide strong connections and transport spines and a network of distinct activity centres and public spaces.
2.1 Cityscape, scale and legibility

Contributing to a varied inner city skyline

Issue and background

A gap in the draft Framework and proposed planning policy is the absence of policy guiding how the skyline of Fishermans Bend is to relate to Docklands, Southbank, the Hoddle Grid, South Melbourne and Port Melbourne. The cityscape has been a concern for the City of Melbourne and City of Port Phillip. The City of Melbourne in Clause 21.06 Built Environment and Heritage of the Melbourne Planning Scheme - 21.06 – 1 Urban Design seeks to ‘Ensure a strong distinction between the built form scale of the Central City with that of development in surrounding areas.’

The Vision for Fishermans Bend is not to merely to create an extension to the Central City. Instead, Council considers that Fishermans Bend should have its own distinctive and varied skyline.

The Capital City Zone does not have to mean high rise across the board. City North, Arden Macaulay, Central City and Southbank are all zoned CCZ but have different built form outcomes. Indeed, the skyline varies greatly in various parts of the Hoddle Grid itself.

A legible cityscape is important to:

- Help develop a distinct character and identity for Fishermans Bend and its precincts as distinct from Docklands and Southbank
- Indicate the primacy of places and centres, emphasising the CBD as the premier commercial and retail centre in Melbourne
- Assist with wayfinding and orientation (from outside and within the precinct).

Figure 6 shows the CBD, Southbank and Fishermans Bend based on the DDO model.

The figure shows that the exhibited planning controls create the potential for buildings on Ingles Street of 80 to 90 storeys before they are capped out by flight path requirements. The height of these buildings would be equivalent to Eureka Tower (at 91 storeys) and taller the Rialto (at 55 storeys).

Preferred outcome

To achieve a more distinct and legible skyline for Fishermans Bend (see Figures 7 and 8), Council is proposing:

- The height of Fishermans Bend should be lower than the Melbourne CBD to reinforce the CBD’s primacy.
- A hierarchy of heights within precincts, with Sandridge having the highest buildings, followed by Montague and then Wirraway with the lowest heights.
- Clear differentiation between the core and non-core areas in each precinct, with higher heights in the core and lower heights in the non-core.

Council is recommending the following changes to maximum building heights:

- Contain height in the Sandridge Core to west of Ingles Street
- Reduce heights in the Wirraway Core and Montague South Core

This will be expanded on at the Precinct Hearings.

The planning scheme should contain policy which reinforces this scale difference to help guide the consideration of building heights particularly where unlimited heights are permitted.

These changes would emphasise the primacy of the CBD (and Southbank) is emphasised through the scale of buildings compared to Sandridge. The approach also provides a bigger break between the western end of the CBD and height in Sandridge.

Council also recommends reducing building and tower widths to minimise the “wall of buildings” and promote slender towers to improve legibility of the skyline by increasing the spacing between towers (see Recommendation 9).

RECOMMENDATION 1:

- Include policy in Clause 22.15 which recognises relative scale difference between CBD and other areas.
Figure 6. Cityscape - view looking north from Port Phillip Bay - DDO model with CBD and Southbank (showing approved permits)

Figure 7. Cityscape - view looking north from Port Phillip Bay - Council’s Preferred Outcome model with CBD and Southbank

Figure 8. Cityscape in Council’s Preferred Outcome model.

Clear differentiation between core and non-core areas within Fishermans Bend, with higher heights in Core areas, and lower heights in non-core areas.

Legible skyline with clear hierarchy of height from highest to lowest - Melbourne CBD, Sandridge, Montague and Wirraway.
Creating a series of places through distinct built form

Issue and background

The Vision for Fishermans Bend clearly emphasises a desire to create a series of distinct places.

Fishermans Bend runs the risk that each precinct blurs into the next and has no distinct identity.

In particular, there is a need to differentiate between:

• Sandridge and Lorimer
• Montague and Sandridge
• Sandridge and Wirraway.

There is also a need to differentiate the role of Core and Non-Core Areas, critical in establishing a ‘heart’ for each Precinct.

While a mix of uses is expected across Montague, Sandridge and Wirraway, a key focus for Council is on creating activity centres and core retail areas which deliver the endorsed vision.

Land uses are one way of doing this, by ensuring that anchor retail is focussed in one location. However this must also be reinforced through the built form.

Modelling shows:

• The potential for the western part of Sandridge to blur into Wirraway (see Figures 11, 13 and 17).

• The tallest buildings are located the furthest away from the Sandridge Core Retail Area and Fennell Street, towards Lorimer and the Freeway (see Figures 9).

• The shape of the skyline is skewed towards the Sandridge Non-Core (see Figures 9, 11, 13 and 17).

• There is a sharp transition in height between Montague North and Montague South (see Figures 15 and 17).

Preferred outcome

To achieve more distinct Precincts and Core and Non-Core Areas, Council is recommending the following changes:

• Ensure the primacy and legibility of each core area by locating the tallest buildings at the heart of the core area (see Figures 10, 12, 14 and 18).

• Provide a more gradual transition from Sandridge to Lorimer by reducing the height of the tallest buildings at the northern edge of Sandridge (see Figure 10).

• Reduce heights in the Montague South Core to integrate with the existing urban grain and low-rise buildings, providing a gradual transition from the vastly different character in Montague North to Montague South (see Figure 16).

• Reduce heights in the Wirraway Retail Core to ensure its built form is more closely aligned with endorsed Vision and Preferred Future Character (see Figures 12 and 18).

• Locate the lowest building height in Core Areas in Wirraway, followed by Montague South, Montague North and Sandridge (see Figures 12 and 18).

This will be expanded on at the Precinct Hearings.

Include controls in the DDO that deliver mid-rise scaled towers that are designed to integrate with the existing character of the area while providing good levels of amenity.
The tallest buildings are located the furthest away from Fennell Street, towards Lorimer and the West Gate Freeway.

Provide a more gradual transition from Sandridge to Lorimer by reducing the height of the tallest buildings at the northern edge of Sandridge.
Figure 11. View of Fishermans Bend looking north from Port Phillip Bay - DDO model (showing approved permits)

Lack of differentiation in height between Wirraway Core and Montague Core.

The potential for West Sandridge to blur into Wirraway. Lack of a clear differentiation between core and non-core.

The shape of the skyline in Sandridge is skewed towards the non-core boundary.

Figure 12. View of Fishermans Bend looking north from Port Phillip Bay - Council’s Preferred Outcome model

Lower heights create a clear differentiation between Wirraway Core and Montague Core, with lower heights in Wirraway to reinforce the skyline hierarchy.

Clear transition between core and non-core areas

Lower heights between Ingles and Boundary Street reinforce the Sandridge core area, west of Ingles Street.
Ensure the primacy and legibility of the Sandridge core area by locating the tallest buildings at the heart of the core area.

The exhibited planning controls create the potential for buildings on Ingles Street of 80 to 90 storeys before they are capped out by flight path requirements. The height of these buildings would be equivalent to Eureka Tower (at 91 storeys) and taller the Rialto (at 55 storeys).
Figure 15. Montague looking from the west – DDO model (showing approved permits)

Figure 16. Montague looking from the west – Council’s Preferred Outcome model

Lack of transition to Montague South Non-Core Area.

Lower heights proposed in Montague South to transition down to the Non-Core Area.
Figure 17. 3D model of Sandridge and Montague – DDO model (showing approved permits)

Figure 18. 3D model of Sandridge and Montague – Council’s Preferred Outcome model
2.2 Urban Structure

Overall

Issues and background

A well-defined urban structure for Fishermans Bend will establish the ‘bones’ for future development. Urban structure contributes to legibility, a distinct sense of place and guides investment decisions. This is particularly important given the large size of Fishermans Bend and the high proportion of privately owned properties meaning that the precinct will be delivered by many partners over a long period of time.

Key elements of the urban structure include:

- Primary boulevards and transport spines
- Parks and urban plazas connected by linear green spaces
- Core areas where employment and more intense development is concentrated
- A network of distinct activity centres which act as the ‘community heart’ for residents and workers. These include locations for community hubs, core retail areas and primary/secondary active frontages.

Together these key spatial elements create an integrated foundation for place, both across the Fishermans Bend precinct and within its individual neighbourhoods.

The urban structure, through transport and public space connections, can also ensure Fishermans Bend is integrated with adjoining established neighbourhoods.

A clear urban structure for Fishermans Bend and its precincts are missing from the draft Framework and the proposed planning controls.

The Urban Design Strategy includes a proposed Urban Structure Plan at Figure 4 (see Figure 19) however, it is missing fundamental elements such as where key retail and other anchor land uses are intended to cluster.

An updated version of this urban structure should be included within the Amendment. Proposed policy at Clause 21.06-8 Fishermans Bend of the Municipal Strategic Statement (MSS) attempts to describe some of the key elements, however some of this is written as description and not strategy and is difficult to follow without a map that layers all of the relevant material.

Plans such as these are included in Precinct Structure Plans in greenfield areas.

Preferred outcome

To make these key structural elements clearer, it is recommended that a revised plan is included in the planning controls (see Figure 20).

The specific elements of urban structure are discussed in the following sections.

Specific recommendations for changes to public open space and community hubs were outlined in Council’s Stage 1 submission.

Further details and the implications of the structural changes will be expanded on in the Precinct Hearings.

RECOMMENDATION 3:

- Amend Schedule 1 to the CCZ to provide clearer guidance on Fishermans Bend-wide structural elements by including a plan for each precinct which defines the future urban structure, including the location of activity centres, core retail areas, community hubs and civic buildings, key public spaces, civic streets, and transport corridors and nodes (see Figure 20).
Figure 20. Urban Structure proposed by Council
City block structure and street network

Issues and background

The street network is a key element of the urban structure in Fishermans Bend.

Given the existing large land parcels, a large number of new roads will need to be delivered to create a high level of permeability and break up large blocks, connect existing streets and key locations and provide access to properties.

A grid pattern is considered to enhance permeability, promote efficiency, create regular shaped blocks and provide an adaptable and flexible urban structure for built form.

Council considers that the street network in Fishermans Bend should reflect the principles, legibility and proportions of the Hoddle Grid through:

- Blocks of approximately 95m by 200m.
- East-west streets designed to carry less vehicular traffic (i.e. the Plummer / Fennell Civic boulevard, Buckhurst Street Green Spine).
- North-south streets which fulfil a collector role.
- Predominantly north-south pedestrian focussed laneways.

Prefered outcome

Highlight the Plummer / Fennell Civic Boulevard (Sandridge/Wirraway), Bertie Street (Sandridge), Normanby Road and Buckhurst Street (Montague) in the plan/s in the CCZ1 showing the future urban structure (refer Figure 20).

The Precinct Hearings will expand on preferred outcomes for new streets and laneways in Montague, Sandridge and Wirraway.

Further work is needed to refine laneways in Fishermans Bend and address the issues raised above. This should form part of Precinct Planning, which needs to:

- Refine the preferred number and location of laneways to achieve pedestrian permeability, preferred built form outcomes and ensure crossovers along linear parks are minimised.
- Nominate the different types of laneways (e.g. active, connecting and access) depending on the purpose they are seeking to achieve. For example, some will be to primarily provide servicing and/or access roles, while others will be intended to become pedestrian only/active destination spaces.
- Define laneway cross sections.
- Determine requirements for widening of existing laneways in Montague South.

Indicative laneways are shown in the draft Framework.

However, these plans have not been included in the proposed planning controls.

The only guidance for the spacing of laneways is in the proposed controls in Local Policy Clause 22.15 (which encourages laneways every 50m in core areas and 100m in non-core areas).

Issues with the proposed new and existing laneways shown in the draft Framework include:

- The target in Local Policy of laneways every 50m in core areas and 100m in non-core areas is not currently being achieved in the Framework plans.
- Laneways shown currently in some instances compromise the ability to achieve the intended land use and built form outcomes.
- Some laneways are proposed through heritage properties and need to be relocated.
- In some cases, laneways are shown along property boundaries, with half of the laneway on each property. If this is the intent, a single property would not be able to deliver the full cross section of a laneway. It is unclear how construction and traffic management (vehicles, bikes and pedestrians) is going to be managed, in instances where only half a laneway is in place for a long extent of time.
- Laneway widths can be much narrower than building separation distances required for buildings on a site.
- Montague South has a variety of laneways, many of which are narrow at 6m or less. The width of many lanes is insufficient to carry two way vehicular traffic or provide adequate turning circles for larger vehicles.
RECOMMENDATION 4:

- Amend Schedule 1 to the CCZ to include a plan for each precinct which shows streets and lanes (noting this should be updated following precinct planning).

- Ensure Precinct Planning refines laneway design through:
  - Refine the preferred number and location of laneways.
  - Nominate the different types of laneways and their roles.
  - Define laneway cross sections.
  - In Montague South, determine requirements for widening of existing laneways.
Locations for landmarks, nodes and gateways

Issues and background

Urban design analysis often includes the identification of nodes, landmarks, terminating vistas and gateways. They can include prominent corners or open space or existing buildings including heritage buildings.

The design response to these sites can vary and can include exemptions to street walls requirements, additional height or exemplar buildings and civic spaces.

No landmark, gateway or significant corner sites are identified in the draft Framework.

Preferred outcome

Council has defined key sites, key corners, landmarks and gateways and recommends they are referenced in policy and the DDO to enhance the legibility of the precinct, link to the past and create a unique identity (see Figure 21).

It is proposed that key development sites and place making opportunities are identified in the plan trigger a design competition or design review (see Section 4 for further details).

RECOMMENDATION 5:

- Include a map of key sites, landmarks and gateways in the MSS at Clause 21.06-8 to guide built form outcomes and include policy direction for these sites which identifies their significance and key considerations.
- See Recommendation 15 requiring design panels and design competitions for key sites.
Figure 21. Key sites, landmarks and gateways - sites proposed by Council to be subject to Design Competitions and Design Reviews.
2.3 Delivering diverse scales of development and built form typologies

Providing further guidance on built form typologies and character

Issues and background

The endorsed Vision for Fishermans Bend outlines the desire for each precinct to have a distinct character and to encourage a range of building typologies but provides limited guidance on these.

Additional guidance on preferred character and typologies to supplement the vision is provided in proposed changes to the MSS at Clause 21.06-8. However this could be further developed and strengthened to support the delivery of the vision.

While some precincts, such as the core of Sandridge, Montague North and southern part of Lorimer, are clearly envisioned to include towers, there is a desire for other areas to create mid-rise neighbourhoods with more variation in building typologies offering diverse housing choices. This includes block development (including courtyard, perimeter block) and hybrid buildings in Wirraway, and narrow lot/infill and shop top housing in Montague.

However the terms ‘low’, ‘mid’ and ‘high’ rise and various types of housing are not defined in the draft planning controls or the UDS. The scales of development are used differently in different precincts. For example, low-rise development in Wirraway is 1-5 storeys and 1-7 storeys in Sandridge and Montague, while mid-rise in Wirraway is 6-23 storeys and 8-23 storeys in Sandridge and Montague except where noted (UDS p.91-92. Areas defined as mid-rise permit heights over 20 storeys.

Additionally terms such as ‘perimeter’ development may mean a courtyard development to one person and a development built to the perimeter to another.

Figure 22. Low rise, mid rise and high rise built form typologies
**Preferred outcome**

Council has reviewed the preferred character statements and typologies proposed in Clause 21.06-8 and has identified some refinements to those clauses to achieve the endorsed Vision. This will be expanded on at the Precinct Hearings.

This includes expanding the building typologies specified in different areas, providing more detail about the character sought (including the streetscape character) and applying a consistent format.

Additionally some changes to the built form envelopes are proposed to better align building scale with the vision. For example, the planning controls allow for high rise development in Wirraway and Montague South Core Areas when the vision is proposing family friendly neighbourhood centres of a lower more intimate scale.

Part of this clarification of the outcomes sought is to provide definitions of low, mid and high rise. The following definitions are proposed:

- **Low rise** - 1-4 storeys
- **Mid-rise** - 5-12 storeys
- **High-rise** - 13 or more storeys.

Figure 22 shows the range of low, mid and high-rise building typologies sought by Council.

**RECOMMENDATION 6:**

- Develop and use consistent definitions of low, mid and high rise and include them in the MSS at Clause 21.06-8.
- Include clear definitions of building typologies in the MSS at Clause 21.06-8.
- Amend the Clause 21.06-8 to include a wider selection of built form typologies including narrow lot buildings, block buildings (including T and L shaped blocks), slab buildings (wide linear blocks) and row buildings to further diversify built form typologies delivered.
- Amend Clause 21.06-8 to provide more specific guidance around the character to be delivered in precincts and sub-precincts, and address gaps in guidance to decision making on discretionary building controls and land use, including:
  - outlining the location and intended character of core retail areas
  - describing the preferred built form character and the interaction of development with the public realm (key streets and open spaces), heritage and character buildings and bridges
  - describing the preferred streetscape character and level of street enclosure sought
  - identifying and providing guidance for the reuse / adaptation of heritage and character buildings
  - ensuring that a consistent level of guidance is provided in each precinct and sub-precinct to guide preferred character and land use, having regard to matters such as building massing, height, relationships between buildings, heritage buildings, street wall heights, setbacks, site coverage and other built form elements.
Ability of building envelopes, FAR and FAU to deliver diverse typologies

Issues and background

A key concern of Council is ensuring density controls (FAR and FAU) deliver the preferred built form outcomes, particularly given the difference between allowable FAR and heights in some areas.

The UDS says that “to achieve a diversity of housing across large precincts and within large sites, the FAR controls should not be set too high or predominantly tower developments will be delivered” (p.66).

However, the potential for in some cases a significant amount of GFA from the uncapped FAU creates uncertainty around the delivery of preferred form envelopes.

The UDS argues that the combination of FAR and taller proposed building heights provides more flexibility to deliver diverse built form, however, the building envelopes they allow promote high rise podium tower buildings.

Testing of selected blocks has shown that large sites with lower FAR’s in Non-Core Areas and higher building heights have the potential to deliver up to 50-60 percent more floor area. This is less in Core Areas with higher building heights (see Tables 2-8 and Figures 23-29).

<table>
<thead>
<tr>
<th>Selected Block</th>
<th>Additional floor area through FAU (%)</th>
<th>Building heights (storeys)</th>
<th>FAR</th>
<th>Other controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Areas</td>
<td>Wirraway Block B</td>
<td>34%</td>
<td>12 &amp; 24</td>
<td>4.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Affected by overshadowing controls</td>
</tr>
<tr>
<td>Montague Block A</td>
<td>48%</td>
<td>20</td>
<td>6.1</td>
<td></td>
</tr>
<tr>
<td>Sandridge Block F</td>
<td>18%</td>
<td>20, 24 &amp; unlimited</td>
<td>8.1</td>
<td>Includes a new 22m road and 12m wide linear park</td>
</tr>
<tr>
<td>Sandridge Block C (part)</td>
<td>16%</td>
<td>12</td>
<td>8.1</td>
<td>Affected by overshadowing controls</td>
</tr>
<tr>
<td>Non-Core Areas</td>
<td>Sandridge Block C (part)</td>
<td>62%</td>
<td>24</td>
<td>3.3</td>
</tr>
<tr>
<td></td>
<td>Sandridge Block A</td>
<td>58%</td>
<td>24</td>
<td>3.3</td>
</tr>
<tr>
<td>Wirraway Block A</td>
<td>20%</td>
<td>6</td>
<td>2.1</td>
<td>Includes new road and linear park</td>
</tr>
</tbody>
</table>

Table 2. Summary of FAR and FAU for blocks Council has undertaken detailed modelling
Figure 23. Blocks Council has undertaken detailed FAR and FAU modelling.
### Sandridge Block C

<table>
<thead>
<tr>
<th>Building heights</th>
<th>Site area (sqm)</th>
<th>GFA through FAR (sqm)</th>
<th>GFA through FAU (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area 12 storeys*</td>
<td>15,042</td>
<td>121,840 (8.1:1)</td>
<td>8,294 (0.5:1)</td>
</tr>
<tr>
<td>Non-Core Area 24 storeys</td>
<td>24,608</td>
<td>81,206 (3.3:1)</td>
<td>131,694 (5.4:1)</td>
</tr>
</tbody>
</table>

*Overshadowing controls apply

Table 3 and Figure 24. FAR & FAU in Sandridge Block C

### Montague Block A

<table>
<thead>
<tr>
<th>Building heights</th>
<th>Site area (sqm)</th>
<th>GFA through FAR (sqm)</th>
<th>GFA through FAU (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area 20 storeys*</td>
<td>15,161</td>
<td>92,482 (6.1:1)</td>
<td>84,585 (5.6:1)</td>
</tr>
</tbody>
</table>

*Only large lots in this block have been included. These are 15-87 Gladstone Street and 6-78 Buckhurst Street.

Table 4 and Figure 25. FAR & FAU in Montague Block A

Indicative communal open space to meet the discretionary 70 percent site coverage and 30 percent communal open space requirement.

Part of the site within the Core Area - up to 12 storeys in height. Limited FAU available in Core Areas.

Part of site within the Non-Core Area - up to 24 storeys in height. Likely to be constructed as a tower podium as substantial opportunities for FAU.

Likely to be constructed as 20 storey tower podium buildings as substantial opportunities for FAU. No control on tower dimensions or floorplate size.

Sites excluded from FAR/FAU calculations in Table 4:
- Based on current ownership, small sites are unlikely to develop over 8 storeys.
- Gravity Building at 30 storeys. Constructed and occupied.
### Sandridge Block F

<table>
<thead>
<tr>
<th>Building heights</th>
<th>Site area (sqm)</th>
<th>GFA through FAR (sqm)</th>
<th>GFA through FAU (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area</td>
<td>20, 24 and unlimited storeys</td>
<td>40,539</td>
<td>328,365</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(8.1:1)</td>
<td>(1.7:1)</td>
</tr>
</tbody>
</table>

Table 5 and Figure 26. FAR & FAU in Sandridge Block F

### Wirraway Block A

<table>
<thead>
<tr>
<th>Building heights</th>
<th>Site area (sqm)</th>
<th>GFA through FAR (sqm)</th>
<th>GFA through FAU (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area</td>
<td>6 storeys</td>
<td>28,217</td>
<td>59,256</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2.1:1)</td>
<td>(0.4:1)</td>
</tr>
</tbody>
</table>

Table 6 and Figure 27. FAR & FAU in Wirraway Block A

Opportunities for FAU in tower podium buildings in Sandridge Core

Some opportunity for FAU within Wirraway non-core areas
**Sandridge Block A**

<table>
<thead>
<tr>
<th>Building heights</th>
<th>Site area (sqm)</th>
<th>GFA through FAR (sqm)</th>
<th>GFA through FAU (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area</td>
<td>24 storeys</td>
<td>15,831</td>
<td>52,242</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.3:1)</td>
<td>(4.6:1)</td>
</tr>
</tbody>
</table>

*Excluding part of White street which is proposed to be closed for POS.**

**Site coverage of 70 percent applies**

Table 7 and Figure 28. FAR & FAU in Sandridge Block A

**Wirraway Block B**

<table>
<thead>
<tr>
<th>Building heights</th>
<th>Site area (sqm)</th>
<th>GFA through FAR (sqm)</th>
<th>GFA through FAU (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area</td>
<td>12 &amp; 24 storeys*</td>
<td>26,730</td>
<td>109,595</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(4.1:1)</td>
<td>(2.1:1)</td>
</tr>
</tbody>
</table>

*Overshadowing controls apply*

Table 8 and Figure 29. FAR & FAU in Wirraway Block B

---

Likely to be constructed as 24 storey tower podium buildings as substantial opportunities for FAU available above the podium.

Indicative communal open space to meet the discretionary 70% site coverage and 30% communal open space requirement.

Sites likely to develop to discretionary height of 24 storeys given substantial FAU opportunities. No controls on tower dimensions and floorplate sizes apply.

12 storey buildings with large upper setbacks to meet overshadowing controls which apply to the southern footpath of Plummer Street.
Preferred outcome

Cap on FAU

Ms Hodyl’s testing based on FARs and the building envelopes demonstrates that a diverse range of building typologies can be achieved on many sites, especially where building heights allow it. However uncapped FAU has the potential to undermine this fundamental approach.

Council in its Stage 1 submission strongly put that the extent of FAU should be limited.

However Council also considers this is important not just from a population perspective but also from a built form perspective.

This is necessary to create the diverse built form typologies which are unlikely to be achieved as intended through the application of the FAR.

In other jurisdictions where FAU or uplift is available, it is usually capped.

Further testing is required to understand what an appropriate cap taking different factors into account (including residential densities, the provision of additional infrastructure, provision of affordable housing and the financial viability / attractiveness of the uplift to the development industry.)

Better link FAR, FAU and building envelopes in the planning controls

A key gap in the planning controls is an explanation of the relationship between the FAR, FAU and the built form controls in DDO30. This creates potential confusion about the scale of development that can be achieved under the controls.

The proposed FAR and potential FAU controls need to work together with other built form controls (including heights, setbacks and site coverage), to achieve the desired built form outcomes in each precinct.

It is recommended that amendments are made to CCZ1 and DDO30 to clarify the relationship between FAR, FAU and the preferred built form controls. This should specify that FAR and FAU are not as of right, and must be read in conjunction with the built form outcomes in DDO30 (including the preferred maximum heights).

RECOMMENDATION 7:

- Limit the extent of Floor Area Uplift (FAU) to promote diverse building typologies are delivered.
- Amend the CCZ1 and DDO30 to reinforce the relationship between density and built form controls to ensure that it is clear that FAR and FAU must also meet the preferred built form outcomes.
Promoting mid-rise development

Issues and background

The majority of planning permit and planning applications in Fishermans Bend have been townhouses or towers (see Figure 30).

Development does not have to be high rise to deliver a high-density environment

In this regard, it is noted that delivering significant amounts of new housing and employment opportunities at Fishermans Bend is not reliant on high-rise tower development throughout the precinct (Urban Design Strategy, Hodyl & Co. 2017).

A compact, walkable and liveable environment can be achieved through mid-rise development which still delivers significant density.

DDO30 currently encourages podium-tower building typologies for buildings over 10 storeys in height.

As a key element of the endorsed vision is the desire to create mid-rise neighbourhoods with more variation in architectural styles, Council undertook benchmarking of mid-rise development.

The purpose of the benchmarking was to understand the key characteristics of the mid-rise scale of housing to inform the tailoring of the controls.

Two key types of mid-rise development were benchmarked - large sites and infill on narrow sites.

Mid-rise benchmarking for large sites

Mid-rise benchmarking (see Figures 31-34) demonstrated that:

- Site sizes varied from 37x59m to 68x137m.
- FARs ranged from 3.1 to 7.8 with buildings of 3-15 storeys.
- Site coverage ranged from 57-70%.
- Open spaces were located on ground, level 1 or level 2.
- Car parking was mostly provided on or above ground and sleeved.
- Building separation distances varied from approximately 4.6m to 20m.
- Visual bulk was addressed by breaking up built form mass into smaller buildings with diversity in architectural form, rooflines, materiality and façade articulation and detailing.
- Mid-scaled towers in line with the low to mid-rise built form scale were incorporated into the built form.
- Smaller building footprints allow for sunlight and daylight into the centre of deep sites.
- Changes in scale/transition were often achieved through a series of individual buildings rather than a stepped wedding cake approach.
- Buildings ranged from double aspect row houses 15m deep to single aspect single loaded apartments at 13m deep and double loaded, single aspect apartments from 20m deep.
- Diverse building typologies were incorporated into low to mid-rise built form scale.

- Multiple entries addressed the street and internal spaces helping to activate the public realm.
- Buildings included non-residential uses such as communal spaces, hotel, retail and commercial, often on the ground floor.
Figure 30. Building typologies proposed by approvals and current applications
221 Kerr Street, Fitzroy
• Site Area: approx. 2,180 sqm
• GFA: 8,912 sqm
• FAR: 4.1:1
• Open Space: 604 sqm (Level 02)
• Site Coverage: GL - 100%, L2 - 70%
• Number of Buildings: 3
• Number of Dwellings: 51
• Car Spaces: 61 (across 2 levels)

Figure 31. 221 Kerr Street, Fitzroy (Perimeter and courtyard block benchmarking)

Hawke + King, West Melbourne
• Site Area: approx. 2,446 sqm
• GFA: 9,220 sqm
• FAR: 3.8:1
• Open Space: 760 sqm
• Site Coverage: 69%
• Number of Buildings: 3
• Number of Dwellings: 74
• Car Spaces: 98 (across 2 basement levels)

Figure 32. Hawke + King, West Melbourne (Perimeter and courtyard block benchmarking)
West End, West Melbourne

- Site Area: approx. 9,200 sqm
- GFA: approx. 75,500 sqm.
- FAR: 7.8:1 (excl. basement); 8.2:1 (incl. basement)
- Open Space: 460sqm (ground), 1,000sqm retail arcade and 2,200sqm private garden on podium
- Site Coverage: GL - 93%, L2 - 57%
- Number of buildings: 5
- Number of Dwellings: 377 apartments & 92 serviced apartments Hotel (77m2 average apartment size)
- Car Spaces: 584 (2 Basement + 2 Levels above ground + mezzanine)

Figure 33. West End, West Melbourne (Perimeter and courtyard block benchmarking)

122 Roseneath Street, Clifton Hill

- Site Area: approx. 3,040 sqm
- GFA: 9,280 sqm
- FAR: 3:1
- Open Space: 1,100 sqm (Level 01)
- Site Coverage: GL - 100%, L1 - 64%
- Number of Buildings: 3
- Number of Dwellings: 85
- Car Spaces: 41

Figure 34. 122 Roseneath Street, Clifton Hill (Perimeter and courtyard block benchmarking)
Mid-rise benchmarking for narrow infill sites

Mid-rise benchmarking (see Figures 35-38) demonstrated that:

- Site sizes varied from 126sqm to 700sqm.
- Generally built to all boundaries with no front, side or rear setbacks. (Noting exceptions for internal courtyards and rear setbacks to accommodate parking.)
- Strong street walls activated with windows and balconies, often active uses.
- High site coverage – most developments of this typology have 100 percent site coverage.
- Provide opportunities to retain existing building fabric / heritage / character buildings.
- Any levels above the streetwall are set back to define and emphasise the street wall - especially where heritage fabric is retained.
- Narrow lots rely on street/laneway frontage to provide daylight/sunlight and natural ventilation. Some featured breaks in the building design with a separate building element front and back.
- Corner sites have more possibilities to provide increased opportunities to provide access to daylight/ sunlight and outlook.
- Private open space is generally provided in the form of balconies and roof terraces and usually has an outlook to the front or rear of the site (rather than the side) due to narrowness of the site.
- The location of the lift core and services can significantly affect efficient floor layouts on very narrow sites.
- Where dwellings front a rear lane, the width of the lane and distance to other development abutting that lane has a significant impact on amenity (including outlook and daylight).
- Sites with a minimum 17m width allow for parking bays on either side of central vehicular access.
- On smaller sites, parking is often limited and generally accommodated in car stackers accessed from the side or rear. Some sites do not provide parking.
- Access to parking is usually provided from the side or rear streets/laneways to prevent taking up significant portions of the façade.
- Sleevings of car parking on narrow sites is more difficult to achieve with limited space.
**DROO Building, 93 Burwood Road, Hawthorn**

- Site Area: approx. 700sqm
- Open Space: Terraces (North facing to Laneway, south facing internal)
- Site Coverage: 100%
- Number of Dwellings: 4 apartments (2 bedrooms) & 1 shop at ground floor
- Car Spaces: 2 car stackers (basement & ground level), access from rear laneway
- Other: Retains 2 storey heritage building to street

![DROO Building, 93 Burwood Road, Hawthorn](image)

**Hohelufchaussee 19, 20253, Hamburg, Germany**

- Site Area: approx. 420 sqm
- Open Space: Terraces (South west facing to Laneway) and communal courtyard (on top of parking level)
- Site Coverage: 95%
- Number of Dwellings: 9 apartments (2 bedrooms) over 5 storeys, 2 storeys of offices
- Car Spaces: Unknown number of spaces, rear access, parking at ground level at rear.

![Hohelufchaussee 19, 20253, Hamburg, Germany](image)
STUDIOS 54, Waterloo Street, Surry Hills NSW

- Site Area: approx. 126 sqm
- Open Space: Terraces (facing the street and an internal courtyard / light well)
- Site Coverage: 100%
- Number of Dwellings: 4 apartments and 1 shop/office
- Car Spaces: No car parking provided

Figure 37. STUDIOS 54, Waterloo Street, Surry Hills NSW (Narrow infill benchmarking)

Ormond Road Apartment, Ormond Road, Elwood

- Site Area: approx. 363sqm
- Open Space: Terraces (North-East facing to street, North-West facing to laneway)
- Site Coverage: 100%
- Number of Dwellings: 10 apartments & 1 shop & 1 cafe at ground floor
- Car Spaces: 4 car stackers and 1 visitor car park. Double car stacker

Figure 38. Ormond Road Apartment, Ormond Road, Elwood (Narrow infill benchmarking)
Preferred outcome

The critical elements of successful mid-rise typologies which must be included in the planning controls are:

Large blocks
- Provision of a minimum area of communal open space.
- Ensuring adequate separation between buildings.
- Ensuring appropriate building heights apply where a mid-rise form is sought (even with the application of an FAR).
- Encourage diversity within the development through different built form scales such as low rise fronting the narrower lanes and taller heights on the edges.
- Provide permeability through the blocks.
- Sleeve and integrate above ground car parking.
- Transitions in building height are addressed by whole buildings rather than a stepped/wedding cake approach.
- Large blocks are broken up into smaller, more human scaled buildings with more opportunities for individual identity.
- Smaller buildings to allow for better views/outlook, daylight and sunlight to dwellings and communal spaces and reduce the impact of large, slow moving shadows.

Narrow infill sites
- Developments are built to the boundary to reinforce a strong street edge.
- Ensure any levels above the streetwall are set back to define and emphasise the street wall - especially where heritage fabric is retained.
- Ensuring upper level setbacks above the street wall apply on laneways as well as streets to provide for amenity and opportunities for private open space.
- Separation distances allow for:
  - courtyards in the middle of the building allowing natural light and ventilation
  - development above the street wall (ie pop-up elements) which balance equitable development rights and provide for amenity and outlook.
- The adaptive reuse of heritage and character buildings in new developments.
- Built form reflects the scale and materiality of the existing area and adjoining sites/buildings.
- Provision of access to car parking is from rear laneways where possible to retain active frontages at street level. (This may result in the need to widen existing lanes or include rear setbacks.)

RECOMMENDATION 8:
- Reduce the scale of high rise and encourage a diversity in building typologies such as hybrids in Wirraway Core (see changes to building heights and street walls).
- Amend the building separation controls in DDO30 to clarify how the separation distances apply to developments on the same site.
- Amend the site coverage requirements in DDO30 to allow communal open space above street level, but with access to street level (see Recommendation 14).
- Amend DDO30 to limit mid-rise building lengths to a maximum of 50m for residential buildings through the provision of through block links or separation between buildings, except for north of Sandridge where campus buildings should be encouraged.
- Amend DDO30 to require that above ground car parking is sleeved and integrated into the building.
- Amend DDO30 to clarify the requirements for upper level setbacks above street walls on laneways and side and rear setbacks between upper levels above the street wall within a site and on abutting sites (see Recommendations 11 and 12).
- Ensure laneway widths are adequate to provide rear vehicular access to sites.
**Tower podiums**

**Issue and background**

High rise towers are supported in Sandridge Core and Montague North, with more mid-rise towers sought by Council in the Montague and Wirraway Core Retail Areas.

Proposed changes to Clause 21.06-8 of the MSS contains references to ‘Well-spaced, slender towers that provide sunlight access to streets and neighbouring residences.’ However there are no proposed controls which ensure the slenderness of towers (i.e. limiting floorplate sizes and dimensions and articulation of towers to reduce visual bulk).

FAR and other building envelope controls may to some extent limit the amount of floorspace, however FAR can be exceeded through FAU. Noting the Minister is proposing to remove the ability to exceed FAR through non-residential floor space in the Core. 

Modelling shows that the raw building envelopes create big, boxy, dominant massing, and in other locations large, elongated, slab-like floorplates (see Figure 39) which can have negative impacts on the public realm from large and slow moving shadows, poor amenity for building occupants and impacts on the skyline.

When adequately separated and oriented, compact floorplates and slender towers can:

- Minimise shadow impacts and negative wind conditions on surrounding streets, open space and properties.
- Minimise loss of sky views from the public realm.
- Allow for the passage of natural light into interior building spaces (e.g. shallow rather than deep floor plates), an important contributor to sustainability.

<table>
<thead>
<tr>
<th>Building typology</th>
<th>Maximum building width</th>
<th>Maximum building depth</th>
<th>Minimum Floorplate area</th>
<th>Maximum Floorplate area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential apartments (low-mid rise)</td>
<td>10m</td>
<td>20m</td>
<td>450sqm</td>
<td>900sqm</td>
</tr>
<tr>
<td>Residential apartments (high rise)</td>
<td>15m</td>
<td>30m</td>
<td>600sqm</td>
<td>900sqm</td>
</tr>
<tr>
<td>Commercial buildings (medium-high rise)</td>
<td>15m</td>
<td>50m</td>
<td>600sqm</td>
<td>2,000sqm</td>
</tr>
</tbody>
</table>

Table 9: Maximum tower widths, depths and floorplates used for modelling in the Fishermans Bend Urban Design Strategy
residential liveability, and workplace productivity.

- Create architectural interest and visually diminish the overall scale of the building mass.
- Present an elegant profile for the skyline
  (Source: Toronto Tall Buildings Design Guidelines, City of Toronto, March 2013).

Benchmarking of tower widths, depths and floorplates

Benchmarking undertaken by Port Phillip suggests different approaches are required for commercial and residential towers as they have different requirements.

The Better Apartments Design Standards (BADS) limit residential building widths to some extent through circulation and room depth requirements. These controls effectively limit tower widths to 25-30m deep.

Assumptions from the Fishermans Bend Urban Design Strategy and work by Hayball as part of benchmarking in the Central City Built Form Review were used to inform Council’s work (see Table 9 and Figure 40).

Council also undertook its own benchmarking of commercial and residential development both within and outside Fishermans Bend. Key findings include:

- Both noted the difference between floorplate requirements for commercial and residential buildings.
- The floorplates of commercial buildings are usually larger in area and deeper. Average floorplates were in the order of 2,000-2,500sqm.
- Maximum depths for residential buildings ranged from 20-30m and up to 75m long.
- Hayball identified a maximum sleeve depth of 10m for residential uses and 15m for commercial uses.
- Council found that campus style commercial buildings had an average floorplate of 6,600-9,800sqm

![COMMERCIAL TOWER ENVELOPE ASSUMPTIONS](image1)
![RESIDENTIAL TOWER ENVELOPE ASSUMPTIONS](image2)

**Figure 40.** Maximum tower widths, depths and floorplates used in benchmarking for C270 Central City Built Form Review (Source - Architectural Testing of Built Form Controls - Melbourne Hoddle Grid / Southbank, Central City Built Form Review, September 2016)
Preferred outcome

It is recommended the following maximum floor widths, depths and floorplates are applied to towers of 13 storeys or over across Fishermans Bend as a discretionary requirement:

These dimensions were confirmed by benchmarking Fishermans Bend applications, developments outside Fishermans Bend, the Better Apartments Design Standards and the work of Hayball.

<table>
<thead>
<tr>
<th>Tower use</th>
<th>Maximum width (m)</th>
<th>Maximum Depth (m)</th>
<th>Maximum Total Floorplate area (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>50</td>
<td>50</td>
<td>2,500</td>
</tr>
<tr>
<td></td>
<td>33</td>
<td>75</td>
<td>2,500</td>
</tr>
<tr>
<td>Residential</td>
<td>25</td>
<td>50</td>
<td>1,250</td>
</tr>
</tbody>
</table>

The aim of these dimensions is to control the bulk of towers and manage overshadowing impacts to the street (see Figure 41).

RECOMMENDATION 9:

- Amend DDO30 to include a discretionary requirement to create slender well-proportioned towers by applying the following maximum dimensions to developments of 13 storeys and higher (i.e. high rise development):
  - Residential buildings: a maximum tower dimension along one frontage of 50m and a maximum floorplate of 1,250sqm.
  - Non-residential buildings: a maximum tower dimension along one frontage of 75m and a maximum floorplate of 2,500sqm.
- Amend DDO30 to promote well-designed slender towers by including a requirement that towers are designed as three carefully integrated parts: a base building, middle, and top.
Commercial buildings - maximum floorplate size of 2,500sqm and a maximum dimension of 75m along one frontage.

North-south laneways ensure the slender side of the tower faces key streets (Fennell Street) to reduce visual bulk and maximise sunlight access.

Smaller, slender towers present an elegant profile for the skyline and improve daylight/sunlight access to buildings.

Figure 41. Tower floorplates to create slender towers preferred by Council
3.0 Creating a high amenity, high quality public realm

To enhance and create a sense of place and to build community pride and connectivity, Fishermans Bend must have a well-designed public realm.

As development intensity increases, the quality of the public realm and managing impacts on amenity becomes more important.

Through the draft Framework and proposed planning controls, Council is seeking to:

• Ensure new buildings create a positive street level environment through ensuring access to daylight, sunlight, sky views and minimising of wind effects.
• Ensure buildings are ‘human scale’, minimise building bulk and create a fine grain character and sense of enclosure at street level.
• Create vibrant street life through active ground floor frontages and upper floors which overlook the street.
• Achieve a high standard of internal and external amenity for dwellings within the Precinct and at the interface with existing residential areas.

Street wall heights

Issue and background

The draft planning controls generally propose a mandatory maximum 6 storey street wall across Fishermans Bend.

The controls also allow an 8 storey street wall on streets wider than 22 metres. However the controls as exhibited were not clear whether this includes a 22m wide road.

Figure 42 demonstrates the different street widths and locations where an 8 storey street wall height is achievable.

Preferred outcome

The 6 storey street wall height is generally supported for 22 mere wide streets as it creates an appropriately human scaled street and establish a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio.

However Council considers there is a need for more tailored street wall heights in the following locations:

• Plummer / Fennell Civic Boulevard in Sandridge and Wirraway
• Buckhurst Street Green Spine
• Council’s proposed campus area in Sandridge North.

This will be expanded on at the Precinct Hearings.

Proposed changes to the controls as part of Minister’s Part A submission now say greater than 22m which implies the 8 storey streetwall option applies to streets of 23m wide or more. The change to the proposed controls for 8 storey street wall is supported.

RECOMMENDATION 10:

• Support changes proposed in the Minister’s Part A submission to DDO30 that clarify that 8 storey street wall heights apply to streets of 23m or greater in width.
Figure 42. Street widths and applicable street wall heights under GC81
Street walls - technical issues

Issues and background

Street walls on lanes

The proposed planning controls include a maximum street wall height of 4 storeys on lanes (i.e. streets of 12m or less.)

Updates as part of Minister’s Part A submission are proposed which clarify that the upper level setback above the street walls on a laneway should be measured from the centreline of the laneway.

This approach could result in minimal upper level setbacks in lanes or cantilevered upper levels where the setback requirement is less than half of the laneway width. The wider the laneway, the lesser the upper level setback. On a 9m laneway, this upper level setback would 0.5m and would be imperceptible from the ground (see Figure 43).

Street walls abutting parks

There is currently no guidance for what street wall height applies to land abutting existing or proposed open space.

Ms Hodyl recommends in her expert evidence ‘The street wall height of buildings that are immediately adjacent to a park (not separated by a street or laneway) should be a maximum of 15.4 metres and must not exceed 23 metres. A permit cannot be granted to vary this requirement.’

Where street walls turn the corner

A gap in DDO30 is that it does not address where two different street edge heights are nominated on corner sites.

The issue of conflicting street wall heights and the transition from higher to lower street walls has been partially addressed through the Minister’s Part A submission and through Ms Hodyl’s expert evidence. They propose that:

In the instance where two different street wall heights intersect at a corner, the higher street wall height prevails and should not extend more than 30 metres along the narrower street/laneway frontage.

Figure 43. Application of upper level setbacks on lanes proposed in updated controls (Part A submission)
**Preferred outcomes**

*Street walls on lanes*

The 4 storey height is supported as it will promote access sunlight in laneways (particularly where a pedestrian focus is sought), create additional diversity in the built form and in locations such as Montague, promote the adaptive reuse of heritage and character buildings.

However in some circumstances it is proposed to allow additional heights in lanes for limited lengths. This will expanded on in the Precinct Hearings.

Change the controls to measure an upper level setback on a laneway from the street wall rather than the centreline of the laneway (see Figure 44).

Where a new laneway is to be created, the upper level setback should be measured from the new building line.

*Street walls abutting parks*

Council considers it unnecessary to apply a lower street wall fronting proposed public open space, unless an overshadowing control applies which would affect the site.

Instead it is recommended that the street wall height which applies to adjoining sites is applied to the park edge. For example, where an 8 storey street wall height is proposed, the street wall surrounding the park could be 8 storeys.

*Where street walls turn the corner*

The wording proposed by the Minister to address this issue is supported.

On corner sites where two different street edge heights are nominated, buildings should “turn the corner” and apply the higher street edge and transition to the lower nominated street edge height.

However Ms Hodyl’s recommendation to specify a maximum length is not. 30 metres may be an appropriate length in some circumstances but not in others. Flexibility should be retained.

**RECOMMENDATION 11:**

- Amend DDO30 to require that where a street wall is required on a laneway, upper level setbacks are measured from that street/laneway frontage and not the centreline of the laneway.
- Amend DDO30 to specify that the street wall that is applicable to abutting properties should also apply to the frontages of any development abutting or adjoining existing and proposed public open space, unless overshadowing controls apply.
- Amend the controls to address instances where two different street wall heights meet, as proposed in the Minister’s Part A submission.
Building to side and rear boundaries on narrow lots

The proposed planning controls which allow for 8 storeys street wall for developments up to 10 storeys in height are supported as they provide additional opportunities for mid-rise development.

Accommodating building services and lift core

The DDO allows buildings up to 8 storeys to be built on the boundary, however above that height buildings must be set back. This means a lift core for a building up to 10 storeys must be set off the boundary creating awkward / unusable space on lower floors between the core and boundary wall (see Figure 45). For narrower sites (less than 20 metres), this also results in an inefficient car parking layout.

Lack of clarity around which side and rear setbacks apply

The controls for side and rear setbacks above the street wall have been written based on a 6 storey street wall and are not clear which setbacks apply to developments above an 8 storey street wall.

The controls could be interpreted as either applying 9m for habitable room windows and 3m for non-habitable room windows or 10m for habitable room windows and 5m for non-habitable room windows (see Figure 46).

These different options have a profound effect on the developability of narrow sites, especially those under 20m wide.
Preferred outcome

It is recommended that the controls provide an exemption in Montague for narrow sites (less than 20 metres) to allow plant equipment to be constructed on the boundary (see Figure 47).

It is considered that the 3m setback for non-habitable room windows (see Figure 48) and the 9m setback for habitable room windows should apply to this specific configuration only.

Noting that where an 8 storey street wall is proposed in other locations (with higher overall building heights), the side and rear setbacks of 5 and 10m should apply. (Locations where other 8 storey street walls are supported will be expanded on in the Precinct Hearings.)

In most cases, it is anticipated that non-habitable room windows will be oriented to the side boundary.

Where habitable room windows are proposed to the side or rear, they should set back 9m to provide for access to daylight, minimise overlooking and retain sky views.

**RECOMMENDATION 12:**

- Amend the requirement for walls on a side or rear boundary in DDO30 for buildings up to 10 storeys to allow building services / lift core to be located on the boundary.
- Amend the side and rear setbacks which apply above 23m (6 storeys) to a maximum 10 storey building to a minimum 3m setback for non-habitable rooms and 9m for habitable rooms.

Figure 47. Upper level side and rear setbacks for buildings between 8 and 10 storeys proposed by Council

Figure 48. 3m upper level side and rear setbacks for buildings with non-habitable room windwos with an 8 storey street wall proposed by Council.
Flooding and the need for raised floor levels

Issue and background
As outlined in Council’s Stage 1 submission, significant parts of Fishermans Bend are subject to inundation.

In particular, Council is concerned about the impacts of raised floor levels and identified changes to policy at Clause 22.15.

The extent of the floor level changes that are likely to be required range from about 1.2 to 3 metres - a significant issue in retail areas.

Developments fronting the Buckhurst Street Green Spine, designated as a primary retail active frontage area, would need to be raised between 0.6-1.8 metres.

A potential floor height of 1.8m above street level would be required at the intersection of Buckhurst and Ferrars Streets. This will result in poor urban design outcomes.

The foyer of the Gravity Tower is cited as an example of this (see Figure 44).

Preferred outcome
Some additional guidance was proposed in Council's Stage 1 submission, for inclusion in policy at Clause 22.15 however further is guidance is proposed:

- Where this is a public laneway to be vested in Council it must be provided at natural ground level.
- Provide exemptions to street wall requirements, and height controls to allow for more design options to mitigate the height difference between street level and the ground floor and create accessible entries from the footpath.
- Provide additional flexibility in the controls to allow the location of mechanical equipment above the flood level (eg on the roof / podium).
- Require the activation of streets even in cases where ground floors are substantially above the adjacent street level (eg requiring display windows in retail developments).

RECOMMENDATION 13:
• In addition to Council's recommended changes to Clause 22.15 in its Stage 1 submission, include the following:
  - Include an exemption in DDO30 that where land is subject to inundation or in a Special Building Overlay, the overall building height or mandatory street wall height may be increased by the minimum floor level determined by the relevant drainage authority.
  - Include assessment criteria which allows overall building heights (including for plant and equipment) to be exceeded by the minimum floor level determined by the relevant drainage authority.
  - Include a requirement that lanes that will be vested in Council must be provided at natural ground level and should not be ramped.
Site coverage

Issue and background

The 70 per cent discretionary site coverage requirement for the non-core areas of Sandridge and Wirraway is supported, to encourage courtyard and perimeter style mid-rise developments, increase permeability of sites, and promote a more landscaped, family friendly character in these areas.

The definition of site coverage at Clause 72 of the Planning Scheme is the proportion of a site covered by buildings. Technically this would mean the gross developable area and include land identified for new roads, parks and community infrastructure.

Preferred outcome

In DDO30, specify that site coverage is based on 70 percent of the Net Developable Area (excluding streets, laneways and public open space) instead of Gross Developable Area.

This would prevent the inclusion of roads, streets, lanes and open space in the calculated area, which would undermine the purpose of the requirement in encouraging courtyard and perimeter block developments.

Section 2.3 also identifies the need for more flexibility in the provision of the 30 percent communal open space requirement. The requirement specifies ‘ground floor communal open space’ which will be difficult to achieve with carparking in a mid-rise building.

RECOMMENDATION 14:

• In DDO30, in Site Coverage, specify that site coverage is based on the net developable area and not gross developable area of a site.
• Amend the requirement to allow communal open space to be provided on the ground or first level of a development, providing there is direct access from street level.
4.0 Promoting high quality buildings

Council considers that the design quality of buildings and the public realm as fundamental to creating a liveable, high density place.

Design quality must be embedded within the draft Framework and the planning controls.

Through the draft Framework and proposed planning controls, Council is seeking to:

• Promote design quality which addresses architectural quality, effective use of resources, high-quality materials, innovative and sustainable building design and construction in all developments
• Ensure the valued elements of Fishermans Bend such as its heritage buildings are reused and celebrated.

Preferred outcome

The items listed in the policy focus on context. Context is only one element of good design.

The concept of design excellence / design quality should also include architectural quality, effective use of resources, high-quality materials, safety, comfort and liveability of the design as well as innovative and sustainable building design and construction.

Additionally the process of designing and delivering built form should also be considered as a mechanism for achieving design quality. New South Wales promotes reviews and design competitions as mechanisms to review projects which exceed discretionary heights, FAR and on some specified sites.

This should be considered as a requirement for specific developments within Fishermans Bend.

Key sites have been identified which include sites fronting key retail streets (in the Core Retail Areas), locations of new bridges and key development sites in prominent locations. Participation in a design review process is recommended.

Additionally four key sites have been identified with such strategic importance that a design competition should be required. These are high profile, highly visible sites which require an innovative approach to design to create a landmark building or space.

RECOMMENDATION 15:

• Change the reference in Clause 22.15 from ‘design excellence’ to ‘design quality’ so that there is a more tangible link to local and state policy and include additional items including:
  - consideration of the site and surrounding context and the impact new development will have on the urban realm
  - innovation in design and construction methods
  - innovative development models and sustainable building design
  - architectural quality
  - effective use of resources
  - high-quality materials
  - integration of building services
  - building adaptability.
• Amend policy and DDO30 to:
  - Require that development and place making proposals for identified key sites and locations are assessed by an expert panel prior to lodgement.
  - Require that a design competition is held for landmark sites at Ingles Street Triangle, Sandridge Arts and Culture Hub and Civic Square, the Wirraway Sport and Recreation Hub and the Montague Sport and Recreation Hub.
Heritage and character buildings

Issue and background

A gap in the controls is any reference to heritage places. In particular, there is no guidance on how to deal with tall buildings adjacent to lower scale heritage places.

There are references to adaptive reuse of heritage buildings in the Preferred Character Statements but not for all areas with a high number of identified heritage buildings.

There is also no reference to character buildings. Fishermans Bend and Montague in particular also contains a number of buildings which, although they are not significant heritage places, do contribute significantly to the character of the Precinct.

The retention and adaptation of these buildings, through innovative design and re-use is sought. They include a number of one and two storey red brick warehouse buildings abutting laneways, which contribute to the gritty and intimate character of the Precinct.

Preferred outcome

Tall buildings adjacent to a lower-scale heritage property should:

- design new base buildings to respect the urban grain, scale, setbacks, proportions, visual relationships, topography, and materials of the historic context.
- provide additional tall building setbacks, upper level setbacks and other appropriate placement or design measures to respect the heritage setting.

RECOMMENDATION 16:

- Amend DDO to include:
  - A reference to heritage in the DDO objectives.
  - Heritage considerations in the Built Form Outcomes for heights, street walls and upper level setbacks, separation distances site coverage and active frontages.
- The following requirements:
  - Promote the retention of heritage places in Fishermans Bend, including adaptive reuse.
  - The design of new buildings should respect the character, height, scale, rhythm, materials and proportions of heritage places.
  - New buildings should step down in height, massing and scale to adjoining lower scale heritage places.
  - Encourage the retention and adaptive re-use of character buildings. Noting the policy would need to include the appropriate map showing these properties.
5.0 Summary of Recommendations

RECOMMENDATION 1:
• Include policy in Clause 22.15 which recognises relative scale difference between CBD and other areas.

RECOMMENDATION 2:
• Amend building heights to differentiate between Precincts and Core and Non-Core Areas.
• Include policy in Clause 22.15 which recognises relative scale difference between Lorimer, Sandridge, Montague and Wirraway.
• Clearly define the extent of Core Retail Areas.
• Clearly differentiate the character between Core and Non-Core Areas.

RECOMMENDATION 3:
• Amend Schedule 1 to the CCZ to provide clearer guidance on Fishermans Bend-wide structural elements by including a plan for each precinct which defines the future urban structure, including the location of activity centres, core retail areas, community hubs and civic buildings, key public spaces, civic streets, and transport corridors and nodes (see Figure 20).

RECOMMENDATION 4:
• Amend Schedule 1 to the CCZ to include a plan for each precinct which shows streets and lanes (noting this should be updated following precinct planning).
• Ensure Precinct Planning refines laneway design through:
  - Refine the preferred number and location of laneways.
  - Nominate the different types of laneways and their roles.
  - Define laneway cross sections.
  - In Montague South, determine requirements for widening of existing laneways.

RECOMMENDATION 5:
• Include a map of key sites, landmarks and gateways in the MSS at Clause 21.06-8 to guide built form outcomes and include policy direction for these sites which identifies their significance and key considerations.
• See Recommendation 15 requiring design panels and design competitions for key sites.

RECOMMENDATION 6:
• Develop and use consistent definitions of low, mid and high rise and include them in the MSS at Clause 21.06-8.
• Include clear definitions of building typologies in the MSS at Clause 21.06-8.
• Amend the Clause 21.06-8 to include a wider selection of built form typologies including narrow lot buildings, block buildings (including T and L shaped blocks), slab buildings (wide linear blocks) and row buildings to further diversify built form typologies delivered.
• Amend Clause 21.06-8 to provide more specific guidance around the character to be delivered in precincts and sub-precincts, and address gaps in guidance to decision making on discretionary building controls and land use, including:
  - outlining the location and intended character of core retail areas
  - describing the preferred built form character and the interaction of development with the public realm (key streets and open spaces), heritage and character buildings and bridges
  - describing the preferred streetscape character and level of street enclosure sought
  - identifying and providing guidance for the reuse / adaptation of heritage and character buildings
  - ensuring that a consistent level of guidance is provided in each precinct and sub-precinct to guide preferred character and land use, having regard to matters such as building massing, height, relationships between buildings, heritage buildings, street wall heights, setbacks, site coverage and other built form elements.

RECOMMENDATION 7:
• Limit the extent of Floor Area Uplift (FAU) to promote diverse building typologies are delivered.
• Amend the CCZ1 and DDO30 to reinforce the relationship between density and built form controls to ensure that it is clear that FAR and FAU must also meet the preferred built form outcomes.

RECOMMENDATION 8:
• Reduce the scale of high rise and encourage a diversity in building typologies such as hybrids in Wirraway Core (see changes to building heights and street walls).
• Amend the building separation controls in DDO30 to clarify how the separation distances apply to developments on the same site.
• Amend the site coverage requirements in DDO30 to allow communal open space above street level, but with access to street level (see Recommendation 14).
• Amend DDO30 to limit mid-rise building lengths to a maximum of 50m for residential buildings through the provision of through block links or separation between buildings, except for north of Sandridge where campus buildings should be encouraged.
• Amend DDO30 to require that above ground car parking is sleeved and integrated into the building.
• Amend DDO30 to clarify the requirements for upper level setbacks above street walls on laneways and side and rear setbacks between upper levels above the street wall within a site and on abutting sites (see Recommendations 11 and 12).
• Ensure laneway widths are adequate to provide rear vehicular access to sites.

RECOMMENDATION 9:
• Amend DDO30 to include a discretionary requirement to create slender well-proportioned towers by applying the following maximum dimensions to developments of 13 storeys and higher (i.e. high rise development):
  - Residential buildings: a maximum tower dimension along one frontage of 50m and a maximum floorplate of 1,250sqm.
  - Non-residential buildings: a maximum tower dimension along one frontage of 75m and a maximum floorplate of 2,500sqm.
• Amend DDO30 to promote well-designed slender towers by including a requirement that towers are designed as three carefully integrated parts: a base building, middle, and top.

RECOMMENDATION 10:
• Support changes proposed in the Minister’s Part A submission to DDO30 that clarify that 8 storey street wall heights apply to streets of 23m or greater in width.

RECOMMENDATION 11:
• Amend DDO30 to require that where a street wall is required on a laneway, upper level setbacks are measured from that street/laneway frontage and not the centreline of the laneway.
• Amend DDO30 to specify that the street wall that is applicable to abutting properties should also apply to the frontages of any development abutting or adjoining existing and proposed public open space, unless overshadowing controls apply.
• Amend the controls to address instances where two different street wall heights meet, as proposed in the Minister’s Part A submission.

RECOMMENDATION 12:
• Amend the requirement for walls on a side or rear boundary in DDO30 for buildings up to 10 storeys to allow building services / lift core to be located on the boundary.
• Amend the side and rear setbacks which apply above 23m (6 storeys) to a maximum 10 storey building to a minimum 3m setback for non-habitable rooms and 9m for habitable rooms.

RECOMMENDATION 13:
• In addition to Council’s recommended changes to Clause 22.15 in its Stage 1 submission, include the following:
  - Include an exemption in DDO30 that where land is subject to inundation or in a Special Building Overlay, the overall building height or mandatory street wall height may be increased by the minimum floor level determined by the relevant drainage authority.
  - Include assessment criteria which allows overall building heights (including for plant and equipment) to be exceeded by the minimum floor level determined by the relevant drainage authority.
  - Include a requirement that lanes that will be vested in Council must be provided at natural ground level and should not be ramped.

RECOMMENDATION 14:
• In DDO30, in Site Coverage, specify that site coverage is based on the net developable area and not gross developable area of a site.
• Amend the requirement to allow communal open space to be provided on the ground or first level of a development, providing there is direct access from street level.

RECOMMENDATION 15:
• Change the reference in Clause 22.15 from ‘design excellence’ to ‘design quality’ so that there is a more tangible link to local and state policy and include additional items including:
  - consideration of the site and surrounding context and the impact new development will have on the urban realm
  - innovation in design and construction methods
  - innovative development models and sustainable
building design
- architectural quality
- effective use of resources
- high-quality materials
- integration of building services
- building adaptability.

• Amend policy and DDO30 to:
  - Require that development and place making proposals for identified key sites and locations are assessed by an expert panel prior to lodgement.

Require that a design competition is held for landmark sites at Ingles Street Triangle, Sandridge Arts and Culture Hub and Civic Square, the Wirraway Sport and Recreation Hub and the Montague Sport and Recreation Hub.

RECOMMENDATION 16:

• Amend DDO to include:
  - A reference to heritage in the DDO objectives.
  - Heritage considerations in the Built Form Outcomes for heights, street walls and upper level setbacks, separation distances site coverage and active frontages.
  - The following requirements:
    - Promote the retention of heritage places in Fishermans Bend, including adaptive reuse.
    - The design of new buildings should respect the character, height, scale, rhythm, materials and proportions of heritage places.
    - New buildings should step down in height, massing and scale to adjoining lower scale heritage places.
  - Encourage the retention and adaptive re-use of character buildings. Noting the policy would need to include the appropriate map showing these properties.
## 6.0 Appendix 1. Built form modelling assumptions

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| Streets and Lanes      | • The DDO model used the location of streets and lanes based on the draft Framework.  
                           • The Preferred Outcome model includes some changes to this layer eg new north-south lanes and the deletion of some east-west lanes. |
| Floor to floor heights | • 4m at the ground level and 3.8m for remaining floors in the podium.  
                           • Floor to floor heights above the street wall allow for 3.8m in commercial buildings (within Sandridge core areas).  
                           • Overshadowing controls are tested using 3.8m floor to floor heights within the proposed heights. |
| Side and rear setbacks | • Habitable interfaces are assumed in Wirraway (above the base building/podium).  
                           • A mix of non-habitable and habitable interfaces are generally used in other areas.  
                           • The Better Apartment Design Standards definition of what constitutes a habitable space is adopted. Non-habitable is assumed to include commercial uses.  
                           • Non-habitable interfaces are assumed for the base building (except in Wirraway). |
| Site coverage          | • 100% site coverage for lower levels of the building/podium except for non-core areas of Sandridge and Wirraway.  
                           • 100% site coverage for properties less than 1,200m2 gross developable area. |
| Tower floorplates      | • All tower floorplates outside of the Core in Sandridge are residential.  
                           • In the DDO model, residential floor plate sizes of 30x75m (2,250m²) and commercial floorplates of 3,000m².  
                           • In the Preferred Outcome model, residential floorplates of 25x50m (1,250m²) and commercial floorplates of 2,500m² were modelled.  
                           • Minimum building widths, depths and floorplate sizes were derived from a combination of assumptions taken from the Urban Design Strategy, Better Apartments Design Standards and Guidelines, Hayball's built form testing of Amendment C270 and benchmarking of residential applications in Fishermans Bend and commercial projects within the City of Melbourne. |
| Car parking            | • Car parking is assumed to be located above ground (due to soil conditions). |
| Public Open Space      | • In the DDO model open space was modelled based on the draft Framework.  
                           • In the Preferred model, open space was modelled on a combination of the draft Framework and additional open spaces proposed by Council. |
<table>
<thead>
<tr>
<th>Issue</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street walls and upper level setbacks</td>
<td>• As per DDO30, 4 storey street walls on laneways &lt; 12m, 6 storey street walls on streets &gt;12m and 8 storey street walls on identified sites on streets &gt;23m were modelled in the DDO.</td>
</tr>
<tr>
<td></td>
<td>• In the preferred, a variety of street walls were modelled.</td>
</tr>
<tr>
<td></td>
<td>• Where two different street walls intersect, the higher street wall height was applied to the corner.</td>
</tr>
<tr>
<td></td>
<td>• Building depths were assumed to be either 10m deep for single loaded or 20m deep for double loaded corridors.</td>
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<tr>
<td></td>
<td>• Upper level setbacks were applied from the property boundary.</td>
</tr>
<tr>
<td>Location and width of laneways</td>
<td>• DDO model uses laneways as per the draft Framework (1st model)</td>
</tr>
<tr>
<td></td>
<td>• Preferred outcome applies laneways every 50m in Core Areas and every 100m in Non-Core Areas as outlined in policy at Clause 22.15.</td>
</tr>
<tr>
<td></td>
<td>• 9m wide laneways were assumed for Sandridge, 9 and 12m lanes for Wirraway and Montague.</td>
</tr>
<tr>
<td></td>
<td>• Laneways were generally located on larger sites.</td>
</tr>
<tr>
<td>Land ownership</td>
<td>• Adjoining sites with the same owner were treated as one development site.</td>
</tr>
<tr>
<td>Approved planning permits</td>
<td>• Approved planning permits are included in DDO model but not in the preferred outcome.</td>
</tr>
</tbody>
</table>
The tallest buildings are located the furthest away from Fennell Street, towards Lorimer and the West Gate Freeway.

Provide a more gradual transition from Sandridge to Lorimer by reducing the height of the tallest buildings at the northern edge of Sandridge.
Figure 6. Cityscape - view looking north from Port Phillip Bay - DDO model with CBD and Southbank (showing approved permits)

Figure 7. Cityscape - view looking north from Port Phillip Bay - Council’s Preferred Outcome model with CBD and Southbank

Figure 8. Cityscape in Council’s Preferred Outcome model.

Clear differentiation between core and non-core areas within Fishermans Bend, with higher heights in Core areas, and lower heights in non-core areas.

Legible skyline with clear hierarchy of height from highest to lowest - Melbourne CBD, Sandridge, Montague and Wirraway.
Figure 20. Urban Structure proposed by Council
Figure 21. Key sites, landmarks and gateways - sites proposed by Council to be subject to Design Competitions and Design Reviews.

- Sites subject to Design Competition
- Sites subject to Design Review
Figure 11. View of Fishermans Bend looking north from Port Phillip Bay - DDO model (showing approved permits)

Lack of differentiation in height between Wirraway Core and Montague Core.

The potential for West Sandridge to blur into Wirraway. Lack of a clear differentiation between core and non-core.

The shape of the skyline in Sandridge is skewed towards the non-core boundary.

Figure 12. View of Fishermans Bend looking north from Port Phillip Bay - Council’s Preferred Outcome model

Lower heights create a clear differentiation between Wirraway Core and Montague Core, with lower heights in Wirraway to reinforce the skyline hierarchy.

Clear transition between core and non-core areas

Lower heights between Ingles and Boundary Street reinforce the Sandridge core area, west of Ingles Street.
The exhibited planning controls create the potential for buildings on Ingles Street of 80 to 90 storeys before they are capped out by flight path requirements. The height of these buildings would be equivalent to Eureka Tower (at 91 storeys) and taller the Rialto (at 55 storeys).

Ensure the primacy and legibility of the Sandridge core area by locating the tallest buildings at the heart of the core area.
Figure 15. Montague looking from the west – DDO model (showing approved permits)

Figure 16. Montague looking from the west – Council’s Preferred Outcome model

Lack of transition to Montague South Non-Core Area.

Lower heights proposed in Montague South to transition down to the Non-Core Area.