
Request to be heard?: Yes

Precinct: Wirraway

Full Name: Randah Jordan

Organisation: Curious Architects

Affected property: 400 Plummer Street, Port Melbourne, VIC

Attachment 1: 400_Plummer_St

Attachment 2:

Attachment 3:

Comments: See attached submission.

13 December 2017



Hon. Richard Wynne MP
C/O Fishermans Bend Planning Review Panel
Department of Environment, Land, Water and Planning
PO Box 500
East Melbourne VIC 8002
Sent via email to: fishermansbend@delwp.vic.gov.au

Submission - Fishermans Bend Framework & Port Phillip Planning Scheme Amendment GC81

Our Reference: 32160 000

Dear Minister,

We act on behalf of our client, Curious Architects, in relation to land at 400 Plummer Street, Port Melbourne (Lot S6 on PS429255Y) illustrated in **Image 1** below.

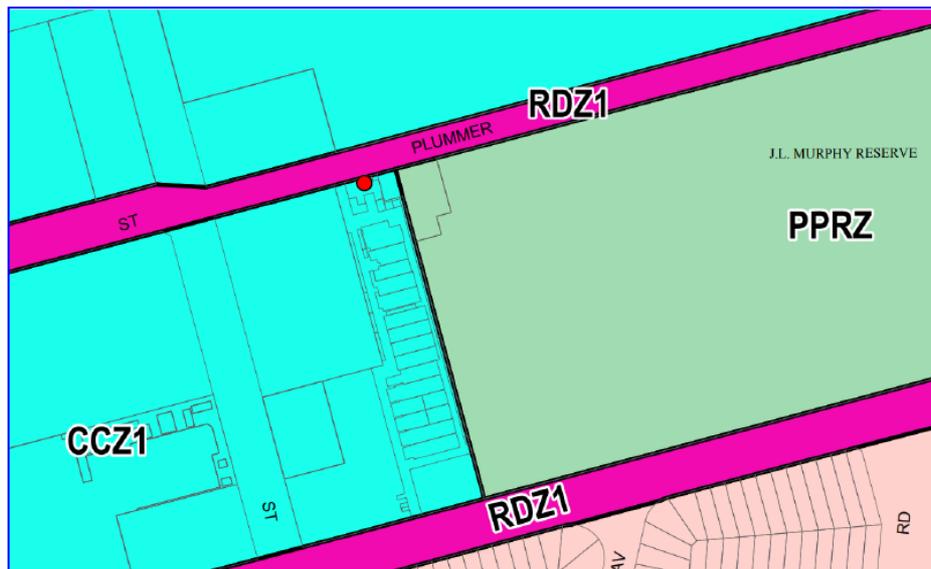


Image 1: Zoning Map. Source: City of Port Phillip Planning Scheme

Curious Architects welcomes the opportunity to make a submission in relation to the draft Port Phillip Planning Scheme Amendment GC81 and the draft Fishermans Bend Framework. The amendment represents a positive milestone to shape the future development of Australia's most ambitious urban renewal project at Fishermans Bend. However, there are important broad aspects we have identified as requiring further clarification and due consideration throughout the subject planning scheme amendment process, as described below:

1. Inequitable development potential: Adjacent development applied for before Amendment GC81

Amendment GC81 proposes the introduction of a Development Plan Overlay. Importantly, the DPO

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allows for the submission and approval of such a Development Plan in stages. Nevertheless, it requires an applicant to submit a 'master plan' that shows a relevant floor area ratio requirement is met and any proposed 'public benefits' provided. 'Public benefits' such as a nominated community facility (e.g. Secondary School) are highlighted as needing further investigation in the area around JL Murphy Reserve, informed largely by the Fishermans Bend Community Infrastructure Plan (April, 2017). Currently, there is no existing control at Fishermans Bend, which requires a Development Plan or 'master plan' to be submitted or approved, prior to individual applications being lodged. In the absence of this control, a number of recent applications have been lodged in the Wirraway Precinct. These include (but are not limited to):

- 320 Plummer Street, Port Melbourne (16 storeys). Approved.
- 101 Salmon Street, Port Melbourne (12 storeys). Approved.
- 9A/339 Williamstown Road, Port Melbourne (10 storeys). Approved.
- U10,11,12 Williamstown Road, Port Melbourne (12 storeys). Approved.

Of greatest importance is a new application for three (3) towers at 18-22 Salmon Street, Port Melbourne ([PA1700301](#)) lodged on 14/11/2017 for:

“Demolition of existing buildings on site and buildings and works associated with the construction of a multi-storey mixed-use development comprising supermarkets, shops, offices, a primary school, a library, a community hall, dwellings and associated basement car parking, the use of the land for supermarkets and place of assembly (library and community hall), the alteration and creation of access to a road in a Road Zone Category and a reduction to the loading bay requirements of Clause 52.07.”

The proposed DPO which requires a development plan (including a master plan) be submitted with a planning application would disproportionately burden owners and developers who lodge applications after the gazettal of GC81 ('Post GC81 applications'), in respect to applicants who have lodged and/or will lodge applications before the gazettal of GC81 ('Pre GC81 applications'). Precinct wide development plans require a tremendous effort to be prepared considering the number of different land owners within precincts and associated costs involved, exclusively burdening 'Post GC81 applications'. In addition, such development plans would need to adapt to planning permits issued in benefit of Pre GC81 applications which would not necessarily need to cater for requirements to integrate precincts within the proposed new railway station, improving access to the JL Murphy Reserve, etc.

It is an unjust requirement for an application to be accompanied with a 'master plan' when the local urban context is being significantly altered by Pre GC81 applications that incorporate 'public benefits' such as schools. The rearrangement and, redistribution of land use and associated densities could significantly alter the highest and best use of small fragmented land parcels located directly abutting larger allotments as is the case with our client's site.

Although we are not opposed to planning controls which would facilitate the delivery of master planned precincts, we believe the GC81 planning scheme amendment process needs to balance requirements equitably amongst Pre GC81 and Post GC81. In this context, transparency in respect to the payment of development/infrastructure contributions from all proponents within Fishermans Bend would be key in achieving a strategic and fair balance of contributions for Pre GC81 and Post GC81 applications.

2. Who should be the Responsible Authority?

We note that Amendment GC81 does not propose any changes to Clause 61.01 of the Port Phillip



Planning Scheme. As it stands, the Minister for Planning is to be the responsible authority for assessing planning permit applications above a certain threshold of development (e.g. development with a building height of four (4) storeys or greater).

Instead, we believe the importance and scale of the Fishermans Bend Renewal Precinct would justify the creation of a dedicated Fishermans Bend Authority which would be a governing body that delivers a consistent and visionary future for the overall precinct. The Fishermans Bend Authority's role will be of a Responsible Authority and a Planning Authority, managing the development across the precinct and to deliver world class benchmarks in urban design, public domain and sustainability. The creation of the Authority would reinforce the Government's commitment to the delivery of Fishermans Bend in a coordinated and financially responsible manner.

Similar to other urban renewal projects in other States and countries, the Authority managing the area should be established by an Act of Parliament and governed by an independent and expertise based Board. Examples of this type of successful organisation include the Barangaroo Delivery Authority, the London Legacy Development Corporation and Victoria's own version - the former Docklands Authority.

The Authority would also be responsible for collecting all rates and development/infrastructure contributions for the area and could also receive grants from the State and Federal Government. In return, it would provide all the necessary services via purchaser/provider partnerships with adjoining Councils and other suppliers in an efficient and transparent manner, as well as acting as decision maker for all applications within Fishermans Bend.

3. How is infrastructure going to be funded?

Page 7 of the draft Fishermans Bend Framework states that it is only a statement of policy intent and that the timing of infrastructure delivery will be subject to community consultation and normal government policy and budget processes. This lack of clear and comprehensive planning for infrastructure funding is unprecedented as noted below by the Fishermans Bend Ministerial Advisory Committee.

Under normal practice for major redevelopment projects, comprehensive planning would be undertaken. This would be supported by infrastructure planning and funding, prior to the process of rezoning, rather than a concurrent process of redevelopment and planning catch-up. Fishermans Bend has not followed this path.

In order to prepare the Fishermans Bend Framework, extensive studies were commissioned such as the Jacobs study (2016) *Fishermans Bend Public Transport and Active Mode Link: Option Assessment Report*. By creating a framework informed by rigorous studies like the one above, yet not proposing to incorporate a Development Contributions Plan (DCP) and Development Contributions Plan Overlay (DCPO) into the Planning Scheme, the draft framework has left serious questions hanging over the highest and best use potential of land in Fishermans Bend.

In this context, we request studies and findings or proposals be made public with regard to the preparation of a DCP outlining the expected summary of costs and contributions for the provision of infrastructure necessary to support the expected consolidation of the Fishermans Bends Precinct.



There are many specific examples where there is uncertainty in respect to the delivery of development and social infrastructure which would affect the overall Fishermans Bend Precinct, such as a precinct wide sewer mining treatment plant which has been identified in the draft Fishermans Bend Framework as a catalyst project but where no information has been made available in respect to its location, timing or cost. In addition, no information has been made available in respect to other infrastructure items such as the electricity substation, located immediately east of the subject site, its continuity or future relocation plans.

The preparation and implementation of a Development Contributions Plan (DCP) would not only enable the efficient and transparent delivery of infrastructure but would also give certainty to the community in respect to their costs, delivery method, timing/staging and ultimate location, enabling the delivery of Fishermans Bend as a master planned community. Furthermore, a DCP would enable the fair apportionment of infrastructure funding amongst land owners of the precinct considering lot sizes, benefits derived from DCP infrastructure and whether owners and developers have lodged Pre GC81 or Post GC81 applications as discussed in dot point of this submission.

4. Inflexible Built Form Requirements

The Design and Development Overlay – Schedule 30 (DDO30) proposed under GC81 contains inflexible built form requirements such as those specified in Table 1 ‘Built Form Requirements’.

Consideration should be given to ‘objective based’ rather than ‘prescriptive’ policies as the latter would hinder design creativity and impede our client to provide additional public benefits in lieu of greater density in a location ideal for this purpose, being within a future transport hub. A more flexible approach is recommended, which is to include wording such as *to the satisfaction of the Responsible Authority*.

We thank you for the opportunity to make a submission in respect to the Fishermans Bend Urban Renewal process and look forward to hearing from you. We can be contacted on (03) 9699 1400 or via email at r.jordan@veris.com.au

Regards,

p.p. 

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